

City of South St. Paul

COUNCIL AGENDA

Monday, October 17, 2016

7:15 p.m.

(If you use the hearing assistance PA system, please remove your hearing aid so it does not cause a feedback problem.)

1. CALL TO ORDER:

2. ROLL CALL:

3. INVOCATION:

4. PLEDGE OF ALLEGIANCE:

5. PRESENTATIONS:

- A. Presentation: Every Child Book Campaign
- B. Presentation: South St. Paul Eagle Scout Project(s)

6. CITIZEN'S COMMENTS *(Comments are limited to 3 minutes in length.)*

7. AGENDA:

- A. *Approval of Agenda*
- Action – Motion to Approve*
- Action – Motion to Approve as Amended*

8. CONSENT AGENDA:

All items listed on the Consent Agenda are items, which are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the consent agenda and considered at the end of the Consent Agenda.

- A. City Council Meeting Minutes of October 3, 2016
- B. Accounts Payable
- C. Approve Hire of Maintenance Worker in Public Works Department
- D. Business Licenses
- E. Approve 2017 and 2018 COLA Adjustments for Non-Union Staff Members
- F. 2017 Landfill Abatement Fund Grant Application and Revised Joint Powers Agreement with West St. Paul for Recycling Coordinator
- G. Award of Quote – 2016-004 Tree Planting to Hoffman & McNamara

- H. Amended Lease with Quick-Serv License Center
- I. Resolution of Support for Dakota County Capital Improvement Program Projects

9. PUBLIC HEARINGS:

- A. Public Hearing on Tobacco Violation at Sam's Tobacco
- B. Assessment Hearing – 2016 Mill & Overlay and Bituminous Removal & Replacement Street Improvement Projects
- C. Assessment Hearing – 2016-008 Oak Park Phase 3 Street Improvement Project
- D. Assessment Hearing – 2015-013 BridgePoint Court

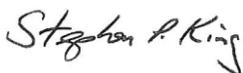
10. GENERAL BUSINESS:

- A. Comprehensive Plan Amendment and Zoning Text Amendment for the North Riverfront Development District (NRDD)
- B. Variances for Attached Garage – 1125 Summit Ave. (Behr Design)
- C. Interim Use Permit (IUP) for MadFurther Car Show at the Fleming Field Airport Ramp (1725 Henry Ave.)
- D. Amending the Site Plan for a previously approved CUP/Variance – 1315-1321 Southview Boulevard (Tollas)
- E. Zoning Text Amendment for Residential Accessory Buildings in Single Family Residential Districts
- F. Second Reading - Amendment to Ordinance for Right-of-Way Management

11. MAYOR AND COUNCIL COMMUNICATIONS:

12. ADJOURNMENT:

Respectfully Submitted,



Stephen P. King, City Administrator

SOUTH ST. PAUL CITY COUNCIL
MINUTES OF OCTOBER 3, 2016

The regular meeting of the City Council was called to order by Mayor Beth Baumann at 7:15 P.M. on Monday, October 3, 2016.

ROLL CALL:

Present, Mayor Baumann
Councilmembers Flatley, Hansen, Niederkorn,
Podgorski, Rothecker, Seaberg

Absent, None

Also Present, City Administrator, Steve King
City Attorney, Kori Land
City Engineer, Chris Hartzell
City Clerk, Christy Wilcox
Police Chief, William Messerich
City Planner, Peter Hellegers

5) **Presentations**

There were no presentations.

6) **Citizens' Comments**

- Bernie Beermann requested the City Council to consider recognizing Walt Books for all of his work on various events in the City of South St. Paul.

7) **Agenda**

Moved by Niederkorn/Hansen

MOVED: To approve the agenda.

Motion carried 7 ayes/0 nays

8) **Consent Agenda**

Moved by Niederkorn/Hansen

Resolved, that the South St. Paul City Council does hereby approve the following:

1. City Council meeting minutes of September 19, 2016
2. Resolution No. 2016-171, approving accounts payable
3. Resolution No. 2016-172, approving agreement between the City of South St. Paul and Special School District Number 6 providing school resource officer services
4. Business Licenses
5. Resolution No. 2016-173, approving application and authorize execution of grant agreement between the Metropolitan Council and the City of South St. Paul for various infiltration and inflow (I/I) projects

6. Approve 2017 pay ranges for seasonal/variable hour positions
7. Resolution No. 2016-174, accepting Grants and Gifts from the South St. Paul Gallagher-Hansen VFW Post #295 and Ladies Auxiliary for funding the Parks and Recreation Department refreshments for the Great Halloween Get Together
8. Resolution No. 2016-175, approving termination of land lease at Fleming Field with John Leonard
9. Resolution No. 2016-176, approving land lease at the Fleming Field Airport with Stuart R. Simek and George A. Zeller
10. Resolution No. 2016-177, approving subleases at the Fleming Field Airport between Wipline Real Estate Holdings, Inc. and Aerotechnique LLC and Lake Superior Helicopters
11. Resolution No. 2016-178, approving Second Amendment to the Right of First Refusal with Boyd Johnson for Lot 7, Block 3, Airport Rearrangement 4th Addition
12. Resolution No. 2016-181, accepting a gift of a Black & Decker Core Drill and portable stand donated by L'Allier Electric to the Public Works Department
13. Approve Section 4(f) de minimis understanding for Kaposia Landing with Dakota County for a Mississippi River Regional Trail Extension

Motion carried

7 ayes/0 nays

9a) Call for Hearing on Tobacco Violation – Sam's Tobacco

Moved by Seaberg/Flatley

MOVED: To call for a public hearing on an order to show cause regarding a tobacco violation at Sam's Tobacco located at 211 13th Avenue South to be held on Monday, October 17, 2016.

10a) Second Reading – Ordinance Related to Residency Restrictions on Sexual Offenders

Moved by Rothecker/Podgorski

MOVED: To adopt Ordinance No. 1309, an ordinance amending Chapter 38 regarding offenses and miscellaneous provisions and authorize its publication.

Motion carried

7 ayes/0 nays

10b) Second Reading – Interim Ordinance for New Telecommunication Towers

Moved by Flatley/Rothecker

MOVED: To adopt Ordinance No. 1310, an ordinance for the prohibition of new communication towers and antennas to allow for the study, adoption or amendment of official controls related to the City Code and Zoning Code and authorize its publication.

Motion carried

7 ayes/0 nays

10c) First Reading – Amendment to Ordinance for Right-of-Way Management

Councilmember Rothecker introduced the following proposed ordinance for its first reading:

*ENACTING SOUTH ST. PAUL CITY CODE CHAPTER 54, ARTICLE VI REGARDING RIGHT OF WAY
MANAGEMENT*

10d) Twin City Tanning Building Addition and Parking Variances – 501 Malden Street

Moved by Niederkorn/Hansen

MOVED: To adopt Resolution No. 2016-179, approving building and parking setback variances for 501 Malden Street.

Motion carried 6 ayes/1 nay(Podgorski)

10e) Danner Development of 600 Verderosa Avenue

Moved by Rothecker/Seaberg

MOVED: To adopt Resolution No. 2016-180, approving a Planned Unit Development for 600 Verderosa Avenue.

Motion carried 7 ayes/0 nays

MOVED: To adopt Resolution No. 2016-182, approving a Conditional Use Permit for 600 Verderosa Avenue.

Motion carried 7 ayes/0 nays

MOVED: To adopt Resolution No. 2016-183, approving an Interim Use Permit for 600 Verderosa Avenue.

Motion carried 7 ayes/0 nays

11) Adjournment

Moved by Seaberg/Niederkorn

MOVED: To adjourn the meeting at 8:07 p.m.

Motion carried 7 ayes/0 nays

Approved: October 17, 2016

City Clerk



CITY COUNCIL AGENDA REPORT

DATE: OCTOBER 17, 2016

DEPARTMENT: Finance

ADMINISTRATOR: SPK

8-B

AGENDA ITEM: Accounts Payable

ACTION TO BE CONSIDERED:

Motion to adopt Resolution 2016-195 approving accounts payable.

OVERVIEW:

The City Council approves all payments of claims. Approval of audited claims is required before issuance of payment.

SOURCE OF FUNDS:

N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-195

RESOLUTION APPROVING ACCOUNTS PAYABLE

WHEREAS, the City Council is required to approve payment of claims;

NOW, THEREFORE, BE IT RESOLVED that the audited claims listed in the check register attachment are hereby approved for payment:

Check and wires:	
124293-124447	\$ 922,522.56
2016328-2016342	<u>\$ 143,570.60</u>
Total	\$ 1,066,093.16

Adopted this 17th day of October, 2016.

Christy Wilcox, City Clerk

CITY OF SOUTH ST PAUL
Council Check Register by GL
Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124301	10/7/2016		1111 BITUMINOUS ROADWAYS, INC.						Continued...	
124302	10/7/2016		1129 BOYER FORD TRUCKS INC							
		166.17	PARTS FOR #334/CORE ASSY		43012	1090470	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		227.80	PARTS FOR #334/CHAMBER		43013	1090463X1	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		56.95	PARTS/CHAMBER		43014	1090661X1	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		<u>450.92</u>								
124303	10/7/2016		1184 CINTAS CORPORATION #754							
		15.09	WORK SHIRTS		43015	754641816	10320.6245		CLOTHING ALLOWANCE	PUBLIC WORKS
		17.92	WORK SHIRTS		43015	754641816	10340.6245		CLOTHING ALLOWANCE	PARKS FACILITIES AND MTNCE
		6.72	WORK SHIRTS		43015	754641816	50605.6245		CLOTHING ALLOWANCE	WATER UTILITY
		6.72	WORK SHIRTS		43015	754641816	50606.6245		CLOTHING ALLOWANCE	SEWER UTILITY
		32.20	WORK SHIRTS		43015	754641816	60703.6245		CLOTHING ALLOWANCE	CENTRAL GARAGE FUND
		<u>78.65</u>								
124304	10/7/2016		1186 CITY AUTO GLASS CORP							
		60.00	REPAIR WINDSHIELD ON TRUCK#334		43016	I001138031	60703.6371		REPAIRS & MAINT CONTRACTUAL	CENTRAL GARAGE FUND
		<u>60.00</u>								
124305	10/7/2016		7399 CITY OF LAKEVILLE							
		50.00	AWARDS LUNCHEON		43017	09212016	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		<u>50.00</u>								
124306	10/7/2016		1192 CITY OF ST. PAUL							
		375.00	SURVIVEVIOLENTENCOUNTER/AMBUSH		42938	IN00017880	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		<u>375.00</u>								
124307	10/7/2016		2884 COMCAST							
		110.92	200 MARIE AVE		42939	877210595029682 8 9/17/16	50677.6385		UTILITY SERVICE	NAN MCKAY APT BLDG
		110.92	300 GRAND AVE W		42940	877210595029685 1 9/16/16	50678.6385		UTILITY SERVICE	JOHN CARROLL APT BLDG
		129.86	CABLE & INTERNET SERVICE		43018	877210595030637 9 9/27/16	50678.6385		UTILITY SERVICE	JOHN CARROLL APT BLDG
		212.03	INTERNET SERVICE		43019	877210595030636 1 9/27/16	50677.6385		UTILITY SERVICE	NAN MCKAY APT BLDG
		<u>563.73</u>								
124308	10/7/2016		1206 COMMISSIONER OF TRANSPORTATION							
		3,129.08	AIRPORT HANGER LOAN		42941	00000023238	20245.6602	200510	OTHER LONG TERM DEBT-PRINCIPAL	AIRPORT

CITY OF SOUTH ST PAUL
Council Check Register by GL
Council Check Register and Summary

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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124316	10/7/2016		4725 FIRST SUPPLY LLC - TWIN CITIES						Continued...	
		34.90	GAS OIL SEALANT/BALL VLV		42951	1422616-00	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		34.90								
124317	10/7/2016		1444 FRONTIER AG & TURF							
		1,564.88	PARTS FOR JOHN DEERE MOWER		42952	W19080	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		1,500.00	LABOR		42952	W19080	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		400.21	CLUTCH FOR RIDING LAWN MOWER		42953	P95535	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		513.41	PARTS FOR MOWER DECKS		42954	P95536	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		350.60	PARTS FOR JOHN DEERE MOWER		42955	P95647	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		197.66	PARTS FOR JOHN DEERE TRACTOR		42956	P95768	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		7.46	DEFLECTOR		42957	P95782	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		4,534.22								
124318	10/7/2016		1473 GERTEN GREENHOUSES 2							
		32.90	COVERGROW FOR MCGUIRE FIELD		42958	410715/1	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		54.95	SUN/SHADE SEED MIX/MCGUIRE FLD		42959	411006/1	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		87.85								
124319	10/7/2016		4305 GRAPHIC EDGE INC, THE							
		1,690.22	FOOTBALL CAMP SHIRTS		43030	1017081	10529.6210		OPERATING SUPPLIES	RECREATIONAL PROGRAMS
		1,690.22								
124320	10/7/2016		1513 GREAT LAKES WEATHER SERVICE, LLC							
		740.00	CONTRACT 2016-17 WINTER SEASON		42960	10/1/16	10320.6302		PROFESSIONAL SERVICES	PUBLIC WORKS
		740.00								
124321	10/7/2016		7400 HARTZELL, CHRIS							
		181.54	MILEAGE/MEAL/PARK 8/23-8/31/16		43024	10/4/2016	10315.6331		CONFERENCES, TRAINING, TRAVEL	ENGINEERING
		181.54								
124322	10/7/2016		6678 HD SUPPLY FACILITIES MAINTENANCE , LTD							
		119.00	SHOP VACUUM		43031	9149116849	50677.6220		REPAIR & MAINTENANCE SUPPLIES	NAN MCKAY APT BLDG
		119.00	SHOP VACUUM		43031	9149116849	50678.6220		REPAIR & MAINTENANCE SUPPLIES	JOHN CARROLL APT BLDG
		142.85	PAPER TOWELS & TISSUE		43032	9149202365	50677.6220		REPAIR & MAINTENANCE SUPPLIES	NAN MCKAY APT BLDG
		142.85	PAPER TOWELS & TISSUE		43032	9149202365	50678.6220		REPAIR & MAINTENANCE SUPPLIES	JOHN CARROLL APT BLDG
		353.60	BATTERIES		43033	9149283395	50678.6220		REPAIR & MAINTENANCE SUPPLIES	JOHN CARROLL APT BLDG
		877.30								
124323	10/7/2016		1615 HUEBSCH OF MINNESOTA							
		11.35	BRUSHMATS SEPT		43025	3723522	20260.6381		OTHER RENTALS	HOUSING GENERAL

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124340	10/7/2016		2172 OTTERNESS, DALE						Continued...	
		40.25	FUEL REIMBURSEMENT		43048	092432207	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
		<u>40.25</u>								
124341	10/7/2016		6656 PARK SUPPLY OF AMERICA, INC							
		31.40	BALLAST		42974	2044442101	50678.6220		REPAIR & MAINTENANCE SUPPLIES	JOHN CARROLL APT BLDG
		<u>31.40</u>								
124342	10/7/2016		2240 PLUNKETT'S INC.							
		95.62	PEST CONTROL CITY HALL		43039	5532139	10330.6371		REPAIRS & MAINT CONTRACTUAL	BUILDINGS
		73.11	PEST CONTROL PUBLIC WORKS		43040	5544000	10320.6371		REPAIRS & MAINT CONTRACTUAL	PUBLIC WORKS
		25.00	PEST CONTROL PUMP HOUSE #4		43041	5543980	50605.6371		REPAIRS & MAINT CONTRACTUAL	WATER UTILITY
		<u>193.73</u>								
124343	10/7/2016		2296 RAMSEY COUNTY SHERIFFS DEPT							
		500.00	#62SUCR162214		42975	9/29/16	10101.2300		JUDGEMENTS PAYABLE	GENERAL FUND
		<u>500.00</u>								
124344	10/7/2016		2319 REED'S SALES & SERVICE							
		95.32	GASKET/AIR FILTER/CARBURETOR		42976	146288	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		<u>95.32</u>								
124345	10/7/2016		6702 REFERRAL CARPET AND FLOOR SERVICES, INC.							
		120.95	UNIT TURNAROUND #614		42977	25593	50677.6371.060		MTNCE-UNIT TURNAROUND	NAN MCKAY APT BLDG
		<u>120.95</u>								
124346	10/7/2016		1634 RICOH USA, INC.							
		31.50	WAKOTA		43053	97559096	40407.6580		OTHER EQUIPMENT	EQUIPMENT ACQUISITION F
		490.98	PRINCIPLE		43053	97559096	40407.6603		CAPITAL LEASE-PRINCIPAL	EQUIPMENT ACQUISITION F
		27.52	INTEREST		43053	97559096	40407.6613		CAPITAL LEASE-INTEREST	EQUIPMENT ACQUISITION F
		<u>550.00</u>								
124347	10/7/2016		2389 SAINT PAUL PUBLISHING COMPANY							
		48.82	SSP VOICE VACANCY AD OCT 2016		42978	24869	50677.6341		ADVERTISING	NAN MCKAY APT BLDG
		48.83	SSP VOICE VACANCY AD OCT 2016		42978	24869	50678.6341		ADVERTISING	JOHN CARROLL APT BLDG
		25.00	SSP VOICE SPONSORSHIP LISTING		43042	24804	20250.6341		ADVERTISING	CENTRAL SQUARE
		<u>122.65</u>								
124348	10/7/2016		2410 SCHLOMKA SERVICES							
		7,100.00	BY RAILROAD		42979	18963	50606.6371		REPAIRS & MAINT CONTRACTUAL	SEWER UTILITY
		805.00	WATEROUS LIFT STATION		42980	18964	50606.6371		REPAIRS & MAINT CONTRACTUAL	SEWER UTILITY

CITY OF SOUTH ST PAUL
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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124348	10/7/2016	7,905.00	2410 SCHLOMKA SERVICES						Continued...	
124349	10/7/2016	597.80	2464 SHORT ELLIOTT HENDRICKSON INC							
		597.80	2016 ODOR SUPPORT		42981	320368	10420.6302		PROFESSIONAL SERVICES	LICENSING & CODE ENFORCEMENT
124350	10/7/2016	121.73	2558 STATE INDUSTRIAL PRODUCTS							
		121.73	AIR CARE PROGRAM		42982	97963127	50677.6220		REPAIR & MAINTENANCE SUPPLIES	NAN MCKAY APT BLDG
124351	10/7/2016	66.25	4632 STEELE, DENNIS							
		4.72	ANNUAL FEE CREDIT		42983	9/26/16	20250.4541		CSCC MEMBERSHIPS	CENTRAL SQUARE
		70.97	CSCC		42983	9/26/16	20250.2081		DUE TO OTHER GOVT-SALES	CENTRAL SQUARE
124352	10/7/2016	1,784.00	2620 TEAM SPORTING GOODS							
		1,784.00	YOUTH FOOTBALL HELMETS		42984	AAH069815	10529.6210		OPERATING SUPPLIES	RECREATIONAL PROGRAMS
124353	10/7/2016	39.94	2548 TITAN MACHINERY							
		39.94	HOUSING FOR LOADER		42985	8318424 GP	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
124354	10/7/2016	77,945.65	7403 TI-ZACK CONCRETE, INC.							
		77,945.65	PAY EST 1		43043	1-PARTIAL	40410.6371	201316	REPAIRS & MAINT CONTRACTUAL	LOCAL IMPROVEMENT CONST
124355	10/7/2016	36.26	2685 TURFWERKS							
		36.26	BELT FOR JACOBSON MOWER		42986	OI40745	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
124356	10/7/2016	223.95	2705 UNIFORMS UNLIMITED							
		126.98	BADGE HOLDER/PANTS/CUFFS&CASE		42987	41802-1	10210.6210		OPERATING SUPPLIES	POLICE PROTECTION
		350.93	PANTS		42988	41962-1	10210.6210		OPERATING SUPPLIES	POLICE PROTECTION
124357	10/7/2016	33.78	2751 VERIZON WIRELESS							
		73.77	POLICE 4G MOBILE		43044	9772471281	10210.6390		POSTAGE AND TELEPHONE	POLICE PROTECTION
		92.89	ENG IPADS		43044	9772471281	10315.6390		POSTAGE AND TELEPHONE	ENGINEERING
			INSP & HOTSPOT		43044	9772471281	10420.6390		POSTAGE AND TELEPHONE	LICENSING & CODE ENFORCEMENT

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124357	10/7/2016		2751 VERIZON WIRELESS						Continued...	
		40.01	IPAD		43044	9772471281	10320.6390		POSTAGE AND TELEPHONE	PUBLIC WORKS
		40.01	IPAD		43044	9772471281	10340.6390		POSTAGE AND TELEPHONE	PARKS FACILITIES AND MTNCE
		80.02	IPADS		43044	9772471281	50605.6390		POSTAGE AND TELEPHONE	WATER UTILITY
		<u>360.48</u>								
124358	10/7/2016		2849 XCEL ENERGY							
		33.01	127 7TH AVE N/VANCANT UNIT		42989	517664437	20284.6385		UTILITY SERVICE	DEVELOPMENT
		150.13	ELEC CHARGES 681 VERDEROSA		42990	517641429	50610.6385		UTILITY SERVICE	STORM WATER UTILITY
		26.50	GAS CHARGES 681 VERDEROSA		42991	517644042	50610.6385		UTILITY SERVICE	STORM WATER UTILITY
		13.15	LIGHT AT 701 HARDMAN AVE SO		42992	517808025	50610.6385		UTILITY SERVICE	STORM WATER UTILITY
		12.22	LIGHT AT BROMLEY ICE RINK		42993	517766702	10340.6385		UTILITY SERVICE	PARKS FACILITIES AND MTNCE
		436.79	ELEC CHARGES KAPOSIA LANDING		42994	518044794	10340.6385		UTILITY SERVICE	PARKS FACILITIES AND MTNCE
		46.13	LIGHT AT HARDMAN LIFTSTATION		42995	517690815	50606.6385		UTILITY SERVICE	SEWER UTILITY
		200.94	PEDESTRIAN WALKWAY LIGHT		42996	517908782	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		42.78	LIGHT IN LORRAINE PARK		42997	517952672	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		124.31	LIGHT/TRAIL BY WAKOTA BRIDGE		42998	517614137	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		76.97	LIGHT/19TH AVE N BY TUNNEL		42999	517680180	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		74.40	LIGHT/WENTWORTH BY ROUNDABOUT		43000	517798185	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		42.66	LIGHT ON 7TH AVE S & 494		43001	517634075	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		39.91	LIGHT ON 7TH AVE S & 494		43002	517634167	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		12.48	LIGHT AT 910 CONCORD ST SO		43003	517689384	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		169.80	LGT/HARDMAN AVE S&BRIDGEPOINT		43004	517805429	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		469.09	820 SOUTHVIEW		43005	518016110	20284.6385	229050	UTILITY SERVICE	DEVELOPMENT
		211.00	ELECTRIC		43045	518457745	20285.6385		UTILITY SERVICE	PARKING LOT
		6,305.62	ELECTRIC		43045	518457745	50677.6385.1		UTILITY SERVICE-ELECTRIC	NAN MCKAY APT BLDG
		649.55	GAS		43045	518457745	50677.6385.2		UTILITY SERVICE-GAS	NAN MCKAY APT BLDG
		852.64	GAS		43045	518457745	50678.6385.2		UTILITY SERVICE-GAS	JOHN CARROLL APT BLDG
		9,871.24	ELECTRIC		43045	518457745	50678.6385.1		UTILITY SERVICE-ELECTRIC	JOHN CARROLL APT BLDG
		<u>19,861.32</u>								
124359	10/7/2016		2867 ZIEGLER, INC.							
		309.27-	RETURNED PARTS FOR NEW LOADER		43046	PR000151204	60703.6550		MOTOR VEHICLES	CENTRAL GARAGE FUND
		219,510.00	NEW LOADER UNIT #302		43047	Z5275701	60703.6550		MOTOR VEHICLES	CENTRAL GARAGE FUND
		<u>219,200.73</u>								
124360	10/14/2016		1440 FREEDOM SERVICES INC							
		577.55			43161	101216912103	10101.2179		FLEXIBLE BENEFIT PLAN	GENERAL FUND
		<u>577.55</u>								
124361	10/14/2016		6869 IUOE LOCAL 70							

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124380	10/17/2016		1176 CEMSTONE PRODUCTS COMPANY						Continued...	
		548.00	TRUCK/STORAGE CUP 501 RICHMOND		43112	CUP	10101.2205	100035	DEPOSITS	GENERAL FUND
		<u>548.00</u>								
124381	10/17/2016		7414 COBENAIS, BARB							
		29.34	MEAL FOR BCA CONFERENCE		43113	09292016	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		100.44	BCA MILEAGE		43113	09292016	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		<u>129.78</u>								
124382	10/17/2016		1226 CULLIGAN WATER CONDITIONING							
		117.55	SALT FOR WATER SOFTENER		43114	157-98478332-2 9/30/16	10320.6371		REPAIRS & MAINT CONTRACTUAL	PUBLIC WORKS
		5.60	WELL #1		43115	157-13870001-6 9/30/16	50605.6302		PROFESSIONAL SERVICES	WATER UTILITY
		<u>123.15</u>								
124383	10/17/2016		7415 DAGGIT, KATRINA							
		32.63	MEAL REIMBURSEMENT		43116	09292016	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		<u>32.63</u>								
124384	10/17/2016		1240 DAKOTA COMMUNICATIONS CENTER							
		49,356.00	DUES/PROJECT FUND		43117	SO2016-11	10210.6305		DISPATCH SERVICES	POLICE PROTECTION
		<u>49,356.00</u>								
124385	10/17/2016		6672 DAKOTA LAWN CARE							
		340.00	4 MOWS / SEPT 2016		43057	4011	50677.6371.050		MTNCE-LANDSCAPE/GROUNDS	NAN MCKAY APT BLDG
		300.00	4 MOWS / SEPT 2016		43058	4010	50678.6371.050		MTNCE-LANDSCAPE/GROUNDS	JOHN CARROLL APT BLDG
		<u>640.00</u>								
124386	10/17/2016		1279 DEMCO, INC.							
		126.09	PLASTIC SIGN HOLDERS		43118	5958407	20230.6201		OFFICE SUPPLIES	LIBRARY
		107.25	BOOK COVERS & FIBER TAPE		43119	5961179	20230.6201		OFFICE SUPPLIES	LIBRARY
		<u>233.34</u>								
124387	10/17/2016		6701 DESCHANE, CHESTER							
		12.15	9/2/16 - 9/28/2016		43059	092816	20284.6430		MISCELLANEOUS	DEVELOPMENT
		12.15	9/2/16 - 9/28/2016		43059	092816	20292.6430		MISCELLANEOUS	REDISCOVER HOUSING
		<u>24.30</u>								
124388	10/17/2016		6789 DOODY, STEVE							
		55.00	HRA 10/10/16 COMMISSIONER MTG		43120	101016	20260.6375		OTHER CONTRACTED SERVICES	HOUSING GENERAL

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

<u>Check #</u>	<u>Date</u>	<u>Amount</u>	<u>Supplier / Explanation</u>	<u>PO #</u>	<u>Doc No</u>	<u>Inv No</u>	<u>Account No</u>	<u>Subledger</u>	<u>Account Description</u>	<u>Business Unit</u>
124388	10/17/2016	55.00	6789 DOODY, STEVE						Continued..	
124389	10/17/2016	96.37	1326 EARL F. ANDERSEN, INC							
		96.37	STREET SIGN		43060	0112414-IN	10320.6220		REPAIR & MAINTENANCE SUPPLIES	PUBLIC WORKS
124390	10/17/2016	318.50	1400 FERGUSON WATERWORKS #2516							
		841.31	MANHOLE ADJ RINGS		43061	0214875-1	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		1,159.81	MANHOLE ADJ RING / HYDRA PLUG		43062	0216760	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
124391	10/17/2016	2,659.18	6669 FINN DANIELS, INC							
		4,025.33	FLOORING REPLACEMENT SEPT 2016		43135	14014-04	50677.6371.010		MTNCE-GARBAGE/TRASH/RECYCLING	NAN MCKAY APT BLDG
		6,684.51	UNIT INTERIOR DOORS SEPT 2016		43136	16045-02	50678.6520	229051	BUILDINGS AND STRUCTURE	JOHN CARROLL APT BLDG
124392	10/17/2016	27.19	4887 GALE/CENGAGE LEARNING							
		27.19	ADULT FICTION BOOKS		43121	59066531	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
124393	10/17/2016	62.38	7388 GARCIA, RYAN							
		62.38	9/27-10/5/2016		43063	10/7/2016	20280.6331		CONFERENCES, TRAINING, TRAVEL	ECON DEV GENERAL
124394	10/17/2016	85.58	1481 GLASSING FLORISTS							
		85.58	NIEDERKORN FUNERAL FLOWERS		43064	00364430	10120.6430		MISCELLANEOUS	CITY ADMINISTRATION
124395	10/17/2016	41.00	1485 GLOBE PRINTING & OFFICE SUPPLIES INC							
		169.00	BUSINESS CARDS / PACE		43065	70652D	10320.6220		REPAIR & MAINTENANCE SUPPLIES	PUBLIC WORKS
		210.00	MIRANDA PADS		43122	70640J	10210.6201		OFFICE SUPPLIES	POLICE PROTECTION
124396	10/17/2016	150.00	5165 GPRS CITY OF APPLE VALLEY							
		150.00	ANDERSON/HAIMA/MORE		43297	GPRS 2016	10125.6331		CONFERENCES, TRAINING, TRAVEL	HUMAN RESOURCES
124397	10/17/2016	55.00	6791 GRANNIS, JOYCE							
		55.00	HRA 10/10/16 COMMISSIONER MTG		43123	101016	20260.6375		OTHER CONTRACTED SERVICES	HOUSING GENERAL

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

--

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124397	10/17/2016		6791 GRANNIS, JOYCE						Continued...	
124398	10/17/2016		6659 HAB INC							
		303.50	MONTHLY SOFTWARE SUPPORT		43066	0070237-IN	50677.6375.2		OTHER CONTR SVCS-SOFTWARE SUPP	NAN MCKAY APT BLDG
		303.50	MONTHLY SOFTWARE SUPPORT		43066	0070237-IN	50678.6375.2		OTHER CONTR SVCS-SOFTWARE SUPP	JOHN CARROLL APT BLDG
		125.00	SERVER MITIGATION/UPGRADE		43067	0070223-IN	50677.6375.2		OTHER CONTR SVCS-SOFTWARE SUPP	NAN MCKAY APT BLDG
		125.00	SERVER MITIGATION/UPGRADE		43067	0070223-IN	50678.6375.2		OTHER CONTR SVCS-SOFTWARE SUPP	JOHN CARROLL APT BLDG
		<u>857.00</u>								
124399	10/17/2016		4214 HEALTHPARTNERS GROUP HEALTH-WORKSITE							
		159.00	EAP SEPT 2016		43068	W813104	10125.6302		PROFESSIONAL SERVICES	HUMAN RESOURCES
		<u>159.00</u>								
124400	10/17/2016		7418 HUD-FAD COLLECTIONS							
		38,339.22	MN010 TRANSFER RNP TO MN147		43298	123115	50660.6453		REMITTANCE OF REV/OTHER	SECTION 8
		<u>38,339.22</u>								
124401	10/17/2016		1650 INGRAM LIBRARY SERVICES							
		236.21	AF-ADULT FICTION BOOKS		43300	94615858	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		228.84	AF-ADULT FICTION BOOKS		43301	94738923	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		292.16	AF-ADULT FICTION BOOKS		43302	94789122	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		54.80	AF-ADULT FICTION BOOKS		43303	94819819	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		100.87	AF-ADULT FICTION BOOKS		43304	94880401	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		158.36	AF-ADULT FICTION BOOKS		43305	94895573	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		167.11	AF-ADULT FICTION BOOKS		43306	94952704	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		4.79	AF-ADULT FICTION BOOKS		43307	94986998	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		37.16	AF-ADULT FICTION BOOKS		43308	94986999	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		357.20	AF-ADULT FICTION BOOKS		43309	94994372	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		13.60	AF-ADULT FICTION BOOKS		43310	94994373	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		29.19	AF-ADULT FICTION BOOKS		43311	95021081	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		237.39	AF-ADULT FICTION BOOKS		43312	95052527	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		579.40	ANF-ADULT NONFICTION BOOKS		43313	95052528	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		15.26	ANF-ADULT NONFICTION BOOKS		43314	95078598	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		88.58	ANF-ADULT NONFICTION BOOKS		43315	94615871	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		52.11	ANF-ADULT NONFICTION BOOKS		43316	94738937	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		32.69	ANF-ADULT NONFICTION BOOKS		43317	94851004	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		28.88	ANF-ADULT NONFICTION BOOKS		43318	94952705	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		112.49	ANF-ADULT NONFICTION BOOKS		43319	94987000	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		14.72-	ANF-ADULT NONFICTION BOOKS		43320	94968387	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		8.17	C-CHILDRENS BOOKS		43321	94895585	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		10.79	C-CHILDRENS BOOKS		43322	94994374	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124401	10/17/2016		1650 INGRAM LIBRARY SERVICES						Continued...	
		5.99	C-CHILDRENS BOOKS		43323	94994375	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		2.99	C-CHILDRENS BOOKS		43324	94994376	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		8.39	C-CHILDRENS BOOKS		43325	94994377	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		7.62	C-CHILDRENS BOOKS		43326	94994378	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		2.39	C-CHILDRENS BOOKS		43327	94994379	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		10.89	C-CHILDRENS BOOKS		43328	94994380	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		192.23	C-CHILDRENS BOOKS		43329	94895574	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		52.05	ANF-ADULT NONFICTION BOOKS		43330	94895574	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		7.62	C-CHILDRENS BOOKS		43331	94895575	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		6.59	C-CHILDRENS BOOKS		43332	94895576	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		10.79	C-CHILDRENS BOOKS		43333	94895577	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		10.89	C-CHILDRENS BOOKS		43334	94895578	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		4.19	C-CHILDRENS BOOKS		43335	94895579	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		9.26	C-CHILDRENS BOOKS		43336	94895580	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		5.98	C-CHILDRENS BOOKS		43337	94895581	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		4.19	C-CHILDRENS BOOKS		43338	94895582	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		7.62	C-CHILDRENS BOOKS		43339	94895583	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		2.99	C-CHILDRENS BOOKS		43340	94895584	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		2.99	C-CHILDRENS BOOKS		43341	94738933	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		3.59	C-CHILDRENS BOOKS		43342	94738934	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		2.99	C-CHILDRENS BOOKS		43343	94738935	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		3.59	C-CHILDRENS BOOKS		43344	94738936	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		40.57	C-CHILDRENS BOOKS		43345	94783721	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		243.30	C-CHILDRENS BOOKS		43346	94850999	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		71.36	ANF-ADULT NONFICTION BOOKS		43347	94850999	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		21.76	C-CHILDRENS BOOKS		43348	94851000	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		9.26	C-CHILDRENS BOOKS		43349	94851001	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		7.06	C-CHILDRENS BOOKS		43350	94851002	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		2.39	C-CHILDRENS BOOKS		43351	94851003	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		10.79	C-CHILDRENS BOOKS		43352	94615870	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		314.24	C-CHILDRENS BOOKS		43353	94646680	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		75.73	ANF-ADULT NONFICTION BOOKS		43354	94646680	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		91.63	C-CHILDRENS BOOKS		43355	94738924	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		37.16	C-CHILDRENS BOOKS		43356	94738925	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		11.16	C-CHILDRENS BOOKS		43357	94738926	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		2.39	C-CHILDRENS BOOKS		43358	94738927	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		5.99	C-CHILDRENS BOOKS		43359	94738928	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		16.18	C-CHILDRENS BOOKS		43360	94738929	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		10.17	C-CHILDRENS BOOKS		43361	94738930	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124401	10/17/2016		1650 INGRAM LIBRARY SERVICES						Continued...	
		2.99	C-CHILDRENS BOOKS		43362	94738931	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		7.08	C-CHILDRENS BOOKS		43363	94738932	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		637.75	C-CHILDRENS BOOKS		43364	94615859	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		16.08	ANF-ADULT NONFICTION BOOKS		43365	94615859	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		24.38	C-CHILDRENS BOOKS		43366	94615860	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		30.17	C-CHILDRENS BOOKS		43367	94615861	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		5.99	C-CHILDRENS BOOKS		43368	94615862	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		7.06	C-CHILDRENS BOOKS		43369	94615863	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		19.77	C-CHILDRENS BOOKS		43370	94615864	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		2.99	C-CHILDRENS BOOKS		43371	94615865	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		5.98	C-CHILDRENS BOOKS		43372	94615866	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		7.60	C-CHILDRENS BOOKS		43373	94615867	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		3.59	C-CHILDRENS BOOKS		43374	94615868	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		2.99	C-CHILDRENS BOOKS		43375	94615869	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		<u>4,942.72</u>								
124402	10/17/2016		1724 KEEPRS, INC.							
		131.99	HOLSTER / POLO / PATCH		43069	321939	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		61.57	EMBROIDERY / SHIRT / PATCHES		43070	306909-03	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		120.15	SHIRT/EMBROIDERY/HANDCUFFS		43124	322791	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		305.97	RAIN GEAR		43125	322312	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		26.99	RADIO HOLDER		43126	322323	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		131.99-	HOLSTER RETURN		43127	321939-80	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		<u>514.68</u>								
124403	10/17/2016		4509 KIRCHNER, DAN							
		87.50	BOOT ALLOWANCE		43071	3670	50605.6245		CLOTHING ALLOWANCE	WATER UTILITY
		87.50	BOOT ALLOWANCE		43071	3670	50606.6245		CLOTHING ALLOWANCE	SEWER UTILITY
		<u>175.00</u>								
124404	10/17/2016		3535 L'ALLIER CONCRETE, INC.							
		8,650.00	ONE SECTION/CIP #PW-13-157		43128	JL3374	40402.6371		REPAIRS & MAINT CONTRACTUAL	CAPITAL PROGRAMS FUND
		8,650.00	CIP #PW-13-157		43129	JL3375	40402.6371		REPAIRS & MAINT CONTRACTUAL	CAPITAL PROGRAMS FUND
		<u>17,300.00</u>								
124405	10/17/2016		6680 LANDRUM DOBBINS LLC							
		744.50	LEGAL / SEPT 2016 (GOERING)		43072	2694	50678.6302		PROFESSIONAL SERVICES	JOHN CARROLL APT BLDG
		<u>744.50</u>								
124406	10/17/2016		1813 LEAGUE OF MN CITIES INSURANCE TRUST							

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124406	10/17/2016		1813 LEAGUE OF MN CITIES INSURANCE TRUST						Continued...	
		500.00	DOL 9/2/2016 JOHN MILLER		43073	09/22/16	10320.6365		INS CLAIMS WITHIN DEDUCTIBLE	PUBLIC WORKS
		500.00								
124407	10/17/2016		1832 LILLIE SUBURBAN NEWSPAPERS							
		36.75	10/5/2016 PC HEARING NOTICE		43074	001509 9/30/2016	10410.6341		ADVERTISING	PLANNING & ZONING
		12.87	AGENCY PLAN PUBLIC HEARING		43074	001509 9/30/2016	50677.6341		ADVERTISING	NAN MCKAY APT BLDG
		12.86	AGENCY PLAN PUBLIC HEARING		43074	001509 9/30/2016	50678.6341		ADVERTISING	JOHN CARROLL APT BLDG
		62.48								
124408	10/17/2016		1864 MACQUEEN EQUIPMENT INC.							
		179.34	WIPER BLADES		43075	P01675	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		179.34								
124409	10/17/2016		1911 MENARDS, INC-WEST ST PAUL							
		4.46	BAGS FOR WATER SAMPLES		43076	21230	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		3.96	7FT UTILITY HANGER FOR PARKS		43077	21269	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		134.40	SUPER CLEAN FOR SHOP		43078	20585	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		10.57	PVC ADAPTER / CHISELS		43079	20598	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		55.84	PVC ADAPTER/HANDHELD VIEWER		43080	20665	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		209.23								
124410	10/17/2016		1939 MIDWAY FORD CO.							
		28.11	KIT/HOSE FOR POLICE SQUAD#2158		43081	272490	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		354.29	PARTS FOR AMBULANCE 2		43082	449105	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		149.03	LABOR		43082	449105	60703.6371		REPAIRS & MAINT CONTRACTUAL	CENTRAL GARAGE FUND
		52.04	PARTS FOR POLICE SQUAD #2158		43083	273110	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		583.47								
124411	10/17/2016		4354 MINNESOTA CIT OFFICER'S ASSOCIATION							
		1,250.00	BOYDEN / GREENGO		43130	21	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		1,250.00								
124412	10/17/2016		1989 MINNESOTA DEPARTMENT OF LABOR & INDUSTRY							
		542.64	SURCHARGE FOR AUGUST 2016		43084	25700037155	10101.2083		SURCHARGES	GENERAL FUND
		542.64								
124413	10/17/2016		6641 MINNESOTA PREMIER PUBLICATIONS							

CITY OF SOUTH ST PAUL
Council Check Register by GL
Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124413	10/17/2016		6641 MINNESOTA PREMIER PUBLICATIONS						Continued...	
		122.50	MN GOOD AGE VACANCY AD OCT		43085	170353	50677.6341		ADVERTISING	NAN MCKAY APT BLDG
		122.50	MN GOOD AGE VACANCY AD OCT		43085	170353	50678.6341		ADVERTISING	JOHN CARROLL APT BLDG
		245.00								
124414	10/17/2016		2078 MYHRE, COLLEEN							
		197.86	UNIFORM REIMBURSEMENT		43131	092216	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		197.86								
124415	10/17/2016		2089 NATIONAL GEOGRAPHIC SOCIETY							
		39.00	1 YR SUBSCRIPTION RENEWAL		43132	10/1/2016	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		39.00								
124416	10/17/2016		6647 NEW ANSWERNET, INC.							
		68.62	ANSWERING SERVICE		43134	045-70800	50677.6390		POSTAGE AND TELEPHONE	NAN MCKAY APT BLDG
		68.63	ANSWERING SERVICE		43134	045-70800	50678.6390		POSTAGE AND TELEPHONE	JOHN CARROLL APT BLDG
		137.25								
124417	10/17/2016		7411 NUSS TRUCK & EQUIPMENT							
		103,989.00	NEW 2017 MACK TRUCK UNIT 331		43086	11229	60703.6550		MOTOR VEHICLES	CENTRAL GARAGE FUND
		103,989.00								
124418	10/17/2016		2149 OFFICE OF MN IT SERVICES							
		317.98	PHONE LINES FROM STATE		43087	W16080683	10330.6390		POSTAGE AND TELEPHONE	BUILDINGS
		160.44	PHONE LINES FROM STATE		43087	W16080683	20245.6390		POSTAGE AND TELEPHONE	AIRPORT
		478.42								
124419	10/17/2016		2166 O'REILLY AUTO PARTS							
		223.84	PARTS FOR POLICE VEHICLE #2163		43088	1767-230067	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		223.84								
124420	10/17/2016		2174 OUTSIDE							
		29.95	1YR SUBSCRIPTION RENEWAL		43137	10/1/2016	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		29.95								
124421	10/17/2016		4979 PENGUIN RANDOM HOUSE LLC							
		82.50	BOOK ON CD		43138	1088536430	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		56.25	BOOK ON CD		43139	1088788514	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		138.75								
124422	10/17/2016		4356 PIETRICK, MICHELLE							

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124429	10/17/2016		7416 ROSBURG, BRIANNA						Continued...	
124430	10/17/2016		5278 SALMEY, DANIEL							
		130.00	MEAL REIMBURSEMENT		43274	091116	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		21.42	FUEL REIMBURSEMENT		43274	091116	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
		<u>151.42</u>								
124431	10/17/2016		6865 SCHROEDER, RYAN R.							
		2,093.75	PROJECT MNGT/CONSULTATION SVC		43293	9/30/2016	10120.6302		PROFESSIONAL SERVICES	CITY ADMINSTRATION
		<u>2,093.75</u>								
124432	10/17/2016		2426 SCHWAB, RICHARD							
		226.48	CN#16011338		43275	100616	10210.6210		OPERATING SUPPLIES	POLICE PROTECTION
		<u>226.48</u>								
124433	10/17/2016		2428 SCIENTIFIC AMERICAN							
		34.97	1 YR SUBSCRIPTION RENEWAL		43276	10/1/2016	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		<u>34.97</u>								
124434	10/17/2016		2448 SEVENTEEN							
		24.00	2 YR SUBSCRIPTION RENEWAL		43277	10/1/2016	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		<u>24.00</u>								
124435	10/17/2016		6456 SILDA, JAMES							
		54.00	MEAL REIMBURSEMENT		43278	100516	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		36.63	INCIDENTALS		43278	100516	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
		<u>90.63</u>								
124436	10/17/2016		2482 SLIFKO, CORY							
		190.21	PANTS/SOCKS/SHIRTS		43279	091416	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		<u>190.21</u>								
124437	10/17/2016		6364 TIM KRECH BUILDER							
		1,000.00	1035 15TH AVE N		43280	SS022113	40410.2205		DEPOSITS	LOCAL IMPROVEMENT CONST
		<u>1,000.00</u>								
124438	10/17/2016		7417 TRADITIONAL HOME							
		12.00	1 YR SUBSCRIPTION		43281	10/1/2016	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		<u>12.00</u>								
124439	10/17/2016		2665 TRANS UNION LLC							

CITY OF SOUTH ST PAUL
Council Check Register by GL
Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
124439	10/17/2016		2665 TRANS UNION LLC						Continued...	
		50.00	BASIC SERVICE		43282	09643363	10210.6375		OTHER CONTRACTED SERVICES	POLICE PROTECTION
		50.00								
124440	10/17/2016		2681 TRUCK UTILITIES							
		20.00			43093		60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		20.00								
124441	10/17/2016		2682 TRUGREEN							
		760.00	FALL FERTILIZING/KAPOSIA LAND		43094	55033775	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		400.00	FALL FERTILIZING/MCGURIE FLD		43095	55033778	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		532.00	FALL FERTILIZING/LORRAINE PARK		43096	54955981	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		750.00	FALL FERTILIZING/VETS FIELD		43097	54955982	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		35.00	FERTILIZE LAWSHE PARK		43283	553104054	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		35.00	FERTILIZE SUMMIT PARK		43285	55314058	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		70.00	FERTILIZE SIMONS RAVINE		43286	55314059	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		35.00	FERTILIZE PUMPHOUSE #1		43287	55314061	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		80.50	FERTILIZE PUMPHOUSE #7		43288	55314063	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		43.40	FERTILIZE WATER TOWER-ALICE CT		43289	55314065	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		115.50	FERTILIZE RESERVOIR-17TH AVE N		43290	55314069	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		98.00	FERT CONCORD & CONCORD EXCHANG		43376	55314055	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		2,954.40								
124442	10/17/2016		2696 TWIN CITY SAW CO.							
		663.68	CHAINS FOR CHAIN SAWS		43098	A22275	10320.6220		REPAIR & MAINTENANCE SUPPLIES	PUBLIC WORKS
		663.68								
124443	10/17/2016		2735 UTNE READER							
		36.00	1 YR SUBSCRIPTION RENEWAL		43291	10/1/2016	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		36.00								
124444	10/17/2016		2751 VERIZON WIRELESS							
		26.02	AIR CARD		43099	9772809463	50605.6390		POSTAGE AND TELEPHONE	WATER UTILITY
		35.01	MDC CHARGES		43292	9772086079	10210.6390		POSTAGE AND TELEPHONE	POLICE PROTECTION
		61.03								
124445	10/17/2016		2809 WESTERN PETROLEUM COMPANY							
		2,586.79	91 UL MOGAS (1,001 GAL)		43294	97433566-41801	20245.6250		MERCHANDISE FOR RESALE	AIRPORT
		2,586.79								
124446	10/17/2016		2844 WSB & ASSOC INC							

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
2016334	10/14/2016		6014 US BANK						Continued...	
		1,220.00			43158	1012169121018	10101.2176		HOSPITALIZATION/MED INSURANCE	GENERAL FUND
		1,220.00								
2016335	10/14/2016		2018 MINNESOTA STATE RETIREMENT SYSTEM (EFT)							
		1,787.50			43151	1012169121011	10101.2175		OTHER RETIREMENT	GENERAL FUND
		1,787.50								
2016336	10/11/2016		6860 WELLS FARGO PURCHASING CARDS							
		70.00	GFOA BETTER BUDGETING WEBINAR		43168	M479622605	10150.6331		CONFERENCES, TRAINING, TRAVEL	FINANCE
		370.86	ARROWWOOD MNGFOA PIETRICK		43169	M484261066	10150.6331		CONFERENCES, TRAINING, TRAVEL	FINANCE
		370.83	ARROWWOOD MNGFOA HILGER		43170	M484577620	10150.6331		CONFERENCES, TRAINING, TRAVEL	FINANCE
		4.00	PARKING AT HOSPITAL 2106		43171	M480142583	10210.6210		OPERATING SUPPLIES	POLICE PROTECTION
		31.00	HERMANN'S NB FUEL		43172	M482962175	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
		69.08	CAMPBELL LEASHES CANADA CONVER		43173	M479622606	10210.6210		OPERATING SUPPLIES	POLICE PROTECTION
		50.00	CHILD CAR SEAT RECERTIFY 2138		43174	M481835874	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		60.00	BCA TRAINING MYHRE		43175	M480641928	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		60.00	BCA TRAINING SALMEY		43176	M480641929	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		60.00	BCA TRAINING SILDA		43177	M480641930	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		895.00	SAFAIRLAND SILDA MFF INSTRUCT		43178	M480962565	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		77.13	DAKOTA AWARDS PLAQUE 2137		43179	M482962176	10210.6430		MISCELLANEOUS	POLICE PROTECTION
		95.00	TZD CONFERENCE 2143		43180	M478811252	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		64.59	PET EVOLUTION K9 FOOD		43181	M480641931	10210.6210		OPERATING SUPPLIES	POLICE PROTECTION
		20.14	SA NEWPORT FUEL		43182	M478811253	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
		37.11	SA RICHFIELD FUEL		43183	M479622607	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
		35.72	KWIK TRIP EAGAN FUEL		43184	M480962566	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
		35.40	SA FUEL		43185	M482637895	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
		275.77	EYEMED PREMIUMS FOR SEPT 2016		43186	M478060838	10101.2181		EYE MED INSURANCE	GENERAL FUND
		12.49	BUSINESS CARD LABELS		43187	M478060839	10120.6201		OFFICE SUPPLIES	CITY ADMINISTRATION
		37.98	11X17 COPY PAPER		43188	M478848345	10120.6201		OFFICE SUPPLIES	CITY ADMINISTRATION
		1.94	POST IT PADS -STAPLES		43189	M480142584	10120.6201		OFFICE SUPPLIES	CITY ADMINISTRATION
		56.97	3 BOXES POCKET FOLDERS - RED R		43190	M480142585	10120.6201		OFFICE SUPPLIES	CITY ADMINISTRATION
		51.63	CULLIGAN WATER		43191	M480641932	10120.6375		OTHER CONTRACTED SERVICES	CITY ADMINISTRATION
		21.99	STEVES 2017 APPOINTMENT BOOK		43192	M481291033	10120.6201		OFFICE SUPPLIES	CITY ADMINISTRATION
		70.00	EXIT SIGNS ADMIN CONF. ROOM		43193	M481835875	10120.6201		OFFICE SUPPLIES	CITY ADMINISTRATION
		7.49	RECEIPT BOOK		43194	M482962177	10120.6201		OFFICE SUPPLIES	CITY ADMINISTRATION
		17.96	STAMP PADS - REFILL		43195	M484261067	10120.6201		OFFICE SUPPLIES	CITY ADMINISTRATION
		7.69	Twist Calculator batteries		43196	M478358710	10420.6210		OPERATING SUPPLIES	LICENSING & CODE ENFORCEMENT
		32.05	Twist Received stamp, wite ou		43197	M482637896	10420.6210		OPERATING SUPPLIES	LICENSING & CODE ENFORCEMENT
		68.00	Stamps for absentee ballots		43198	M483710324	10420.6390		POSTAGE AND TELEPHONE	LICENSING & CODE ENFORCEMENT
		16.05	WALMART-CLEANING/SWIM LESSON S		43199	M478358711	20250.6210		OPERATING SUPPLIES	CENTRAL SQUARE

CITY OF SOUTH ST PAUL
Council Check Register by GL
Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
2016336	10/11/2016		6860 WELLS FARGO PURCHASING CARDS						Continued...	
		42.32	Walmart Football Supplies		43200	M481835876	10529.6210		OPERATING SUPPLIES	RECREATIONAL PROGRAMS
		98.55	Crown Trophy Plaques for bench		43201	M482637897	20215.6210	227588	OPERATING SUPPLIES	GRANTS/DONATIONS PARK AND REC
		1,428.60	Crown Trophy. Trophies for jam		43202	M482637898	10529.6210		OPERATING SUPPLIES	RECREATIONAL PROGRAMS
		42.76	WALGREENS - FILL THE BACKPACK		43203	M478060840	20216.6210	227559	OPERATING SUPPLIES	GRANTS/DONATIONS COMM AFFAIRS
		227.59	WALMART - FILL THE BACKPACK CA		43204	M478060841	20216.6210	227559	OPERATING SUPPLIES	GRANTS/DONATIONS COMM AFFAIRS
		7.98	KNOWLANS - DROP EVERYTHING		43205	M480142586	10530.6210		OPERATING SUPPLIES	COMMUNITY AFFAIRS
		10.00	IMPARK - WE DAY EVENING PARKIN		43206	M482329203	20216.6210		OPERATING SUPPLIES	GRANTS/DONATIONS COMM AFFAIRS
		21.98	TARGET - TASK FORCE		43207	M482663233	20216.6210	227573	OPERATING SUPPLIES	GRANTS/DONATIONS COMM AFFAIRS
		10.00	T AND T GALLEY - DROP EVERYTHI		43208	M483478977	10530.6210		OPERATING SUPPLIES	COMMUNITY AFFAIRS
		143.37	VISTAPRINTS - HALLOWEEN EVENTS		43209	M483478978	20216.6210	227573	OPERATING SUPPLIES	GRANTS/DONATIONS COMM AFFAIRS
		54.56	KNOWLANS - SOUTHVIEW BLVD MEET		43210	M484261068	10530.6210		OPERATING SUPPLIES	COMMUNITY AFFAIRS
		3.17	breezy point Coffee at confere		43211	M479324648	20243.6331		CONFERENCES, TRAINING, TRAVEL	DOUG WOOG ARENA
		16.91	Breezy point breakfast		43212	M479324649	20243.6331		CONFERENCES, TRAINING, TRAVEL	DOUG WOOG ARENA
		5.77	Breezy point lunch at confrenc		43213	M479324650	20243.6331		CONFERENCES, TRAINING, TRAVEL	DOUG WOOG ARENA
		2.85	Breezy point Coffee at confere		43214	M479622608	20243.6331		CONFERENCES, TRAINING, TRAVEL	DOUG WOOG ARENA
		22.31	Lawson nuts and bolts		43215	M480641933	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		36.94	ace hardware paint supplys		43216	M481835877	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		45.00	Sherwin williams paint supplys		43217	M481836195	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		339.37	New vision learn to skate flye		43218	M482329204	20243.6341		ADVERTISING	DOUG WOOG ARENA
		12.79	walmart yarn for ice painting		43219	M482329205	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		119.78	sherwin williams paint supply		43220	M482329206	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		16.03	ace hardware nuts and bolts		43221	M482962178	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		17.98	ace nuts and bolts		43222	M484261069	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		10.01	kwik trip gas		43223	M484261070	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		34.14	1st supply wax gaskets,silicon		43224	M481291034	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		39.56	Ace Hardware spray paint.		43225	M481836196	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		78.02	Menards toilet plungers,toilet		43226	M481836197	20243.6220		REPAIR & MAINTENANCE SUPPLIES	DOUG WOOG ARENA
		120.00	MN SEC STATE NOTARY RENEW		43227	M478358712	10315.6471		DUES & SUBSCRIPTIONS	ENGINEERING
		88.28	NM-LYSOL WIPES, INK CARTRIDGE		43228	M478358713.1	50677.6201		OFFICE SUPPLIES	NAN MCKAY APT BLDG
		89.99	JC-INK CARTRIDGE		43229	M478358713.2	50678.6201		OFFICE SUPPLIES	JOHN CARROLL APT BLDG
		18.18	SHARPIE BLK LYSOL WIPES		43230	M478358713.3	20260.6201		OFFICE SUPPLIES	HOUSING GENERAL
		319.00	TRAINING		43231	M484261071.1	50677.6331		CONFERENCES, TRAINING, TRAVEL	NAN MCKAY APT BLDG
		319.00	TRAINING		43232	M484261071.2	50678.6331		CONFERENCES, TRAINING, TRAVEL	JOHN CARROLL APT BLDG
		75.00	JC BROILER LIC		43233	M481836198	50678.6371		REPAIRS & MAINT CONTRACTUAL	JOHN CARROLL APT BLDG
		99.00	TOOL		43234	M482962179	50678.6240		MINOR EQUIPMENT AND FURNITURE	JOHN CARROLL APT BLDG
		112.36	CLNING SUP		43235	M483478979	50677.6210		OPERATING SUPPLIES	NAN MCKAY APT BLDG
		115.00	BRITS LUNCH 7 STAFF AT PW SHOW		43236	M478060842	10320.6331		CONFERENCES, TRAINING, TRAVEL	PUBLIC WORKS
		160.56-	COMFORT SUITES CORRECTION		43237	M483478980	50605.6331		CONFERENCES, TRAINING, TRAVEL	WATER UTILITY
		626.55	COMFORT SUITES AWWA CONF DUNN		43238	M483478981	50605.6331		CONFERENCES, TRAINING, TRAVEL	WATER UTILITY

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
6860 WELLS FARGO PURCHASING CARDS										
Continued...										
2016336	10/11/2016	787.11	COMFORT SUITES AWWA CONF BROWN		43239	M483478982	50605.6331		CONFERENCES, TRAINING, TRAVEL	WATER UTILITY
		4.27	FEDX - POSTAGE - WATER SAMPLES		43240	M484261072	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		34.99	FEDX - POSTAGE - WATER SAMPLES		43241	M484577621	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		119.99	CABELAS - CAMERA PH#8		43242	M482056281	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		69.99	NO TOOL - RHINO RAMPS		43243	M481836199	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		184.00	MN LIBRARY ASSN CONF REGIST		43244	M480142587	20230.6331		CONFERENCES, TRAINING, TRAVEL	LIBRARY
		170.00	MN LIB ASSOC ANNUAL DUES FOR H		43245	M478358714	20230.6471		DUES & SUBSCRIPTIONS	LIBRARY
		184.00	MN LIB ASSOC CONF REGIST FOR H		43246	M478811254	20230.6331		CONFERENCES, TRAINING, TRAVEL	LIBRARY
		40.94	TARGET TEEN PROG SUPPLY		43247	M480641934	20230.6430		MISCELLANEOUS	LIBRARY
		295.96	SW AIRLINES CONF FLIGHT		43248	M481836200	20230.6331		CONFERENCES, TRAINING, TRAVEL	LIBRARY
		278.00	AM LIB ASSC CONF REG		43249	M481836201	20230.6331		CONFERENCES, TRAINING, TRAVEL	LIBRARY
		99.99	OFFICEMAX DESK CHAIR		43250	M482352008	20230.6240		MINOR EQUIPMENT AND FURNITURE	LIBRARY
		72.08	LECTORUM PUB C BOOKS		43251	M484261073	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		65.94	QUILL FUEL PRINTER PAPER		43252	M478060843	20245.6220		REPAIR & MAINTENANCE SUPPLIES	AIRPORT
		24.99	ACE REFUND DOUBLE CHARGED		43253	M478359028	20245.6220		REPAIR & MAINTENANCE SUPPLIES	AIRPORT
		38.98	QUILL VOLUME KNOB AND CABLE		43254	M478359029	20245.6220		REPAIR & MAINTENANCE SUPPLIES	AIRPORT
		92.15	VERIZON CELL JUL21-AUG20		43255	M478811255	20245.6390		POSTAGE AND TELEPHONE	AIRPORT
		103.10	ZORO TIE DOWN ROPE		43256	M480962567	20245.6250		MERCHANDISE FOR RESALE	AIRPORT
		42.57	SAMS CLUB, VENDING ITEMS		43257	M481836202.1	20245.6250		MERCHANDISE FOR RESALE	AIRPORT
		36.06	SAMS CLUB, CUPS AND WATER		43258	M481836202.2	20245.6201		OFFICE SUPPLIES	AIRPORT
		103.19	BHPHOTO BINOCULARS REPLACEMENT		43259	M482962180	20245.6220		REPAIR & MAINTENANCE SUPPLIES	AIRPORT
		250.00	AIRTAP FALL CONFERENCE		43260	M483478983	20245.6331		CONFERENCES, TRAINING, TRAVEL	AIRPORT
		144.85	COMCAST INTERNET SEP13-OCT 12		43261	M483693477	20245.6390		POSTAGE AND TELEPHONE	AIRPORT
		499.04	RIVER COUNTRY FUEL VEHICLES		43262	M483693478	20245.6220		REPAIR & MAINTENANCE SUPPLIES	AIRPORT
		58.00	NITTI TRASH AND RECYCLE		43263	M483963338	20245.6379		CONT SERV/REFUSE & SANITATION	AIRPORT
		122.23	VAN PAPER CLEANER-TOILET PAPER		43264	M483963339	20245.6220		REPAIR & MAINTENANCE SUPPLIES	AIRPORT
		11.44	ACE OIL BOLTS NUTS NAILS TIRE		43265	M483963340	20245.6220		REPAIR & MAINTENANCE SUPPLIES	AIRPORT
		9.66	AMAZON RETURN		43266	M478060844	10210.6390		POSTAGE AND TELEPHONE	POLICE PROTECTION
		14.99	AMAZON PHONE CASE		43267	M478811256	10210.6390		POSTAGE AND TELEPHONE	POLICE PROTECTION
		29.00	NOTARY RENEW BARB		43268	M482962181	10210.6471		DUES & SUBSCRIPTIONS	POLICE PROTECTION
		29.00	NOTARY RENEW BRIANNA		43269	M482962182	10210.6471		DUES & SUBSCRIPTIONS	POLICE PROTECTION
		36.10	OFFICE DEPOT PAPER CLIPS		43270	M483527884	10210.6201		OFFICE SUPPLIES	POLICE PROTECTION
		289.94	GRANDSTAY BCA CONFERENCE		43271	M484261074	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		357.36	GRANDSTAY BCA CONFERENCE		43272	M484261075	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		12,424.62								
2016337 9/30/2016										
1559 HEALTHPARTNERS										
		309.82	HRA REIMBURSEMENT		43391	09/21-09/27/201	70805.6131		EMPLOYEE HRA REIMBURSEMENT	EMPLOYEE HEALTH REIMBUR
		309.82								

CITY OF SOUTH ST PAUL
 Council Check Register by GL
 Council Check Register and Summary

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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
2016337	9/30/2016		1559 HEALTHPARTNERS						Continued...	
2016338	10/13/2016		6037 HEALTHPARTNERS-DENTAL							
		1,391.89	DENTAL CLAIMS PAID		43392	09/22-09/28/2016	60709.6132		DENTAL CLAIMS PAID	SELF-INSURED DENTAL
		<u>1,391.89</u>								
2016340	10/7/2016		6537 FDGL LEASE PAYMENT							
		30.00	CC MACHINE LEASE		43393	161007	10315.6412		CREDIT CARD/ACH/BANK FEE	ENGINEERING
		20.00	CC MACHINE LEASE		43393	161007	10520.6412		CREDIT CARD/ACH/BANK FEE	PARKS ADMINISTRATION
		60.00	CC MACHINE LEASE		43393	161007	20243.6412		CREDIT CARD/ACH/BANK FEE	DOUG WOOG ARENA
		10.00	CC MACHINE LEASE		43393	161007	20250.6412		CREDIT CARD/ACH/BANK FEE	CENTRAL SQUARE
		30.00	CC MACHINE LEASE		43393	161007	50600.6412		CREDIT CARD/ACH/BANK FEE	UTILITY ADMINISTRATION
		<u>150.00</u>								
2016341	10/11/2016		6037 HEALTHPARTNERS-DENTAL							
		1,450.43	DENTAL CLAIMS PAID		43396	09/29-10/5/2016	60709.6132		DENTAL CLAIMS PAID	SELF-INSURED DENTAL
		<u>1,450.43</u>								
2016342	10/17/2016		6037 HEALTHPARTNERS-DENTAL							
		1,274.75	DENTAL CLAIMS PAID		43395	10/6-10/12/2016	60709.6132		DENTAL CLAIMS PAID	SELF-INSURED DENTAL
		<u>1,274.75</u>								
		<u><u>1,066,093.16</u></u>	Grand Total							

<u>Payment Instrument Totals</u>	
Checks	922,522.56
EFT Payments	<u>143,570.60</u>
Total Payments	1,066,093.16



Agenda Item: Approve Hire of Maintenance Worker in Public Works Department

Action to Be Considered:

Motion to hire William Manthe as a Maintenance Worker in the Public Works Department for the City of South St. Paul, contingent on successful completion of a background investigation and work physical.

Overview:

In June of 2016, the City lost an employee in the Public Works Department due to non-work related accident. This created an unexpected opening for the position of Maintenance Worker in the Parks Division.

A job announcement was placed with the League of Minnesota Cities and the City's website. An interview panel consisting of Patrick Dunn – Public Works Director, Deb Krier – Asst. to Public Works Director, Mike Wallace – Lead Worker Parks, and Cory Pace – Lead Worker Streets interviewed nine well-qualified candidates on September 12 and 13, 2016. Three finalists were invited back for a second interview on September 26, 2016. The interview panel reached unanimous consensus that William Manthe will provide an excellent match for the position requirements and recommends his appointment. *Interview questions are attached.*

Attached is a redacted copy of Mr. Manthe's application for employment. He has been employed as a Parks Technician for Three River Park District since 2008. He also carries a current Class A CDL license.

Proposed Terms of Employment:

A tentative offer of employment was verbally extended to Mr. Manthe and was accepted. The offer is contingent on Council approval of hire and successful completion of a background investigation and work physical. Anticipated start date is the beginning of November 2016.

The Maintenance Worker position is a non-exempt, hourly position that falls within the Teamsters collective bargaining union. It is proposed that Mr. Manthe begin at Step 1 or \$21.32 per hour. Assuming continuation of a step progression methodology, he would receive a step after six months of satisfactory performance and another step after one year of satisfactory performance. All other benefits are in accord with the Teamsters bargaining contract.

Financial Considerations:

The Public Works Department budget provides sufficient resources for the employment of Mr. Manthe on the terms described above.

Interview Questions
Public Works Maintenance Worker – Parks Division
September 12 & 13, 2016

This position requires physical skills of lifting, pushing and pulling of up to 100 lbs. Are you able to perform the essential functions of the job with or without accommodation?

- 1) Please tell us how your work history and training matches the requirements for the Public Works Maintenance position?

Follow up questions if needed:

- Do you have experience operating parks related equipment? (Lawn mowers, weed trimmers, etc.)
 - Do you have experience with ball field maintenance?
 - Do you have experience with planting and maintenance of grass, shrubs, trees, etc.?
 - Do you have experience operating heavy equipment? (Dump truck, loader, etc.)
 - Do you have experience with snow removal and what equipment have you done it with?
 - What certifications do you have that relate to this position? (Turf management / landscape)
- 2) What is your current driver's license status? If Class B, you will be required to obtain a Class A within 6 months of hire – any concerns with this requirement?
- 3) Describe your experience in dealing with the public. How would you handle a citizen that approaches you with a suggestion, concern or complaint?
- 4) As part of the work crew, you will be taking instructions from the Lead Worker. What would you do if you disagree with instructions given?
- 5) Describe a situation where you faced multiple conflicting deadlines on projects/assignments and how you resolved these conflicts.
- 6) Provide an example of you working within a team in a past job. How did you solve any problems that arose?
- 7) What specific things do you do to improve your effectiveness on the job?
- 8) Think of a role model/mentor you have had in your life. What traits do you admire in that person and how did that person affect your life/work habits?
- 9) What do you consider to be your areas of weakness and what have you done to strengthen yourself in these areas?
- 10) This position will require a work schedule that differs from the normal Monday – Friday schedule. If hired, your schedule beginning in early 2017 will include working weekends (i.e. Wednesday – Sunday). It will also require you to be available and willing to work a flexible schedule that includes evenings when job needs demand it (i.e. snow plowing, rink maintenance). Do you have any concerns or conflicts with this type of work schedule?
- 11) Any final comments that you would like to offer on why we should hire you for the position?
- 12) Do you have any questions for us?

Interview Questions – Round 2
Public Works Maintenance Worker – Parks Division
September 26, 2016

Name _____

Introductions

This position requires physical skills of lifting, pushing and pulling of up to 100 lbs. Are you able to perform the essential functions of the job with or without accommodation?

- 1) This position will require a work schedule that differs from the normal Monday – Friday schedule. If hired, your schedule beginning in early 2017 will include working weekends (i.e. Wednesday – Sunday). It will also require you to be available and willing to work a flexible schedule that includes evenings when job needs demand it (i.e. snow plowing, rink maintenance). What concerns or conflicts do you have with this type of work schedule?
- 2) The City takes employee safety seriously. What are some things you will do to ensure workplace safety for yourself and your co-workers?
- 3) How do you like to be managed or supervised?
- 4) How do you perform in a fast-paced environment where specific guidance might not always be available?
- 5) Describe a situation where your work was criticized. How did you respond?
- 6) Provide an example from a previous job where you had to take initiative to resolve a problem. What was the problem and how did you resolve it?
- 7) Your lead worker has given you and others in your work crew an assignment for the morning. The lead worker explains what needs to be done and takes the time to show you how it is to be done. The lead worker leaves for another job site but will be returning shortly to check on your progress. After he leaves, one of your fellow co-workers starts talking about a quicker way to get the job done and wants to you do it his/her way. What would you do in this situation?
- 8) What qualities or characteristics do you have that allow you to stand out as a candidate for this position?
- 9) What appeals to you about this position and why are you looking to leave your current position?
- 10) Any final questions for us?

WILLIAM MANTHE

Work Experience:

11/08 to current

Three Rivers Park District

Park Technician for Cleary Lake Regional Park

- Park Maintenance
- Heavy Equipment Operator

10/00 to 11/08

Polvony Specialties

Lead Welder/Metal Fabricator

- Experience in Lull and Skid Loader operation
- Fork Lift operation
- Flatbed Truck driving experience
- TIG / MIG Welding (Aluminum, Steel, Stainless Steel)
- Press break operation (LVD Strippit, Premier, Pullmax)
- Turret operation (Wiedematic W3050 Mach 2)
- Laser operation (Kova Fanuc 16 lb)
- Combo operation (Strippit FC-1250 Punch/Laser ST3)
- CAD Programming (Radan)

6/00 to 9/1/00

Kraus-Anderson Construction Company, Midwest Division

Construction Yard Maintenance Worker

- Welding
- Forklift operation
- Crew assistance

2/99 to 6/00

IGH Elementary School

Custodian / Building Maintenance Worker

- Schoolyard maintenance
- General repairs and general building maintenance

Education:

2004

Radpunch/Radprofile/3D Course

- Radan Sheet Metal CAD/CAM Solutions
- Radan Advanced Programming System

2003

Rasmussen College

Intro to Business - *Honors List*

Business Management - *Honors List*

1999 to 2000

Dakota County Vocational/Technical Center

Welding and Metal Fabrications

1997 to 2001

Simley High School

General Education Diploma

Skills / Certifications:

- Valid MN Commercial Drivers License - Class A (tanker endorsement)
- Non-Commercial Pesticide Applicators License
- General building maintenance and repair, HVAC
- Chainsaw safety and operation
- GPS operation
- Thorough computer knowledge, including Microsoft Windows OS and additional Microsoft software
- Strong leadership and problem-solving capabilities
- Energetic and enthusiastic

Interests:

- Automotive / small engine repair
- Woodworking and carpentry
- Welding and metal fabrication
- Plumbing, Electrical, and HVAC
- Outdoor activities such as hunting, fishing, camping
ATV operation, and snowmobiling.

WILLIAM D. MANTHE

August 16, 2016

City of South Saint Paul
Human Resources
125 3rd Avenue North
South St. Paul, MN 55075

Dear Human Resources:

My name is William Manthe and I am very much interested the position of Public Works Maintenance Worker - Parks Division as outlined in your job posting on the League of MN Cities Employment website.

I have many years of experience in landscape and ground maintenance, power tool and equipment operation, and building maintenance and repairs. I am hard working, a quick learner, and I am an excellent all-around handyman. I have been working at my current employer for almost eight years and have met many opportunities to increase my knowledge on a wide variety of areas such as seasonal maintenance tasks, public interaction, inspections, and equipment operation.

Enclosed is my application and resume for your review and consideration. Please call me at the number listed above. I look forward to hearing from you.

Thank you very much for your time and consideration.

Sincerely,

William D. Manthe



My Favorites

Pages

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Shelly

Help

Main Field Sets Legacy Forms Properties Permissions

View Site Form Center

Back Print

Form Center ► Human Resources ► City of South St. Paul Employment Application (Regular FT/PT Positions) ► Submission #2871

Save Changes

Cancel

Which position are you applying for?*

Public Works Maintenance Worker - Parks Division

Form Details

SUBMITTED BY

William Manthe

SUBMITTED ON

August 18, 2016 9:10 PM

IP ADDRESS

24.118.182.24

REFERRER

http://www.southstpaul.org/FormCe... Resources-12/Employment-Application-42

Type of employment desired*

Full Time

Part Time

First Name*

William

Last Name*

Manthe

Address*

City*

State*

Zip*

Phone Number*

Email Address*

Are you 18 years of age or older?*

Yes

No

Are you willing to work overtime if required?*

Yes

No

Are you eligible to work in the United States?*

Yes

No

Highest Degree Obtained*

GED

Assoc. Degree

Graduate Degree

High School Diploma

Bachelor's Degree

Other

High School

Simley High School

City/State

Inver Grove Heights, MN

CL



My Favorites

Pages

City/State

0



Shelly

Help

Degree or Field of Study

Address

Other

Degree or Field of Study

Other Education or Experience

2003 I attended Rasmussen College I took two classes: Intro to Business and Business Management
1999 to 2000 I attended Dakota County Vocational/Technical Center and took Welding and Metal Fabrications class

List any other certificates, education or experience that you feel helps qualify you for the position.

(From Most Recent)

Company*

Three Rivers Park District

Position*

Park Tecehnician

Address*

Employed From - To (Dates)*

11/2008 to current

Last Wage*

\$25.42/hr

Reason for Leaving★ My Favorites Pages Modules

0 Shelly Help

looking for a shorter commute to work

If you are no longer employed here, please list reason for leaving employment.

Supervisor*

Phone Number*

Justin Markeson

May we contact this employer?*

Yes

No

Job Responsibilities*

Park Maintenance including: turf management, park projects, cleaning buildings, trail maintenance (paved and turf), grooming, hauling equipment, problem solving, tree trimming, landscaping with heavy equipment. I have experience with Bobcats, Toolcats, Wheel Loaders, Backhoes, Tractors, Mowers, Forklifts, Single and Tandem Axle Dump Trucks, 1 ton Plow Trucks.

Provide a brief description of the main job duties for this position.

Company

Position

Povolny Specialities

Lead Welder/Metal Fabricator

Address

Employed From - To (Dates)

Last Wage

10/2000 to 11/2008

Reason for Leaving

To change careers to something that better suits me

If you are no longer employed here, please list reason for leaving employment.

Supervisor

Phone Number

Mike Povolny

May we contact this employer?*

Yes

No

☆ My Favorites Pages Modules

0 Shelly Help

Job Responsibilities

Press break operation (LVD Strippit, Premier, Pullmax), Turret operation (Wiedematic W3050 Mach 2), Laser operation (Kova Fanuc 16 lb), Combo operation (Strippit FC-1250 Punch/Laser ST3), Experience in Lull and Skid Loader operation, Fork Lift operation, Flatbed Truck driving experience, CAD Programming (Radan), TIG /MIG Welding (Aluminum, Steel, Stainless Steel)

Provide a brief description of the main job duties for this position.

Company

Position

Address

Employed From - To (Dates)

Last Wage

Reason for Leaving

If you are no longer employed here, please list reason for leaving.

Supervisor

Phone Number

May we contact this employer?

Yes

No

Job Responsibilities

Provide a brief description of the main job duties for this position.

Unsalariated/Volunteer Experience

Helping with flood control at the SSP Rod and Gun Club, Working on my uncle's farm, helping my dad maintain his 160 acres, caring for multiple lawns in my neighborhood.

Describe any unsalaried or volunteer experience relevant to the position for which you are applying (you may exclude, if you wish, information which would reveal race, sex, religion, age, disability, or other protected status).

Military Experience

Did you serve in the U.S. Armed Forces?

Yes No

Describe your duties and any specialized training:

Veterans' Preference Points

Do you wish to apply for Veterans' Preference points? (If you answered "yes", you must complete the Veterans' Preference application and submit with required documentation.)

Yes No

I certify that my answers are true and complete to the best of my knowledge and that intentional misrepresentations or omissions may be cause for the rejection of my application and that if hired I may be released from employment.

I acknowledge that I have received a copy of the job description summary for the position for which I am applying. With my signature below, I am providing the City of South St. Paul authorization to verify all information I provided within this application packet. I understand that the City of South St. Paul may require me to successfully complete a pre-employment drug and alcohol test and does require a background check as a condition of employment and that continued employment may be based on the successful completion of similar tests.

Your electronic signature below indicates your agreement with the following statements: By typing my name in the following box and clicking submit button I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my employment application and information. I understand it is my responsibility to notify the City of South St. Paul in writing of any changes to information reported in this application for employment.

Applicant Signature*

William Manthe

Upload Your Resume

[Wiliam Manthe Resume.doc](#)

Upload Other Application Materials

[Cover Letter for City of ssp 8-16-2016.doc](#)

The information asked of you will be used to evaluate our overall efforts in reaching all segments of the population. The following information is VOLUNTARY and CONFIDENTIAL. This information NOT A PART of the application file and is REMOVED from the application when received by our office. The City of South St. Paul appreciates your cooperation in our efforts to ensure affirmative action and equal opportunity.

Position Applied For

Public Works Maintenance Worker - Parks Division

First Name

William

Last Name

Manthe



AGENDA ITEM: Business Licenses

ACTION TO BE CONSIDERED:

Motion to adopt attached list, approving Business Licenses.

OVERVIEW:

Municipal code requires that a license be obtained prior to engaging in any trade, profession or business in the city. All City licenses are annual running April 1st to May 31st. Municipal Code requires that all licenses be approved by the City Council and subject to filing of insurance certificates, background investigations, and submittal of all required forms and documents prior to issuance.

The following new applications are also listed on the attachment:

<u>License Type</u>	<u>Applicant</u>	<u>Property Address</u>
Housing Evaluator	Karl A. Sanders	
Massage Therapy	Benjamin J.S. Frazier Massage	101 Bridgepoint Way
Rental Housing	Richard H. Kurth	809 Dwane St
Rental Housing	Minnesota Capital Management, LLC	221 Grand Ave W, #213

SOURCE OF FUNDS:

N/A

**CITY OF SOUTH ST. PAUL
CITY COUNCIL REPORT, OCTOBER 17, 2016**

Acct. No.	Company/Applicant	License No.	License Type	Status	Expires	Address	Detail
14924	Karl A. Sanders	00005547	Housing Evaluator	P	05/31/2017		Pending Background Investigation
14940	Benjamin J. S. Frazier	00005548	Massage Therapy	A	05/31/2017	101 Bridgepoint Way	
14943	Richard H. Kurth	00005583	Rental Housing	P	05/31/2017	809 Dwane St	Pending Background Investigation
14942	Minnesota Capital Management, LLC	00005550	Rental Housing	P	05/31/2017	221 Grand Ave W #213	Pending Background Investigation



Agenda Item: Approve 2017 and 2018 COLA Adjustments for Non-Union Staff Members

Action to be considered:

Motion to approve salary scale adjustments for non-union staff members.

Overview:

The Assistant City Administrator/HR Director, Network Systems Administrator, and the Executive Assistant positions are **not** covered by collective bargaining agreements because they constitute “confidential employees” within the meaning of Minnesota Statutes governing public sector collective bargaining. The compensation and benefits for these individuals, while not subject to collective bargaining, have historically been set with some reference to the practices incorporated in the Supervisory Association agreement.

The pay ranges for positions within the Supervisory bargaining unit are traditionally set by reference to internal and external marketplace analyses. The process includes looking at the pay ranges for similar positions in comparison cities. The comparison cities include a blending of the Dakota County cities and metropolitan area cities with similar size, demographics and other characteristics (e.g., age; inner ring suburb) shared by South St. Paul. Dakota County cities are used in this external marketplace comparison because of the large number of collaborative programs and interactions that involve supervisory employees, on a peer basis, with employees from other Dakota County cities without differentiation by size of the Employer city. The market averages are used to set the top step of the salary scale and all other steps are calculated derivatives of that top step. The focus is on establishing consistency with a market place average and not the highest end/step in the marketplace

The City reached a three-year (2016-2018) labor agreement with the Supervisory Association that provides for an annual COLA adjustment of the top step in each position salary scale, with derivative adjustments of the other subsidiary steps in the pay scales. Staff therefore recommends a COLA adjustment of 2.5% for 2017 and 2% for 2018, and if the Supervisory bargaining unit group is awarded a higher percentage than 2% for 2018, the 2018 adjustment described here shall be adjusted to that higher rate.

Source of Funds:

The 2017 Budget anticipated these compensation adjustments.



CITY COUNCIL AGENDA REPORT

DATE: October 17, 2015

DEPARTMENT: City Clerk/Recycling

ADMINISTRATOR: SPK

8-F

AGENDA ITEM: 2017 Landfill Abatement Fund Grant Application and Amendments to Agreement for Joint Recycling Coordinator

ACTION TO BE CONSIDERED:

Adopt Resolution No. 2016-189, Submitting an Application for 2017 Landfill Abatement Funds and approving amendments to the Agreement to Provide Recycling Coordinator Services.

OVERVIEW:

The City of South St. Paul has an established recycling program and wishes to continue and expand that program. Dakota County will provide landfill abatement funding assistance to South St. Paul provided that an application is submitted by December 31, 2016. The application must be approved by Dakota County and money used is for programs consistent with the Dakota Council Solid Waste Master Plan. South St. Paul has received landfill abatement funds from Dakota County since 1988.

South St. Paul meets the requirements for obtaining the available funding and has also met all performance based requirements in the past. The amount of funding to be received is \$25,000.00. The City of South St. Paul and the City of West St. Paul have recently approved an agreement for a Joint Recycling Coordinator. The recycling program would be led by a (20 hour) part-time employee who would split hours between the two communities. West St. Paul would be responsible for hosting the coordinator position.

On September 6th, the City of South St. Paul approved the agreement to provide recycling services with West St. Paul. On October 10th, West St. Paul approved the agreement with two minor modifications which included:

- By July 30th of each year, the Cities shall meet to review the results of the Program and shall establish a budget for the following year. *The date of July 30th was added.*
- Duration: Any City may withdraw from this Agreement on December 31st of any year. Written notice of termination must be given to the other City at least ninety (90) days prior thereto. *The date of December 31st was added.*

SOURCE OF FUNDS:

2017 Dakota County Landfill Abatement Grant

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-189

**RESOLUTION TO SUBMIT AN APPLICATION FOR
2017 LANDFILL ABATEMENT FUNDS**

WHEREAS, the City of South St. Paul wishes to continue its recycling program during the year 2016 and expand that program; and

WHEREAS, Dakota County has funding available for the City provided that the funding is used for approved programming; and

WHEREAS, the City of South St. Paul has participated in this program for the past fifteen years and has met and exceeded performance based requirements each of those years;

NOW, THEREFORE, BE IT RESOLVED, that the City of South St. Paul hereby submits an application to Dakota County for 2017 Landfill Abatement Funds.

Adopted this 17th day of October, 2016.

City Clerk



CITY COUNCIL AGENDA REPORT

DATE: October 17, 2016

DEPARTMENT: Engineering

ADMINISTRATOR: SPKsn

8-G

AGENDA ITEM: Award of Quote – 2016-004 Tree Planting to Hoffman & McNamara

ACTION TO BE CONSIDERED:

Motion to award Project 2016-004 Tree Planting to Hoffman & McNamara, Co., in the amount of \$4,484.00.

OVERVIEW:

Staff solicited construction proposals from five tree planting contractors for 15 trees to be planted in the boulevard areas (Attachment A: 2016 Boulevard Tree Locations). The proposal form included 7 different tree species furnished and installed, all of which are tolerant to urban environments, disease hardy, and low maintenance and warranted for one year after planting. On October 7, 2016, the City received one quote for Project 2016-004 Tree Planting from Hoffman & McNamara, Co., in the amount of \$4,484.00. Staff reviewed the tree planting proposal and believes that the quote is reasonable and comparable to the unit prices from the quotes received in both 2014 and 2015.

RECOMMENDATION:

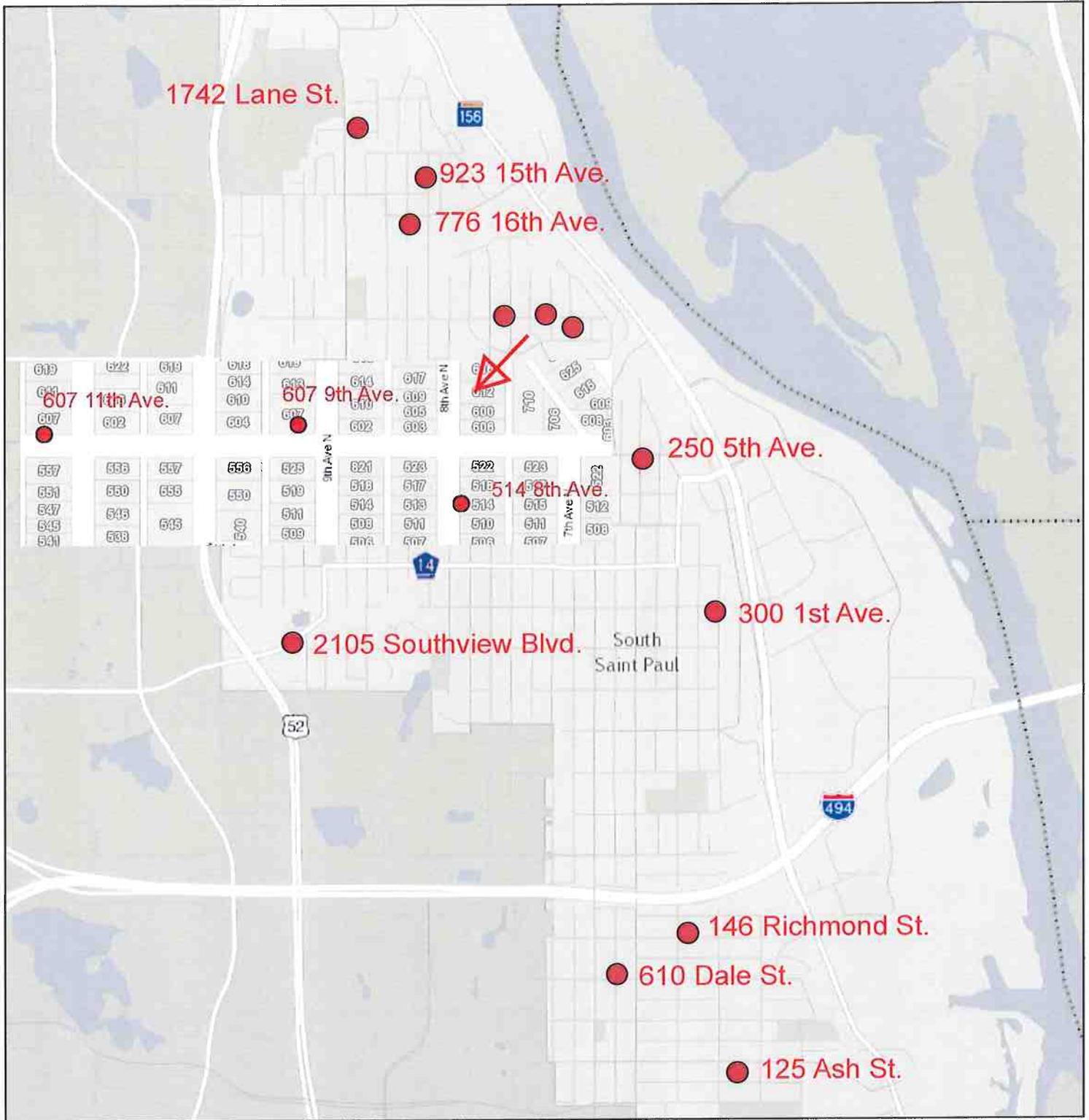
Staff recommends awarding the construction contract to Hoffman & McNamara, Co., in the amount of \$4,484.00.

SOURCE OF FUNDS:

The 2016 Public Works Budget includes City funds of \$20,000 to complete the work. Sufficient funds are available for the construction contract with Hoffman & McNamara, Co., in the amount of \$4,484.00.

	ADDRESS	Tree Types							NOTES
		New Horizon Elm	Autumn Blaze Maple	Ginkgo 'Autumn Gold'	Maple 'Sienna Glenn'	Swamp White Oak	Kentucky Coffee Tree 'Espresso'	Corktree 'His Majesty'	
1	1742 Lane St				1				Tree removed in 2014
2	146 West Richmond	1							Tree removed in 2015
3	607 11th Ave N					1	1		Would like 2 trees removed in 2015 replaced
4	300 1st Ave So.		1						Tree removed on 12/15/15 - would like replaced.
5	923 - 15th Ave. N.					1			Elm tree removed in the boulevard and would like to be replaced with a different tree.
6	125 Ash Street E.				1				Would like a tree in the boulevard
7	776 16th Ave. N.			1					Would like a tree in the boulevard near the north property line.
8	250 5th Ave. N.		1						Would like a tree planted on private property adjacent to the sidewalk. Call and confirm location with the resident. This will require a right of entry from the homeowner.
9	514 8th Ave. N.				1				Tree in the boulevard
10	2105 Southview Blvd.				1				The tree is for a replacement maple that has split from a windstorm. The split tree was planted in 2014 as part of the 20th Ave. sidewalk extension. This will require a right of entry from the property owner to plant on private property.
11	610 Dale St. W.				1				Would like the smaller dead tree removed and a replacement tree near this one.
12	607-9th Ave No.				3				Would like to replace 2 on Congress side, and 1 on 9th Ave No. side.
	Totals:	1	2	1	8	2	1	0	

2016 Boulevard Tree Locations



1 inch = 3,009 feet



September 22, 2016

Map Powered by DataLink
from WSB & Associates



CITY COUNCIL AGENDA REPORT

DATE: October 17, 2016

DEPARTMENT: Administration

ADMINISTRATOR: JK

8-H

AGENDA ITEM: Amended Lease With Quick-Serv License Center

ACTION TO BE CONSIDERED:

Authorize execution of an amended and extended lease to the benefit of the City and Quick-Serv License Center

OVERVIEW:

Kathy's License Service, Inc., dba Quick-Serv License Center, has been a long-term City Hall tenant, and currently occupies roughly 1,500 square feet in the garden (lower) level of City Hall for its business operations. The most recent renewal of the lease agreement between the City and Quick-Serv commenced on September 1, 2015 and lapsed on August 31, 2016. Quick-Serv and the City have agreed to the terms of the attached lease, which includes the following:

- The lease term commences on October 1, 2016 and expires September 30, 2017.
- The lease may be extended at the Tenant's option for one (1) additional 12-month period, commencing October 1, 2017 and expiring September 30, 2018.
- The lease may be terminated by mutual agreement, in the event that Quick-Serv purchases from the City and occupies the property at 820 Southview Boulevard prior to the end of the original or extended term.
- Quick-Serv will pay to the City a monthly rent of \$2,271.70.

The City's Economic Development Manager advised the Council of the amended and extended lease at its October 10, 2016 EDA work session. No comments were received as related to this action and it was agreed to place the item on the October 17, 2016 Consent Agenda.

SOURCE OF FUNDS:

List source of funds (if none, list N/A)

AMENDED AND RESTATED LEASE AGREEMENT

This LEASE AGREEMENT (“Lease”) is made effective as of October 1, 2016 (the “Commencement Date”), by and between the CITY OF SOUTH ST. PAUL, a municipal corporation (“Landlord”), and KATHY’S LICENSE SERVICE, INC, d/b/a QUICK-SERV LICENSE CENTER, a Minnesota corporation (“Tenant”).

IN CONSIDERATION OF the mutual agreements herein expressed, the parties agree as follows:

1. Premises. Landlord hereby leases to Tenant and Tenant leases from Landlord, for the term and upon the conditions hereinafter provided, a portion of the Garden Level of the Municipal Building located at 125 Third Avenue North, South St. Paul, Minnesota consisting of approximately 1,566.75 square feet of office space and storage space (the “Premises”). The Premises are shown on the attached Exhibit A. Tenant and its agents, employees and invitees have the non-exclusive right, along with others designated by Landlord, to the free use of the common areas in the Municipal Building and the land on which it is located, including the parking lot, main entrance, lobby, hallways, bathrooms, and other similar public areas and access ways. Landlord may change the common areas if the changes do not materially and unreasonably interfere with Tenant’s access to the Premises or use of them. Tenant agrees to abide by Landlord’s rules and regulations with respect to the common areas in the Municipal Building and the Landlord’s property, including but not limited to parking regulations.

1a. Amendment and Restatement. This Lease hereby amends and restates in its entirety that certain lease by and between Landlord and Tenant that was executed by Landlord and Tenant on, or about, September 17, 2012, with an effective date of September 1, 2012. Landlord and Tenant desire to hereby amend certain provisions of such prior lease, as provided in this Lease, specifically those provisions pertaining to the Term and Renewal Term.

1b. New Tenant Improvements. With Landlord’s written approval, Tenant previously improved the Premises with Tenant’s expansion of the Premises by 304 square feet and expended \$6,720 in doing so. Notwithstanding the provisions of Section 14 of the Lease, said Tenant improvements shall become the property of Landlord upon any termination or expiration of the Lease.

2. Term. The lease term (“Lease Term”) shall commence on the Commencement Date and end on September 30, 2017 (“Initial Term”), unless ended earlier or extended longer under a Renewal Term.

3. Renewal Term and Early Termination.

a. Renewal Term. Tenant shall have the option to extend the Lease Term for one (1) additional twelve (12) month term (“Renewal Term”), provided that Tenant is not in default of any of the terms of this Lease. If Tenant is in default of any of the terms of this Lease at the time Tenant seeks to exercise its renewal option or at the end of the Initial Term, then this Lease shall expire at the end of the Initial Term and no Renewal Term shall commence. If Tenant elects to extend the Lease for the Renewal Term, this Lease shall

continue under the same terms and conditions contained herein. Tenant shall provide Landlord with written notice of Tenant's decision to extend the Lease for the Renewal Term by giving notice of exercise of its renewal option ("Option Notice") to Landlord by June 1, 2017. Tenant's failure to provide Option Notice by June 1, 2017 shall waive any right Tenant may have to extend this Lease for the Renewal Term.

- b. Early Termination. The parties hereto acknowledge that the Tenant is attempting to purchase property located at 820 Southview Boulevard, South St. Paul, Minnesota ("820 Southview Boulevard"). The parties hereto acknowledge that 820 Southview Boulevard property is owned by the South St. Paul Economic Development Authority ("SSPEDA"). The parties mutually agree that this Lease will automatically terminate on the date that the Tenant occupies and opens for operation its license center business at 820 Southview Boulevard should such occupation and opening for operation occur during the Term of this Lease or any Renewal Term.

4. Monthly Rent. During the Lease Term and for the Renewal Term, if exercised by Tenant, Tenant shall pay to Landlord as monthly rent without deduction, setoff, prior notice, or demand the sum of \$2,271.70 per month in advance on the first day of each month, commencing on the Commencement Date and continuing until September 30, 2017, or until September 30, 2018, if Tenant exercises its option to extend the Lease Term for the Renewal Term.

5. Tenant's Use of Premises. Tenant shall use the Premises for general office use only. Tenant shall not create a nuisance or use the Premises for any illegal or immoral purposes.

6. Compliance With Laws. Landlord warrants that on the Commencement Date, the physical condition of the Premises will comply with all applicable laws, ordinances, rules and governmental regulations ("Applicable Laws"). During the Lease Term, Landlord shall comply with all Applicable Laws regarding the physical condition of Premises, except to the extent Tenant must comply with Applicable Laws. Tenant shall comply with all Applicable Laws regarding the physical condition of the Premises to the extent the Applicable Laws pertain to the particular manner in which Tenant uses the Premises or to the lawful use of the Premises, such as laws governing maximum occupancy and illegal business operations.

7. Services and Utilities. Landlord shall provide at its expense:

- a. Heating, ventilation and air conditioning (HVAC) for the Premises to maintain comfortable temperatures for Tenant's use of the Premises;
- b. Electricity to the Premises in reasonable amounts necessary for normal office use, storage, lighting, and HVAC;
- c. Replacement of lighting tubes, lamp ballasts and bulbs;
- d. Janitorial services, but not including carpet shampooing;
- e. Maintenance of common areas; and

f. Elevator service.

8. Tenant Access to Premises. Tenant and its employees, agents and invitees shall have access to the Premises twenty-four hours a day, seven days a week. Tenant is responsible for locking and securing the Premises. Upon termination of this Lease, Tenant must return to Landlord all keys and locking devices for the Premises.

9. Interruption of Services. Landlord explicitly does not warrant that any services Landlord supplies to the Premises under this Lease will not be interrupted. Services may be interrupted because of accidents, repairs, alterations, improvements, or any reason beyond the reasonable control of Landlord. No interruption shall be considered an eviction or disturbance of Tenant's use and possession of the Premises, shall make Landlord liable to Tenant for damages, shall be a cause for Tenant's abatement of rent, or shall relieve Tenant from performing any of Tenant's Lease obligations.

10. Tenant's Care of Premises. Tenant shall:

- a. Keep the Premises and fixtures in good order;
- b. Make repairs and replacements to the Premises needed because of Tenant's misuse or primary negligence; and
- c. Not commit waste.

11. Landlord Repairs. Except for repairs and replacements Tenant is required to make under Section 10, Landlord shall pay for and make all other repairs and replacements to the Premises.

12. Time for Repairs. Landlord repairs shall be made within a reasonable time (depending on the nature of the repair or replacement needed) after Landlord receives notice or has actual knowledge of the need for a repair or replacement.

13. Surrender of the Premises. Upon the termination of this Lease, Tenant shall surrender the Premises to Landlord in the same broom clean condition that the Premises were in on the Commencement Date except for:

- a. Ordinary wear and tear;
- b. Damage by the elements, fire, and other casualty unless Tenant would be required to repair such damage under Section 10;
- c. Damage arising from any cause not required to be repaired or replaced by Tenant; and
- d. Alterations as permitted by this Lease unless consent to such alterations was conditioned on their removal.

Upon surrender, Tenant shall remove from the Premises its personal property, trade fixtures, and any alterations required to be removed under Section 14, and shall repair any damage to the Premises caused by their removal. Any items not removed by Tenant as required shall be considered abandoned. Landlord may dispose of abandoned items as Landlord chooses and bill Tenant for the cost of their disposal, minus any revenues received by Landlord from their disposal.

14. Alterations. Tenant shall not make alterations without Landlord's advance written consent. "Alterations" means additions, substitutions, installations, improvements, and similar changes to the physical condition of the Premises. Landlord's consent shall not be unreasonably withheld or unduly delayed for nonstructural Alterations to the Premises that do not adversely affect the Municipal Building's appearance, value, and structural strength. Alterations made under this Section shall be made solely at Tenant's expense. Alterations shall belong to Landlord when this Lease ends, except for those Alterations required to be removed by Tenant as a condition of Landlord's consent to such alterations.

15. Assignment and Subleasing. Tenant shall not mortgage or encumber all or any part of the Premises. Tenant shall not assign or sublease all or any part of the Premises without Landlord's advance written consent. Landlord's consent to any assignment or sublease shall not be unreasonably withheld or unduly delayed.

16. Tenant Indemnification. Tenant shall indemnify, defend, and hold Landlord harmless from claims for any personal injury, death, or property damage for incidents occurring in, on, or about the Premises or Municipal Building that are caused by the negligence or willful misconduct of Tenant, its agents, employees or invitees.

When a claim is the result of joint negligence or willful misconduct of Tenant and Landlord or Tenant and a third party unrelated to Tenant, except Tenant's agents, employees or invitees, Tenant's duty to defend, indemnify, and hold Landlord harmless shall be in proportion to Tenant's allocable share of the joint negligence or willful misconduct.

17. Landlord Indemnification. Subject to the maximum liability of Landlord under Minnesota Statutes, Section 466.04 and exceptions to liability under Minnesota Statutes, Section 466.03, Landlord shall indemnify, defend, and hold Tenant harmless from claims for personal injury, death or property damage for incidents occurring in, on or about the Premises or Municipal Building that are caused by the negligence or willful misconduct of Landlord, its agents or employees.

When a claim is the result of the joint negligence or willful misconduct of Landlord and Tenant or Landlord and a third party unrelated to Landlord, except Landlord's agents or employees, Landlord's duty to defend, indemnify, and hold Tenant harmless shall be in proportion to Landlord's allocable share of the joint negligence or willful misconduct.

18. Tenant's Default. Any of the following events shall constitute a default by the Tenant ("Default"):

- a. Tenant's failure to pay Rent within five (5) days after it becomes due;

- b. Tenant's failure to perform any other Tenant obligation after a period of twenty (20) days from the date Tenant is notified by the Landlord that such obligation must be performed;
- c. Tenant's abandoning or vacating the Premises if Tenant fails to timely pay the Rent by the due date; or
- d. Tenant's failure to vacate or stay any of the following within thirty (30) days after they occur:
 - i. A petition in bankruptcy is filed by or against Tenant;
 - ii. Tenant is adjudicated as bankrupt or insolvent;
 - iii. A receiver, trustee, or liquidator is appointed for all or a substantial part of Tenant's property; or
 - iv. Tenant makes an assignment of this Lease for the benefit of creditors.

19. Landlord's Remedies. In addition to the remedies given in this Lease or under the law, Landlord may do any one or more of the following if Tenant commits a default under Section 18:

- a. Terminate this Lease, in which case Tenant shall immediately surrender the Premises to Landlord;
- b. Enter and take possession of the Premises either with or without the process of law and remove Tenant, with or without having ended the Lease; and
- c. Alter locks and other security devices at the Premises or the Municipal Building.

Tenant waives any and all claims for damages by reason of Landlord's reentry, repossession, or alteration of locks or other security devices and for damages by reason of any legal process.

20. No Surrender. Landlord's exercise of any of its remedies or its receipt of Tenant's keys shall not be considered an acceptance of surrender of the Premises by Tenant. A surrender must be agreed to in a writing signed by both parties.

21. Tenant's Liability for Rent Upon Act of Default. If Landlord terminates this Lease or ends Tenant's right to possess the Premises because of a Default by Tenant, Landlord may hold Tenant liable for Rent and other indebtedness accrued until the date the Lease ends. Tenant shall also be liable for the Rent and other indebtedness that otherwise would have been payable by Tenant during the remainder of the Lease Term had there not been a Default, reduced by any sums Landlord receives by reletting the Premises during the Lease Term.

In addition to its responsibility for Monthly Rent, Tenant shall also be liable for the following expenses incurred by Landlord in the event of a Default by Tenant:

- a. Reasonable broker's fees paid or incurred by Landlord for reletting part or all of the Premises;

- b. The cost of removing and storing Tenant's property;
- c. The cost of minor repairs, alterations, and remodeling necessary to put the Premises in a condition reasonably acceptable to a new tenant; and
- d. Other necessary and reasonable expenses incurred by Landlord in enforcing its remedies, including attorney or collection fees.

22. Default by Landlord. Landlord's failure to perform or observe any of its Lease obligations after a period of thirty (30) business days from the date of Landlord's receipt of written notice of its failure to perform a lease obligation shall constitute an event of Landlord Default. If such obligation cannot reasonable be completed within thirty (30) business days, Landlord shall not be considered to be in default if Landlord takes affirmative steps to address the problem in a reasonable time period. An event of Landlord Default shall result in Tenant's ability to pursue any remedies given in this Lease or under the law.

23. Self Help in Event of Default. If either party commits an act that constitutes an act of default under this Lease (the "Defaulting Party"), the other party ("Non-Defaulting Party") may, without being obligated and without waiving the default, cure the default. The Non-Defaulting Party may enter the Premises or Municipal Building to cure the default. The Defaulting Party shall pay the Non-Defaulting Party, upon demand, all costs, expenses, and disbursements incurred by the Non-Defaulting Party, to cure the default.

24. Survival of Rights and Remedies. The remedies permitted by Sections 19, 22 and 23, and the parties' indemnities in Section 17 shall survive the termination of this Lease.

25. Covenant of Quiet Enjoyment. Landlord covenants that it has the right to make this Lease for the Lease Term and covenants that if Tenant shall pay the Monthly Rent and perform all of the covenants, terms, and conditions of this Lease to be performed by Tenant, Tenant shall, during the Lease Term, freely, peaceably, and quietly occupy and enjoy the full possession of the Premises.

26. Mechanics Liens. Tenant shall, within twenty (20) days after receiving notice of any mechanic's lien for material or work claimed to have been furnished to the Premises on Tenant's behalf or at Tenant's request, discharge the lien, or post a bond equal to the amount of the disputed claim with companies reasonably satisfactory to Landlord. If Tenant posts a bond, it shall contest the validity of the lien. Tenant shall indemnify, defend, and hold Landlord harmless from losses incurred from any mechanics liens. If Tenant does not discharge the lien or post bond within the twenty-day period, Landlord may pay any amounts, including interest and legal fees, to discharge the lien. Tenant shall then be liable to Landlord for the amounts paid by Landlord, and Tenant shall reimburse Landlord, in full, within thirty (30) days after receipt of notice from Landlord.

27. Landlord's Right of Entry. Landlord and its agents, officials, and employees, may enter the Premises at reasonable times, and at any time in the case of an emergency, without charge, liability, or abatement of Rent, to:

- a. Make repairs, alterations, improvements, and additions either required by the Lease or advisable to preserve the safety and physical condition of part or all of the Premises or Municipal Building;
- b. Post notices of non-responsibility;
- c. Remove alterations made by Tenant in violation of the Lease; and
- d. During the 120 days immediately prior to the termination of the Lease, post "For Lease" signs.

Notwithstanding the foregoing, Landlord's entry is conditional upon Landlord:

- a. Giving Tenant at least twenty-four (24) hours advance notice, except in an emergency;
- b. Promptly finishing any work for which it entered; and
- c. Causing the least practical interference to Tenant's use.

28. Signs. With respect to the Premises, Tenant may affix one (1) identification sign on the door to the Premises, the size of which shall be approved by Landlord, whose approval shall not be unreasonably withheld or delayed. Tenant shall not place or have placed any other signs, listings, advertisements, or any other notices anywhere else in the Municipal Building. With respect to the Premises, Landlord at its cost shall place, construct, and maintain a directory or bulletin board, which shall be located in the main entrance or lobby of the main floor of the Municipal Building, exclusively for the display of the name of tenants in the building and their respective suite numbers. Tenant shall be entitled to display its business name in the directory or bulletin board without additional cost to Tenant in a format, size, and character acceptable to Landlord.

29. No Third Party Beneficiaries. Neither this Lease nor any provision of this Lease shall create any right in favor of or impose any obligation upon any person or entity other than the parties to this Lease and their respective successors and permitted assigns.

30. Headings. The section headings used in this Lease are used for convenience only, are not a part of the Lease and shall not be used in construing it.

31. Entire Agreement. This Lease contains the entire agreement of the parties hereto with respect to the Premises and supersedes and terminates all prior discussions, negotiations, understandings, arrangements, and agreements between the parties relating to this Lease. This Lease may be modified only by a writing executed by and delivered to both parties.

32. Counterparts. This Lease may be executed in any number of duplicate counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

33. Landlord's Negative Warranties. Landlord makes no warranties, express or implied, as to the suitability of the Premises for Tenant's purposes. It is agreed that Tenant has either inspected the Premises, or been afforded reasonable opportunity to inspect them, and accepts the Premises "As Is."

34. Survival of Remedies. The representations and covenants of the parties under this Lease and the remedies of either party for a breach of such representations and covenants shall survive the termination of this Lease.

35. Waiver. The waiver of any of the rights or remedies arising under the terms of this Lease on any one occasion by any party shall not constitute a waiver of any rights or remedies with respect to any subsequent breach or default of the terms of this Lease. The rights and remedies provided or referred to under the terms of this Lease are cumulative and not mutually exclusive.

36. Governing Law. This Lease shall be interpreted and construed according to the laws of the State of Minnesota.

37. Conflict of Interest. Tenant represents and warrants that no member, official, officer, or employee of Landlord has or shall have any interest, direct or indirect, in this Lease.

38. Severability. If any provision of this Lease is found to be invalid or unenforceable to any extent, such provision shall be stricken from the Lease. The invalidity of any provision of this Lease shall not affect the remaining portions of this Lease.

39. Effective Date. This Lease shall be effective on the Commencement Date.

40. Taxes and Other Charges. Tenant shall pay when due all taxes, assessments, or other charges that may be levied or assessed during the term of this Lease on account of the transaction of business by Tenant on the Premises. Tenant recognizes and agrees that the word "taxes" as used in this Section includes any tax which may be imposed and required to be collected pursuant to Minnesota Statutes, Section 272.01, subd. 2, or similar successor statute, for the privilege of using and possessing the Premises, in the same amount and to the same extent as though Tenant were the owner of the Premises.

IN WITNESS WHEREOF, Landlord and Tenant have caused this Lease to be executed by their duly authorized representatives as of the day and year first above written.

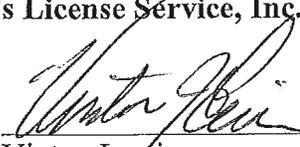
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LANDLORD
City of South St. Paul

By: _____
Name: Beth A. Baumann
Title: Mayor

By: _____
Name: Christy M. Wilcox
Title: City Clerk

TENANT
Kathy's License Service, Inc. d/b/a Quick-Serv License Center

By:  _____
Name: Vinton Lewis
Title: Chief Executive Officer

STATE OF MINNESOTA)
) SS.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Beth A. Baumann and Christy M. Wilcox, the Mayor and City Clerk of the City of South St. Paul, a Minnesota municipal corporation, on behalf of the municipal corporation.

Notary Public

STATE OF MINNESOTA)
) SS.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Vinton Lewis the Chief Executive Officer of Kathy's License Service, Inc., a Minnesota corporation, on behalf of the corporation.

Notary Public



CITY COUNCIL AGENDA REPORT

DATE: October 17, 2016

DEPARTMENT: Engineering

ADMINISTRATOR: *SPK*

8-I

AGENDA ITEM: Resolution of Support for Dakota County Capital Improvement Program Projects

ACTION TO BE CONSIDERED:

Adopt a RESOLUTION OF SUPPORT FOR 2017 – 2021 DAKOTA COUNTY CAPITAL IMPROVEMENT PROGRAM

OVERVIEW:

Dakota County has asked cities and townships to request projects for inclusion in the Dakota County 2017 to 2021 Capital Improvement Program and the City has several projects that are important for consideration including; the Southview Boulevard (CSAH 14) Improvements in 2017, Wentworth Ave (CSAH 8) Sidewalk Improvements in 2019 pending federal funding, the Mississippi River Regional Trail from Kaposia Landing to Harriet Island, and maintenance to the Mississippi River Regional Trail south of the DNR boat launch.

The Southview Boulevard and Wentworth Ave Sidewalk Improvement projects require a cost participation from the City of South St. Paul in accordance with Council approved Cost Sharing Agreements and the applicable policies in the Dakota County Transportation Plan.

RECOMMENDATION:

Staff recommends that the City Council consider adopting a resolution of support for the Dakota County 2017 to 2021 Capital Improvement Program.

SOURCE OF FUNDS:

No fiscal impact at this time.

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-194

**RESOLUTION ADOPTING RESOLUTION OF SUPPORT FOR
2017 – 2021 DAKOTA COUNTY CAPITAL IMPROVEMENT PROGRAM**

WHEREAS, Dakota County has asked cities and townships to request projects for inclusion in the Dakota County 2017-2021 Capital Improvement Program; and

WHEREAS, the following projects are important to the City of South St. Paul;

County Projects	Year Programmed
Southview Boulevard (CSAH 14) Improvements	2017
Wentworth Avenue (CSAH 8) Sidewalk Improvements	2019 (pending federal funding)
Mississippi River Regional Trail from Kaposia Landing to Harriet Island	2017
Maintenance to the Mississippi River Regional Trail south of the DNR boat launch	Requested

And;

WHEREAS, the City of South St. Paul intends to participate in the costs of the Southview Boulevard (CSAH 14) and Wentworth Avenue (CSAH 8) Sidewalk Improvements (pending federal funding) in accordance with the Council approved Cost Sharing Agreements and the applicable policies in the Dakota County Transportation Plan;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota, hereby supports the aforementioned projects included in the 2017-2021 Dakota County Transportation Capital Improvement Program.

Adopted this 17th day of October, 2016.

City Clerk



CITY COUNCIL AGENDA REPORT

DATE: October 17, 2016

DEPARTMENT: City Attorney

ADMINISTRATOR: SPK

9-A

AGENDA ITEM: Public Hearing on Tobacco Violation – Sam’s Tobacco

ACTION TO BE CONSIDERED:

Adopt Resolution 2016-188 Charging Sam’s Tobacco an Administrative Penalty for a Tobacco Sale Violation

OVERVIEW:

On June 29, 2016, two inspectors from the Minnesota Department of Revenue conducted a cigarette/tobacco inspection at Sam’s Tobacco and discovered 51 packs of unstamped little cigars. The stamps, required by Minn. Stat. §297F.08 subd 1, must be placed on the packages by the distributor prior to delivery to the retailer. Any packages without stamps are considered contraband. The inspectors seized all packs of unstamped little cigars as contraband pursuant to Minn. Stat. §297F.21. The Minnesota Department of Revenue sent notice by certified mail to the licensee that he could appeal the seizure. The licensee did not file an appeal.

Any sale of tobacco products in violation of state law is considered a prohibited sale, pursuant to city code section 18-673. If a licensee violates a provision of the city code, the licensee shall be charged an administrative penalty, pursuant to city code section 18-679.

The administrative penalty for this offense is \$75.00.

Attached you will find the following Exhibits in support of the administrative penalty:

1. Retail Inspection Log from the Minnesota Department of Revenue,
2. Notice of Seizure of Contraband, sent to the licensee by the Department of Revenue,
3. Notice sent to the City from the Department of Revenue regarding the violation,
4. Photos provided by the Minnesota Department of Revenue of the seized contraband,
5. Minn. Stat. §297F.08 regarding the requirement of stamps,
6. Minn. Stat. §297F.21 regarding what constitutes contraband.

A resolution is attached for your consideration charging Sam’s Tobacco an administrative penalty of \$75.00 for the violation.

SOURCE OF FUNDS:

N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-188

**RESOLUTION CHARGING LICENSEE AN ADMINISTRATIVE PENALTY
FOR A TOBACCO SALE VIOLATION
(Sam's Tobacco – 211 13th Ave. S.)**

WHEREAS, Municipal Code Subsection 18-679 authorizes the City Council to charge a tobacco sales licensee an administrative penalty for an illegal sale of tobacco following notice to the licensee of the alleged violation and an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of South St. Paul, Minnesota as follows:

Findings

1. Notice of a hearing was provided to the licensee regarding the charge of an administrative penalty for the alleged illegal sale of unstamped little cigars, in violation of Minn. Stat. §297F.21 subd. 1 (a).
2. The hearing was held on Monday, October 17, 2016, on about 7:15 o'clock p.m. at the South St. Paul Municipal Building, 125 Third Avenue North, South St. Paul, Minnesota.
3. At the hearing all persons who appeared and asked to be heard, were heard.
4. On June 29, 2016, two inspectors from the Minnesota Department of Revenue conducted a cigarette/tobacco inspection at Sam's Tobacco and discovered 51 packs of unstamped little cigars, which are considered contraband pursuant to Minn. Stat. §297F.21 and are illegal.
5. The inspectors seized all packs of unstamped little cigars as contraband.
6. The Minnesota Department of Revenue sent notice by certified mail to the licensee of an opportunity to appeal the seizure. The licensee did not file an appeal.

7. On August 29, 2016, the Minnesota Department of Revenue sent the city notice of the seizure so that the city could take action against the license as it deemed appropriate.
8. Sam's Tobacco made available for sale tobacco products defined as contraband under Minn. Stat. §297F.21.
9. Any sale of a tobacco product in violation of state law is considered a prohibited sale, pursuant to city code section 18-673.
10. If a licensee violates a provision of the ordinance, the licensee shall be charged an administrative penalty, pursuant to city code section 18-679.

Conclusion

Based upon the evidence presented at the hearing, the City Council concludes that Sam's Tobacco, as licensee of the premises at 211 13th Avenue South is responsible for the illegal sale or attempted sale of unstamped packages of little cigars in violation of Minn. Stat. §297F.21. A violation of state law is a violation of the City Code.

Administrative Penalty

An administrative penalty of \$75.00 is imposed to the licensee, Sam's Tobacco pursuant to city code section 18-679. The monetary penalty is to be paid by 4:30 o'clock p.m. on October 21, 2016, at the office of the City Clerk. If the administrative penalty is not paid by October 21, 2016, the license will be further suspended without notice to the licensee until the administrative penalty is paid.

Adopted this 17th day of October, 2016.

City Clerk

Retail Inspection Log

Taxpayer Name Sams Tobacco	Was this inspection assigned? No
Date of Inspection 6/28/2016	Minnesota ID # 2480310
Arrival Time @ Business 1045am	Departure Time from Business 12pm
Time Invoices Requested	Time Invoices Provided
Clerk(s) Name(s) Leah	Owner(s) Name(s) Sam
Was there a seizure? Yes	# of Sticks 610
Auditor(s) @ Retail Inspection Site RTS Johnson & RTS Schneider	Was a Stamp Reader Used? Yes

Notes:

RTS Johnson and RTS Schneider entered the business and introduced ourselves to Leah, as Minnesota Department of Revenue employees and stated we would be conducting a cigarette/tobacco inspection.

We provided the establishment with:
 Fact Sheet #1 - "Random Compliance Checks of Cigarette and Tobacco Retailers"
 Fact Sheet #2 - "License Requirements for Retailers"
 Postcard - "Do you suspect tobacco smuggling?"

Did the employee have any questions? No
 Did we ask to see the tobacco license and document all license information on the CT105? Yes
 Did we request from the store employee access to behind the sales counter and all storage areas? Yes

We continued our inspection of the business and found a number of packs of unstamped little cigars. Leah stated the product was old and that the Department of Revenue said it was OK to sell until we came and seized them.

The owner arrived and asked how he could have known he had to sell them or they would be seized. Ms. Schneider showed Sam how to get notifications using Gov Delivery on the Department of Revenues website.

We seized 51 various packs of little cigars.

If there was a seizure - Were the appeal Rights explained to the taxpayer? Yes

MINNESOTA REVENUE

Notice of Seizure of Contraband

Date of notice 6/29/2016	Seizure date and time 6/28/2016 @ 12pm	Seized by RTS SJ & RTS LS	Tax type Cig./Tob.	Minnesota ID number 2480310
Seizure location 211 13th Avenue S South St Paul, MN 55075-2235		Seized from Sams Tobacco Warehouse Inc.		

The property listed below is hereby seized as contraband by the Commissioner of Revenue under the authority granted in Chapter 297F of the Minnesota Statutes. The specific section(s) of the law under which this property is declared to be contraband is/are Minn. Stat. § 297F.21 Subd. (1-3), which state(s):

Subd. 2 - Seizure - Cigarettes, tobacco products, or other property made contraband by subdivision 1 (Contraband defined) may be seized by the commissioner or authorized agents or by any sheriff or other police officer, with or without process, and are subject to forfeiture as provided in subdivision 3 (Inventory, judicial determination; appeal; disposition of seized property).

Description of property seized

Description of property seized

- 1 pack - Al Capone Menthol
- 1 pack - Djarum Black Cherry
- 8 packs - Djarum Mild
- 5 packs - Zanzibar x-treme
- 15 packs - Dreams Chocolate
- 9 packs - Dreams Cherry
- 4 packs - Dreams Vanilla
- 7 packs - Djarum Vanilla

If you have questions about this seizure, contact the Minnesota Department of Revenue at:

Owner/Clerk Signature: _____

Inspection Agent Signature: _____

This notice is being served upon you by certified mail as required by Minnesota law.

You may also be served this notice in person. This property will automatically be forfeited to the State of Minnesota unless you demand a judicial review of the seizure within 60 days of the date of this notice.

How to demand a judicial review.

1. File a civil complaint with the court administrator in the county where the seizure occurred.
 2. Include proof that you served a copy of the complaint on the Department of Revenue.
 3. List your name as "plaintiff" and the seized property as "defendant" in the title of the complaint.
 4. State the grounds on which you allege the property was improperly seized and what your ownership interest is in the property.
- You do not have to pay the court filing fee if it is determined you cannot afford the fee. If the value of the seized property is \$10,000 or less, you can file an action in conciliation court to recover the property. If the value of the seized property is less than \$500, you do not have to pay the conciliation court filing fee.

MINNESOTA REVENUE

August 29, 2016

City Licensing Division
125 3rd Avenue North
South St. Paul, MN 55075

Seized Cigarette/Tobacco Product

The Minnesota Department of Revenue recently seized cigarette and/or tobacco products as contraband under Minnesota Statute 297F.21 from a business located in your jurisdiction. Because all time periods for judicially challenging the seizure have expired, the property has been forfeited to the State.

Attached you will find a copy of our Seizure Notice, Form M21. The notice lists the products we seized.

Why are you contacting me?

We are providing you information about our seizure of tobacco contraband so you may take any action against the city/county license as appropriate.

Contact me if you have any questions.

Sincerely,

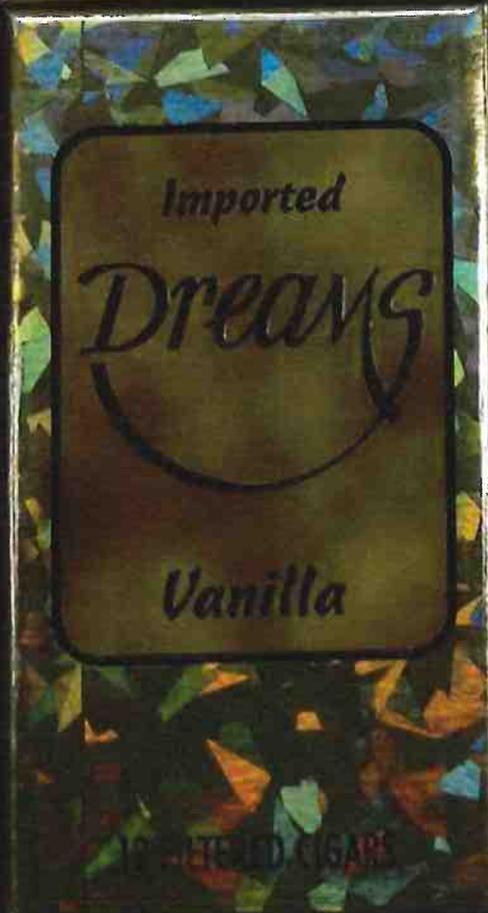
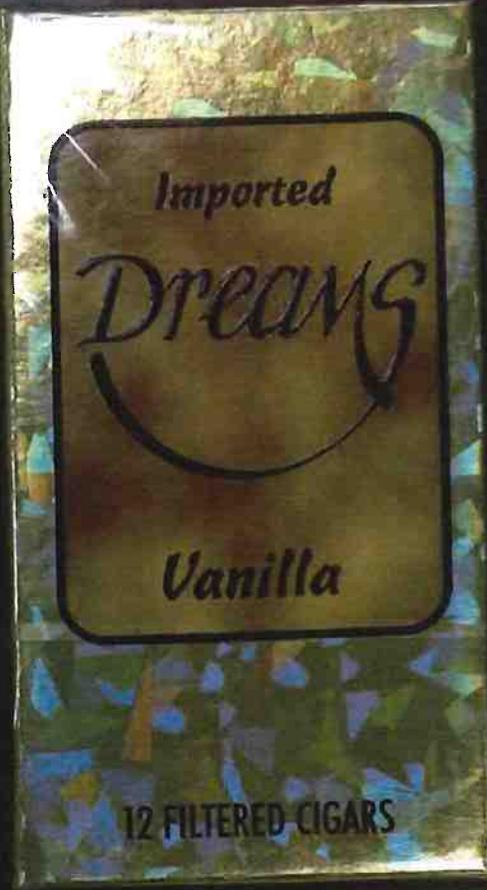
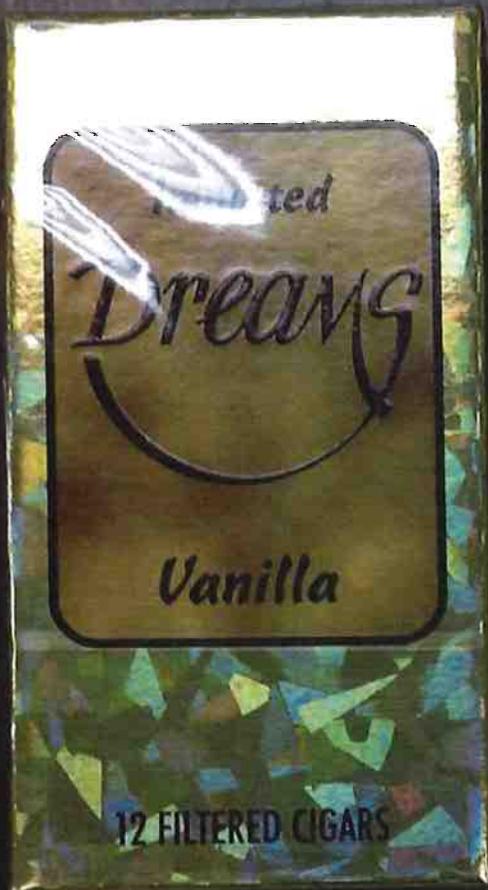
Steve Johnson
Compliance Coordinator
Phone: 651-556-3878
Email: steve.johnson@state.mn.us

Supervisor Contact Information:
Wayne Lang
651-556-4718
wayne.lang@state.mn.us



Exhibit 4



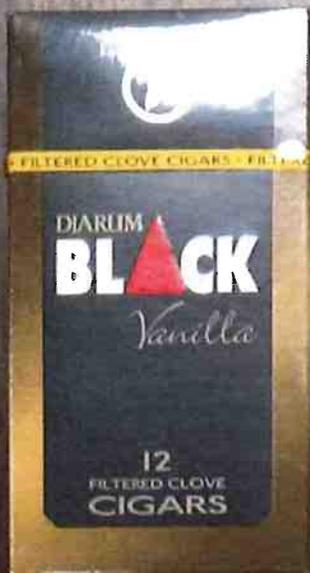






DJARUM
MILD

12
FILTERED CLOVE CIGARS



297F.08 CIGARETTE STAMPS.

Subdivision 1. Stamp put on by distributor. Except as otherwise provided in this chapter, payment of the tax imposed by this chapter must be evidenced by stamps affixed to each package. Before delivering, or causing to be delivered, a package to any person in this state, a distributor shall firmly affix to each package of cigarettes appropriate stamps in amounts equal to the tax on those cigarettes as provided in this chapter.

Subd. 2. Tax due; cigarettes. Notwithstanding any other provisions of this chapter, the tax due on the return is based upon actual stamps purchased during the reporting period.

Subd. 3. Time of affixing stamp. In all cases where cigarettes are shipped into this state by any licensed distributor from outside this state, the appropriate stamps must be affixed to packages at the time the package enters the state.

Subd. 4. Stamps; design, printing. The commissioner shall adopt the design of two stamps. One stamp must be designed for application to cigarette packages destined for retail sale on an Indian reservation which is a party to an agreement under section 270C.19, subdivision 2, and only to those packages. A second stamp must be designed for all other cigarette packages subject to the provisions of this chapter. The commissioner shall arrange for the printing of stamps in such amounts and denominations as the commissioner deems necessary.

Subd. 5. Deposit of proceeds. The commissioner shall use the amounts appropriated by law to purchase stamps for resale. The commissioner shall charge the purchasers for the costs of the stamps along with the tax value plus shipping costs. The costs recovered along with shipping costs must be deposited into the general fund.

Subd. 6. Section 16A.56 superseded. The provisions of this chapter prescribing the powers and duties of the commissioner with relation to stamps supersede all the provisions of section 16A.56 in conflict.

Subd. 7. Price of stamps. The commissioner shall sell stamps to any person licensed as a distributor. The commissioner shall not sell stamps to any other person. The commissioner may prescribe the method of shipment of the stamps to the distributor as well as the quantities of stamps purchased.

Subd. 8. Sale of stamps. The commissioner may sell stamps on a credit basis under conditions prescribed by the commissioner. The commissioner shall sell the stamps at a price which includes the tax after giving effect to the discount provided in subdivision 7. The commissioner shall recover the actual costs of the stamps from the distributor. The commissioner shall annually establish the maximum amount of stamps that may be purchased each month.

Subd. 8a. Revolving account. A cigarette tax stamp revolving account is created. The commissioner shall use the amounts in this fund to purchase stamps for resale. The commissioner shall charge distributors for the tax value of the stamps they receive along with the commissioner's cost to purchase the stamps and ship them to the distributor. The stamp purchase and shipping costs recovered must be credited to the revolving account and are appropriated to the commissioner for the further purchases and shipping costs. The revolving account is initially funded by a \$40,000 transfer from the Department of Revenue.

Subd. 9. Tax stamping machines. The commissioner shall require any person licensed as a distributor to stamp packages with a tax stamping machine, approved by the commissioner, which shall be provided by the distributor. The commissioner shall also supervise and check the operation of the machines and shall provide for the payment of the tax on any package so stamped, subject to the discount provided in subdivision 7. If the commissioner finds that a stamping machine is not affixing a legible stamp on the package, the

commissioner may order the distributor to immediately cease the stamping process until the machine is functioning properly.

Subd. 10. Resale or transfer of stamps prohibited. No distributor shall resell or transfer any stamps purchased by the distributor from the commissioner. A distributor may transfer another state's stamped cigarettes to another distributor for the purpose of resale in the other state. A distributor who has on hand any uncanceled stamps at the time of discontinuing the business of selling cigarettes may return them to the commissioner and receive a refund of the amount paid for the stamps. Stamps which have become mutilated or unfit for use, or are affixed to cigarettes being returned to the manufacturer, or are affixed to packages which, or the contents of which, have become damaged and unfit for sale, shall be replaced by the commissioner, upon application by the distributor owning the stamps or cigarettes if an investigation discloses that the stamps have not evidenced a taxable transaction, after compliance with rules or orders of the commissioner designed to prevent use of the stamps replaced.

Subd. 11. [Repealed, 2014 c 308 art 9 s 94]

Subd. 12. Cigarettes in interstate commerce. (a) A person may not transport or cause to be transported from this state cigarettes for sale in another state without first affixing to the cigarettes the stamp required by the state in which the cigarettes are to be sold or paying any other excise tax on the cigarettes imposed by the state in which the cigarettes are to be sold.

(b) A person may not affix to cigarettes the stamp required by another state or pay any other excise tax on the cigarettes imposed by another state if the other state prohibits stamps from being affixed to the cigarettes, prohibits the payment of any other excise tax on the cigarettes, or prohibits the sale of the cigarettes.

(c) Not later than 15 days after the end of each calendar quarter, a person who transports or causes to be transported from this state cigarettes for sale in another state shall submit to the commissioner a report identifying the quantity and style of each brand of the cigarettes transported or caused to be transported in the preceding calendar quarter, and the name and address of each recipient of the cigarettes. This reporting requirement only applies to cigarettes manufactured by companies that are not original or subsequent participating manufacturers in the Master Settlement Agreement with other states.

(d) For purposes of this section, "person" has the meaning given in section 297F.01, subdivision 12. Person does not include any common or contract carrier, or public warehouse that is not owned, in whole or in part, directly or indirectly by such person, and does not include a manufacturer that is an original or subsequent participating manufacturer in the Master Settlement Agreement with other states.

Subd. 13. Bond. The commissioner may require the furnishing of a corporate surety bond or a certified check in an amount suitable to guarantee payment of the tax stamps purchased by a distributor. The bond or certified check may be required when the commissioner determines that a distributor is (1) delinquent in the filing of any return required under this chapter, or (2) delinquent in the payment of any uncontested tax liability under this chapter. The distributor shall furnish the bond or certified check for a period of two years, after which, if the distributor has not been delinquent in the filing of any returns required under this chapter, or delinquent in the paying of any tax under this chapter, a bond or certified check is no longer required. The commissioner at any time may apply the bond or certified check to any unpaid taxes or fees, including interest and penalties, owed to the department by the distributor.

History: 1997 c 106 art 1 s 8; 1999 c 250 art 1 s 92; 2000 c 490 art 10 s 12-16; 2003 c 127 art 14 s 6,7; 1Sp2003 c 23 s 31; 2005 c 151 art 2 s 17; art 8 s 10,11

297F.21 CONTRABAND.

Subdivision 1. Contraband defined. The following are declared to be contraband and therefore subject to civil and criminal penalties under this chapter:

(a) Cigarette packages which do not have stamps affixed to them as provided in this chapter, including but not limited to (i) packages with illegible stamps and packages with stamps that are not complete or whole even if the stamps are legible, and (ii) all devices for the vending of cigarettes in which packages as defined in item (i) are found, including all contents contained within the devices.

(b) A device for the vending of cigarettes and all packages of cigarettes, where the device does not afford at least partial visibility of contents. Where any package exposed to view does not carry the stamp required by this chapter, it shall be presumed that all packages contained in the device are unstamped and contraband.

(c) A device for the vending of cigarettes to which the commissioner or authorized agents have been denied access for the inspection of contents. In lieu of seizure, the commissioner or an agent may seal the device to prevent its use until inspection of contents is permitted.

(d) A device for the vending of cigarettes which does not carry the name and address of the owner, plainly marked and visible from the front of the machine.

(e) A device including, but not limited to, motor vehicles, trailers, snowmobiles, airplanes, and boats used with the knowledge of the owner or of a person operating with the consent of the owner for the storage or transportation of more than 5,000 cigarettes which are contraband under this subdivision. When cigarettes are being transported in the course of interstate commerce, or are in movement from either a public warehouse to a distributor upon orders from a manufacturer or distributor, or from one distributor to another, the cigarettes are not contraband, notwithstanding the provisions of clause (a).

(f) A device including, but not limited to, motor vehicles, trailers, snowmobiles, airplanes, and boats used with the knowledge of the owner, or of a person operating with the consent of the owner, for the storage or transportation of untaxed tobacco products intended for sale in Minnesota other than those in the possession of a licensed distributor on or before the due date for payment of the tax under section 297F.09, subdivision 2.

(g) Cigarette packages or tobacco products obtained from an unlicensed seller.

(h) Cigarette packages offered for sale or held as inventory in violation of section 297F.20, subdivision 7.

(i) Tobacco products on which the tax has not been paid by a licensed distributor.

(j) Any cigarette packages or tobacco products offered for sale or held as inventory for which there is not an invoice from a licensed seller as required under section 297F.13, subdivision 4.

(k) Cigarette packages which have been imported into the United States in violation of United States Code, title 26, section 5754. All cigarettes held in violation of that section shall be presumed to have entered the United States after December 31, 1999, in the absence of proof to the contrary.

(l) Cigarettes subject to forfeiture under section 299F.854, subdivision 5, and cigarette packaging and markings, including the cigarettes contained therein, which do not meet the requirements under section 299F.853, paragraph (a).

Subd. 2. **Seizure.** Cigarettes, tobacco products, or other property made contraband by subdivision 1 may be seized by the commissioner or authorized agents or by any sheriff or other police officer, with or without process, and are subject to forfeiture as provided in subdivision 3.

Subd. 3. **Inventory; judicial determination; appeal; disposition of seized property.** (a) Within ten days after the seizure of any alleged contraband, the person making the seizure shall serve by certified mail an inventory of the property seized on the person from whom the seizure was made, if known, and on any person known or believed to have any right, title, interest, or lien in the property, at the last known address, and file a copy with the commissioner. The notice must include an explanation of the right to demand a judicial forfeiture determination.

(b) Within 60 days after the date of service of the inventory, which is the date of mailing, the person from whom the property was seized or any person claiming an interest in the property may file a demand for a judicial determination of the question as to whether the property was lawfully subject to seizure and forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the commissioner of revenue, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is \$10,000 or less, the claimant may file an action in conciliation court for recovery of the property. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee.

(c) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. No responsive pleading is required of the commissioner, and no court fees may be charged for the commissioner's appearance in the matter. The proceedings are governed by the Rules of Civil Procedure. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with an inventory unless the person has complied with this subdivision. The court shall decide whether the alleged contraband is contraband, as defined in subdivision 1. The court shall hear the action without a jury and shall try and determine the issues of fact and law involved.

(d) When a judgment of forfeiture is entered, unless the judgment is stayed pending an appeal, the commissioner:

(1) may authorize the forfeited property to be used for the purpose of enforcing a criminal provision of state or federal law;

(2) shall cause forfeited cigarette packages or tobacco products not used under clause (1) to be destroyed and products used under clause (1) to be destroyed upon the completion of use; and

(3) may cause the forfeited property, other than forfeited cigarette packages or tobacco products, to be sold at public auction as provided by law.

The person making a sale, after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established as being bona fide and as existing without the lienor having any notice or knowledge that the property was being used or was intended to be used for or in connection with the violation. The balance of the proceeds must be paid 75 percent to the Department of Revenue for deposit as a supplement to its operating fund or similar fund for official use, and 25 percent to the county attorney or other prosecuting agency that handled the court proceeding, if there is one, for deposit as a supplement to its operating fund or similar fund for prosecutorial

purposes. If there is no prosecuting authority involved in the forfeiture, the 25 percent of the proceeds otherwise designated for the prosecuting authority must be deposited into the general fund.

(e) If no demand for judicial determination is made, the property seized is considered forfeited to the state by operation of law and may be disposed of by the commissioner as provided in the case of a judgment of forfeiture.

Subd. 4. [Repealed, 1Sp2001 c 5 art 18 s 11]

History: 1997 c 106 art 1 s 21; 2000 c 490 art 10 s 20,21; 2000 c 496 s 1; 1Sp2001 c 5 art 18 s 6-8; 2008 c 154 art 7 s 3; 2008 c 366 art 14 s 7; 2012 c 283 s 3



CITY COUNCIL AGENDA REPORT

DATE: October 17, 2016

DEPARTMENT: Engineering

ADMINISTRATOR: DPK

9-B

AGENDA ITEM: Assessment Hearing – 2016 Mill & Overlay and Bituminous Removal & Replacement Street Improvement Projects

ACTION TO BE CONSIDERED:

Motion to approve Resolution 2016-184 RESOLUTION ADOPTING THE ASSESSMENT ROLL FOR 2016-005 MILL & OVERLAY PROJECTS.

And

Motion to approve Resolution 2016-185 RESOLUTION ADOPTING THE ASSESSMENT ROLL FOR 2016-007 BITUMINOUS REMOVAL & REPLACEMENT PROJECTS.

OVERVIEW:

The City Council held public hearings on the 2016 Street Mill & Overlay program and 2016 Bituminous Removal & Replacement program and ordered the project segments on April 6, 2015. The majority of work has been completed, the final estimated costs are computed and the project is now ready to be assessed.

The following is a list of the project segments:

2016 Street Mill & Overlay

- A. 21st Ave. So. – 3rd St. S. to 2nd St. S.
- B. 22nd Ave. So. – Marie Ave. to 3rd St. S.
- C. 2nd Street So. – 21st Ave. So. to 23rd Ave. So.
- D. 3rd Street No. – 21st Ave. N. to Reid Ln. (*MSA 168-105-023*)
- E. Burma Lane – 21st Ave. N. to Reid Ln.
- F. Reid Lane – 4th St. No. to 2nd St. N.
- G. Eva Lane – 21st Ave. No. to Reid Ln
- H. 2nd Street No. – 20th Ave. No. to 21st Ave. No
- I. 20th Ave. No. – Wentworth Ave. to the north
- M. 7th Avenue North Parking Bay – Marie Ave. to 2nd St. No.

2016 Bituminous Removal & Replacement

- A. 23rd Ave. So. – Marie Ave. to 3rd St. S.
- B. Anthony St. – 23rd Ave. So. to Francis St.
- C. Francis St. – 23rd Ave. S. to Anthony St.
- D. Heimel St. – 23rd Ave. So. to Kraft St.
- E. Kraft St. – Heimel St. to 23rd Ave. So.
- F. Wilde Ave. – Butler Ave. to Kaposia Park
- G. 2nd St. No. – 7th Ave. to 9th Ave.

The proposed assessment rolls are attached for the 2016 Mill & Overlay Projects (Attachment A) and the 2016 Bituminous Removal & Replacement Project (Attachment B). The assessment rate for the 2016 Mill & Overlay projects is \$17.30 per front foot and for the 2016 Bituminous Removal & Replacement projects the rate is \$45.00 per front foot.

SOURCE OF FUNDS:

The project is funded through a contribution of the Capital Improvement Program (CIP), Water, Sewer, and Storm Sewer Enterprise Funds, and Assessments.

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-184

**RESOLUTION ADOPTING THE ASSESSMENT ROLL
FOR 2015-005 MILL & OVERLAY PROJECTS**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the following streets:

2016 Street Mill & Overlay

- A. 21st Ave. So. – 3rd St. S. to 2nd St. S.
- B. 22nd Ave. So. – Marie Ave. to 3rd St. S.
- C. 2nd Street So. – 21st Ave. So. to 23rd Ave. So.
- D. 3rd Street No. – 21st Ave. N. to Reid Ln. (*MSA 168-105-023*)
- E. Burma Lane – 21st Ave. N. to Reid Ln.
- F. Reid Lane – 4th St. No. to 2nd St. N.
- G. Eva Lane – 21st Ave. No. to Reid Ln
- H. 2nd Street No. – 20th Ave. No. to 21st Ave. No
- I. 20th Ave. No. – Wentworth Ave. to the north
- M. 7th Avenue North Parking Bay – Marie Ave. to 2nd St. No.

by complete street milling, bituminous pavement, miscellaneous concrete curb and gutter, restoration and appurtenances (#360514).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota, as follows:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal installments over a period of five years, the first installment to be payable on or before the first Monday in January, 2017 and shall bear interest at the rate of 4.75% per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest onto the entire assessment from the date of this resolution until December 31, 2017. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole, or any part, of the assessment on such property, with interest accrued to the date of payment to the City Clerk except that no interest shall be charged on any portion of the assessment that is paid within 30 days from the adoption of this resolution; and the owner may, at any time thereafter, pay to the County

Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 14 or interest will be charged through December 31 of the next succeeding year.

4. The City shall forthwith transmit a certified duplicate of the assessment to the county auditor to be extended on the proper tax lists of the county, and such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 17th day of October, 2016.

City Clerk

**2016-005 MILL & OVERLAY STREET IMPROVEMENTS
ASSESSMENT ROLL #360514**

PROPERTY ID#:	ADDRESS:	ASSESS:
360210026030	2000 WENTWORTH AVE	\$1,297.50
360210026040	515 20TH AVE N	\$1,003.40
360210026050	525 20TH AVE N	\$1,072.60
360210053010	259 18TH AVE N	\$780.00
360210053020	251 18TH AVE N	\$624.00
360210053030	241 18TH AVE N	\$780.00
364200001020	1ST PRESB CHURCH	\$3,373.50
364200001030	502 20TH AVE N	\$1,297.50
364250001010	251 REID LN	\$1,399.50
364250001020	1905 3RD ST N	\$1,055.30
364250001030	1911 3RD ST N	\$1,038.00
364250001040	1917 3RD ST N	\$1,038.00
364250001050	1925 3RD ST N	\$1,038.00
364250001070	1935 3RD ST N	\$1,297.50
364250001090	2005 3RD ST N	\$1,297.50
364250001100	2011 3RD ST N	\$1,297.50
364250001110	2019 3RD ST N	\$1,297.50
364250001120	2025 3RD ST N	\$1,038.00
364250001130	2024 EVA LN	\$1,038.00
364250001140	2020 EVA LN	\$1,038.00
364250001150	2014 EVA LN	\$1,038.00
364250001160	2008 EVA LN	\$1,038.00
364250001170	2002 EVA LN	\$1,038.00
364250001180	1936 EVA LN	\$1,038.00
364250001190	1930 EVA LN	\$1,038.00
364250001200	1924 EVA LN	\$1,038.00
364250001210	1918 EVA LN	\$1,055.30
364250001220	227 REID LN	\$1,055.30
364250001230	237 REID LN	\$1,297.50
364250002010	219 REID LN	\$1,297.50
364250002020	2003 EVA LN	\$1,038.00
364250002030	2009 EVA LN	\$1,038.00
364250002040	2015 EVA LN	\$1,038.00
364250002050	2021 EVA LN	\$1,038.00
364250002060	2025 EVA LN	\$1,038.00
364250002070	2024 2ND ST N	\$1,211.00
364250002080	2020 2ND ST N	\$1,211.00
364250002090	2012 2ND ST N	\$1,211.00
364250002100	209 REID LN	\$1,297.50
364250003010	225 18TH AVE N	\$187.20
364250003120	210 REID LN	\$1,297.50

PROPERTY ID#:	ADDRESS:	ASSESS:
364250003121	206 REID LN	\$1,297.50
364250003140	216 REID LN	\$1,020.70
364250003150	222 REID LN	\$1,297.50
364250003160	232 REID LN	\$1,297.50
364250003170	240 REID LN	\$1,297.50
364570000182	300 REID LN	\$1,297.50
364570000186	310 REID LN	\$1,297.50
364570001010	345 REID LN	\$1,297.50
364570001063	2020 BURMA LN	\$1,297.50
364570001070	2014 BURMA LN	\$1,297.50
364570001080	2004 BURMA LN	\$1,297.50
364570001090	1932 BURMA LN	\$1,297.50
364570001100	333 REID LN	\$1,297.50
364570002020	346 REID LN	\$1,297.50
364570002030	1900 BURMA LN	\$1,297.50
364570003010	321 REID LN	\$1,297.50
364570003020	311 REID LN	\$1,297.50
364570003030	1900 3RD ST N	\$1,297.50
364570003050	1910 3RD ST N	\$1,297.50
364570003060	1924 3RD ST N	\$1,297.50
364570003070	1936 3RD ST N	\$1,297.50
364570003080	2008 3RD ST N	\$1,297.50
364570003090	2018 3RD ST N	\$1,297.50
364570003100	2024 3RD ST N	\$1,297.50
364570003110	2025 BURMA LN	\$1,297.50
364570003120	2015 BURMA LN	\$1,297.50
364570003130	2007 BURMA LN	\$1,297.50
364570003140	2001 BURMA LN	\$1,297.50
364570003150	1925 BURMA LN	\$1,297.50
364570003160	1915 BURMA LN	\$1,297.50
364570003170	1909 BURMA LN	\$1,297.50
365360004170	157 22ND AVE S	\$1,038.00
365360004180	153 22ND AVE S	\$1,038.00
365360004190	145 22ND AVE S	\$692.00
365360004200	143 22ND AVE S	\$692.00
365360004220	137 22ND AVE S	\$865.00
365360004230	133 22ND AVE S	\$865.00
365360004240	131 22ND AVE S	\$865.00
365360004250	125 22ND AVE S	\$865.00
365360004270	119 22ND AVE S	\$865.00
365360004280	113 22ND AVE S	\$865.00

PROPERTY ID#:	ADDRESS:	ASSESS:
365360004290	107 22ND AVE S	\$865.00
365360004300	101 22ND AVE S	\$865.00
365360005020	102 22ND AVE S	\$1,038.00
365360005030	106 22ND AVE S	\$1,038.00
365360005050	114 22ND AVE S	\$1,038.00
365360005060	120 22ND AVE S	\$1,038.00
365360005080	130 22ND AVE S	\$1,038.00
365360005090	132 22ND AVE S	\$1,038.00
365360005110	138 22ND AVE S	\$1,038.00
365360005130	146 22ND AVE S	\$1,297.50
365360005140	152 22ND AVE S	\$865.00
365360005150	156 22ND AVE S	\$692.00
365360006020	204 22ND AVE S	\$1,020.70
365360006030	208 22ND AVE S	\$1,020.70
365360006050	212 22ND AVE S	\$986.10
365360006060	220 22ND AVE S	\$1,020.70
365360006080	224 22ND AVE S	\$1,107.20
365360006090	230 22ND AVE S	\$1,020.70
365360006110	236 22ND AVE S	\$934.20
365360006120	240 22ND AVE S	\$1,020.70
365360006140	248 22ND AVE S	\$1,020.70
365360006150	256 22ND AVE S	\$1,020.70
365360007020	204 21ST AVE S	\$1,297.50
365360007040	210 21ST AVE S	\$865.00
365360007050	216 21ST AVE S	\$951.50
365360007070	220 21ST AVE S	\$1,297.50
365360007090	230 21ST AVE S	\$1,038.00
365360007101	236 21ST AVE S	\$1,038.00
365360007220	235 22ND AVE S	\$1,297.50
365360007240	229 22ND AVE S	\$1,038.00
365360007250	223 22ND AVE S	\$1,038.00
365360007270	217 22ND AVE S	\$1,038.00
365360007290	211 22ND AVE S	\$1,211.00
365360007300	201 22ND AVE S	\$1,211.00
365360008231	235 21ST AVE S	\$1,297.50
365360008253	229 21ST AVE S	\$1,211.00
365360008270	217 21ST AVE S	\$1,297.50
365360008280	211 21ST AVE S	\$1,124.50
365360008301	203 21ST AVE S	\$1,297.50
367085001010	240 21ST AVE S#11	\$86.50
367085001010	240 21ST AVE S#11	\$173.00

PROPERTY ID#:	ADDRESS:	ASSESS:
367085001020	240 21ST AVE S#12	\$86.50
367085001020	240 21ST AVE S#12	\$173.00
367085001030	240 21ST AVE S#13	\$86.50
367085001030	240 21ST AVE S#13	\$173.00
367085001040	240 21ST AVE S#14	\$86.50
367085001040	240 21ST AVE S#14	\$173.00
367085001050	240 21ST AVE S#15	\$86.50
367085001050	240 21ST AVE S#15	\$173.00
367085001060	240 21ST AVE S#16	\$86.50
367085001060	240 21ST AVE S#16	\$173.00
367085001070	240 21ST AVE S#17	\$86.50
367085001070	240 21ST AVE S#17	\$173.00
367085001080	240 21ST AVE S#18	\$86.50
367085001080	240 21ST AVE S#18	\$173.00
367085001090	240 21ST AVE S#19	\$86.50
367085001090	240 21ST AVE S#19	\$173.00
367085001100	240 21ST AVE S#20	\$86.50
367085001100	240 21ST AVE S#20	\$173.00
367085002010	241 22ND AVE S#1	\$86.50
367085002010	241 22ND AVE S#1	\$173.00
367085002020	241 22ND AVE S#2	\$86.50
367085002020	241 22ND AVE S#2	\$173.00
367085002030	241 22ND AVE S#3	\$86.50
367085002030	241 22ND AVE S#3	\$173.00
367085002040	241 22ND AVE S#4	\$86.50
367085002040	241 22ND AVE S#4	\$173.00
367085002050	241 22ND AVE S#5	\$86.50
367085002050	241 22ND AVE S#5	\$173.00
367085002060	241 22ND AVE S#6	\$86.50
367085002060	241 22ND AVE S#6	\$173.00
367085002070	241 22ND AVE S#7	\$86.50
367085002070	241 22ND AVE S#7	\$173.00
367085002080	241 22ND AVE S#8	\$86.50
367085002080	241 22ND AVE S#8	\$173.00
367085002090	241 22ND AVE S#9	\$86.50
367085002090	241 22ND AVE S#9	\$173.00
367085002100	241 22ND AVE S#10	\$86.50
367085002100	241 22ND AVE S#10	\$173.00
367290001030	300 22ND AVE S	\$1,297.50
360210026040	100 7 TH AV N – CENTRAL SQUARE	\$2,075.10

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-185

**RESOLUTION ADOPTING THE ASSESSMENT ROLL
FOR 2016-007 BITUMINOUS REMOVAL & REPLACEMENT PROJECTS**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the following streets:

2016 Bituminous Removal & Replacement

- A. 23rd Ave. So. – Marie Ave. to 3rd St. S.
- B. Anthony St. – 23rd Ave. So. to Francis St.
- C. Francis St. – 23rd Ave. S. to Anthony St.
- D. Heibel St. – 23rd Ave. So. to Kraft St.
- E. Kraft St. – Heibel St. to 23rd Ave. So.
- F. Wilde Ave. – Butler Ave. to Kaposia Park
- G. 2nd St. No. – 7th Ave. to 9th Ave.

by complete street milling, bituminous pavement, concrete curb and gutter, subgrade correction, restoration and appurtenances (#360515).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota, as follows:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal installments over a period of ten years, the first installment to be payable on or before the first Monday in January, 2017 and shall bear interest at the rate of 4.75% per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest onto the entire assessment from the date of this resolution until December 31, 2017. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole, or any part, of the assessment on such property, with interest accrued to the date of payment to the City Clerk except that no interest shall be charged on any portion of the assessment that is paid within 30 days from the

adoption of this resolution; and the owner may, at any time thereafter, pay to the County Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 14 or interest will be charged through December 31 of the next succeeding year.

4. The City shall forthwith transmit a certified duplicate of the assessment to the county auditor to be extended on the proper tax lists of the county, and such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 17th day of October, 2016.

City Clerk

2016-007 BITUMINOUS REMOVAL & REPLACEMENT STREET IMPROVEMENT ASSESSMENT ROLL #360515

PID:	Site Address:	Assess:
363230001010	2450 HEIMEL ST	\$3,240.00
363230001020	2440 HEIMEL ST	\$3,375.00
363230001030	2430 HEIMEL ST	\$3,375.00
363230001040	2420 HEIMEL ST	\$3,375.00
363230001050	2410 HEIMEL ST	\$3,375.00
363230001070	2400 HEIMEL ST	\$3,330.00
363230001071	2330 HEIMEL ST	\$3,150.00
363230001080	2320 HEIMEL ST	\$3,240.00
363230001090	2310 HEIMEL ST	\$3,240.00
363230001100	2300 HEIMEL ST	\$3,240.00
363230002010	2411 HEIMEL ST	\$3,375.00
363230002030	2401 HEIMEL ST	\$3,375.00
363230002040	2331 HEIMEL ST	\$3,240.00
363230002041	2321 HEIMEL ST	\$2,925.00
363230002060	2311 HEIMEL ST	\$3,375.00
363230002061	2301 HEIMEL ST	\$2,790.00
363230002070	2300 KRAFT ST	\$3,240.00
363230002080	2310 KRAFT ST	\$3,240.00
363230002090	2320 KRAFT ST	\$3,240.00
363230002100	2330 KRAFT ST	\$3,240.00
363230002110	2400 KRAFT ST	\$3,240.00
363230002120	2410 KRAFT ST	\$3,375.00
363230003010	2451 KRAFT ST	\$3,375.00
363230003020	2441 KRAFT ST	\$3,375.00
363230003040	2431 KRAFT ST	\$3,375.00
363230003050	2421 KRAFT ST	\$3,375.00
363230003060	2411 KRAFT ST	\$3,375.00
363230003070	2331 KRAFT ST	\$3,240.00
363230003080	2321 KRAFT ST	\$3,375.00
363230003090	2311 KRAFT ST	\$3,375.00
363230003100	2301 KRAFT ST	\$3,375.00
363230004010	2450 ANTHONY ST	\$3,375.00
363230004030	2440 ANTHONY ST	\$3,375.00
363230004040	2430 ANTHONY ST	\$3,375.00
363230004050	2410 ANTHONY ST	\$3,375.00
363230004060	2400 ANTHONY ST	\$3,375.00
363230004070	2330 ANTHONY ST	\$3,375.00
363230004080	2320 ANTHONY ST	\$3,375.00
363230004092	2310 ANTHONY ST	\$3,060.00
363230004100	2300 ANTHONY ST	\$3,240.00
363230005010	2411 ANTHONY ST	\$3,375.00
363230005020	2401 ANTHONY ST	\$3,240.00

PID:	Site Address:	Assess:
363230005030	2331 ANTHONY ST	\$3,240.00
363230005040	2321 ANTHONY ST	\$3,240.00
363230005050	2311 ANTHONY ST	\$3,240.00
363230005060	2301 ANTHONY ST	\$3,240.00
363230005070	2300 FRANCIS ST	\$3,240.00
363230005080	2310 FRANCIS ST	\$3,240.00
363230005090	2320 FRANCIS ST	\$3,240.00
363230005100	2330 FRANCIS ST	\$3,240.00
363230005110	2400 FRANCIS ST	\$3,240.00
363230005120	2410 FRANCIS ST	\$3,375.00
363230006010	2451 FRANCIS ST	\$3,375.00
363230006030	2441 FRANCIS ST	\$3,375.00
363230006040	2431 FRANCIS ST	\$3,375.00
363230006050	2421 FRANCIS ST	\$3,375.00
363230006060	2411 FRANCIS ST	\$3,375.00
363230006070	2401 FRANCIS ST	\$3,240.00
363230006081	2321 FRANCIS ST	\$3,375.00
363230006091	2311 FRANCIS ST	\$3,375.00
363230006101	2301 FRANCIS ST	\$3,375.00
365360005170	157 23RD AVE S	\$2,700.00
365360005180	153 23RD AVE S	\$2,700.00
365360005200	145 23RD AVE S	\$2,700.00
365360005210	139 23RD AVE S	\$2,700.00
365360005230	133 23RD AVE S	\$2,700.00
365360005240	127 23RD AVE S	\$2,700.00
365360005261	121 23RD AVE S	\$2,700.00
365360005270	115 23RD AVE S	\$2,700.00
365360005290	109 23RD AVE S	\$2,700.00
365360005300	103 23RD AVE S	\$2,700.00
365360006170	259 23RD AVE S	\$2,700.00
365360006190	247 23RD AVE S	\$3,375.00
365360006210	241 23RD AVE S	\$2,700.00
365360006220	235 23RD AVE S	\$2,700.00
365360006230	229 23RD AVE S	\$2,250.00
365360006260	212 23RD AVE S	\$3,375.00
365360006270	215 23RD AVE S	\$2,250.00
365360006280	211 23RD AVE S	\$2,250.00
365360006300	2247 2ND ST S	\$3,375.00
367030023010	700 2ND ST N	\$18,270.00
367030024220	140 8TH AVE N	\$2,340.00
367037501010	300 23RD CT	\$84.38
367037501020	302 23RD CT	\$84.38

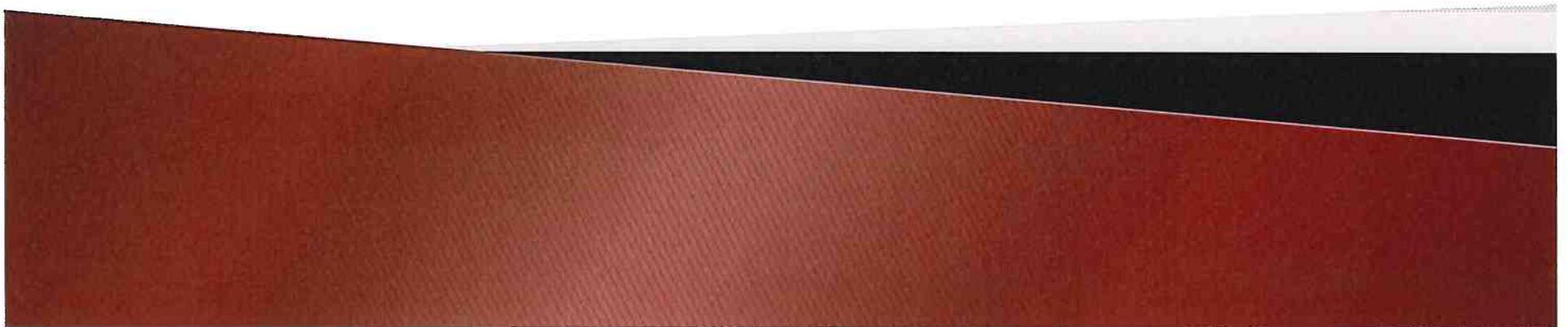
PID:	Site Address:	Assess:
367037501030	304 23RD CT	\$84.38
367037501040	306 23RD CT	\$84.38
367037501050	308 23RD CT	\$84.38
367037501060	310 23RD CT	\$84.38
367037501070	312 23RD CT	\$84.38
367037501080	314 23RD CT	\$84.38
367037501090	316 23RD CT	\$84.38
367037501100	318 23RD CT	\$84.38
367037501110	320 23RD CT	\$84.38
367037501120	322 23RD CT	\$84.38
367037501130	324 23RD CT	\$84.38
367037501140	326 23RD CT	\$84.38

PID:	Site Address:	Assess:
367037501150	328 23RD CT	\$84.38
367037501160	330 23RD CT	\$84.38
367290001010	305 23RD AVE S	\$3,375.00
367290001020	305 23RD AVE S	\$3,375.00
368430002210	School District	\$3,600.00
368430003150	815 2ND ST N	\$1,800.00
368430003160	819 2ND ST N	\$1,800.00
368430003170	821 2ND ST N	\$1,800.00
368430003180	825 2ND ST N	\$1,800.00
368430003190	829 2ND ST N	\$1,800.00
368430003200	833 2ND ST N	\$1,800.00



City of South St. Paul

2016 Mill & Overlay and
Bituminous Removal & Replacement Projects
Assessment Hearings
October 17, 2016

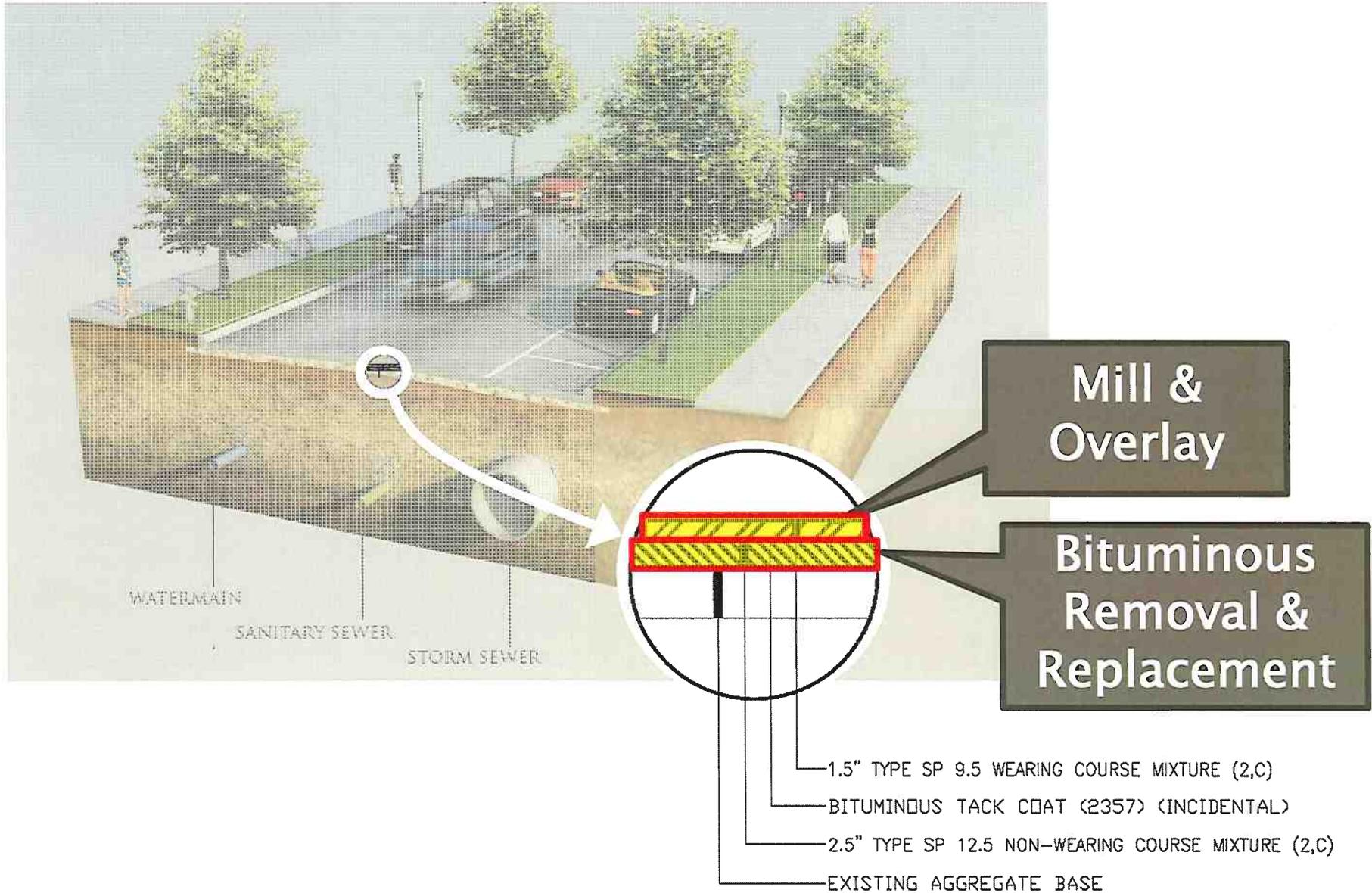


Agenda

- ▶ Background & Project Information
- ▶ Assessment Policy
- ▶ Next Steps



Background



Project Information

▶ Mill & Overlay (M&O):

- Removing and replacing the top layer of asphalt pavement
- Extends life by approx. 15 – 20 years

▶ Bituminous Removal & Replacement (BRR):

- Removing and replacing all of the layers of asphalt pavement
- Extends life by 20–25 years

▶ Both Include:

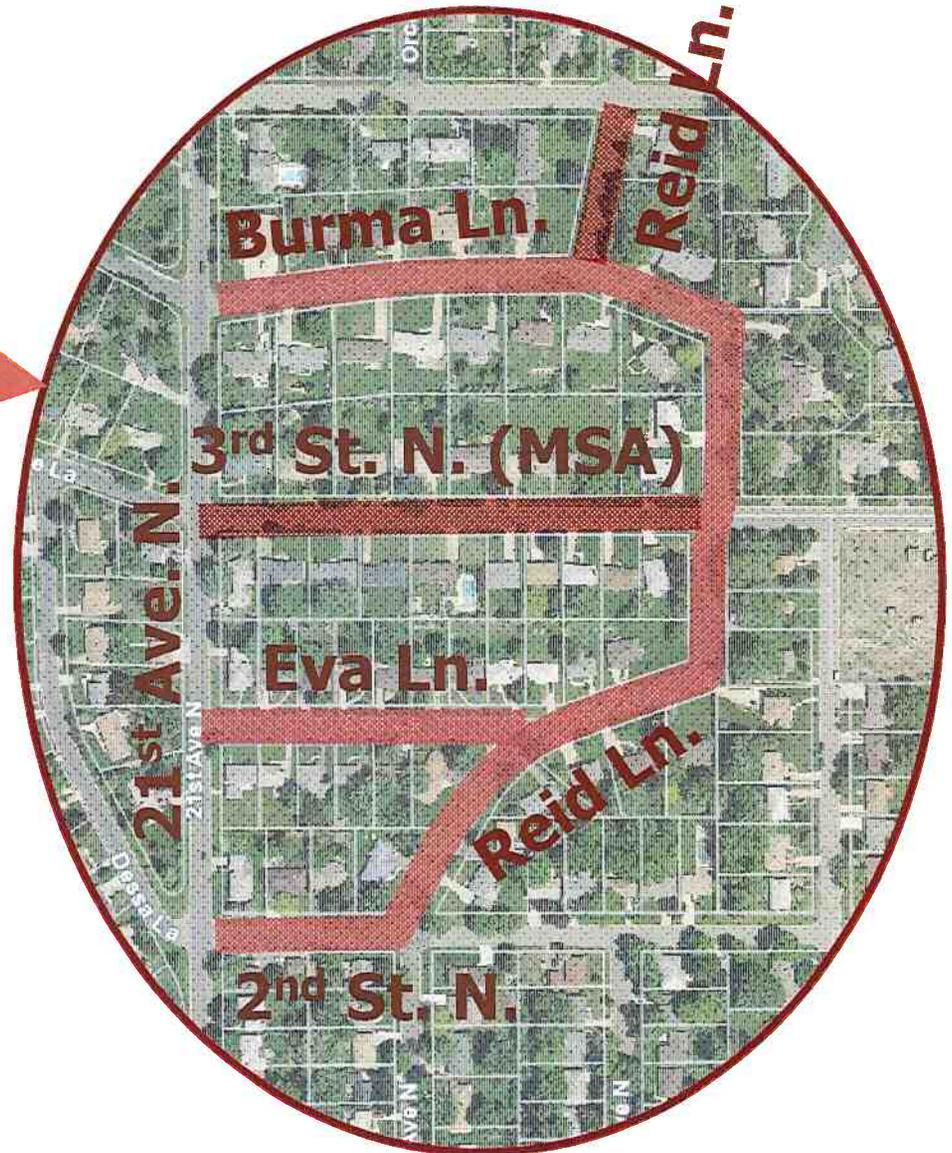
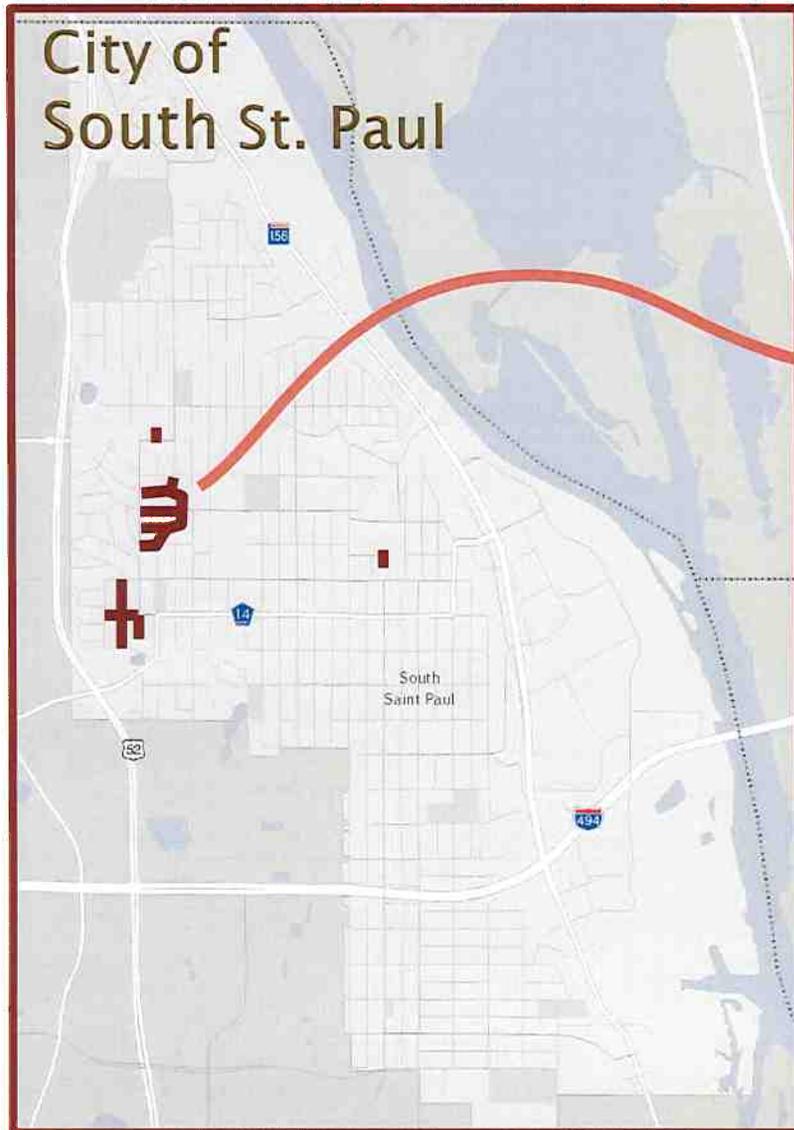
- Minor curb and gutter replacement
- Minor boulevard restoration (in areas of curb replacement)
- Minor watermain and drainage structure improvements.

▶ BRR Includes:

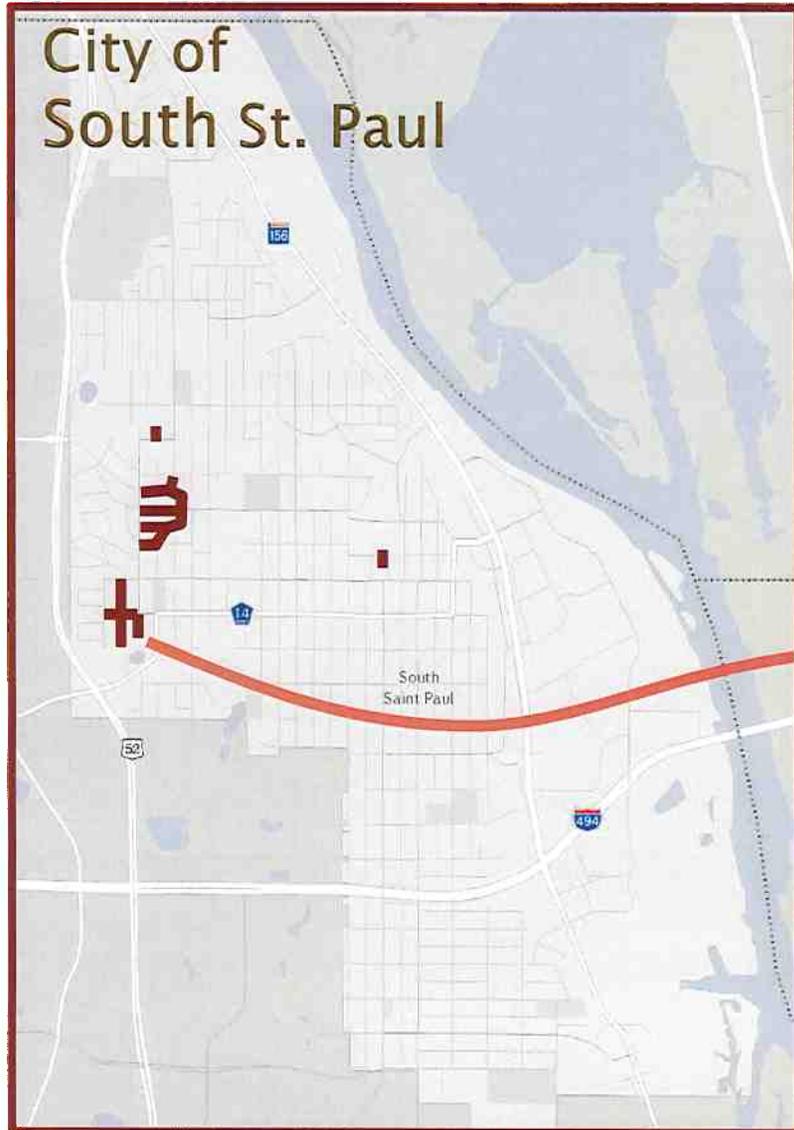
- A few streets include some watermain replacement



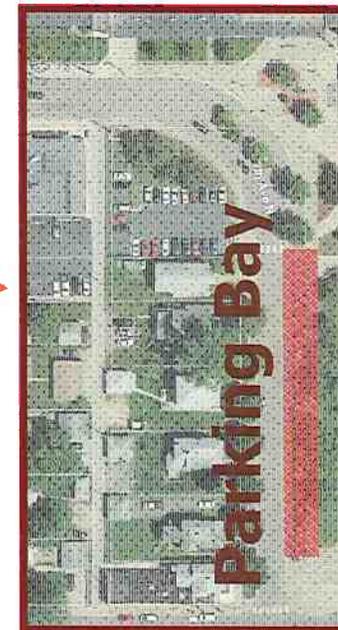
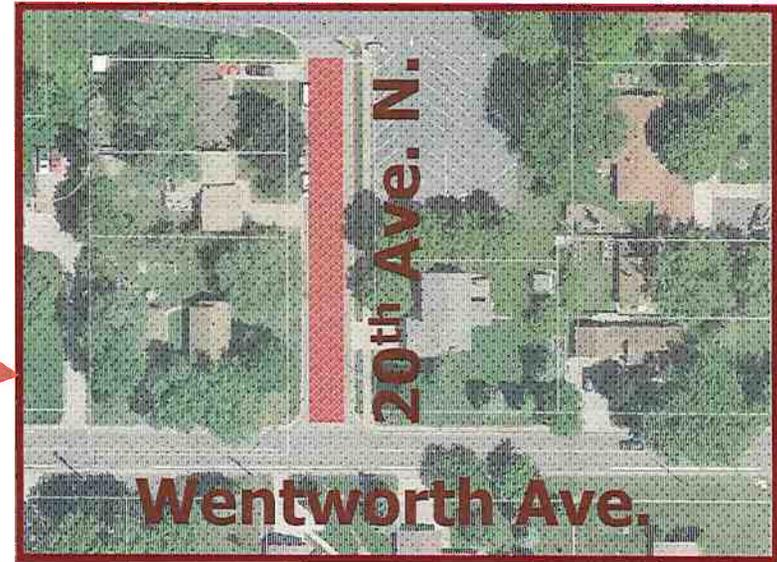
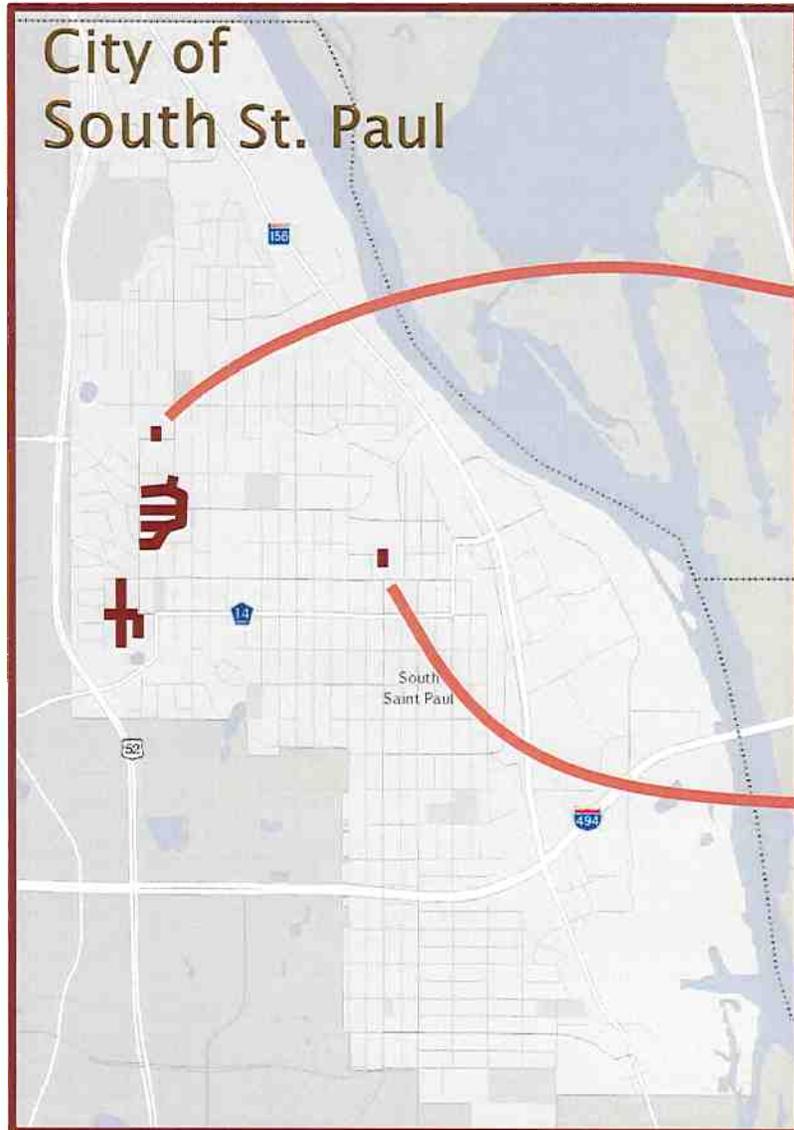
Mill & Overlay Project Locations



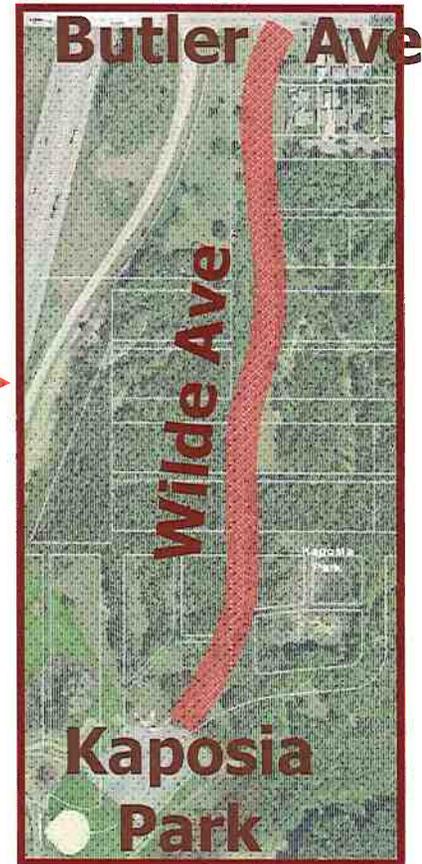
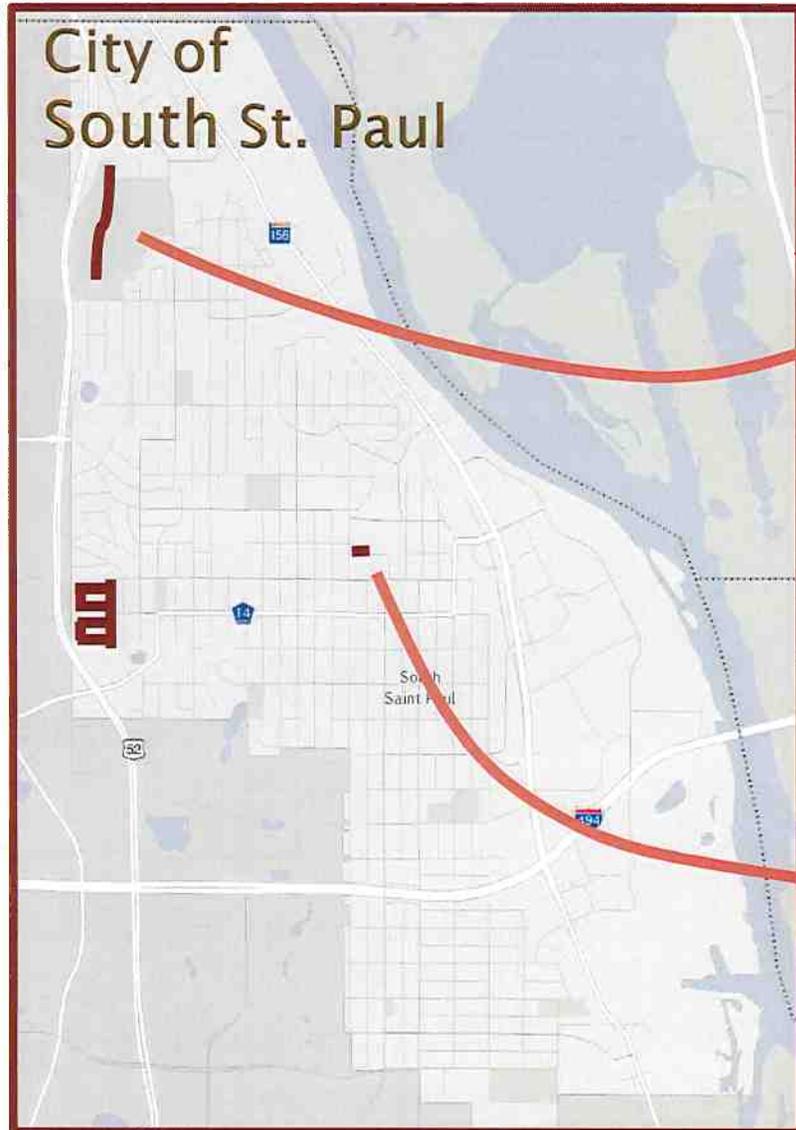
Mill & Overlay Project Locations



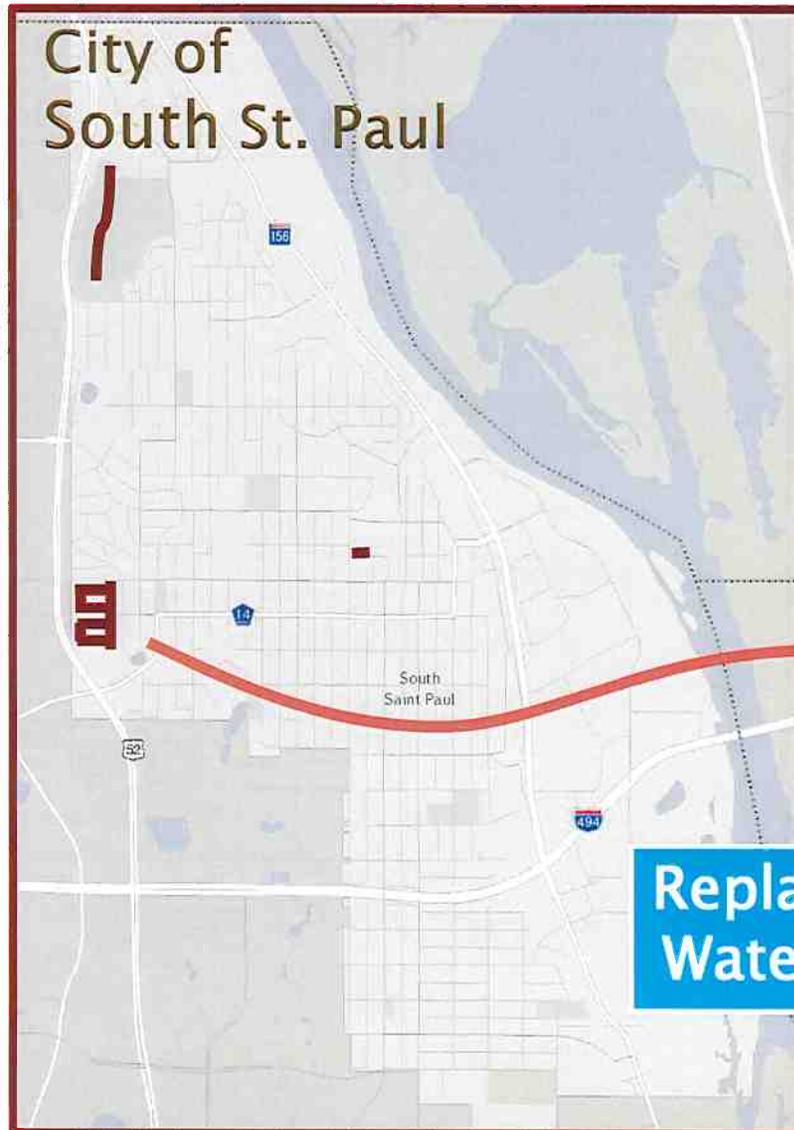
Mill & Overlay Project Locations



Bituminous Remove & Replacement Project Locations



Bituminous Remove & Replacement Project Locations



Replace Ex. Watermain



Construction Challenges

- ▶ 2016 Bituminous Removal and Replacement
 - Watermain construction and street repair was delayed 5 to 6 weeks on Anthony and Francis Street.
 - Thank you residents for your patience!
 - Francis Street required additional excavation and replacement of the aggregate base under the pavement.
 - Staff needed to remove more curb than was anticipated, but was able to save the curb on Anthony and Francis Street to balance out the project costs.



Construction Results



Assessment Policy

- ▶ 2016 Assessment Rates
 - Mill & Overlay – \$17.30 per foot
 - Bituminous Removal & Replacement – \$45.00 per foot
- ▶ Single family and duplex
 - Street Frontage – max. of 75 ft
 - Sideyard – No assessment
- ▶ Commercial, institutional, industrial, retail, & multi-residential
 - Street frontage – No max. footage
 - Sideyard – No max. footage

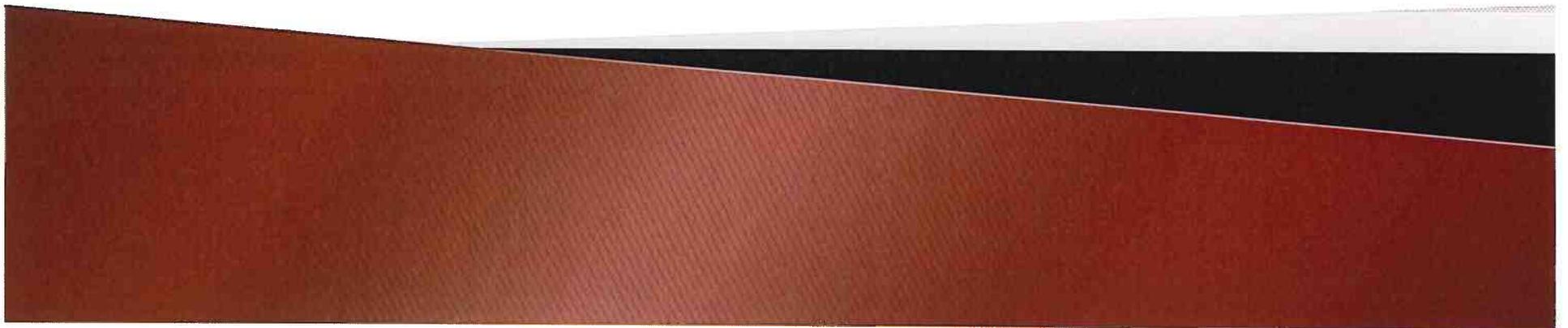


Closing Remarks

- ▶ 4 affirmative votes required to pass
- ▶ Next Steps if approved tonight:
 - Assessment notices mailed to property owners with the final approved assessment and payment information.
 - Property owners can pay all or a portion of the full amount with no interest in the next 30 days. Any amount remaining will be certified to their property taxes to be spread over the following:
 - Mill & Overlay Project: 5 years at 4.75% interest.
 - Bituminous Removal & Replacement: 10 years at 4.75% interest
 - Deferments are available for those meeting eligibility requirements such as age or disability.



Questions?





CITY COUNCIL AGENDA REPORT

DATE: October 17, 2016

DEPARTMENT: Engineering

ADMINISTRATOR: SPK

9-C

AGENDA ITEM: Assessment Hearing – 2016-008 Oak Park Phase 3 Street Improvement Project

ACTION TO BE CONSIDERED:

Adopt Resolution 2016-186 RESOLUTION ADOPTING THE ASSESSMENT ROLL FOR 2016-008 OAK PARK PHASE 3 STREET IMPROVEMENT PROJECT.

OVERVIEW:

The City Council held neighborhood meetings and public hearings on the 2014-008 Oak Park Street Improvement projects and ordered the project on June 23, 2014. This project was completed in 3 phases, this hearing is for the assessments on Phase 3. The work on Phase 1 was completed in 2014 and the spring of 2015. The work on Phase 2 was completed in 2015. The work on Phase 3 was completed in 2016.

The following is a list of streets improved during Phase 3:

Oak Park Street Projects – Phase 3

- A Jewell Lane – Waterloo Ave. to Wentworth Ave.
- B Acorn Lane – Jewell Ln. to 21st Ave. No.
- C Burma Lane – Wentworth Ave. to 21st Ave. No.
- D Caroline Lane – Jewell Ln to 21st Ave. No.

The proposed assessment roll is attached. The proposed assessment for Oak Park, all phases, is on a per lot basis of \$4,500/lot.

SOURCE OF FUNDS:

The project is funded through a contribution of the Capital Improvement Program (CIP), Water, Sewer, and Storm Sewer Enterprise Funds, and Assessments.

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-187

**RESOLUTION ADOPTING THE ASSESSMENT ROLL
FOR 2016-008 OAK PARK PHASE 3 STREET IMPROVEMENT PROJECT**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the following streets:

Oak Park Street Projects – Phase 3

- A Jewell Lane – Waterloo Ave. to Wentworth Ave.
- B Acorn Lane – Jewell Ln. to 21st Ave. No.
- C Burma Lane – Wentworth Ave. to 21st Ave. No.
- D Caroline Lane – Jewell Ln to 21st Ave. No.

by complete pavement removal, watermain replacement, bituminous pavement, concrete curb and gutter, subgrade correction, restoration and appurtenances (#360517).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota, as follows:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal installments over a period of ten years, the first installment to be payable on or before the first Monday in January, 2017 and shall bear interest at the rate of 4.75% per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest onto the entire assessment from the date of this resolution until December 31, 2017. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole, or any part, of the assessment on such property, with interest accrued to the date of payment to the City Clerk except that no interest shall be charged on any portion of the assessment that is paid within 30 days from the adoption of this resolution; and the owner may, at any time thereafter, pay to the County Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made

before November 14 or interest will be charged through December 31 of the next succeeding year.

4. The City shall forthwith transmit a certified duplicate of the assessment to the county auditor to be extended on the proper tax lists of the county, and such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 17th day of October, 2016.

City Clerk

2016-008 Oak Park Phase 3
Assessment Roll
SA# 360517

PID	ADDRESS:	ASSESS:
365345001060	2242 JEWELL LN	\$4,500.00
365345002010	2245 JEWELL LN	\$4,500.00
365345005090	2250 JEWELL LN	\$4,500.00
365345002100	2255 JEWELL LN	\$4,500.00
366710000010	2305 JEWELL LN	\$4,500.00
366710000020	2315 JEWELL LN	\$4,500.00
363990000040	2323 JEWELL LN	\$4,500.00
366320000020	2400 JEWELL LN	\$4,500.00
366320000220	2401 JEWELL LN	\$4,500.00
365345004030	2408 JEWELL LN	\$4,500.00
365345004040	2410 JEWELL LN	\$5,284.55
365345003050	2411 JEWELL LN	\$4,500.00
365345004050	2420 JEWELL LN	\$4,500.00
365345003040	2421 JEWELL LN	\$4,500.00
365345005010	2101 ACORN LN	\$4,500.00
365345005020	2105 ACORN LN	\$4,500.00
365345005030	2115 ACORN LN	\$4,500.00
365345001100	2120 ACORN LN	\$4,500.00
365345005040	2121 ACORN LN	\$4,500.00
365345001090	2204 ACORN LN	\$4,500.00
365345005050	2205 ACORN LN	\$4,500.00
365345005060	2209 ACORN LN	\$4,500.00
365345001080	2212 ACORN LN	\$4,500.00
365345005070	2215 ACORN LN	\$4,500.00
365345005080	2221 ACORN LN	\$4,500.00
365345001070	2222 ACORN LN	\$4,500.00
365345001110	405 21ST AVE N	\$4,500.00
364135000110	2105 BURMA LN	\$4,500.00

PID	ADDRESS:	ASSESS:
365345005200	2114 BURMA LN	\$4,500.00
364135000090	2115 BURMA LN	\$4,500.00
364135000080	2123 BURMA LN	\$4,500.00
364135000060	2205 BURMA LN	\$4,500.00
365345005170	2212 BURMA LN	\$4,500.00
364135000050	2215 BURMA LN	\$4,500.00
365345005140	2222 BURMA LN	\$4,500.00
364135000040	2229 BURMA LN	\$4,500.00
365345005130	2230 BURMA LN	\$4,500.00
365345005120	2236 BURMA LN	\$4,500.00
365345005110	2242 BURMA LN	\$4,500.00
365345005100	2246 BURMA LN	\$4,500.00
364135000020	2303 BURMA LN	\$4,500.00
366710000030	2310 BURMA LN	\$4,500.00
363990000030	2315 BURMA LN	\$4,500.00
366710000040	2316 BURMA LN	\$4,500.00
363990000020	2323 BURMA LN	\$4,500.00
366710000050	2324 BURMA LN	\$4,500.00
363990000010	2327 BURMA LN	\$4,500.00
365345002051	2405 WENTWORTH AVE	\$2,250.00
365345003021	2407 BURMA LN	\$5,237.55
365345003023	2417 BURMA LN	\$4,500.00
364135000190	2240 CAROLINE LN	\$4,500.00
366320000130	2303 CAROLINE LN	\$4,500.00
366320000140	2309 CAROLINE LN	\$4,500.00
366320000150	2315 CAROLINE LN	\$4,500.00
366320000160	2317 CAROLINE LN	\$4,500.00
366320000010	2321 CAROLINE LN	\$4,500.00

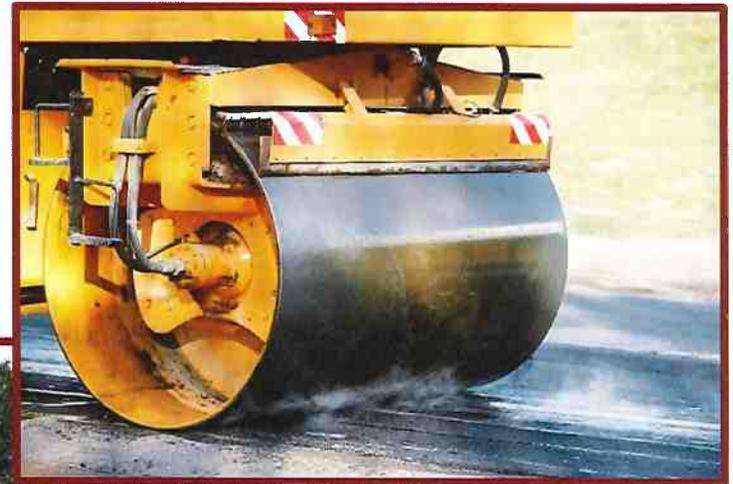


City of South St. Paul

Oak Park Phase 3
Street & Utility Reconstruction Project
Assessment Hearing
October 17, 2016

Agenda

- ▶ Project Information
- ▶ Assessment Policy
- ▶ Next Steps

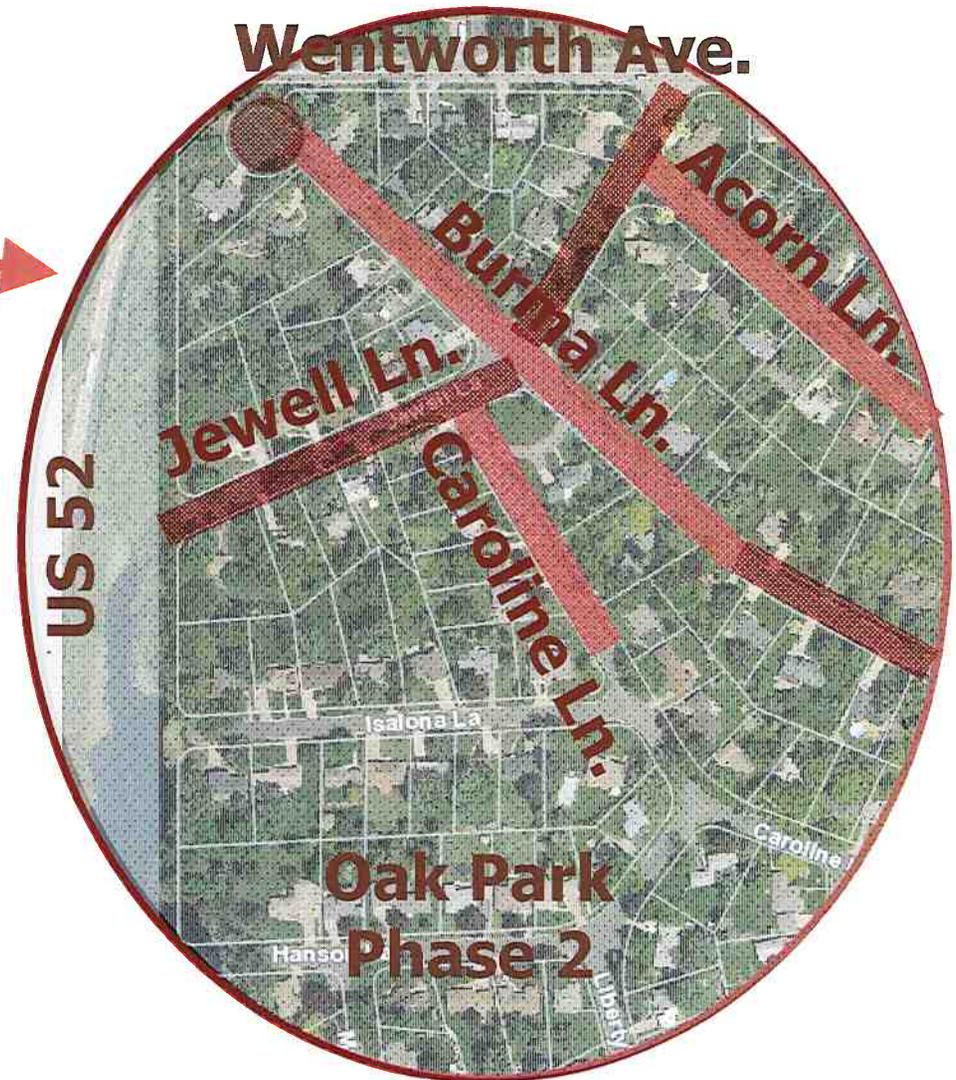
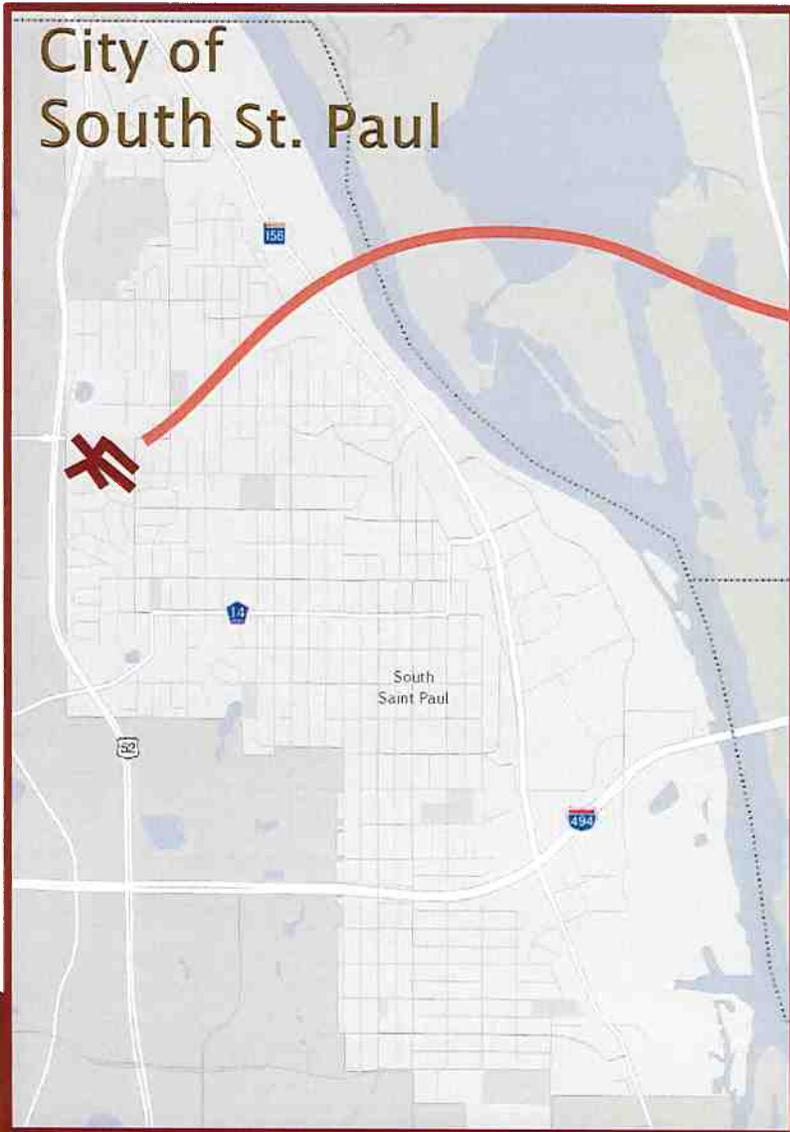


Project Information

- ▶ Bituminous Removal & Replacement – Removing and replacing 4” of blacktop
- ▶ Curb and gutter replacement where needed
- ▶ Water main replacement on Jewell and Burma Lane (west)
- ▶ Replace Sanitary Sewer Manhole Covers
- ▶ Minor storm sewer repairs and upgrades
- ▶ Boulevard restoration where disturbed by curb and gutter work or water main service replacement



Oak Park Phase 3 Project Location



Construction Challenges

- ▶ Some storm sewer needed to be relocated due to actual field conditions
- ▶ Watermain construction and street repair on Burma & Jewell Lane was delayed from testing.
 - Thank you residents for your patience!
- ▶ Miscommunication between backhoe operator and school bus driver
 - Counterweight scraped the bus
 - No injuries, but minor damage
- ▶ Concern from residents over private utility construction restoration
 - All yards have been addressed satisfactorily
 - City's contractor did a great job of restoration

Construction Results



Assessment Rates

- ▶ **Street Assessment Rates**
 - 4" Pavement Remove and Replace – \$4,500 per lot
- ▶ **Water and Sanitary Sewer – No Assessment**
 - Replacement of existing water and sanitary sewer utilities are funded via the City Water, Sanitary Sewer, and Storm Sewer funds, not assessments
- ▶ **Assessment for Additional Work in the Right of Way Requested by Property Owner**
 - Properties that requested additional work will be assessed the actual cost of the requested extras in addition to the Street Assessment Rates



Closing Remarks

- ▶ 4 affirmative votes required to pass
- ▶ Next Steps if approved tonight:
 - Assessment Notices mailed to property owners with the final approved assessment and payment information.
 - Property owners can pay all or a portion of the full amount with no interest in the next 30 days. Any amount remaining will be certified to their property taxes to be spread over a period of 10 years at 4.75% interest.
 - Deferrals are available for those meeting eligibility requirements such as age or disability.



Questions?





CITY COUNCIL AGENDA REPORT

DATE: October 17, 2016

DEPARTMENT: Engineering

ADMINISTRATOR: DPK

9-D

AGENDA ITEM: Assessment Hearing – 2015-013 BridgePoint Court Project

ACTION TO BE CONSIDERED:

Adopt Resolution 2016-187 RESOLUTION ADOPTING THE ASSESSMENT ROLL FOR 2015-013 BRIDGEPOINT COURT PROJECT.

OVERVIEW:

The Bridgepoint Court improvement was approved by City Council on May 18, 2015. The project is complete.

The proposed assessments to the abutting properties for the Bridgepoint Court Improvements project is \$240,023.33 to the City's Housing Redevelopment Authority (HRA), \$0 to the Schadegg parcel per the purchase agreement with the HRA, and \$0 for each owner of the Office Condominium parcel in lieu of the permanent easement rights to construct storm and roadway improvements for the BridgePoint Court project (per City Council Motion on February 16, 2016).

The proposed assessment roll is attached.

SOURCE OF FUNDS:

The project is funded through a contribution of the Capital Improvement Program (CIP), Water, Sewer, and Storm Sewer Enterprise Funds, and Assessments.

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-186

**RESOLUTION ADOPTING THE ASSESSMENT ROLL
FOR 2015-013 BRIDGEPOINT COURT PROJECT**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the following street:

2015-013 BridgePoint Court

by pavement removal, grading, watermain and service's sanitary sewer and services, storm sewer, gravel base, subgrade correction, bituminous surfacing, concrete curb and gutter, restoration and appurtenances. (#360516).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota, as follows:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal installments over a period of ten years, the first installment to be payable on or before the first Monday in January, 2017 and shall bear interest at the rate of 4.75% per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest onto the entire assessment from the date of this resolution until December 31, 2017. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole, or any part, of the assessment on such property, with interest accrued to the date of payment to the City Clerk except that no interest shall be charged on any portion of the assessment that is paid within 30 days from the adoption of this resolution; and the owner may, at any time thereafter, pay to the County Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 14 or interest will be charged through December 31 of the next succeeding year.

4. The City shall forthwith transmit a certified duplicate of the assessment to the county auditor to be extended on the proper tax lists of the county, and such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 17th day of October, 2016.

City Clerk

2016-008 Oak Park Phase 3
Assessment Roll
SA# 360516

PID	Payor	ASSESS:
361505001030	HOUSING & REDEVELOPMENT AUTHORITY SSP	\$240,023.33

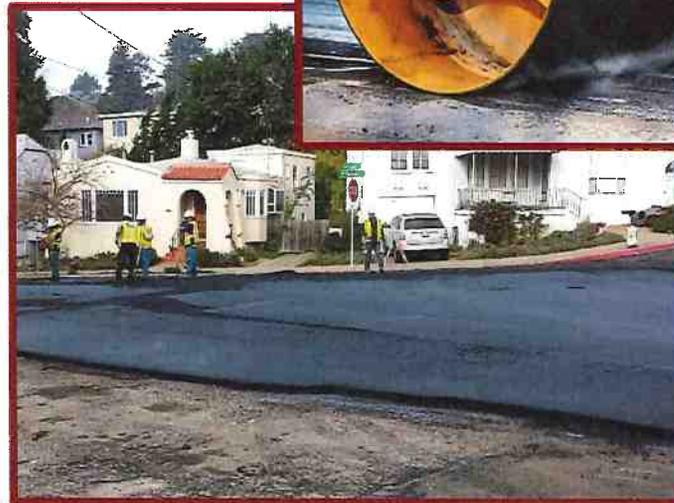
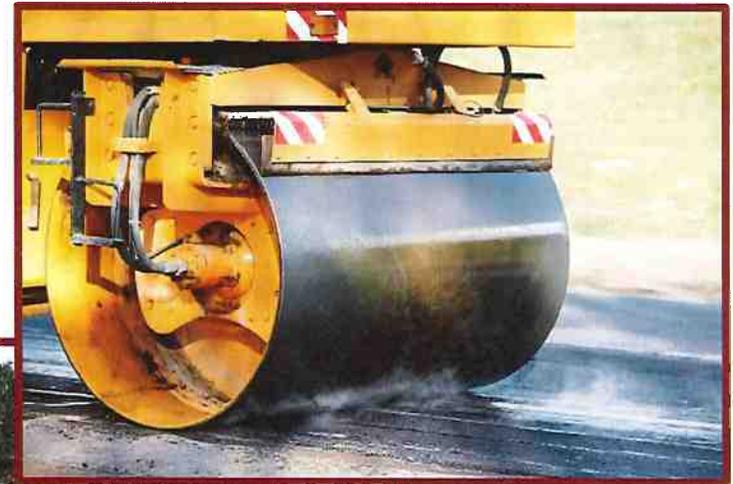


City of South St. Paul

BridgePoint Court
Street & Utility Construction Project
Assessment Hearing
October 17, 2016

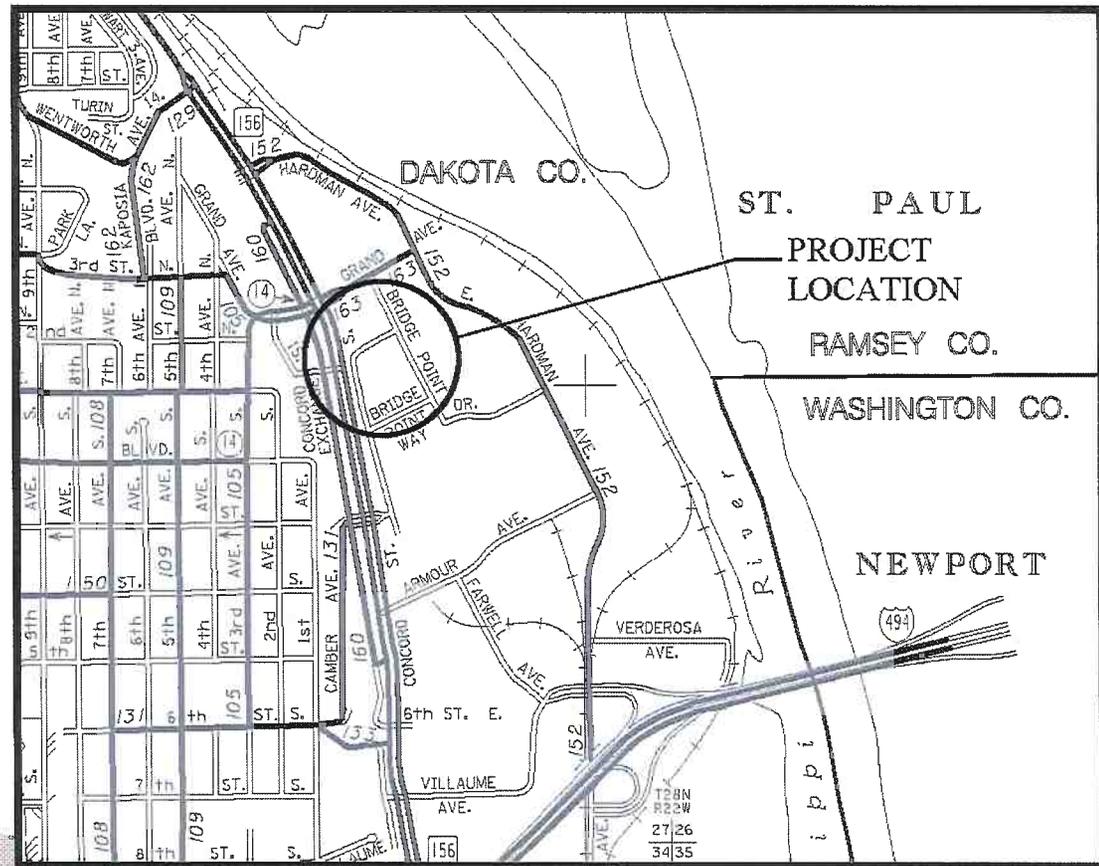
Agenda

- ▶ Project Information
- ▶ Assessment Policy
- ▶ Next Steps

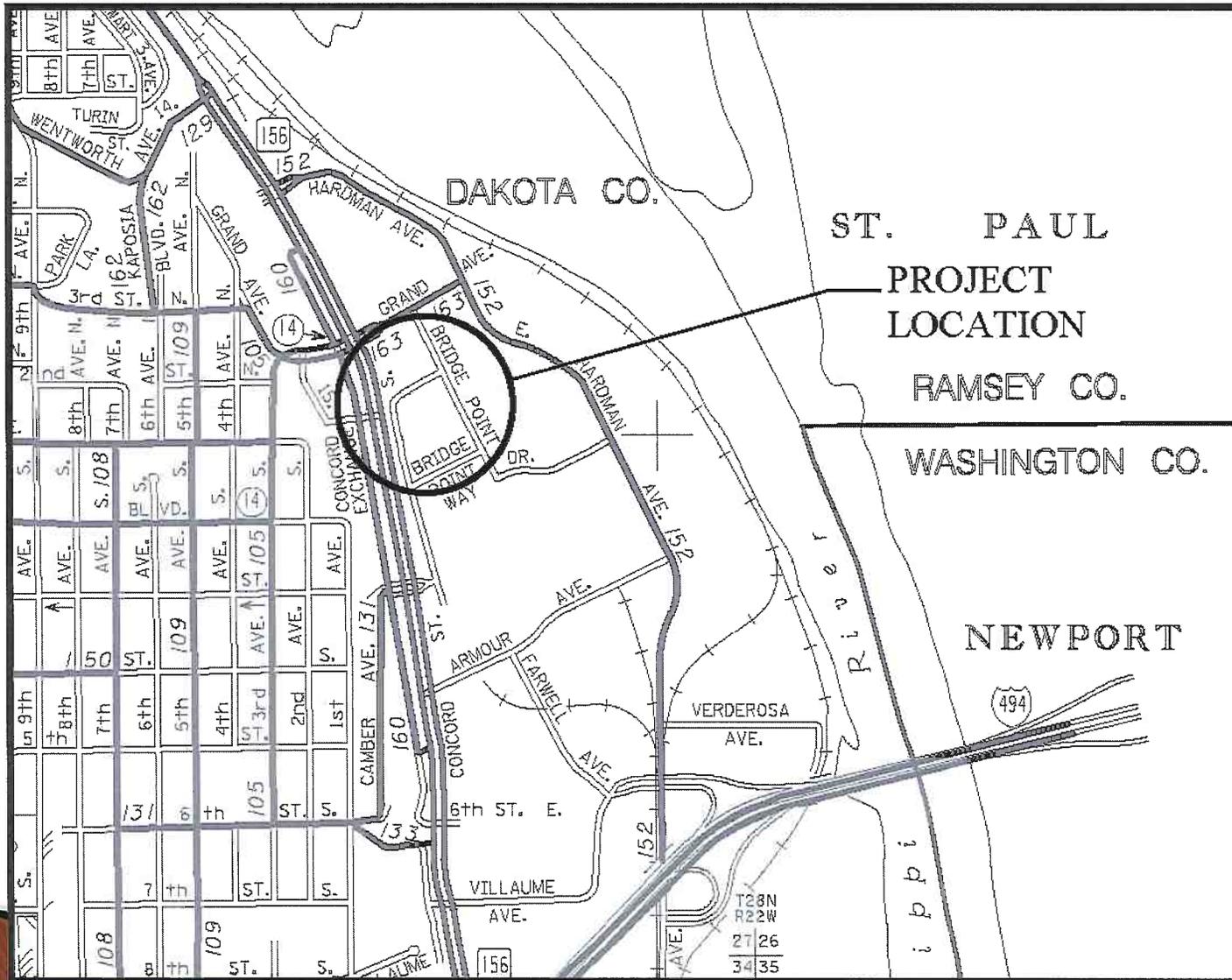


Project Information & Location

- ▶ Construction of new roadway and utilities to service both the new Schadegg Mechanical and lots directly north



Project Location



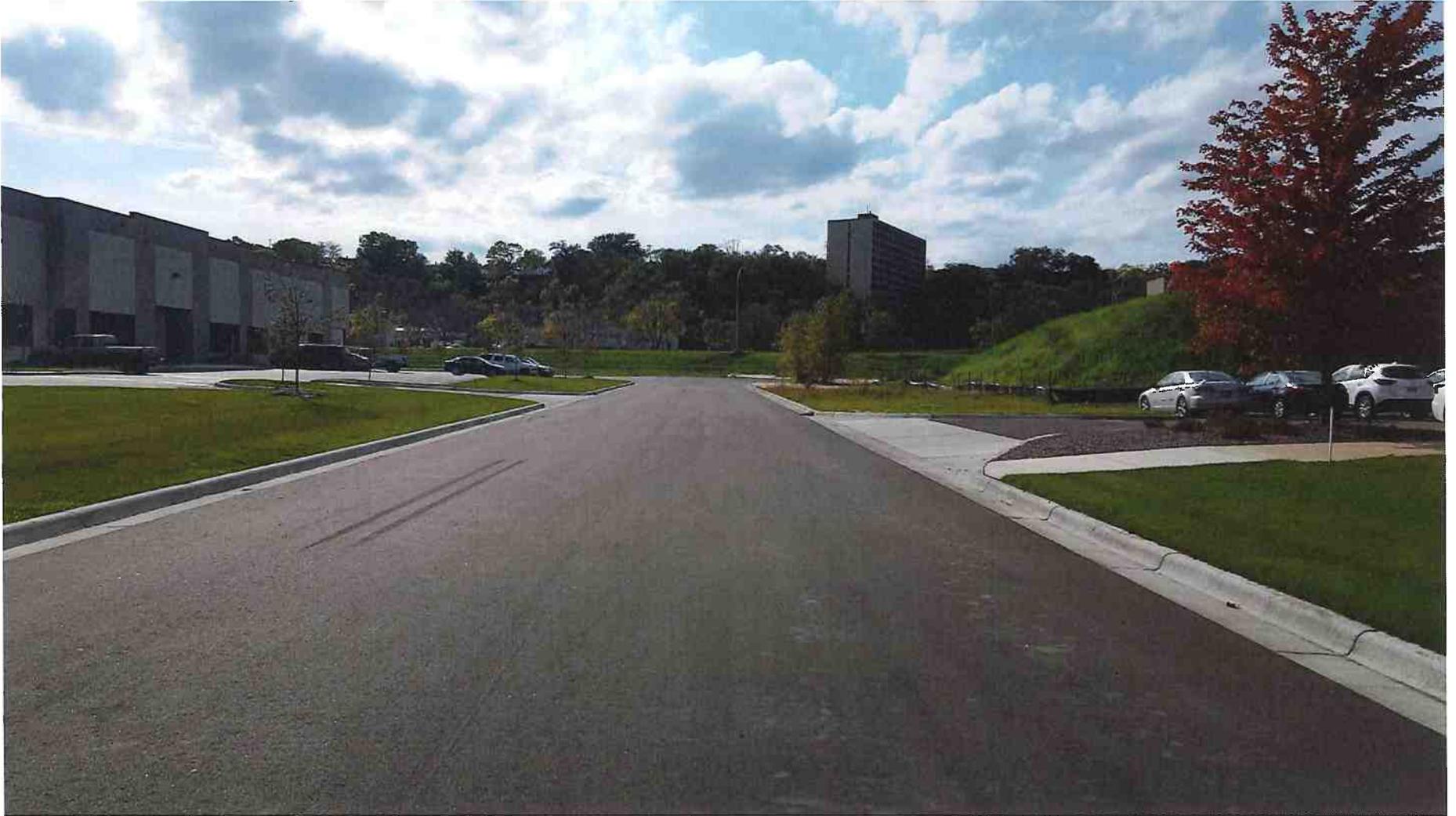
ST. PAUL
PROJECT
LOCATION

RAMSEY CO.

WASHINGTON CO.

NEWPORT

Construction Results



Assessment Rates

- ▶ **Street Assessment Rates**
 - ▶ \$240,023.33 to the City's Housing Redevelopment Authority (HRA)
 - ▶ \$0 to Schadegg Mechanical per the purchase agreement from the City and for the owners of the Office Condominium parcel in lieu of easements.
 - ▶ Utilities were funded via the City's Water, Sanitary Sewer, and Storm Sewer funds



Closing Remarks

- ▶ 4 affirmative votes required to pass
- ▶ Next Steps if approved tonight:
 - Assessment Notice mailed to property owner (HRA) with the final approved assessment and payment information.
 - The HRA can pay all or a portion of the full amount with no interest in the next 30 days. Any amount remaining will be certified to their property taxes to be spread over a period of 10 years at 4.75% interest.



Questions?





CITY COUNCIL AGENDA REPORT

DATE: OCTOBER 17, 2016

DEPARTMENT: COMMUNITY DEVELOPMENT-PLANNING

ADMINISTRATOR: SPK

10-A

AGENDA ITEM: Comprehensive Plan Amendment and Zoning Text Amendment for a 7-acre parcel of the NRDD Property

ACTIONS TO BE CONSIDERED:

- Adopt Resolution 2016-190 denying a Comprehensive Plan Amendment and Zoning Text Amendment for the city owned vacant portion of the North Riverfront Development District (NRDD) property

OVERVIEW:

The City owns a 7-acre piece of property in the northeastern corner of the community known as the North Riverfront Development District (NRDD). The property is separated from the riverfront by two parcels owned by Alter Metal Recycling. After having heard some interest in the property from the adjacent property to the north and more recently the Union Pacific Railroad (UPRR), the City began discussing leasing the property to the UPRR for exterior storage on an interim basis. The UPRR is extending track through their existing yard and the interim exterior storage use was contemplated as a location for UPRR to store track, ties, etcetera while the expansion project was taking place, keeping the storage away from Concord Street.

However, before the City could truly even entertain such an action the City would first need to amend the Comprehensive Plan for that property; changing the planned future land use from Open Space to Industrial. Future Land Use designations should be consistent with designations for adjacent properties and those adjacent uses are currently designated Open Space, Railroad, or Industrial (St. Paul). The proposed change would also require a Zoning Text Amendment to the NRDD Zoning District to allow exterior storage as an Interim Use. Exterior storage is not currently listed as a permitted, conditional, interim or accessory use in the NRDD zoning district. If the ordinance was amended, then when someone wanted to use a portion of the property for temporary exterior storage they would also need to apply for an Interim Use Permit (IUP) and go through that hearing/approval process.

The area running north-south along the westernmost portion of the 7-acre property is already planned for the extension of the MRRT regional trail which would connect Kaposia Landing park with the Harriet Island Regional Park. That western portion of the property would be reserved for the trail regardless of approval or denial of any changes to the Comprehensive Plan or zoning text. Work for the planned MRRT trail extension would begin in 2017 and would include a trail bridge over one of the railroad lines that would connect the land-locked 7-acre parcel with Kaposia Landing.

There are several issues limiting the potential re-use of the 7-acre subject property. First, the property is land-locked with no access from a public street. The railroad cuts off access from the west and south and there are large industrial properties to the north that separate the subject property from the closest road, Barge Channel Road. Second, the adjacent land uses are all heavy industrial uses such as Alter Metal Recycling, the City of St. Paul Impound Lot, and the railroad lines which run on two sides of the property. Finally, just like the rest of the former Port

Crosby site, the 7-acre parcel was part of a construction landfill and the property would require some level of remediation/capping to prepare the site for development or recreational uses. Environmental data for the trail portion of the property indicated that even that use would require remediation or 2-4 feet of material to cap the site. Site conditions are anticipated to be similar throughout the 7-acre parcel and therefore remediation or capping would be required if the property was to be reused for Open Space or Industrial uses.

PUBLIC HEARINGS AND CORRESPONDENCE:

A public hearing notice was placed in the City's official newspaper and mailed notice was sent in advance of the August 3rd public hearing to properties within 1,000' of the subject property. In addition, as part of the Comprehensive Plan Amendment process cities are required to notify affected agencies including adjacent communities, school districts, etcetera and those agencies are asked to provide comments or if they choose not to comment to provide a waiver of comments. Letters were received from Dakota County, MnDNR, Friends of the Mississippi River (FMR) and the City of Saint Paul as well as one email from a resident, all of these are attached. Finally, there were several residents that attended either the August 3rd or September 7th Planning Commission meetings so excerpts from those minutes have been provided.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the item at the last few meetings and held the public hearing open so that those attending the meetings could be heard. At the September 7th meeting the Planning Commission recommended denial of the Comprehensive Plan Amendment and Zoning Amendment (5-1) through PC Resolutions 2016-07 and 2016-08. Those recommending for the motion stated that they did not feel persuaded that the action was in the best interest of the City and those voting against the motion noted that the site was similar material to what is under Kaposia Landing and that it did merit discussion on changing the planned future land use however, they questioned whether the property is truly developable.

STAFF RECOMMENDATION:

The staff recommendation to the Planning Commission was to approve the comprehensive plan amendment but not to approve the zoning text amendment. Staff's position was that changing the future land use designation would provide more options for re-use of the eastern portion of the property while still allowing the trail along the western portion of the property. Staff also noted concerns with a potential at-grade crossing of the MRRT trail if the eastern portion of the property were leased out to the railroad. The Comprehensive Plan is supposed to guide future development and if an access easement was obtained through St. Paul then the eastern portion of the property would no longer be landlocked and access could be provided to the property to allow for development without impacting the trail. However, at present as the property does not have that access then development potential is minimal and keeping the property guided Open Space would make sense and would not impact the trail extension. Staff has prepared Resolution 2016-190 for the City Council's decision which would deny the proposed Comprehensive Plan Amendment and Zoning Text Amendment which is consistent with the recommendation of the Planning Commission.

60-DAY REVIEW DEADLINE: N/A

SOURCE OF FUNDS: N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-190

**A RESOLUTION DENYING A COMPREHENSIVE PLAN AMENDMENT AND
ZONING AMENDMENT FOR A VACANT PROPERTY IN THE NORTH
RIVERFRONT DEVELOPMENT DISTRICT**

WHEREAS, the City received an application from the City of South St. Paul to amend the Comprehensive Plan and would change the guided future land use of the parcel from Open Space to Industrial; and the application also proposed to amend the text of the North Riverfront Development District (NRDD) to allow exterior storage as an Interim Use, for the vacant property legally described as follows:

See attached Exhibit A

WHEREAS, the Planning Commission held a public hearing on the application at their August 3, 2016 meeting preceded by notice as required by law; and continued the public hearing to their September 7, 2016 meeting; and

WHEREAS, the Planning Commission took action to recommend denial (5-1) of the application at their September 7, 2016 meeting; and

WHEREAS, the City Council heard discussion on the proposed application and took public comments at their September 19, 2016 meeting, continued the discussion to the October 10, 2016 Work Session meeting and the October 17, 2016 City Council meeting; and

WHEREAS, the City Council has considered the application at their October 17, 2016 meeting, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. Facts. The facts found by the Planning Commission as stated in the Planner's report regarding this matter are hereby adopted and included herein by reference.
2. Denial. The proposed Comprehensive Plan Amendment and Zoning Amendment are hereby denied for the following reasons:
 - a. The currently guided future land use of Open Space is consistent with the proposed MRRT trail extension and a change to guiding the future land use

Resolution No. 2016-190

October 17, 2016

Page 2 of 3

which required crossing the MRRT trail extension would negatively impact the quality of the trail.

- b. The proposed changes do not show how they would help remediate the property to prepare the site for development.

Adopted this 17th day of October, 2016

City Clerk

Exhibit A

Planning Commission Meeting Date: Wednesday, September 7, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Items: 3.A and 3.B
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Project Name:	Comprehensive Plan Amendment – NRDD area
Request:	Consider an amendment to the Comprehensive Plan to change the future land use designation from Open Space to Industrial. Consider a zoning amendment to allow exterior storage as an interim use in the NRDD zoning district.
Proceeding:	<ul style="list-style-type: none"> ▪ Discussion ▪ Planning Commission Resolution (Recommendation to City Council)
City Council Meeting Date(s):	City Council – 1 st Reading – September 19, 2016 (tentative) City Council – 2 nd Reading– October 3, 2016 (tentative)
Exhibits:	Item 3A and 3B: A. PC Resolution 2016-07 – Comprehensive Plan Amendment B. PC Resolution 2016-08 – Zoning Amendment C. Correspondence received from resident(s) D. Maps (zoning)

Update

These items were continued from the August 3rd Planning Commission Meeting. Notice was sent to adjacent communities regarding the proposed amendment and we hope to either have comments from all of these communities or a waiver of comments by the time of the meeting.

An email from a resident was also received since the last meeting and has been included as part of this packet.

Background

The City owns a 7-acre parcel at the northeastern corner of the community. In recent years the City has had some development interest from neighboring properties such as the neighboring Saint Paul impound lot and United Pacific Railroad (UPRR), both of which would want the site for exterior storage. Due to the industrial nature of surrounding properties and the fact that these are currently the only properties with ways to directly

access the property it makes sense that these are the parties that have expressed interest. The property is currently guided as Open Space in the future land use for the most recent Comprehensive Plan and this designation would not allow exterior storage nor would it allow other development options other than park and recreation space, trail, or marina. The City owned parcel is inland from the river and adjacent to several industrial properties to the north in Saint Paul so if a comprehensive plan amendment is to be considered that would be the most consistent designation. Additionally, if the City was to act on either of these proposals the City would also need to amend the zoning to allow exterior storage as a conditional or interim use.

What motivated this current discussion about the comprehensive plan amendment and zoning change is interest from the UPRR to lease a 5-acre portion of the City owned parcel for exterior storage that would be used to store track materials to be used in their railyard improvements and expansion that would occur within their existing rail right of way. Additionally, this property would provide storage space for materials and rail cars after the improvements have completed. If the City were to entertain this concept it would also require the UPRR to go through a separate Interim Use Permit approval process to allow the proposed storage use of the property. The Interim Use Permit would be the time to consider the specifics of that use but for the present discussion on the Comprehensive Plan Amendment and Zoning Amendment it is important to think about the idea of industrial and exterior storage as a general land use.

Property Characteristics

Future Land Uses

The property is part of a 7-acre parcel owned by the City that is located at the northern border with Saint Paul. The property to the north is in the City of Saint Paul, the property to the east is guided Open Space, the property to the south is guided Park, and to the west is the railroad. Concord Street is west of the railroad with no other development on the right side of the road and residential property on the west side of Concord.

Existing Land Uses

The property to the east is the Alter industrial property, to the south is the Kaposia Landing park, to the west is railroad, and to the north is the Saint Paul impound lot.

Zoning

The property is currently zoned North Riverfront Development District (NRDD) and has a Public Land overlay. Permitted Uses in the NRDD include boat marinas and public recreation uses; Conditional Uses in NRDD would allow commercial recreation.

Access

The property is currently landlocked with no street access to the property. This is likely the main reason the property has not already been developed.

Other considerations

The Mississippi River Regional Trail (MRRT) has a proposed extension that would run from Kaposia Landing park and through the far western portion of the property, wind

through Saint Paul and would eventually connect to Harriet Island Park in Saint Paul. This MRRT extension project has received grant approval which would be funded and construction to begin in the spring of 2017. Some of the potential conflicts with the proposed trail and proposed UPRR storage use by include the ensuring sufficient buffer space around the trail so the trail user experience isn't substantially diminished and a proposed at grade crossing of the trail to provide access into the site.

Item 3E:

Request

Consider a Comprehensive Plan Amendment to change the future land use designation of a property from Open Space to Industrial.

Item 3F:

Request

Consider a Zoning Amendment to allow exterior storage as an interim use for the NRDD zoning district.

The property is part of a 7-acre parcel owned by the City that is located at the northern border with Saint Paul. The property to the north is in the City of Saint Paul, the property to the east is guided Open Space, the property to the south is guided Park, and to the west is the railroad. Concord Street is west of the railroad with no other development on the right side of the road and residential property on the west side of Concord.

Process / Timeline

Process – The Planning Commission will continue a discussion on the item (held over from the August 3rd meeting), make a recommendation, and the Comprehensive Plan Amendment and Zoning amendment would be forwarded to the City Council for consideration.

Steps:

1. Hold public hearing on comprehensive plan – *if still waiting for comments continue to October 5th PC meeting*
2. Hold public hearing on zoning amendment – *if still waiting for comments continue to October 5th PC meeting*

Staff Analysis

The interest in the property raises the question about whether the property is guided correctly and whether there are other potential uses for the property. The likely uses would derive from the surrounding property types and a limiting factor is the lack of access to the property. Some recreational uses may be a harder fit due to the lack of access and the nature of the surrounding industrial properties and railroad which could diminish the quality of a recreational use. Additionally the City is already developing an 87 acre park just south of the site. Therefore open space/passive recreation use on the parcel would

likely be best served as providing adequate natural buffers around the trail to preserve the user experience. The next most likely development option would be an industrial land use given the nature of the development in Saint Paul and the Alter metal recycling use directly east of the site. It's possible that the site could accommodate a more desirable industrial use than exterior storage but the City would need to provide access to the site and would need to obtain an access easement to provide that access. Additional analysis of the site would also be necessary to determine condition of the soils and other issues impacting develop potential. If the that analysis determines that the site is limited then exterior storage or open space may be the highest and best uses of the property.

Staff Recommendation

Staff recommends a Comprehensive Plan Amendment to allow for industrial and open space uses with industrial focused to the interior portion of the property and the open space use reserved to buffer the future MRRT trail extension. Amending the comprehensive plan allows the City to consider development options for the property though does not lock it in to any one development scenario. Ultimately since the City owns this property it also has that control over whatever may be developed on that site. Staff does not recommend the zoning amendment at this time. However if exterior storage of the site were to be entertained staff would recommend that it be limited to the northern and eastern portions of the site so that the use would not impact the proposed trail along the western edge of the property.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

City of South St. Paul
Dakota County, Minnesota

**PLANNING COMMISSION
RESOLUTION NUMBER 2016-07**

**RECOMMENDING APPROVAL/DENIAL OF A COMPREHENSIVE
PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE FROM
OPEN SPACE TO INDUSTRIAL**

WHEREAS, the City's Comprehensive Plan guides future land uses for property within the City, and

WHEREAS, the subject property is located at the northeastern corner of the community and is shown as Open Space on the Future Land Use map from the Comprehensive Plan, and

WHEREAS, the subject property is currently undeveloped and is surrounded by existing Industrial uses and railroad lines, and

WHEREAS, in order to guide the property to its highest and best use and make the property consistent with neighboring land use the future land use would need to be guided as Industrial instead of Open Space, and

WHEREAS, an extension of the Mississippi River Regional Trail (MRRT) is proposed along the western side of the property which would connect the existing trail system to the south with Harriet Island in Saint Paul to the north, and

WHEREAS, future land uses of property to the east whether Industrial or Open Space can coexist with the proposed MRRT trail extension, and

WHEREAS, the Planning Commission opened a public hearing on the proposed resolution at their August 3, 2016 meeting and continued the public hearing to their September 7, 2016 meeting; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of South St. Paul, Minnesota, as follows:

1. Approval/Denial of An Amendment to the Comprehensive Plan to change the Future Land Use from Open Space to Industrial.

Adopted this 7th day of September, 2016.

Chair

ATTEST:

City Planner

City of South St. Paul
Dakota County, Minnesota

**PLANNING COMMISSION
RESOLUTION NUMBER 2016-08**

**RECOMMENDING APPROVAL/DENIAL OF A ZONING AMENDMENT
TO ALLOW EXTERIOR STORAGE AS AN INTERIM USE IN THE
NORTH RIVERFRONT DEVELOPMENT DISTRICT**

WHEREAS, the subject property is located at the northeastern corner of the community in the North Riverfront Development District (NRDD), and

WHEREAS, the purpose of the NRDD is to promote and regulate the development of mixed commercial and certain high-density uses in the area adjacent to and in the vicinity of the Mississippi River by the balancing of utilization of land for the purposes for which it is most appropriate and protection of the river amenities in the public interest, and

WHEREAS, the is currently undeveloped and is surrounded by existing Industrial uses to the north and east and railroad lines to the south and west and does not currently have street access to the property, and

WHEREAS, the City of South St. Paul (“the City”) has an interest in amending the zoning regulations in the NRDD district to include Exterior Storage as an Interim Use, and

WHEREAS, the Planning Commission opened a public hearing on the proposed resolution at their August 3, 2016 meeting and continued the public hearing to their September 7, 2016 meeting; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of South St. Paul, Minnesota, as follows:

1. Approval/Denial of an Amendment to Section 118-130 to allow Exterior Storage as an Interim Use in the NRDD Zoning District.

Adopted this 7th day of September, 2016.

Chair

ATTEST:

City Planner

Peter Hellegers

From: Lois Glewwe <lglewwe@hotmail.com>
Sent: Wednesday, August 24, 2016 9:18 AM
To: Peter Hellegers
Subject: Change to SSP Comprehensive Plan

Dear Mr. Hellegers and Members of the Planning Commission:

I am unable to attend the September 7 Commission Meeting where you will hear public comment on the proposed change to South St. Paul's Comprehensive Plan to accommodate the request of the railroad to expand into property zoned green space on the north end of South St. Paul adjacent to the Regional Trail. I have a fractured spine and am unable to get around at the moment, but I hope you will take my comments into consideration.

Back in 1989-1992 I was Chair of the Chamber of Commerce Railroad Expansion Task Force and a member of the SSP City Council. At that time the Chicago Northwestern Railroad sought permission to create the largest switching yard in the Twin Cities on their property along the Mississippi River in South St. Paul. The community, after weeks of town meetings, public hearings and petitions, successfully mounted a campaign to deny the request even though the case ended up in court. Neighbors on the bluff above the river were already experiencing loss of property values and moving out because of the noise and damage and smells the railroad brought to their backyards. Windows were broken, shelves inside homes gave way and the area was becoming undesirable because of the presence of the railroads. The eagles, who were newly returned to the flyway in South St. Paul were endangered as was all other wildlife.

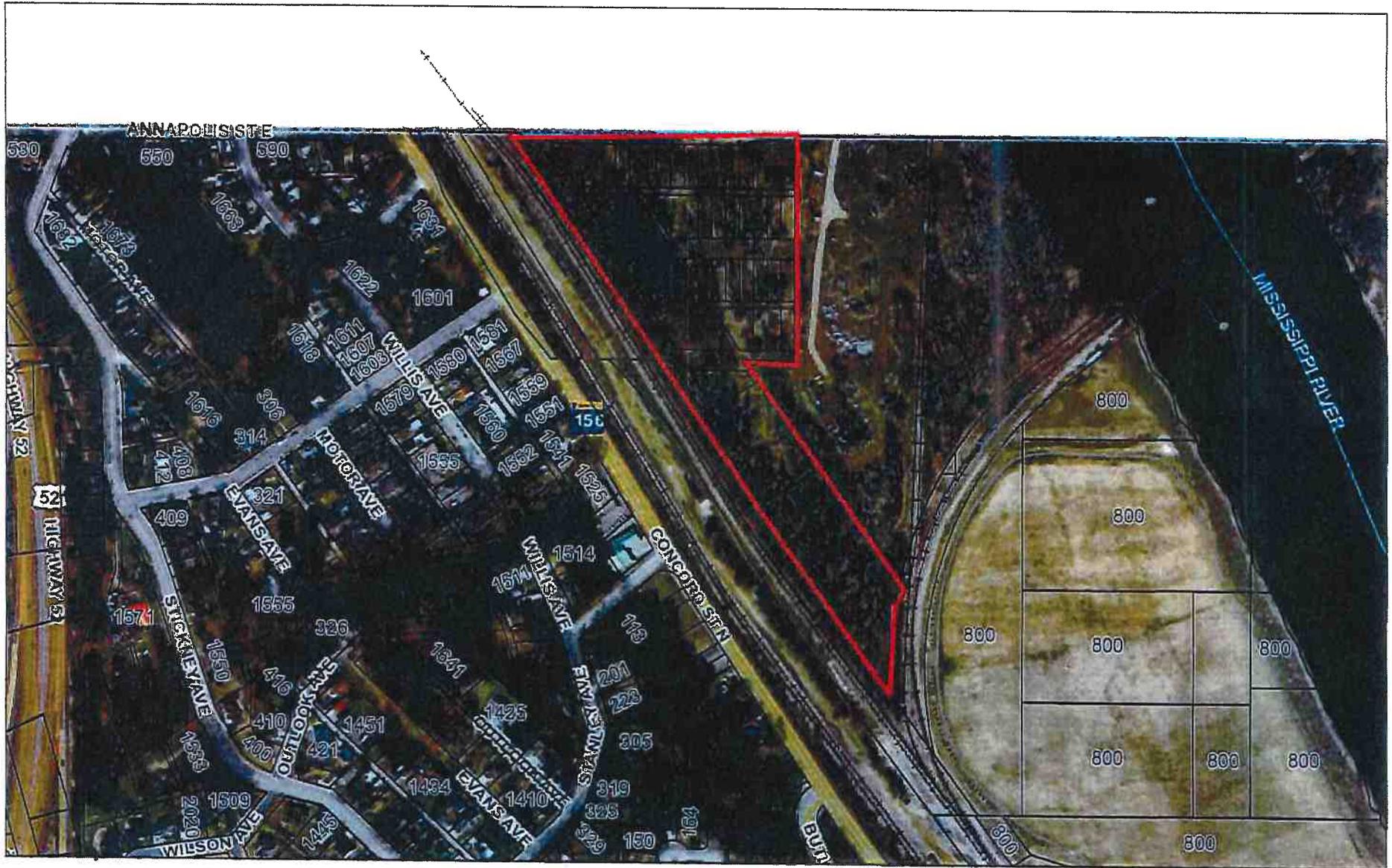
Since then, we negotiated with the railroad for access to the trail; the railroad improved their buildings and although they continued to expand the number of tracks in South St. Paul, there were several years when both noise and pollution were somewhat abated. Now, under the current railroad, I have watched with extreme concern as the buffer of trees which helped shield the entrance to South St. Paul from the north have been removed, revealing the hundreds of oil tankers being stored in our city, the significant track expansion and the encroachment onto zoned green space for exterior storage of tracks and equipment. The railroad has donated money to the Youth Task Force, entertained the Chamber of Commerce and pretended to be good community citizens even as they continue to seek to take over and destroy what little green space we have left.

There is often very little cities can do to protect themselves from railroad expansions and pollution dangers but in this case we still have the power to deny this current request and I ask you all to do that and protect our citizens, our wildlife and our city from further degradation from the railroad.

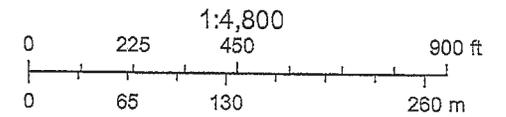
Thank you,

Lois Glewwe
1514 Waterloo Avenue
South St. Paul, MN 55075
651-457-3403

Dakota County, MN

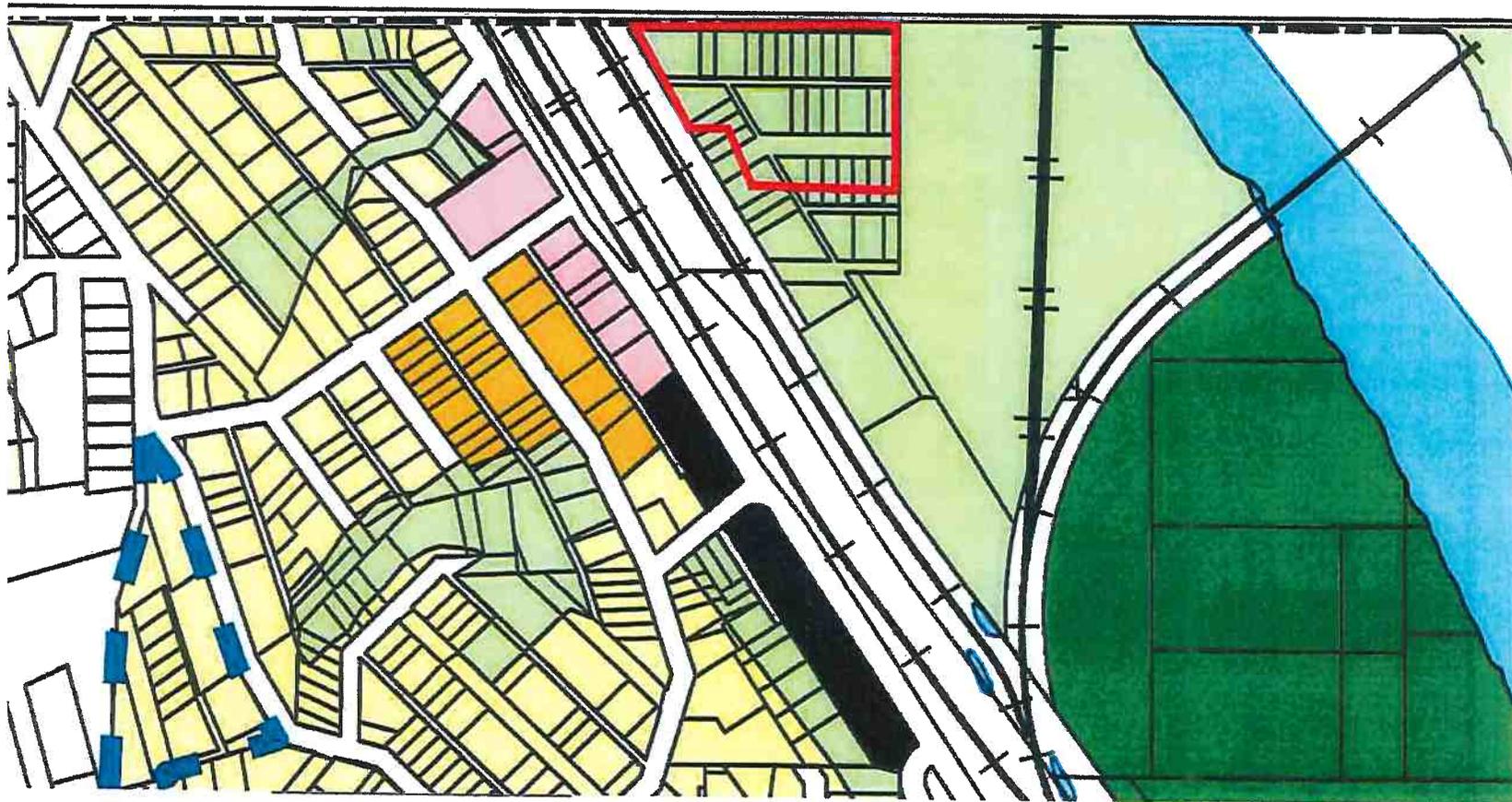


August 2, 2016

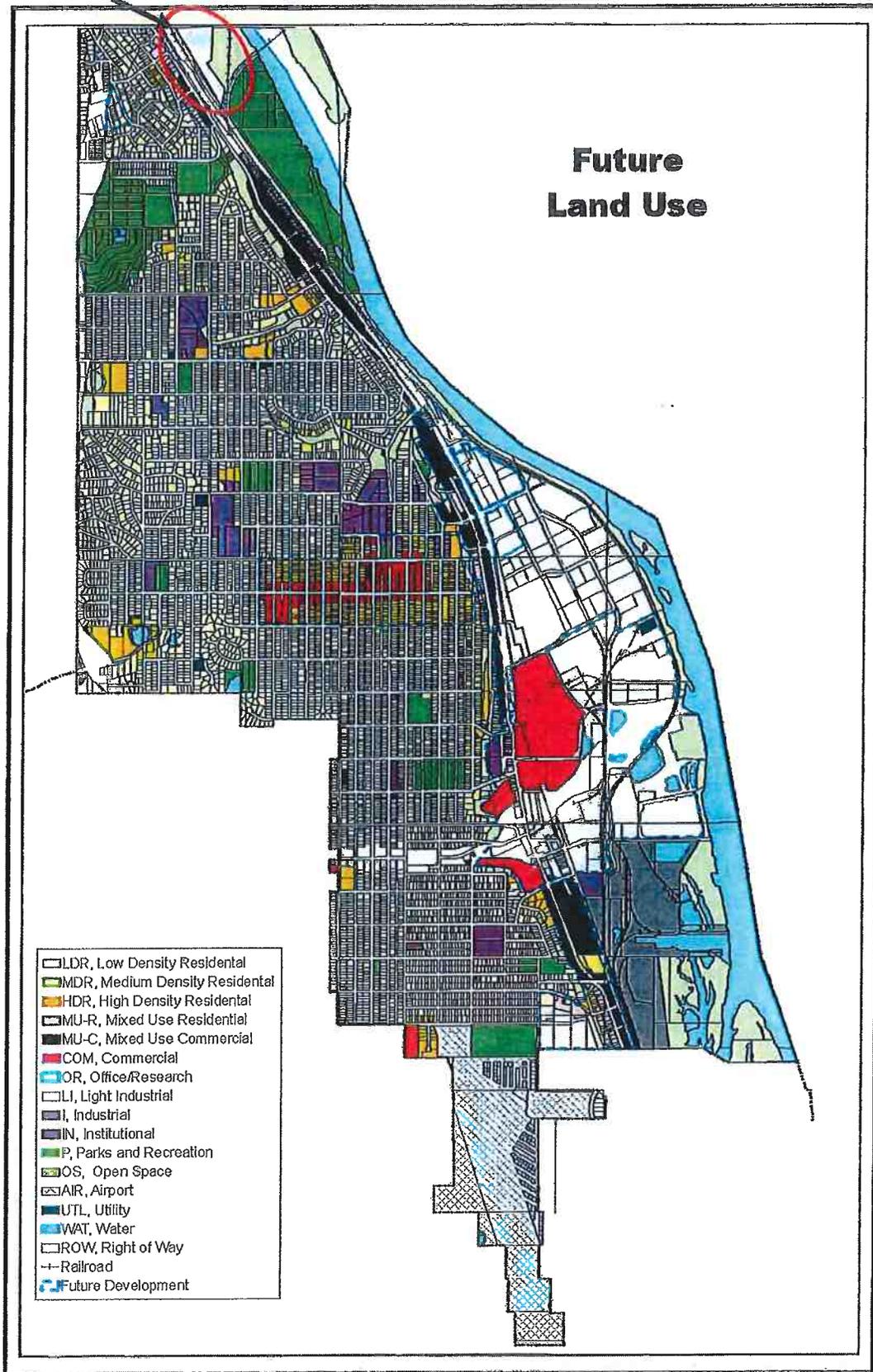


Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

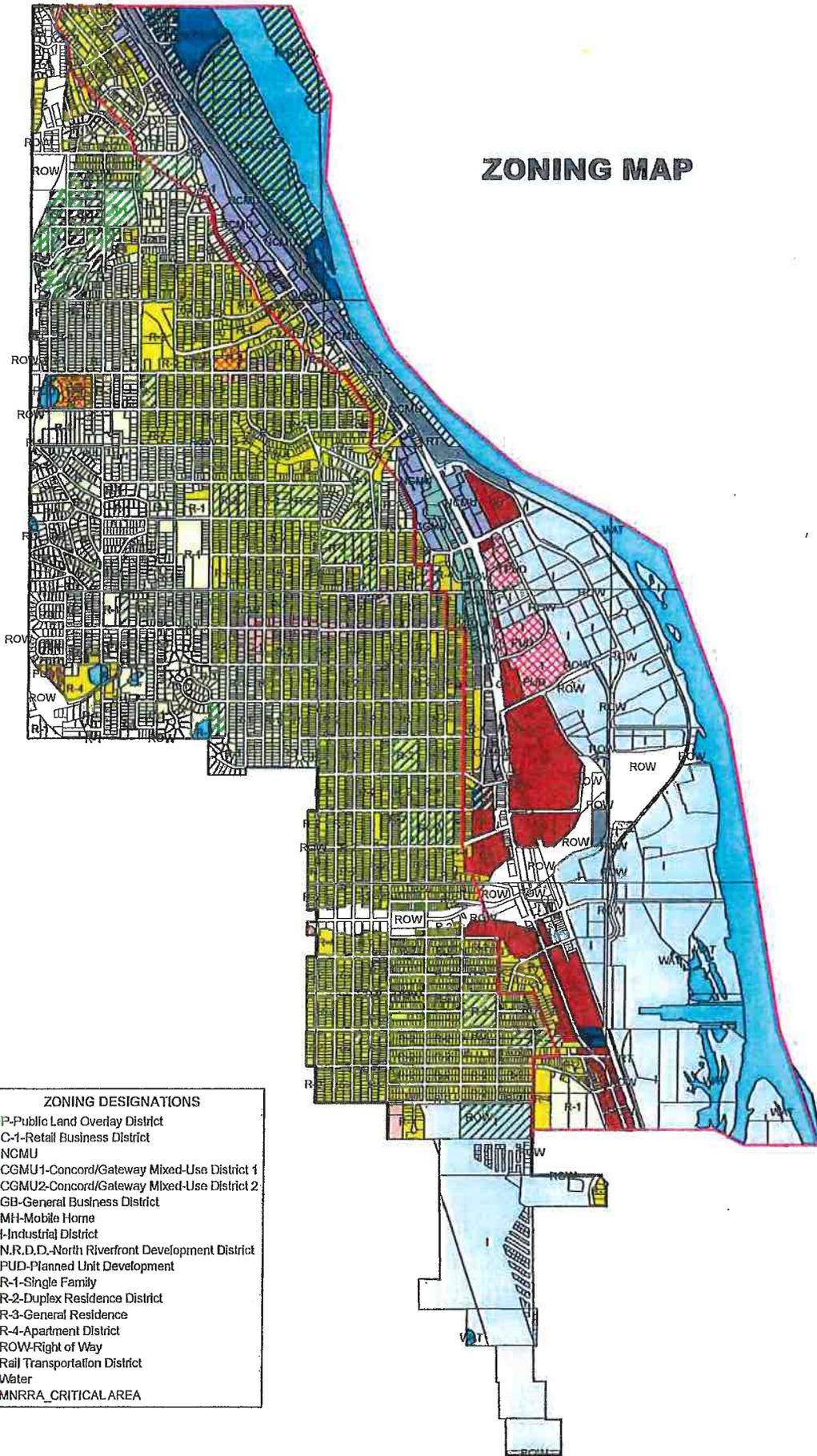
Site in Context – Future Land Use (Comp Plan)



NRDD Area -- proposed change



ZONING MAP



ZONING DESIGNATIONS	
	P-Public Land Overlay District
	C-1-Retail Business District
	NCMU
	CGMU1-Concord/Gateway Mixed-Use District 1
	CGMU2-Concord/Gateway Mixed-Use District 2
	GB-General Business District
	MH-Mobile Home
	I-Industrial District
	N.R.D.D.-North Riverfront Development District
	PUD-Planned Unit Development
	R-1-Single Family
	R-2-Duplex Residence District
	R-3-General Residence
	R-4-Apartment District
	ROW-Right of Way
	Rail Transportation District
	Water
	MNRRA_CRITICALAREA

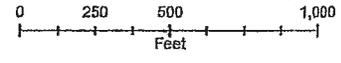
South St. Paul

Comprehensive Municipal Plan



**Metropolitan
Airports Commission**

**St. Paul - South St. Paul
Regional Trail Gap**



- Existing Regional Trail/Greenway
- Concept Regional Trail/Greenway

**St. Paul
Port Authority**

Mississippi River

Highway 52

**City of
South
St. Paul**

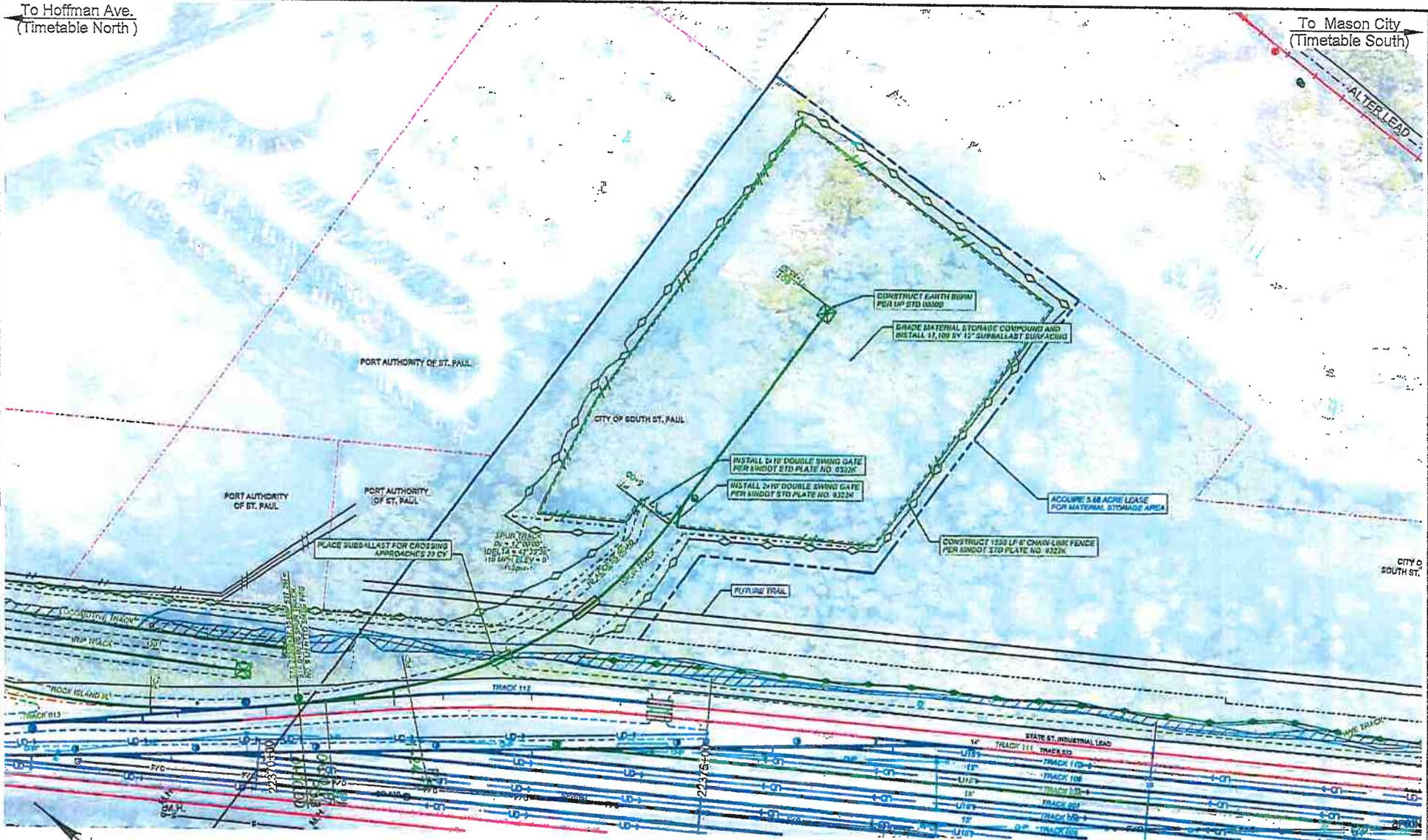
Kaposia Landing

Kaposia Ravine



To Hoffman Ave.
(Timetable North)

To Mason City
(Timetable South)



SPUR TRACK
D = 12.0000
DELTA = 47.2235
110 MP ST ELEV = 0
RADIUS = 110

PLACE SUBBALLAST FOR CROSSING APPROACHES BY CITY

CONSTRUCT EARTH BURN PER LSP STD 0330D

GRADE MATERIAL STORAGE COMPOUND AND INSTALL 17,109 BY 1 1/2\"/>

INSTALL 24' X 10' DOUBLE SLIDING GATE PER AINDOT STD PLATE NO. 8320K

INSTALL 24' X 10' DOUBLE SLIDING GATE PER AINDOT STD PLATE NO. 8320K

ACQUIRE 5.88 ACRE LEASE FOR MATERIAL STORAGE AREA

CONSTRUCT 1550 LF 6\"/>

FUTURE TRAIL

CITY OF SOUTH ST.



60% PRELIMINARY
 NOT FOR CONSTRUCTION DATE: 7/09/2015



DRAWN BY: JNS	UNION PACIFIC RAILROAD	Office of Assistant Vice President Engineering Design/Construction
CHECKED BY: ZDM	LOCATION & DESCRIPTION:	
DATE: 09 JULY 2015	MP 347.78 TO MP 349.84 ALBERT LEA SUBDIVISION	
SHEET NUMBER: P013 of P052	MP 526.82 TO MP 528.16 STATE STREET JL	
	SOUTH ST. PAUL YARD IMPROVEMENTS & RUN THROUGH SLOT	
	SHEET TITLE: SPUR TRACK AND MATERIAL STORAGE PLAN	

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 7/9/2015 3:09:44 PM



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-266-6549*

SEP 12 2016

September 9, 2016

Mr. Peter Hellegers
Planning Division Manager
City of South St. Paul
125 Third Avenue North
South St. Paul, MN 55075

Dear Mr. Hellegers:

Thank you for the opportunity to comment on the South St. Paul Comprehensive Plan Amendment – North Riverfront Development District. We have several comments for your consideration. As you note, a future trail connection to the Mississippi River Regional Trail between Kaposia Landing Park and Harriet Island is planned to run along the western edge of the plan amendment area.

From a land use and zoning perspective, the proposed change in South Saint Paul from open space to industrial is in keeping with the land use and zoning in the City of Saint Paul. The South Saint Paul site is immediately adjacent to the Southport industrial area in Saint Paul, which is zoned I2 (General Industrial) and guided for industrial use in the Saint Paul Comprehensive Plan. Established neighborhoods in an R4 (Single-Family Residential) zoning district are located northwest of the South Saint Paul site, separated by railroad tracks and Concord Avenue.

According to aerial views, the area of change in South Saint Paul is undeveloped and appears to be entirely tree covered. Consequently, a land use and subsequent zoning change would result in a noticeable change in the area, particularly for the residences along Concord Street. If possible, please consider whether screening of some type should be required for the proposed outdoor storage in South Saint Paul.

The site immediately east of the proposed area of change is already being used for outdoor storage of vehicles and trailers, although the City of South Saint Paul is not considering a comprehensive plan change from open space to industrial for this site. It appears road access to this area is from Barge Channel Road, from the Alter Metal Recycling property. Will development of the proposed area of change result in a new vehicle access in South Saint Paul or will access be provided via Barge Channel Road? If the site will be accessed from Barge Channel Road, this may result in an increase in truck traffic along Concord Street and Barge Channel Road. As you may know, there are existing concerns about the amount of truck traffic queuing and idling along Concord Street, particularly when trains obstruct Barge Channel Road.

There has already been a substantial increase in truck traffic here following modifications to the Hawkins Chemical site that included new rail spurs. The planned at grade trail/rail crossing for the Mississippi River Regional Trail (MRRT) at the Hawkins driveway is now questionable as is the capacity for additional major increases in traffic on what is essentially a rail crossing obstructed, dead end roadway. What was originally a low traffic volume at-grade crossing for the MRRT is developing into a very complex traffic condition that the proposed comprehensive plan amendment only marginally addresses with references to factoring in the presence of the trail. There may be the need for a bicycle/pedestrian bridge in the future for safe passage through this area, which is outside of the scope of the current budget.

Is the City of South St. Paul interested in exploring the possibility of a new road connection from Concord to this area? Although challenging, such a connection would make this land more desirable for development and significantly alleviate traffic concerns and related pollution impacts along Concord Street and Barge Channel Road. We look forward to receiving more information about development plans for this area. Let us know if you think a meeting to discuss this further would be beneficial.

Sincerely,

A handwritten signature in cursive script that reads "Donna Drummond".

Donna Drummond
Director of Planning

cc: Kady Dadlez and Josh Williams, Planning & Economic Development
Don Varney, Parks & Recreation
John Maczko and Paul St. Martin, Public Works



Working to protect the Mississippi River
and its watershed in the Twin Cities area.

101 East Fifth Street
Suite 2000
Saint Paul, MN 55101

651-222-2193
www.fmr.org
info@fmr.org

September 7, 2016

South Saint Paul Planning Commission
Council Chambers
City Hall
125 3rd Avenue N.
South St. Paul, MN 55075

Dear South Saint Paul Planning Commission:

Friends of the Mississippi River (FMR) is a non-profit organization that engages community members and stakeholders in protecting and restoring the Mississippi River and its watershed in the Twin Cities Region. We have 2,400 members and thousands of volunteers who care deeply about the river. We are writing today to comment on the proposed Comprehensive Plan amendment and zoning amendment for the city-owned 5-acre parcel in the northeast corner of South St. Paul.

Comprehensive Plan Amendment

FMR respectfully requests that you oppose the proposed Comprehensive Plan amendment to change the future land use of the 5-acre parcel from open space to industrial because of the environmental impacts, Mississippi River Trail impacts and because the proposed change goes against a well-established trend to embrace the riverfront as a public space.

Environmental Impacts At the present time, the public has been given very little information about the environmental impacts of changing these 5-acres from open space to industrial. We know that the parcel is currently vegetated with a tall tree canopy. To make an informed decision about the future plan for the site, at a minimum we should know:

- the type, quality and habitat value of existing of vegetation,
- the potential for this area to flood and how pollutants will be kept out of the Mississippi River,
- the impacts to stormwater runoff now and the anticipated impacts to stormwater runoff after the exterior storage is in place,
- bird and wildlife survey information,
- Metro Conservation Corridors Plan information as well as the proximity of this parcel to Regionally Significant Ecological Areas,
- the consistency with the Mississippi River Corridor Critical Area rules, and
- the impact of the change to the Mississippi National River and Recreation Area – our local national park – which this parcel and the riverfront all along South St. Paul is a part of.

Mississippi River Trail Impacts Changing the Comprehensive Plan land use designation for this parcel from open space to industrial will change the experience of the Mississippi River Trail user. Currently,

the trail will run through a wooded area with tall trees. We understand from a conversation with City Planner Peter Hellegers that if the amendments are approved, the trail will run next to an 8 to 10-foot fence surrounding the storage area. Instead of paving over the 5-acre site, we encourage the city to restore the wooded area to enhance the trail user experience and optimize habitat value on the parcel.

Embracing the Riverfront Currently cities throughout the Twin Cities, our National Park, the United States and the world are working on embracing their waterfront as a natural treasure by creating parks, trails and other public amenities along their waterfronts. South St. Paul acknowledges this trend in their Mississippi River Corridor Critical Area portion of the Comprehensive Plan by saying:

- "Said future recreational uses shall be designed to create minimal alteration, protect existing vegetative and wetland areas, promote re-vegetation, and require additional landscaping, consistent with habitat and vegetation for the Critical Area/MNRRRA Corridor." Pg. 133
- "The City's Future Land Use plan would have more intensive types of industrial uses (exterior storage, manufacturing, processing, etc.) being located away from the actual riverfront and away from Interstate 494." Pg. 134
- "Because the City is aggressively promoting a regional park and trails system along the riverfront, the City will not promote the development of businesses that are dependent upon river access and usage.... Any greater intensification could be detrimental to the river corridor." Pg. 134

According to the city's Comprehensive Plan, the city intends to continue improving this part of its riverfront as a public, open space. The plan calls for the 5-acres in question as well as the surrounding industrial land to eventually become Open Space. This is defined in the city's Comprehensive Plan as:

The Open Space (OS) classification applies to lands guided for future permanent public or private open space and is intended to provide for the preservation of sensitive natural areas and protection and enhancement of wildlife habitat... Open Space lands may include trails, picnic areas, public fishing, resource protection or buffer areas, preservation of unaltered land in its natural state for environmental or aesthetic purposes, and the DNR boat launch area...

We strongly encourage South St. Paul elected officials to uphold their vision for the area and stick to their existing Comprehensive Plan land use designation. This will ensure there is some land among this largely industrial portion of the city that helps to preserve this sensitive natural area near the Mississippi River while protecting and enhancing wildlife habitat.

Zoning Amendment

FMR also respectfully requests that you oppose the suggested Zoning Amendment to allow interim exterior storage in the North Riverfront Development District (NRDD) and the Public Land Overlay District. This decision will impact the area environment, Mississippi River Trail (MRT) and the amount of natural land available for wildlife habitat and public use.

Environmental Impacts The NRDD allows for boat marinas, public recreational uses, and PWS antennas to be constructed within the district. These uses have significantly lower impacts on the land than removing five acres of vegetation and replacing it with pavement. So, in addition to sharing the environmental impact information requested above, the city should undertake a detailed environmental assessment before considering a zoning amendment. It should include an analysis of the cumulative impact that paving over five acres of vegetation in the midst of a largely industrial area would have. If left

as open space with a trail, the land has significant ecological value. The removal of such an area should be carefully analyzed, and that analysis should be shared with the public.

Mississippi River Trail Impacts The Mississippi River Trail (MRT) is planned, funded and scheduled to be constructed through this parcel between 2017 and 2018. Should the Comprehensive Plan and/or Zoning Amendment be approved, the plan to convert this parcel to industrial land includes two additional crossings of the MRT – one rail spur crossing and one 10-foot access road crossing. According to Dakota County Transportation Project Manager John Sass, there would be no safety features like trail crossing gates added at these crossings. We do not support the additional trail crossings, especially without safety features to ensure safe crossing for trail users.

Loss of Public Land With the current designation of NRDD with a Public Land Overlay District, allowing an interim use on this parcel goes against the city's stated purpose for the land. This is especially true since this land will be publically accessible by 2017 or 2018 when the MRT trail through the site is completed. The purpose of this NRRD district is to "promote and regulate the development of mixed commercial and certain high-density uses in the area adjacent to and in the vicinity of the Mississippi River by the balancing of utilization of land for the purposes for which it is most appropriate and protection of the river amenities in the public interest." Allowing open air storage within this district does not meet this purpose as it is neither high density or commercial. In addition to that, the proposal will eliminate all existing water, buffer and habitat benefits and protections.

The land also has a Public Overlay District associated with it. According to the Public Overlay District's definition, the land is owned and/or operated for public purposes and has been zoned for the most appropriate private land use, should the land be leased. With zoning that allows boat marinas, public recreational uses and PWS antennas as permitted uses, a paved outdoor storage facility would be inconsistent with the NRRD purpose and add a land-use that is not similar in character to the current permitted land uses. We find an interim zoning amendment to be detrimental to the city's plan and the larger goals for the region and our national park.

In the unfortunate scenario that this zoning amendment moves forward, we strongly recommend creating an agreement with the leasing party to restore high quality floodplain habitat to the parcel at the conclusion of the initial interim lease lasting no more than 10 years.

We thank you for your careful consideration of these comments. Please feel free to reach out to Irene Jones, River Corridor Program Director (ijones@fmr.org, x11) or Alicia Uzarek, Policy Advocate (auzarek@fmr.org, x29) with questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Irene Jones". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Irene Jones
River Corridor Program Director

Peter Hellegers

From: Chatfield, Kurt <KURT.CHATFIELD@CO.DAKOTA.MN.US>
Sent: Tuesday, September 6, 2016 4:40 PM
To: Peter Hellegers
Cc: Sullivan, Steve; Hoopingarner, Taud
Subject: RE: Comprehensive Plan Amendment - NRDD Area

Peter,

Thank you for the opportunity to comment on the potential re-guiding of land along the Mississippi River Regional Trail from "Open Space" to "Industrial". As you are aware, Dakota County is working with the City of South St. Paul and St. Paul to design a regional trail corridor that will offer outstanding recreational opportunities for people in our communities. Together, we are making a considerable public investment in this recreational corridor. Dakota County's adopted greenway guidelines place a value on locating greenways next to adjacent open spaces and minimizing the crossing of roads or railroad tracks that may be a barrier to people using the trail. As such, the current "Open Space" designation is complimentary to this purpose.

Nevertheless, we understand that the City may need to balance public open space and recreational benefits with other needs in the community. Should the City decide to re-guide the NRDD area to "Industrial" and allow an outdoor storage yard, we ask that the City consider using buffers and screening to mitigate the outdoor storage uses from people using the trail.

Sincerely,

Kurt Chatfield
Planning Supervisor
Dakota County

From: Peter Hellegers [mailto:phellegers@southstpaul.org]
Sent: Wednesday, August 17, 2016 5:43 PM
To: Peter Hellegers
Subject: Comprehensive Plan Amendment - NRDD Area

The City of South St. Paul is considering an amendment to the Comprehensive Plan to change the future land use of an area from Open Space to Industrial. The North Riverfront Development District (NRDD) is an area of the community that is adjacent to the city's northern border which abutts the Southport Industrial District in Saint Paul. The NRDD area is separated from the rest of the community by railroad lines and does not have road access. However, development of a large new park south of the NRDD area and development interest in the property from adjacent users have prompted the City to reconsider whether this area should be guided Industrial instead of Open Space. The most recent proposal is from the neighboring railroad line which would use approximately 5 acres of the NRDD space as a temporary exterior storage area (site plan attached). A future trail connection to the Mississippi River Regional Trail (MRRT) between Kaposia Landing Park and Harriet Island is planned to run along the western edge of the NRDD area and would be factored into either future land use scenario.

Communities in the metropolitan area are required to notify adjacent local governments and school districts of proposed comprehensive plan amendments. The purpose of this notification is to allow adjacent local governments and school district time to request copies of the proposed amendment so that they can offer their comments.

Peter Hellegers

From: Skancke, Jennie (DNR) <Jennie.Skancke@state.mn.us>
Sent: Tuesday, August 23, 2016 2:27 PM
To: Peter Hellegers
Cc: Daniels, Jeanne M (DNR); Petrik, Daniel (DNR); Horton, Becky (DNR)
Subject: RE: Comprehensive Plan Amendment - NRDD Area_South St. Paul

Hi Peter,

The subject parcel is in the current urban diversified district under the current regulations/Executive Order. There are no land use restrictions in this area and no height limits or river setback. When the rules are adopted and the local ordinance is updated, the new urban mixed district will have a 65 foot height limit and a 50 foot river setback. Bluff setbacks will be unchanged at 40 feet. This information may be helpful to communicate to remind stakeholders about how the pending changes compare to the current regulations.

I forwarded this proposal to our Parks and Trails Division and our environmental review coordinator, but have not heard any comments.

With a land use type resulting in greater impervious surface, we would have concerns about the potential for increased runoff which would negatively impact water quality in the river. We ask that any proposals use Atlas 14 for project planning.

Thank you,
Jennie

Jennie Skancke - Area Hydrologist (Scott, Dakota and Carver Counties)
MnDNR | 1200 Warner Road | St. Paul, MN 55106 | T: 651-259-5790 | Jennie.Skancke@state.mn.us

From: Peter Hellegers [<mailto:phellegers@southstpaul.org>]
Sent: Wednesday, August 17, 2016 5:43 PM
To: Peter Hellegers
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Communities in the metropolitan area are required to notify adjacent local governments and school districts of proposed comprehensive plan amendments. The purpose of this notification is to allow adjacent local governments and school district time to request copies of the proposed amendment so that they can offer their comments.

If there is anything I can do to facilitate your review, answer questions, or be of further assistance, please do not hesitate to contact me by e-mail at phellegers@southstpaul.org or by phone at (651) 554-3217.

**MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
September 7, 2016**

MEETING CALLED TO ORDER BY COMMISSIONER JOHN ROSS AT 7:00 P.M.

Present:	John Ross	Absent:	Ryan Briece
	Jason Pachl		
	Ruth Krueger		
	Tim Felton		
	Justin Humenik		
	Stephanie Yendell		
	Peter Hellegers, City Planner		

- 1) APPROVAL OF AGENDA – approved as presented – Yendell/Krueger (6-0)
- 2) APPROVAL OF MINUTES for August 3, 2016 – Chair Ross requested that the adjournment time be included in future meeting minutes - approved as presented – Yendell/Pachl (6-0)

3) PUBLIC HEARINGS

A. Comprehensive Plan Amendment: Changing the Future Land Use designation of a property in the community from Open Space to Industrial

B. Zoning Amendment: Amendment to the North Riverfront Development District (NRDD) that would allow exterior storage as an Interim Use

Commissioner Ross indicated the public hearing portion of this request was carried over from the August 3rd meeting. The items will be discussed together; however, will be dealt with by separate motions.

Mr. Hellegers reported the request is to amend the Comp Plan changing the future land use designation from Open Space to Industrial and a Zoning Amendment allowing exterior storage as an Interim Use. Notification was sent to adjacent communities and agencies offering the opportunity to provide comment. Comments in the form of emails were received from the DNR, Dakota County and Friends of the Mississippi River and were provided to the Commission for consideration.

Chair Ross opened the public hearing portion asking if anyone in attendance wished to comment:

M. Docks (1503 Willis) – requested documentation regarding this matter and reiterated his concerns from the August meeting relating to noise/diesel train pollution, preservation of wildlife and green space and asked the Commission to consider the ramifications of the request.

L. Swanson (901 16th Ave. N.) – read a letter dated September 7, 2016 from the Friends of the Mississippi River stating the organization is in opposition to the proposed Comp Plan and Zoning Code amendments stating concerns with environmental impacts, impacts to the Mississippi River Trail and the amount of natural land available for wildlife habitat and public use. The group asked the elected officials to uphold the vision of the area and stick to the current use.

M. Peterson (909 16th Ave. N.) – stated that once the open space is gone it's gone. Is in opposition for changing the area to Industrial.

J. Mullin (1504 Willis) – queried the radius of the notification area to which staff responded the radius of notification was much expanded. Mr. Mullin expressed his opposition and feared interest would subside if the matter is continued to October. If the matter moves forward an environmental impact study should be the first item of business.

J. Francis (107 19th Ave. N.) – stated opposition and asked if the City has spoken to the St. Paul Port Authority regarding their intended use. Staff reported the Port Authority was contacted and they may be interested in an expansion of the impound lot.

Chair Ross closed the public hearing portion of the matter. Mr. Hellegers stated correspondence from all agencies hadn't been received.

Commissioner Felton stated he hadn't changed his opinion stating it's a big mistake to change the use from Open Space as there's no upside to doing it.

Commissioner Yendell requested that previous meeting minutes containing citizen comments be included in future reports, etc. in order that all citizen comments are considered.

Commissioner Krueger opined if the City isn't going to consider allowing exterior storage there is no need to change the designation from open space to anything else. Ms. Krueger stated the river should be celebrated and that any revenue derived from the railroad is penny wise and pound foolish.

Commissioner Pachl opined that taking away woods forces the wildlife out, it's the last piece of green space and stated the importance of preserving what we currently have.

Mr. Hellegers stated the meeting could be continued if the Commission wished to further consider additional documentation that may be submitted. Commissioner Felton stated he was in favor on voting on the matter this evening.

Chair Ross indicated he visited the site today and in his opinion changing the future land use designation would give the ability of the City to put something on the tax rolls albeit storage. The City would have control with the ability to require an interim use permit, to

stipulate screening and how the trail goes.

Commissioner Yendell stated that she didn't believe that correspondence from a state agency that was in support of the Comp Plan change would change her mind due to the overwhelming citizen opposition.

Motion to deny item 3A. Comprehensive Plan Amendment changing the Future Land Use designation from Open Space to Industrial – Felton/Pachl (5-1)

Motion to deny item 3B. Zoning Amendment to allow exterior storage as an Interim Use in the North Riverfront Development District – Felton/Pachl (5-1)

C. Mad Further (1725 Henry Ave.): Consider a request for a 3-year IUP to host a car show on the ramp of the South St. Paul Fleming Field Airport. The first event would take place on October 8, 2016 and subsequent car shows would be for mid-September in 2017 and 2018.

Mr. Hellegers stated the applicant is not able to hold the car show event on October 8, 2016 and is requesting the matter be extended to the October 5th Planning Commission. The request is for a 3-year IUP with the first car show event taking place in May, 2017.

Motion to continue the matter to the October 5, 2016 Planning Commission meeting – Ross/Yendell (6-0)

D. Danner, Inc. Proposal (600 Verderosa Ave.): Consider a request for a 19,317 square foot building, with Conditional Use Permit for gas/diesel fueling station, exterior storage, variances for minimum building size, and an Interim Use Permit for a rock crushing operation.

Mr. Hellegers reported the applicant is requesting a vote on this item tonight due to a scheduled closing and the need to get the process underway to make it a reality. The applicant is selling his current 30-acre site at 843 Hardman and relocating to 600 Verderosa which is further north. The proposal calls for the construction of a 1,900 s.f. building for truck service including 3,500 s.f. of office space. A lower level parts storage space would be located under the office space. The western end of the property would include fueling stations for gasoline and diesel fuel. The eastern portion would be screened for exterior storage and would be used for a temporary rock crushing operation. The concrete crushing and stockpiling is needed to excavate concrete material buried on the site. The crushing and stockpiling is estimated to last for 4 years.

Items that fall under a CUP include the fueling portion for gas and diesel and exterior storage. Rock crushing is allowed as a Conditional or IUP subject to a redevelopment plan which the applicant is looking to do. A PUD could be considered if looking at the whole development scenario. Without the PUD a variance for quite a bit of square footage would be needed as lot coverage is at 6.5%. The applicant is looking to build in phases so full development of the property could accommodate two additional properties to the east

August 3, 2016
PC Minute Excerpt

(attached or detached) plus one other accessory building. The item was brought to the Planning Commission after the City Council directed staff amend the zoning code due to the difficulty encountered by a homeowner who wished to build a garage; however, they already had an existing garage and accessory structure on the property. The current Code would require removal of the accessory building (shed) prior to building the second garage.

Staff is proposing the following two alternatives:

Alternative A would amend the language to allow 2 accessory structures (detached garage and shed) when the property already has an attached garage. The 1,200 s.f. of allowable space would count against just the accessory (detached) buildings;

Alternative B would allow 2 accessory buildings (detached garage and shed) when there is an attached garage but the space for all accessory uses would be capped 1,200 square feet of space would be capped for all accessory uses (attached garage, detached garage, shed);

Discussion ensued regarding timing of the matter. Mr. Hellegers noted it is not necessary to make a decision by a specific date as nothing is pushing the 60-day rule. Commissioner Yendell commented there was also the option to change nothing as the previous variance request was a unique circumstance and didn't warrant changing the code.

Commissioner Felton stated Yendell's comment made sense and stated he didn't have an issue with holding the matter over until the next meeting.

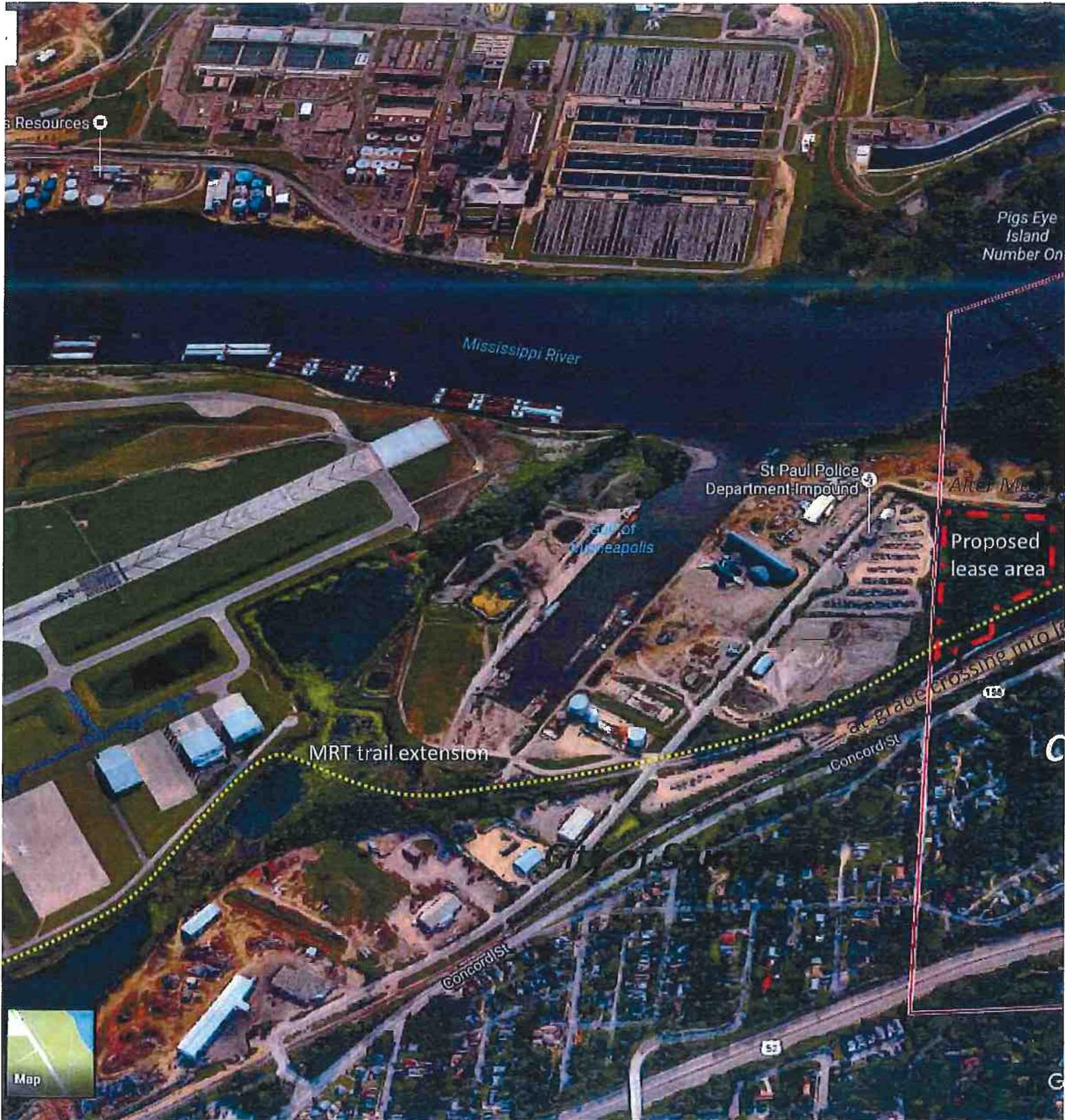
Motion for continuance to the September Planning Commission meeting – Yendell/Pachl (6-0).

E. Comprehensive Plan Amendment: Changing the Future Land Use designation of a property in the community from Open Space to Industrial.

F. Zoning Amendment: Amendment to the North Riverfront Development District that would allow exterior storage as an Interim Use.

Items 3.E and 3.F were discussed together. Mr. Hellegers reported the City has received inquiries from two potential users interested in exterior storage on the City-owned property at the northeast corner of the city.

The Union Pacific Railroad is proposing to lease a 5-acre parcel on City-owned property for exterior storage of track materials for their railyard improvements and storage space for materials and rail cars. Mr. Hellegers explained the use would require an Interim Use Permit to allow the exterior storage. Additionally, the space is currently designated as Open Space which does not allow for exterior storage and would necessitate changing the Future Land Use (Comp. Plan) designation to Industrial. If the land use designation is changed to Industrial the zoning would require an amendment to allow exterior storage as a conditional use.



Resources

Pigs Eye Island
Number On

Mississippi River

St Paul Police
Department Impound

City of
Minneapolis

Proposed
lease area

MRT trail extension

at grade crossing into
Concord St

Concord St





CITY COUNCIL AGENDA REPORT

DATE: OCTOBER 17, 2016

DEPARTMENT: COMMUNITY DEVELOPMENT-PLANNING

ADMINISTRATOR: SPK

10-B

AGENDA ITEM: Variances for attached garage – 1125 Summit Ave. - (Behr Design)

ACTION TO BE CONSIDERED:

Adopt Resolution 2016-191 approving a 14.5-foot front setback variance, a 4-foot side setback variance and a variance to allow a second driveway for the property at 1125 Summit Avenue.

REQUEST AND BACKGROUND:

The applicant is requesting a 14.5-foot front setback variance, a 4-foot side setback variance and a variance to allow a second driveway to a public street. The variances are to accommodate a proposed 24' x 24' garage that would be attached garage to the northeastern side of the home at 1125 Summit Avenue. The property is an irregular pie-shaped lot and there is no alley access to the property. The block where this property is located has a grand total of 5 lots all of which seem to face out to different street frontages due to parcel shapes and unique block shape as well. The property at 1125 Summit Avenue is currently served by a single tuck-under garage stall with a driveway at the northwestern portion of the property. The application states that the single tuck-under garage would be converted over to living space so there would only be one garage on the property.

The existing driveway is proposed to remain as the property has a front walkway and steps leading from the existing driveway to the front door for the home. The proposed garage would be accessed via a new driveway (second driveway) that would be at the eastern side of the lot. The proposed attached garage would be in line with the front of the home to the southeast at 1115 Summit Avenue. However, the proposed garage would extend into the front setback area where Summit Avenue bends to turn east-west which has the garage extending beyond the line of the home to the west at 1131 Summit Avenue. The proposed side setback of 5 feet is consistent with the fairly consistent with the existing home and for detached garages in the front 2/3 of a property. City Code states that properties that have a width in excess of 60 feet shall have a setback of 9 feet for a principal structure and since the proposed garage would be attached to the house it is held to that standard.

PLANNING COMMISSION RECOMMENDATION:

A public hearing for the proposed variances was held at the October 5, 2016 Planning Commission meeting. There was no one present to speak for or against the application other than the applicants. At the conclusion of the public hearing the Commissioners voted to recommend approval of the requested variances (7-0). Commissioners indicated that they thought the variances made sense based on the unique lot shape and the garage was also designed to keep the same setback as the neighboring house to the southeast.

STAFF RECOMMENDATION:

The staff recommendation is to approve the variances subject to the conditions as noted in Resolution 2016-191.

60-DAY REVIEW DEADLINE: November 10, 2016

SOURCE OF FUNDS: N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-191

A RESOLUTION APPROVING SETBACK VARIANCES AND A VARIANCE FOR A SECOND DRIVEWAY FOR THE PROPERTY AT 1125 SUMMIT AVENUE

WHEREAS, the City received an application from Behr Design, Inc. on behalf of the property owners for a front setback variance of 14.5 feet, a side setback variance of 4 feet, and a variance for a second driveway to allow a building addition for an attached garage for the property at 1125 Summit Avenue and legally described as follows:

See attached Exhibit A

WHEREAS, the Planning Commission held a public hearing on the application at their September 7, 2016 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission took action to recommend approval of the application at their September 7, 2016 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. Facts. The facts found by the Planning Commission as stated in the Planner's report regarding this matter are hereby adopted and included herein by reference.
2. Findings. The City Council determines that the proposed variances will not be detrimental to the health, safety, or general welfare of the community, nor will it cause serious traffic congestion or hazards, nor will it seriously depreciate surrounding property values, and it is in harmony with the general purpose and intent of the Zoning Code. Additionally, the request is in harmony with the purpose and intent of the ordinance, the terms were consistent with the Comprehensive Plan, the property owner proposed to utilize the property in a reasonable manner, the plight of the property owner is due to circumstances unique to the property, and that any variance would not alter the essential character of the neighborhood.
3. Variance. The proposed Variances 14.5 feet for front setback, 4 feet for the side setback, and variance for a second driveway on the property at 1125 Summit Avenue are hereby approved subject to the following conditions:

A) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:

- | | |
|---|------------------|
| 1. Application/background (Behr Design, Inc.) | dated 09/12/2016 |
| 2. Plans / Elevations (Behr Design, Inc.) | dated 07/08/2016 |
| 3. Survey (DeMars-Gabriel Land Surveyors, Inc.) | dated 07/19/2016 |

B) **Building Permits Required.** Building Permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.

C) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

D) **Termination of the Variance.** The variance will terminate if improvements have not substantially begun within 1-year from the date of approval of the variance. The violation of any condition of approval for the variance shall terminate the variance. The property must be continually operated for use specified in the Variance to remain valid. If the property is not used for the use listed in this Variance for a period of 1-year then the Variance shall terminate.

Adopted this 17th day of October, 2016

City Clerk

Exhibit A

Planning Commission Meeting Date: Wednesday, October 5, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 3.A
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Project Name:	Behr Design Variances	
Site Address:	1125 Summit Avenue	PID: 36-70200-05-250
Applicant(s):	Behr Design, Inc.	
Request:	Consider the request for a 14.5 foot front setback variance, a 4-foot side setback variance, and a variance to allow a second driveway to a public street.	
Proceeding:	Public Hearing / Planning Commission Recommendation	
Tentative City Council Meeting Date:	October 17, 2016	
Deadline:	November 10, 2016* *The City must act on this request by this 60-day review period deadline unless the city provides the applicant with written reasons for why additional time, up to a maximum of 120 days, is required. The City may extend the review period beyond the 120 days but only with the applicant's consent.	
Exhibits:	A. Location map B. Correspondence from neighboring property owners (none) C. Materials submitted by the applicant	

REQUEST and BACKGROUND

The applicant is requesting a 14.5-foot front setback variance, a 4-foot side setback variance and a variance to allow a second driveway to a public street. The variances are to accommodate a proposed 24' x 24' garage that would be attached garage to the northeastern side of the home at 1125 Summit Avenue.

The property located at 1125 Summit Avenue is an existing single family dwelling that is located in the R-1: Single Family Residential zoning district. Adjacent properties are all located in the R-1 zoning district as well. Dakota County records show that the property is approximately .17 acres (7,240 s.f.) and that the house was built in 1952. The property is an irregular pie-shaped lot and there is no alley access to the property. The block where this property is located has a grand total of 5 lots all of which seem to face out to different street frontages due to parcel shapes and unique block shape as well. The property at 1125 Summit Avenue is currently served by a single tuck-under garage stall with a driveway at the northwestern portion of the property. The application states that the single tuck-under garage would be converted over to living space so there would only be one garage on the property.

The existing driveway is proposed to remain as the property has a front walkway and steps leading from the existing driveway to the front door for the home. The proposed garage would be accessed via a new driveway (second driveway) that would be at the eastern side of the lot. The proposed attached garage would be in line with the front of the home to the southeast at 1115 Summit Avenue. However, the proposed garage would extend into the front setback area where Summit Avenue bends to turn east-west which has the garage extending beyond the line of the home to the west at 1131 Summit Avenue. The proposed side setback of 5 feet is consistent with the fairly consistent with the existing home and for detached garages in the front 2/3 of a property. City Code states that properties that have a width in excess of 60 feet shall have a setback of 9 feet for a principal structure and since the proposed garage would be attached to the house it is held to that standard.

EVALUATION OF THE REQUEST

A. VARIANCES

Following are standards from the City's Zoning Code that apply to specifically to the application.

1. Zoning – Attached Garage

The garage proposed in the variance application has a 24' by 24' footprint and would be just under 10 feet from the floor of the garage to the roofline. As an attached structure the garage need only be consistent with the standards for the principal building at no more than 28 feet from average grade to the midpoint of the roof. A 2-car garage and 24' by 24' footprint would be considered a reasonable use of property and the property has an odd shape that does not allow adequate space to provide a garage elsewhere on the property where a variance would not be necessary.

2. Variance Findings

In variance cases the City is required to make findings in regard to practical difficulties as used in connection with the granting of a variance as defined by State Statute 462.357, subd. 6 and in City Code Section 118-39. The City must make the following findings in considering approval of a variance:

- a. *The variance is in harmony with the general purpose and intent of the ordinance*
- b. *The terms of the variance are consistent with the Comprehensive Plan, and*
- c. *The applicant for the variance establishes that there are practical difficulties in complying with the ordinance. (Economic considerations alone do not constitute practical difficulties). Practical difficulties as used in connection with the granting of a variance means that:
 - i. *The property owner proposes to utilize the property in a reasonable manner.*
 - ii. *The plight of the property owner is due to circumstances unique to the property that were not created by the property owner, and*
 - iii. *The variance will not alter the essential character of the neighborhood.**

3. Correspondence from Neighboring Property Owners

Notice has been sent to the required notice area. Staff has not received any correspondence regarding this application as of the date of this report.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed application:

- A. **Approval.** If the Planning Commission has reviewed the application and determined that the application is consistent with the Variance findings (see p.3-4 of this report), then staff would recommend the Planning Commission adopt the following findings and conditions for a *recommendation* for approval:

(Step 1) - Adopt Findings

Recommended Findings:

The Planning Commission has reviewed the proposal and determined that the use conforms to the general purpose of the Zoning Code and should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, has access to adequate utilities, and there is adequate ingress and egress for the property.

Furthermore, there are practical difficulties in complying with the ordinance as the need for an addition to accommodate a garage would require a variance due to the shape of the property and orientation of the home. The plight of the property owner is due to circumstances unique to the property that were not created by the property owner.

(Step 2) - Consider Conditions for Approval

Recommended Conditions of Approval:

- Approval of the 14.5-foot front setback variance, a 4-foot side setback variance and a variance for a second driveway accessing a public street for the property located at 1125 Summit Avenue, subject to the following findings and conditions:

- 1) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:

- | | |
|---|------------------|
| a) Application/background (Behr Design, Inc.) | dated 09/12/2016 |
| b) Plans / Elevations (Behr Design, Inc.) | dated 07/08/2016 |
| c) Survey (DeMars-Gabriel Land Surveyors, Inc.) | dated 07/19/2016 |

- 2) **Building Permits Required.** Building Permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.
- 3) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.
- 4) **Termination of the Variance.** The variance will terminate if improvements have not substantially begun within 1-year from the date of approval of the variance. The violation of any condition of approval for the variance shall terminate the variance. The property must be continually operated for use specified in the Variance to remain valid. If the property is not used for the use listed in this Variance for a period of 1-year then the Variance shall terminate.

B. **Denial.** If the Planning Commission has reviewed the application and determined that the application is inconsistent with the Variance findings (see p.3-4 of this report), then the application should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

- Denial of the 14.5-foot front setback variance, 4-foot side setback variance, and variance for a second driveway for the property located at 1125 Summit Avenue, for the following reasons:
 1. _____

STAFF RECOMMENDATION

Staff recommends **approval** of the variances for the property located at 1125 Summit Avenue, subject to the conditions listed in this report.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

A,

1125 Summit Avenue



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

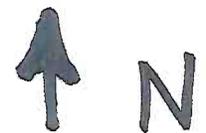
Map Scale
1 inch = 100 feet
9/15/2016



1125 Summit Ave.



03/14/2015



1125 Summit Ave.



03/14/2015



1125 Summit Ave.



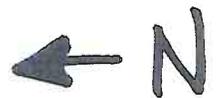
03/15/2015



1125 Summit Ave.



03/14/2015



AS

A2



Narrative for 1125 Summit Ave S., South St Paul, MN

The proposed variance request is for an attached 2-stall garage with a breezeway/mud room between. A portion of the proposed garage encroaches the front yard setback which is the variance request we are asking for. In an attempt to minimize the encroachment, we have pulled the garage back as far as possible but still allow for a front door. Other options were explored for this property but all encroached the front setback even further. There is an existing single stall tuck under garage that will be converted to a bedroom space in the basement. At first this was one location we were looking into but noticed soon on that a majority of the garage would need to encroach the setback so early on realized this was not a great option. There were no alleys to access the rear of the lot as with the hills and current house in its location there is no way to build a garage in the current back yard due to the shape of the lot and the lay of the land to allow for a long driveway from the front.

When looking at the survey you will see there is a big distance from the existing curb to the front property line. The garage at its closest point will still be approximately 35' from the back of the curb allowing for minimal intrusion visually. The curved road on this lot also allows for a nice visual and will not feel out of nature with other homes in the neighborhood.

The design of the new garage stays in style with the existing house as the elevations show there will be brick to match the existing house and window styles to be current to match the house as well as maintain a hip roof to match the existing house.



CUSTOM DESIGN FOR...
Brad and Monique Hegge
 1125 SUMMIT AVE. S.
 ST. PAUL, MN 55075

ISSUE DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 THIS DRAWING IS THE PROPERTY OF MIKE BEHR DESIGN INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MIKE BEHR DESIGN INC.

SHEET NO.
AO
 SITE PLAN

CERTIFICATE OF SURVEY
 FOR: MIKE BEHR
LEGAL DESCRIPTION:

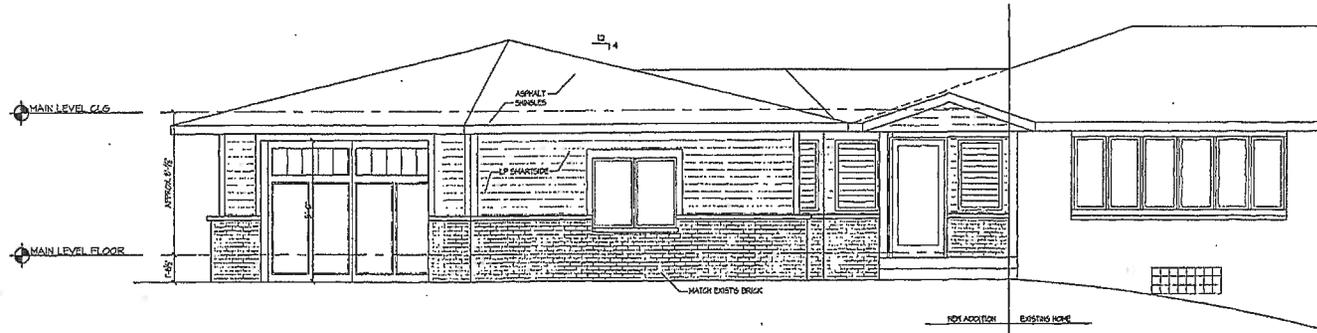
SUMMIT AVENUE

EXISTING HARDCOVER
 Building 1,126.6 Sq.Ft.
 Conc. Walks & Drive 704.8 Sq.Ft.
 Total Hardcover 1,673.1 Sq.Ft.
 Lot Area 7,487 Sq.Ft.
 % of Hardcover = 22.3 %

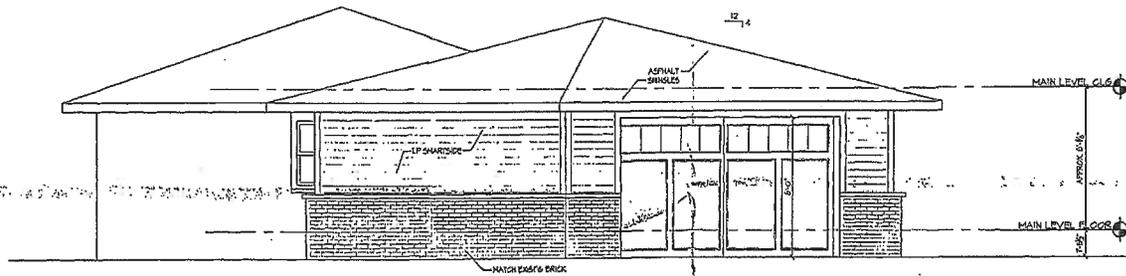
SITE ADDRESS:
 1125 SUMMIT AVE.
 ST. PAUL, MN 55075

○ Denotes iron monument
 * Denotes found monument
 x COG Denotes existing elev.
 (000.0) Denotes proposed elev.
 ——— Denotes surface drainage

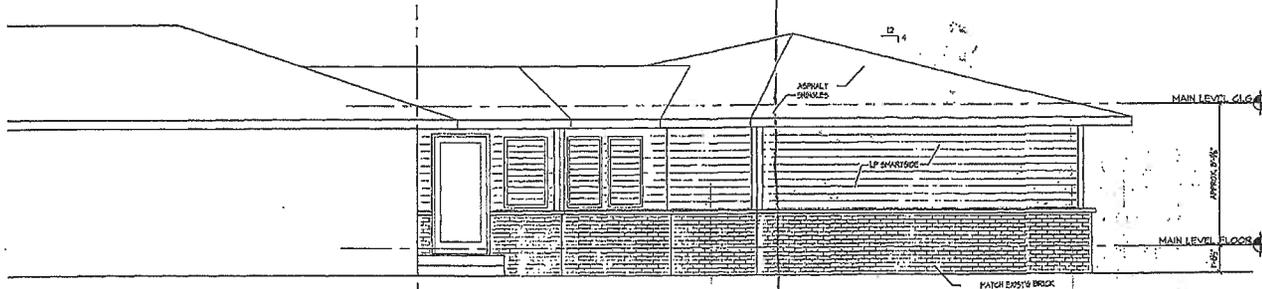
DEMARS-CABRIEL LAND SURVEYORS, INC. 6875 WASHINGTON AC. SO. SUITE 209 EDINA, MN 55470 Phone: (763) 550-0908 Fax: (952) 767-0430	I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota. As surveyed by me this <u>20th</u> day of <u>July</u> , 2016. <div style="text-align: center;"><i>DELL</i></div> David E. Creek Minn. Reg. No. 22414	File No. 14428 Book-Page _____ Scale 1"=30'
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1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



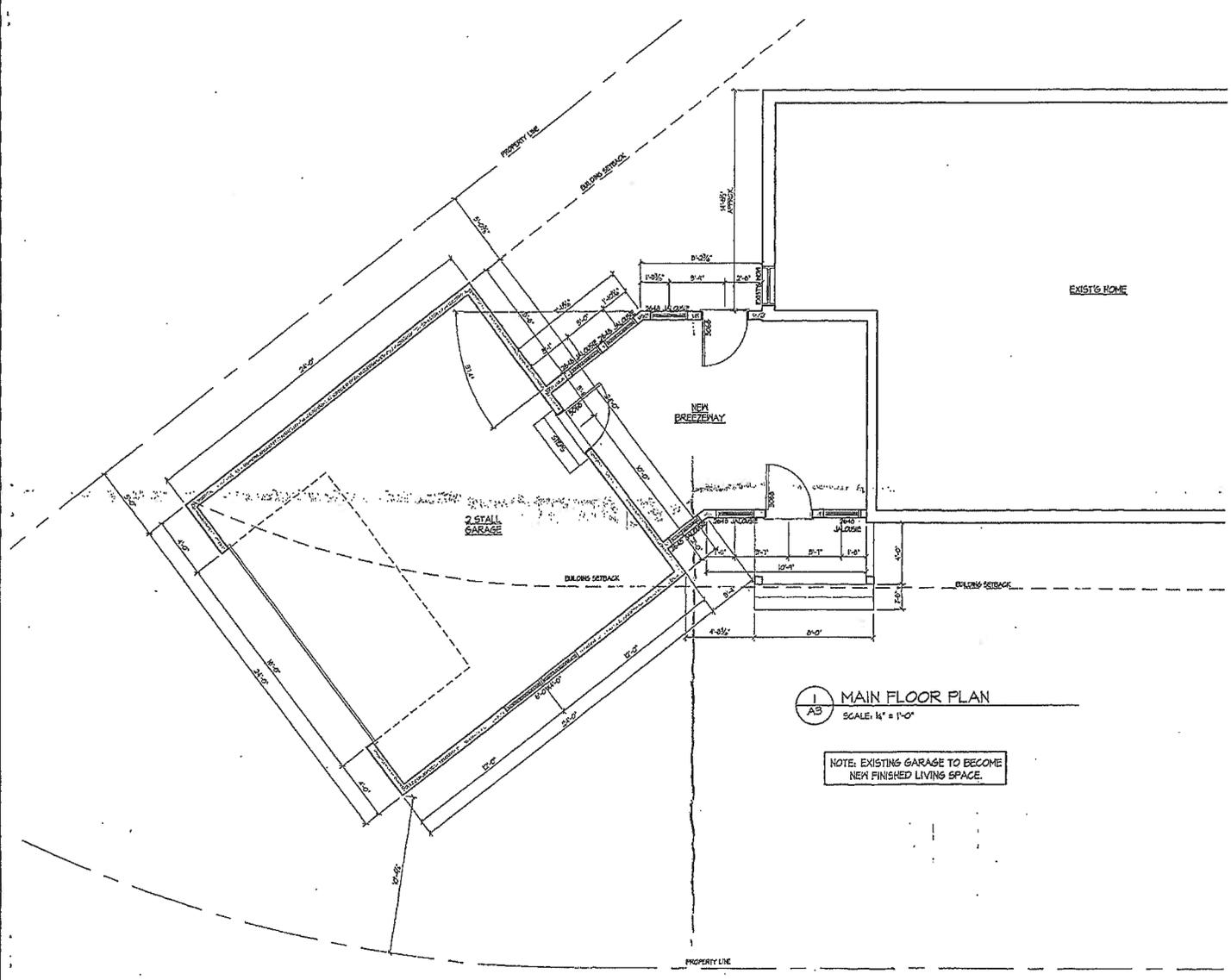
3 REAR ELEVATION
SCALE: 1/4" = 1'-0"

BEHR
DESIGN INC.
1125 SUMMIT AVE. S.
ST. PAUL, MN 55105
OFFICE (612) 742-7100 FAX (612) 744-7170
EMAIL: mitch@behrdesign.com

CUSTOM DESIGN FOR...
Brad and Monique Hegge
1125 SUMMIT AVE. S.
ST. PAUL, MN 55105

ISSUE DATE: _____
DESIGNED BY: RANDY ZIMMERMAN
DATE: 7/20/10
DRAWN BY: _____
DATE: _____
CHECKED BY: _____
DATE: _____
PROJECT: 10221711
SHEET NO. A1

SHEET NO.
A1
EXISTING
FLOOR PLANS



1
A3 MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

NOTE: EXISTING GARAGE TO BECOME
NEW FINISHED LIVING SPACE.

BEHR
DESIGN INC
1125 SUMMIT AVE S.
ST. PAUL, MN 55108
OFFICE (651) 742-7703 FAX (651) 742-3700
CELL (651) 994-6882
E-MAIL: mbehr@behrdesigninc.com

CUSTOM DESIGN FOR...
Brad and Monique Hegge
1125 SUMMIT AVE S.
ST. PAUL, MN 55108

ISSUE DATE: _____
DRAWN BY: RANDY ZIMMERMAN
ISSUE DATE: 7/20/20
THIS SET OF PLANS IS TO BE USED FOR THE PROJECT DESCRIBED ONLY. ANY OTHER USE IS UNAUTHORIZED. THE USER ASSUMES ALL LIABILITY FOR THE PROJECT. CONTACT THE DESIGNER FOR MORE INFORMATION.

SHEET NO.
A3
EXISTING
FLOOR PLANS



CITY COUNCIL AGENDA REPORT

DATE: October 17, 2016

DEPARTMENT: Community Development - Planning

ADMINISTRATOR: SPK

10-C

AGENDA ITEM: MadFurther Car Show IUP

ACTION TO BE CONSIDERED:

Adopt Resolution 2016-192 approving a 3-year IUP

OVERVIEW:

The MadFurther Car Show has applied for an Interim Use Permit proposing to hold their annual car show event at Fleming Field Airport for the next three years. The one-day event would be from 10 am to 5 pm on Saturday, May 27, 2017 and would have similarly scheduled one-day events the spring of 2018 and 2019. The final dates for the car show in 2018 and 2019 are subject to the approval of the Airport Manager. In addition to the car show, the applicant is proposing to have 3 food trucks, 30 or fewer vendors and a DJ. The vendors would sell car parts and accessories and the DJ and speakers would be set up inside the CAF building to avoid disturbing nearby residents. The applicant will work with the CAF on the use of portable toilets and security as the CAF is hosting the beer garden for the event.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the case at their October 5, 2016 meeting. The Planning Commission asked about the 3-year term. Staff explained requests that have been through the IUP process a few times and have taken place without issue (i.e., Robert Brown car show, Relay for Life) are being extended for a 3-year period. At the conclusion of the meeting the Commissioners voted to recommend approval of the 3-year IUP subject to conditions of approval noted in the staff report to the Planning Commission (7-0).

STAFF RECOMMENDATION:

The staff recommendation is to approve the proposed IUP subject to the conditions of approval as noted in Resolution 2016-192.

60-DAY REVIEW DEADLINE: November 7, 2016

SOURCE OF FUNDS: N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-192

**A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR A
CAR SHOW ON THE PROPERTY AT 1725 HENRY AVENUE**

WHEREAS, the City received an application from MadFurther Car Show for an Interim Use Permit for the next three years (2017-2019) to allow a car show on the property located at 1725 Henry Avenue, and legally described as follows:

(see attached Exhibit A)

WHEREAS, the Planning Commission held a public hearing on the application preceded by notice as required by law at their October 5, 2016 meeting; and

WHEREAS, the Planning Commission took action to recommend approval of the 3-year Interim Use Permit with certain conditions of approval (7-0) at the October 5, 2016 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. Facts. The facts found by the Planning Commission as stated in the Planner's report regarding this matter are hereby adopted and included herein by reference.
2. Determination. The City Council determines that the proposed Interim Use Permit will not be detrimental to the health, safety, or general welfare of the community, nor will it cause serious traffic congestion or hazards, nor will it seriously depreciate surrounding property values, and it is in harmony with the general purpose and intent of the Zoning Code. The date/event that would terminate the IUP can be identified with certainty. Permits for use would not impose additional costs on the City (City owns property). Additionally, the request is in harmony with the purpose and intent of the ordinance, the terms were consistent with the Comprehensive Plan.
3. Interim Use Permit. The proposed Interim Use Permit for a car show at the Fleming Field airport property at 1725 Henry Avenue is hereby approved subject to the following conditions:
 - A. Compliance with Plans/Submittals**. The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application,

narratives, and with the following plans on file with the Community Development Department:

1. Application/Narrative/Proposal (MadFurther) dated 09/25/2016
2. Event Site Map (MadFurther / City of South St. Paul) dated 07/16/2013

- B. Lease Required.** The applicant shall be required to have a lease with the City of South St. Paul for the use of the property.
- C. Sales/Display Limited to the Designated Area.** No selling or display shall occur outside of the designated areas.
- D. Applicant Responsible for Clean-up.** The applicant shall be responsible for all clean-up activities.
- E. License Required for Food Vendors.** The food vendors must obtain the necessary licenses from the Minnesota Department of Health (MDH) before the applicant and/or food vendor business can begin conducting business in the city. The food vendors must also keep the MDH license in good standing.
- F. Noise.** The applicant and event DJ, vendors, exhibitors, and food vendors shall comply with all City regulations regarding noise levels and shall make reasonable efforts to minimize loud noises that may impact the nearby residential area. Speakers and noise emitting equipment shall be directed away from residential properties.
- G. Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.
- H. Term of the Interim Use Permit.** The Interim Use Permit shall allow for one annual car show and the term of the Interim Use Permit shall be for three (3) years beginning on May 27, 2017 and terminating on May 30, 2019. The applicant will be allowed to host one car show for each of these three years on a weekend day in May with hours that run from 10 am through 5 pm. Additional time for set-up before the event and clean-up after the event is subject to the approval of the Airport Manager. The final dates for the car show in 2018 and 2019 are subject to the approval of the Airport Manager.
- I. Termination of the Interim Use Permit.** The violation of a condition of approval shall terminate the Interim Use Permit.

Adopted this 17th day of October, 2016

City Clerk

I accept the conditions of this Interim Use Permit:

(signature)

(date)

Exhibit A

PROPERTY ID NUMBER: 36-11130-011-00

PLAT NAME: AIRPORT REARRANGEMENT

TAX DESCRIPTION:

OUTLOT A EX COM NE COR W ON
N LINE 466.19 FT S 01D01M
37S W 43.15 FT TO PT OF BEG
S 01D09M37S W 211.32 FT S
89D05M04S E 147.55 FT S 81D
23M50S E 79.63 FT NE'LY
30.64 FT ON TANG CUR CONC
TO NW RAD 19.50 FT C/A 90D
02M26S N 08D33M43S E 120.33
FT NW'LY 127.87 FT ON TANG
CUR CONC TO SW RAD 75 FT
C/A 97D41M20S N 88D46M53S W
189.13 FT TO BEG

A

Planning Commission Meeting Date: Wednesday, October 5, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 3.B
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Project Name:	MadFurther Car Show IUP – Fleming Field Airport	
Site Address:	1725 Henry Avenue	PID: 361113000011
Applicant:	MadFurther, LLC	
Request:	Consider the request for an IUP with a 3-year term to have a car show on the ramp at the Fleming Field Airport on May 27, 2017, another on September 15, 2018 and the last show on this term would be September 14, 2019.	
Proceeding:	Public Hearing / Planning Commission Recommendation	
Tentative City Council Meeting Date:	October 17, 2016	
Deadline:	<i>(Extended to November 7, 2016) October 8, 2016</i> <small>*The City must act on this request by this 60-day review period deadline unless the city provides the applicant with written reasons for why additional time, up to a maximum of 120 days, is required. The City may extend the review period beyond the 120 days but only with the applicant's consent.</small>	
Exhibits:	A. Location map B. Correspondence from neighboring property owners — (none) C. Materials submitted by the applicant	

BACKGROUND

The MadFurther car show is the idea of Further Performance a local European car specialist. The proposal is to utilize the ramp (south and east of the terminal building at 1725 Henry Avenue for the car show and the applicant would coordinate with the CAF on the use of portable toilets, security and similar arrangements as the CAF is hosting the beer garden. The MadFurther event would run from 10 am to 5 pm, with additional time for set-up before the event and clean-up after the event as may be arranged with the Airport Manager. In addition to the cars at the car show the applicant is proposing to have 3 food trucks, 30 or fewer vendors, and a DJ. The DJ would be set-up inside the CAF building and the speakers would be set so they are not directed toward nearby residences. Vendors would be for things like cars parts and accessories and would be set up by 9 am and done by 6 pm. The food trucks would be set up by 10 am and would be done by 5 pm. The applicant will be responsible for making sure their event is cleaned up. The display area is approximately 400 feet by 250 feet. Guest parking is 148 spaces and vendor parking is 28 spaces. This will be the 4th time the auto show has been held at the airport and staff has not received complaints about the use.

EVALUATION OF THE REQUEST

A. INTERIM USE PERMIT

Following are standards from the City's Zoning Code that apply to specifically to Interim Use Permits.

1. Interim Use Permit Findings

The applicant is seeking an Interim Use Permit (IUP) for their annual car show which would run from approximately 10 am to 5 pm on Saturday, October 8, 2016 and would follow a similar schedule for September of 2017 and September of 2018. The Interim Use Permit would terminate at the end of September 2018. City Code Section 118-41, states that the City Council may grant an interim use permit for the interim use of property, if the following criteria can be met:

Interim Use Permit Criteria:

- ✓ *The use conforms to the zoning regulations.*
- ✓ *The date or event that will terminate the use can be identified with certainty.*
- ✓ *Permits for the use will not impose additional costs on the City, if it is deemed necessary for the City to take the property in the future; and.*
- ✓ *The user agrees in writing to any conditions that the City Council deems appropriate for permission of the interim use.*

City staff has determined that the proposed interim use would meet the criteria. First, the proposed use as a special event would be allowed in the Industrial zoning district and the airport has hosted several such events. Second, the use would be one weekend day in May or September for each of the next three years with the IUP terminating on September 30, 2019. Third, the permit would not impose additional costs should it be necessary to acquire the property, as the City already owns the property. Finally, the conditions are listed in staff's recommendation and would be incorporated into the resolution to approve the Interim Use Permit.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be recommended for approval:

- Approval of the **Interim Use Permit** for a car show at the South St. Paul Fleming Field Airport subject to the following conditions:

1) **Compliance with Plans/Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:

- | | |
|---|------------------|
| a) Application/Narrative/Proposal (MadFurther) | dated 09/25/2016 |
| b) Event Site Map (MadFurther / City of South St. Paul) | dated 07/16/2013 |

2) **Lease Required.** The applicant shall be required to have a lease with the City of South St. Paul for the use of the property.

- 3) **Sales/Display Limited to the Designated Area.** No selling or display shall occur outside of the designated areas.
- 4) **Applicant Responsible for Clean-up.** The applicant shall be responsible for all clean-up activities.
- 5) **License Required for Food Vendors.** The food vendors must obtain the necessary licenses from the Minnesota Department of Health (MDH) before the applicant and/or food vendor business can begin conducting business in the city. The food vendors must also keep the MDH license in good standing.
- 6) **Noise.** The applicant and event DJ, vendors, exhibitors, and food vendors shall comply with all City regulations regarding noise levels and shall make reasonable efforts to minimize loud noises that may impact the nearby residential area. Speakers and noise emitting equipment shall be directed away from residential properties.
- 7) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.
- 8) **Term of the Interim Use Permit.** The Interim Use Permit shall allow for one annual car show and the term of the Interim Use Permit shall be for three (3) years beginning on May 27, 2017 and terminating on September 30, 2019. The applicant will be allowed to host one car show for each of these three years on a weekend day in October or September with hours that run from 10 am through 5 pm. Additional time for set-up before the event and clean-up after the event is subject to the approval of the Airport Manager. The final dates for the car show in 2018 and 2019 are subject to the approval of the Airport Manager.
- 9) **Termination of the Interim Use Permit.** The violation of a condition of approval shall terminate the Interim Use Permit.

B. **Denial.** If the Planning Commission does not favor the proposed application or portions thereof, the above requested should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

STAFF ANALYSIS

Staff has reviewed the proposal and believes that the proposed 1-day event can reasonably be administered through the IUP process. The applicant has shown that they will take measures to minimize the potential for nuisances on nearby residential properties.

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed car show Interim Use Permit, subject to the conditions listed in this report.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, Planning Division Manager

Mad Further, LLC

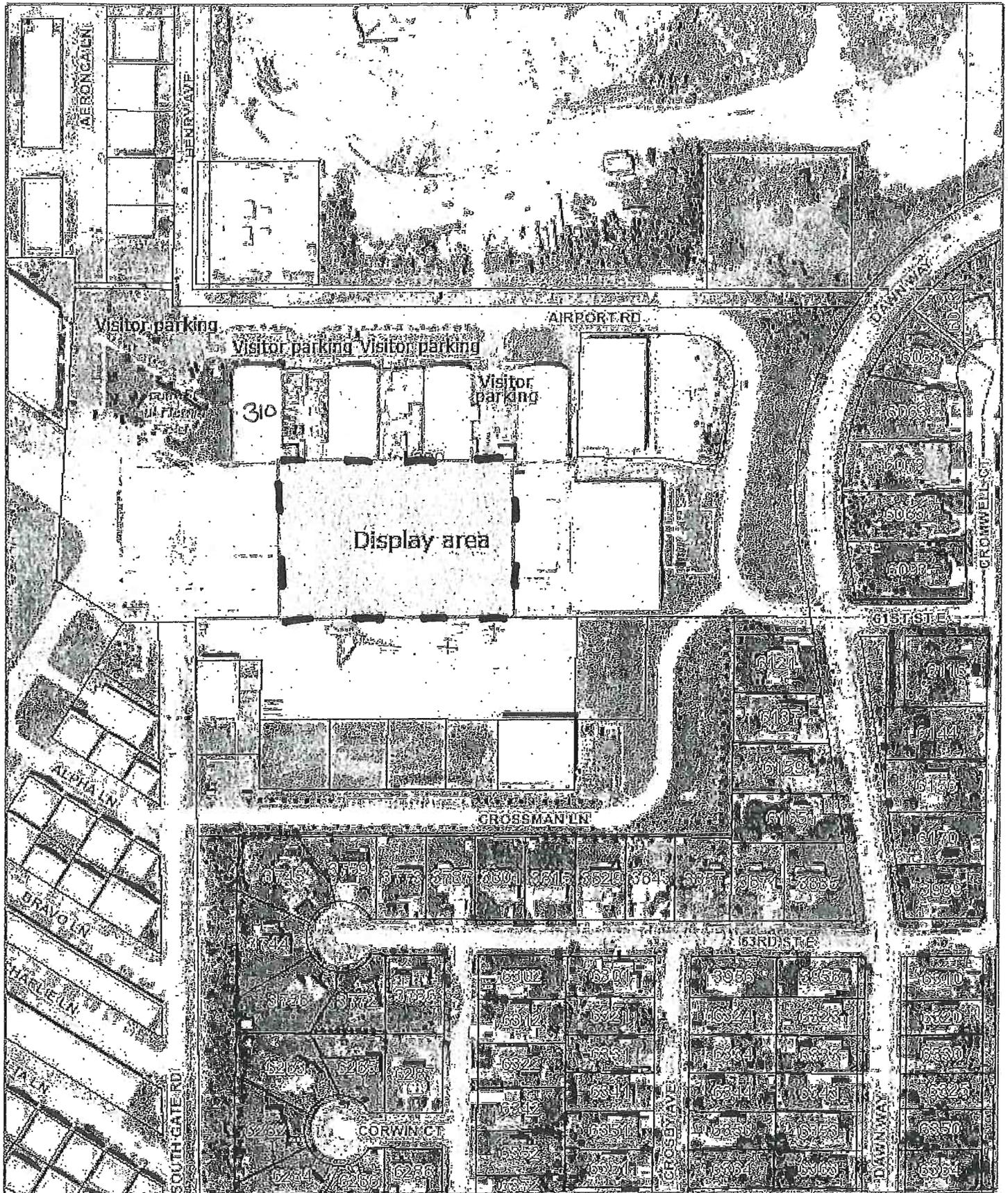


Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 400 feet
8/18/2016

N ↑

310 AIRPORT RD/SSPAIRPORT



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification. Dakota County assumes no legal responsibility for the information contained in this data.

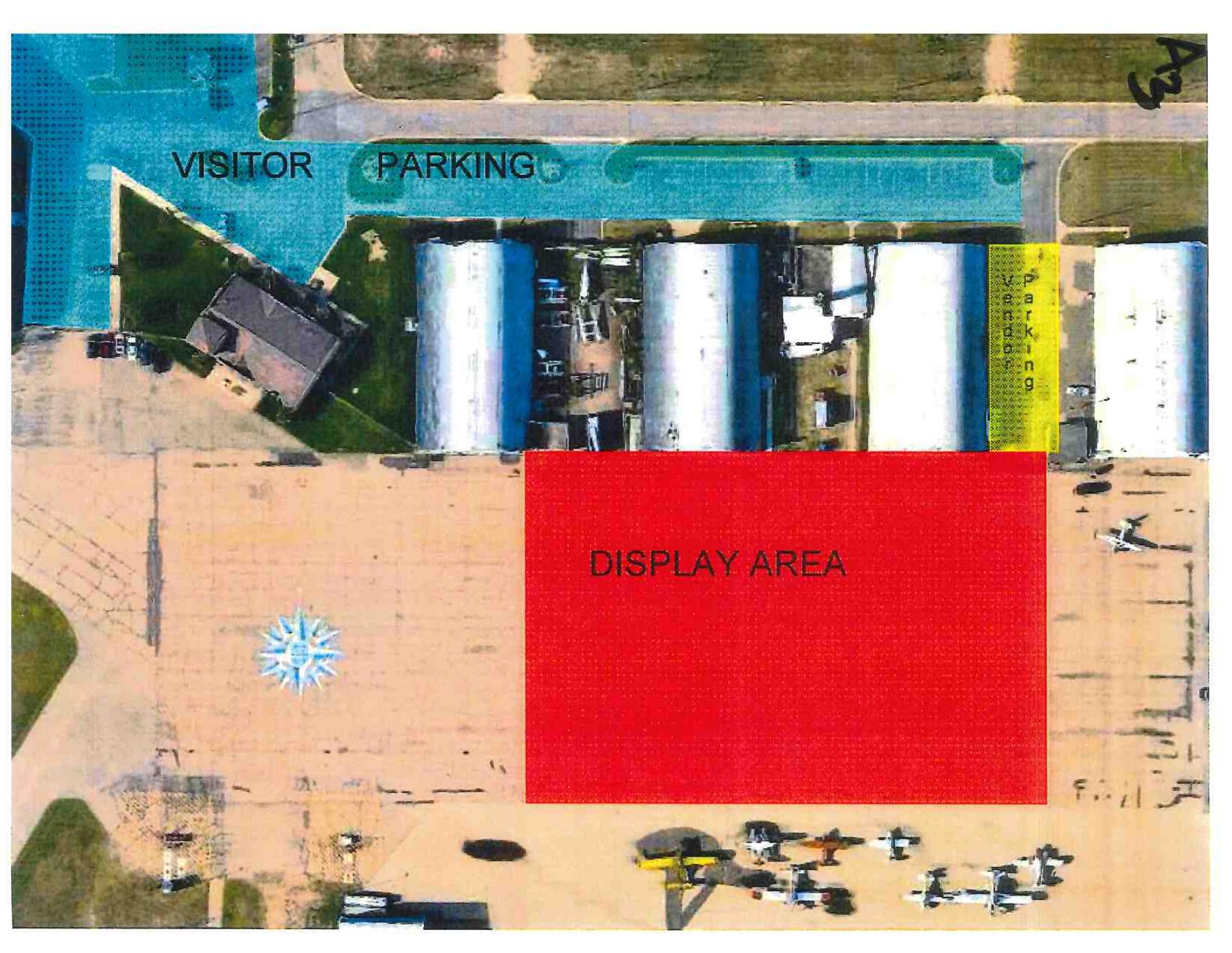
Map Scale
1 inch = 226 feet

A3

VISITOR PARKING

Visitor Parking

DISPLAY AREA



Contact

Us.....

x

Introduction:

Further Performance is a local European automotive specialist with operations in Minneapolis since 2005, and was the organization behind the "*MadFurther*" automobile and airplane show that was held on September 7, 2013 at the Fleming Field's CAF Hangar and aircraft deck in South Saint Paul.

MadFurther aims to become an annual automobile show and gathering that brings together aircraft and automobile enthusiasts and owners of all marques. It is a community-building event that brings together individuals who identify themselves as enthusiasts, owners, preservers, restorers, and admirers of old and contemporary vehicles alike, and the art and technology that is associated with them. The show is a unique opportunity for attendees of all ages to observe rare and custom vehicles from close proximity, and also to interact with the individuals who build, modify, and maintain them. The inaugural event in 2013 brought together several hundred attendees on a single day and met overwhelming success based on the feedback that the Further Performance staff received. The inaugural show comprised of an airplane show, that included short flights with members of the public on-board, a car show with prizes on several categories, and a thematic dance as the closing festivity in the evening.

After the initial success and with the experience gained from the inaugural event, the Further Performance team is presently planning the 4th annual *MadFurther* event. We are planning on May 27th for next year.

Our mission is to give local Midwest enthusiasts their own car show, highlighting various car enthusiast cultures from the region. We plan to have a variety of car genres and marques in the show, including European, Domestic, Japanese Domestic Market, Hot Rods, and motorcycles.

Very often folks have to drive in excess of ten hours to attend a car show and display their specific cars. This is an inspiring aspect of the automobile culture for the team at Further Performance. We're interested in continuing to build an event that includes communities of car enthusiasts from all backgrounds. We have built a community around our shop, and around this show, and we would like to have an interesting event to showcase vehicles and to network with each other.

The proposal for MadFurther 4 is structured as follows. Several small sections provide details on the following aspects of organization:

- Location and timeline
- Partnerships / Sponsorships
- Advertising
- Pre-registration and online registration
- Parking facilities
- Washrooms and waste management plan
- Food / drink services and vendors
- Entertainment and noise ordinance
- Safety / Evacuation plan
- Operations and control
- Setup / Clean-up
- Contact information

Location:

We are proposing to use the same location as the inaugural event, the Fleming Field's CAF Hangar in and aircraft deck. Based on the experience gained during the inaugural event, we have determined that the venue is ideal for hosting this type of events. The event location (venue) is proximal to Minneapolis, it is easy to access and provides a great backdrop for the *MadFurther* event. It should be noted that there are non-functional aspects of the venue that make it particularly attractive. More specifically, the vintage military vehicles found on the premises are an excellent complement to the automobiles, and tie-in well with our love of all things mechanical.

The area on the tarmac between the old airplane hangars and the taxiway will be used for displaying the aircraft and automobiles. The aircraft will be positioned closer to the taxiway while automobiles will be positioned in rows with ample space between them. We will be using the main runway for the radar runs. The runway will not be in operation during the duration of the radar run portion of the event. The participating automobiles will parade for spectators on that taxiway as they proceed to the starting position on the runway.

Partnership:

We have partnered with the Twin Cities chapter of the Commemorative Air Force (CAF), which is located at Fleming Field. The CAF has agreed to allow us to use their hangar. The CAF have offered their fleet of Military vehicles for display during the show.

With this partnership we are hoping to bring some insight and awareness to the Commemorative Air Force and what they do, as well as the airport facility itself. This partnership will help with our vending needs and the CAF's income needs. More specifically, the CAF will be providing all public beverages during the show (see below). Experience from last year has shown that this partnership contributed to having hosted a high quality family-friendly event.

We have also partnered with local food-trucks, 2 of which have been in attendance annually. We will also be expanding the food vendor line-up with an additional truck; this is to be determined and depends on scheduling and availability.

Sponsorship:

Further Performance is the main sponsor and creator of the *MadFurther* car show.

We may solicit outside title sponsorship, and will be working with other vendors in the automotive industry to provide limited on-site vendor space. Ideally we would like at least one vendor that specializes in each vehicle category.

Advertising:

Further Performance will be advertising for the *MadFurther* car show via social media (Facebook, Twitter, Instagram), websites, word-of-mouth, and fliers that will be distributed at other car shows (EuroHangar (Michigan), Dubs In The Valley (Wisconsin)). We may also use print media for limited advertising, but we will be mostly making use of digital marketing strategies. We expect roughly 1200 to 2000 spectators and 300 to 500 vehicles to attend this year. Last year's attendance was nearly 1200 persons and over 200 vehicles.

The Commemorative Air Force will be advertising for the event as well, via social media (Facebook) and their local contacts.

Registration:

Anyone who would like to enter his or her vehicle in the show will have to fill a registration form. We will have pre-registration online shortly, and we will only

close it after the show opens. Participants will also be able to register day-of-show.

There will be a registration fee, which will help fund and support the event, covering property and facility rental fees, event insurance, awards, labor, and advertising costs.

Parking:

Upon arrival, we will require the registered show cars to check in at the gate entrance. At the station, each vehicle's class and registration information will be verified and then will be directed by a staff member to the appropriate parking area.

We will have numerous staff and volunteers that will help to ensure the show cars are parked in the correct areas. We will work closely with the Commemorative Air Force to make sure we are following Fleming Fields ramp parking guidelines for spectators.

We will also provide spectator parking and signage dictating its location; this will be located outside of the ramp area. We will have staff / volunteers directing traffic to ensure spectators are parked in the correct areas and that there are no traffic delays.

Food Service:

We plan to invite local food trucks to our event this year as last year food supply and access was sufficient. However, we are anticipating a larger crowd for the 2016 event. Since we are collaborating with the Commemorative Air Force, food trucks can set up near the hangar so they can have electrical access if needed. The food trucks will provide food only, while the CAF will provide all of the beverages.

Washroom and Waste Facilities:

We will have numerous restroom facilities located near the hangar. Trash bins will be positioned throughout the ramp, parking, staging area and vendor areas.

We are working with the Commemorative Air Force to ensure that we have adequate restroom, trash bins, and recycling bins for the show.

Entertainment and Noise Ordinance:

We will hire a team of DJs for this event. We plan to have an area set up near the middle of the tarmac for the DJ booth and the *MadFurther* information and first aid booth. We will work with the Commemorative Air Force and Fleming Field staff concerning City Ordinances regarding noise and speaker placement. We plan to change make a change on the South-facing four speaker setup. We will be using 4 to 6 speakers surrounding the show perimeter and aimed towards the middle. This is for two reasons. First, to allow for better sound reception on the show, and second, to direct sound away from the nearby residential area. We plan to use a reputable event management company, Henley Audio of Minneapolis, which handled the inaugural event, for sound setup and staffing the audio management booth.

SETUP / CLEAN UP:

We would like to start setting up the Friday evening before the car show if possible. We would also like to have access to the ramp and hangar at 8AM the day of the car show. We'll start registration at 9AM, and the show, including audio, will begin at 10AM.

We will ask vendors to retract signage, clean their vendor area, and leave by 6PM. We will also ask the public and show-cars to leave by 5PM. The Further Performance volunteers will also help the Commemorative Air Force with tear down and clean up after the show. All clean up should be completed by 8PM.

SAFETY PLAN:

COMMUNICATIONS

Event coordinators will communicate with event volunteers in person before the event, and during setup as well as during the event if needed. We will discuss our safety plan and layout prior to the start of the event. Event coordinators will be available by citizen-band radio and mobile phones throughout the event.

Announcements and signs will be posted throughout the event pertaining to the schedule and safety information. Announcements will also be made via the sound system.

COMMAND AND CONTROL:

Available for contact via cell phone and radio (during the event):

Owner/Operator/Chief Manager/Producer:

Tristan Henderson | 612-296-6524 | Tristan@fptuned.com

Project and Production Manager:

Mike Olson | 612-203-8288 | Mike@fptuned.com

Further Performance Staff:

Frank Buntzen | 612-812-6505 | rottenkrout@gmail.com

Matthew Henderson | 781-626-0560 | motorhead567@comcast.net

Producer/Event and Production Consultant:

Marnie Gamble | 612-867-1913 | marnie@suemclean.com

RESPONSIBILITY OF INDIVIDUAL AGENCIES/GROUPS

Parking/Traffic Control:

Mike Olson

Mr. Mike Olson will supervise 9 to 12 individuals who will direct vehicles on the ramp and make sure they are parked in the correct areas. Volunteer staff will be identifiable by a MadFurther logo shirt. They will communicate via radio.

Ramp/Aircraft Safety:

Frank Buntzen

Mr. Frank Buntzen will be on staff to ensure attendees behave in a safe manner around the aircraft. We will also have a Fleming Field staff member and members of the Commemorative Air Force on hand to make sure aircraft is secure and attendees behave in a safe manner.

Hangar Safety/Crowd Control:

Matthew Henderson

Mr. Matthew Henderson along with a Fleming Field staff member and members of the Commemorative Air Force will ensure that crowd order is maintained within

the designated show field and hangar area. We will have two MadFurther staff members available as assistants.

All Volunteers:

All volunteers will be briefed on standard information (restroom locations, emergency exits, fire extinguishers, etc.) and will be identifiable by either a MadFurther logo shirt or a Commemorative Air Force logo shirt. The volunteers will have a printed note-card with a map, information and specific instructions.

All volunteers will also be briefed on how and who to contact in case of an incident / emergency. All volunteers will assist in preventing unauthorized access to secured areas, and will actively work to keep any noise to a minimum.

SAFETY RESOURCES

- EMT on site at the MadFurther/ First Aid/ DJ booth
- Fire extinguishers
- Hand held/portable radios
- Cell phones
- First Aid kits
- Security Barriers
- Signs
- Portable restrooms

LOST/FOUND PERSONS

In the event of lost and found persons, volunteers will be directed to notify event coordinators. Coordinators will assign a hold location and make an announcement over the PA system.

LOST/FOUND PROPERTY

We will have a lost and found bin stationed in a main area of the event. If items are not claimed during the event, the items will be held at the Commemorative Air Force to be picked up on Wednesdays or Saturdays.

EVACUTATION PLAN

- Event coordinators will make the decision to evacuate. Police officers will be consulted/called.
- Event coordinators will be in charge and will brief/call the staff via cell phones or radios.
- Event coordinators will be responsible to make sure all attendees have exited the building. Safety office and ramp safety will direct people to evacuation area.
- Public will be directed to the posted emergency exits.
- For a fire, the public will be evacuated to the grass area west of the hangar.
- For severe weather emergency, the public will be instructed to stay inside the hangar.
- All other emergencies will be handled as necessary.
- Event coordinators will inform the emergency services.
- Event coordinators and police officers will direct emergency services when they arrive.

TRAFFIC MANAGEMENT PLAN

See attached ramp layout for parking.

FIRST AID SERVICES

First aid tent will be located near the dining area. It will be accessible for ambulances through the normal entrance.

MEDIA

If there is media interest, the event managers, a member from the Commemorative Air Force, or legal counsel would speak to the media.
Media Contact: Tristan Henderson | 612-296-6524 | Tristan@fptuned.com

Contact Us:

Any questions at all please contact:

Further Performance
207 Humboldt Ave. N.
Minneapolis, MN 55405
612-374-2604

Tristan Henderson
Tristan@fptuned.com
612-296-6524

Mike Olson
Mike@fptuned.com
612-203-8288

Maria Pivec
Maria.pivec@results.net
651-331-8472

Marnie Gamble
marnie.gamble@gmail.com
612-867-1913



CITY COUNCIL AGENDA REPORT

DATE: OCTOBER 17, 2016

DEPARTMENT: COMMUNITY DEVELOPMENT-PLANNING

ADMINISTRATOR: 

10-D

AGENDA ITEM: Revised Site Plan for a Previously Approved CUP/Variance – 1315-1321 Southview Boulevard

ACTIONS TO BE CONSIDERED:

- Adopt Resolution 2016-193 approving an amended plan for a previously approved Conditional Use Permit/Variance to build a garage for the 1315-1321 Southview building.

OVERVIEW:

On June 6th the City Council approved a Conditional Use Permit and Variances for the construction of a garage on the vacant parcel behind the 1315-1321 Southview Boulevard building. The applicant recently submitted a building permit application for a garage that was different than the approved plan. The revised plan was for a 2-car garage (facing west to 14th Avenue) with attached storage units for the apartment tenants and a 4-space parking lot where the original plan had a 4-car garage (facing north toward the building) and 3-4 space parking lot. The largest change is the reduction in the number of parking spaces but the overall plan still increases off-street parking for the mixed-use building which currently only has 4 spaces.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the item at their October 5th meeting and unanimously recommended approval of the amended plans. Commissioners inquired about the dimensions of the garage and whether the changes still warranted the variances that were previously granted, which they determined were still valid. Those recommending for the motion stated that they felt the revised plan was a better plan than the original.

STAFF RECOMMENDATION:

At the Planning Commission meeting staff provided an oral recommendation approving the changes to the plans and prepared a mock-up version of the plans to illustrate the relationship of the parking spaces, garage, etcetera. Staff has prepared Resolution 2016-193 which would approve the revised Site Plan for a garage on the property serving the 13-15-1321 Southview building.

60-DAY REVIEW DEADLINE: N/A

SOURCE OF FUNDS: N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-193

**A RESOLUTION APPROVING AMENDED PLANS FOR A PREVIOUSLY ISSUED
CONDITIONAL USE PERMIT AND VARIANCE FOR A DETACHED GARAGE AND
PARKING LOT SERVING THE BUILDING AT 1315-1321 SOUTHVIEW BOULEVARD**

WHEREAS, the City received an application from Roger Tollas for revised plans for a previously approved Conditional Use Permit and Variances for a detached garage and surface parking lot on the vacant lot behind 1315-1321 Southview Boulevard which will be combined with 1315-1321 Southview Boulevard to form one parcel, legally described as follows:

Lot 29 and Lot 30, Block 10, WHARTON AND MILLER ADDITION to
South St. Paul, Dakota County, Minnesota

WHEREAS, the City Council previously approved the Conditional Use Permit and Variances at their June 6, 2016 meeting through Resolution 2016-107; and

WHEREAS, the Planning Commission reviewed the revised plans and took action to recommend approval (7-0) of the revised plans at their October 5, 2016 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration at their October 17, 2016 meeting; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. Facts. The facts found by the Planning Commission as stated in the Planner's report regarding this matter are hereby adopted and included herein by reference.
2. Findings. The City Council determines that the proposed variances will not be detrimental to the health, safety, or general welfare of the community, nor will it cause serious traffic congestion or hazards, nor will it seriously depreciate surrounding property values, and it is in harmony with the general purpose and intent of the Zoning Code. Additionally, the request is in harmony with the purpose and intent of the ordinance, the terms were consistent with the Comprehensive Plan, the property owner proposed to utilize the property in a reasonable manner, the plight of the property owner is due to circumstances unique to the property, and that the variance would not alter the essential character of the neighborhood.

3. Revised Plans. The revised plans for the detached garage and parking lot for the property at 1315-1321 Southview Boulevard are hereby approved subject to the following conditions:

A. **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:

- | | |
|---|-----------------------------|
| a) Application/Narrative (Roger Tollas) | dated 05/12/2016 |
| b) Site Plan (Roger Tollas) | dated 05/12/2016 |
| c) <u>Revised Narrative (Tollas)</u> | dated 09/29/2016 |
| d) Revised Plans / Elevations (Tollas) | dated 09/24/2016 |
| e) <u>Revised Site Plan (Tollas)</u> | dated 09/29/2016 |
| f) <u>Details of Site Plan (City of SSP)</u> | dated 10/05/2016 |

B. **Compliance with Previous Approvals.** The site shall be utilized in substantial conformance with the conditions of approval from Resolution 2016-107 except as specifically amended herein.

Adopted this 17th day of October, 2016

City Clerk

14TH AVE SO

CITY EASEMENT

TARED PARKING

18'-8"
C.C.P.
12'-3"

SOUTHVIEW BLVD

137'-6"

85'

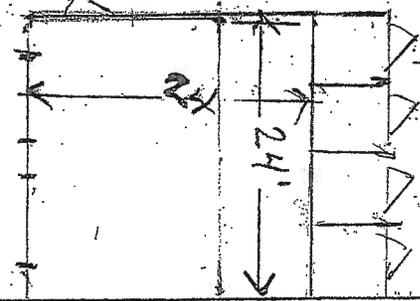
EXISTING BLDG

GRASS AREA

FENCE

FENCE

3' SETBACK



PARKING, GARAGES & STORA

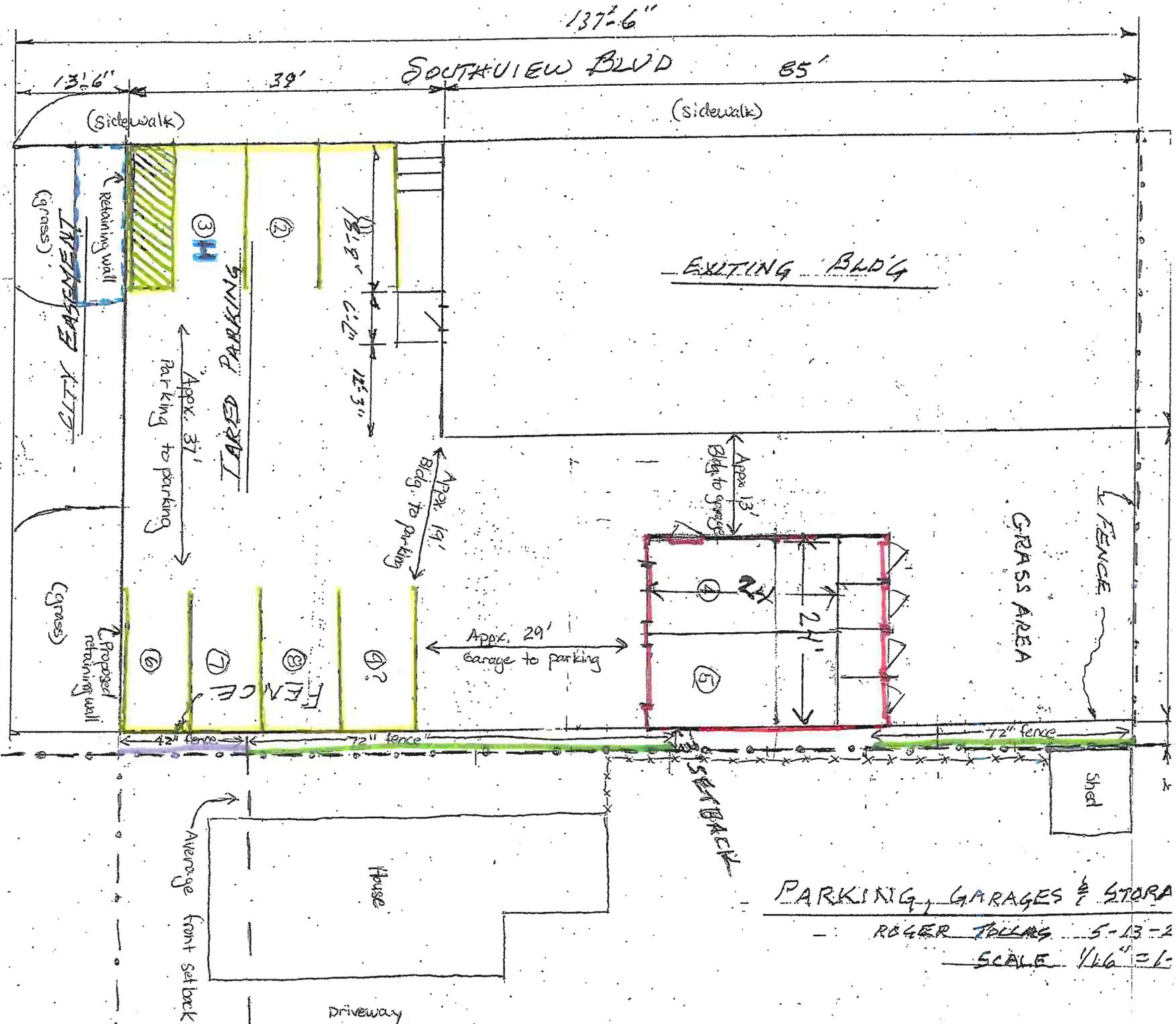
ROGER DOLLAS 5-13-2

SCALE 1/16" = 1'

9/29/16

LINE W

144th AVE SO



PARKING, GARAGES & STORA

ROGER TOLLAS 5-13-2

SCALE 1/16" = 1'

Planning Commission Meeting Date: Wednesday, October 5, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 4.A
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Project Name:	Revised plans for a CUP/variance to build a garage for the building at 1315-1321 Southview Boulevard
Request:	Consider the revised plans submitted for a building permit and provide a recommendation.
Proceeding:	<ul style="list-style-type: none"> ▪ Discuss the revised plans and provide a recommendation
City Council Meeting Date(s):	City Council –October 17, 2016 (tentative)
Exhibits:	<ul style="list-style-type: none"> A. Revised plans submitted by the applicant B. Approved plans and June 1, 2016 Planning Commission Report

Request

Review the revised garage plans and the previous approval for a CUP/variance to allow the garage.

What is changed in the revised plans?

The proposed amendment would:

- The number of garage stalls has been reduced to 2 instead of the 4 that were approved.
- The size of the garage has been reduced from 54 feet by 20 feet to 30 feet by 24 feet.
- The garage is now oriented with the overhead doors facing to the west (14th Avenue South) with the proposed storage units facing the back of the building to the north. The garage is also proposed to be located further to the east than previously approved.
 - With the change to the orientation of the garage the additional surface parking spaces that were planned between the garage and the property line would appear to be replaced by driveway space instead.
- The setback to the south would remain at 3 feet while the distance from the back of the building would change from 17.5 feet to 9.58 feet.

- Existing language capping an accessory garage building to 1,000 square feet and an additional accessory building (shed) at 200 square feet, for a grand total of 1,200 square feet of accessory buildings.

Staff Recommendation

Staff does not have a recommendation at this time as we did not have the benefit of a detailed site plan to answer some of our questions. However, staff does have concerns about the plan as it would seem to indicate a reduction in parking spaces, potentially impacts the property to the south in a different manner than the approved plan, and this plan may involve a large expanse of open driveway.

However, as there is very little time left in the year to begin working on concrete and paving projects staff felt that bringing these early plan revisions to the Planning Commission would still allow this project to have a chance to be reviewed with as much time left for construction as possible.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

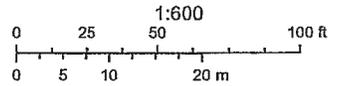
A1

Revised plans - 9/24/16

1315 Southview Boulevard



May 25, 2016



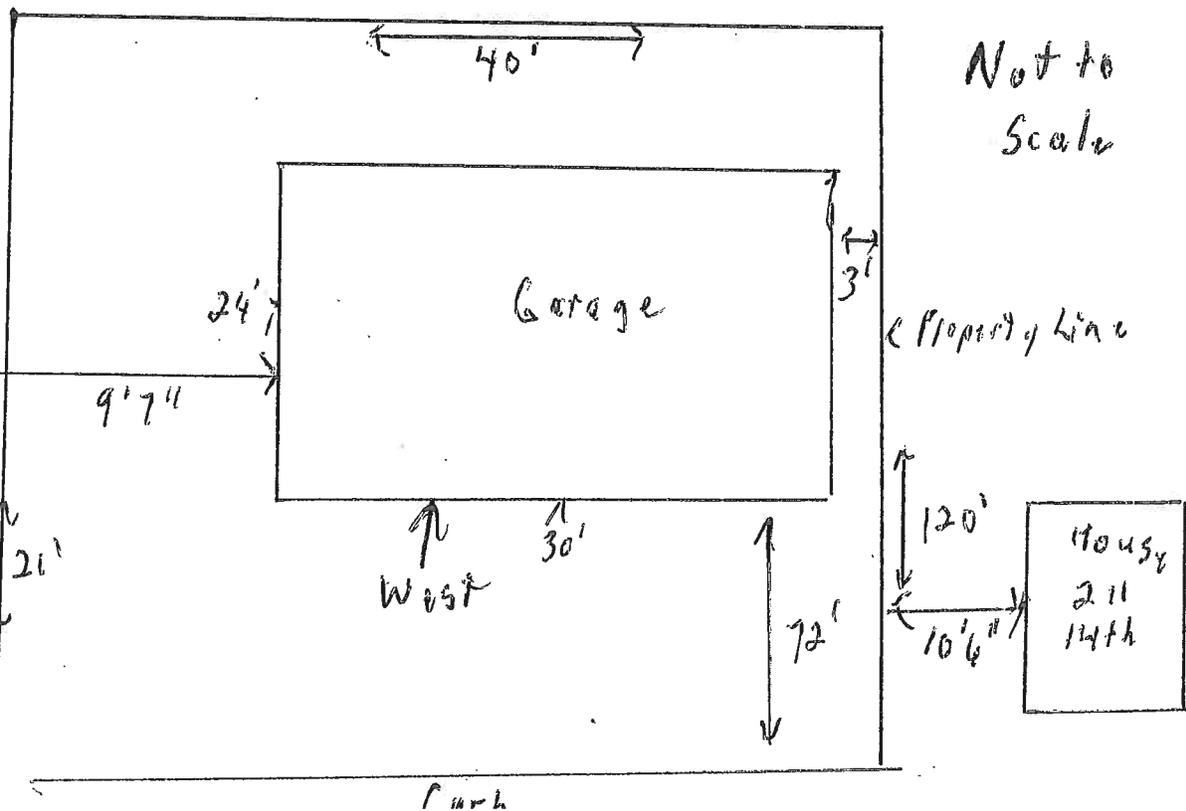
RECEIVED
SEP 23 2016
 BY: _____

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

40' x 120' Lot

203 14th
Ave S

1315
Southview
Blvd.



Not to
Scale

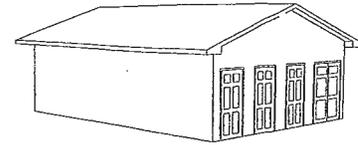
Items Selected:

Asph/Flt roof w/ 4/12 pitch, Standard Trusses 2' O.C.
 Design Location Zip Code: 55075
 4 Wall Framing Material
 4" Wide X 30" Deep X 9' High
 Vinyl Dbl 4" Lap Siding
 . Wheat
 6" OSB Wall Sheathing
 12" gable/24" eave overhangs
 1/2" OSB Roof Sheathing
 Shinglebrook, Pewter Shingles
 White Aluminum Soffit & Fascia
 White Premium Roof Edge
 Garage Door Opener

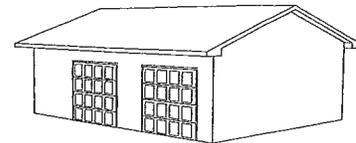
Options Selected:

The options you have selected are:
 30 LB Roof Felt
 2 - 36X80 Service Door - E-1 6-Panel Steel LS
 1 - 36X80 Service Door - E-1 6-Panel Steel RS
 2 - 8x7 Overhead Door - Insulated RP
 1 - 60X80 Service Door - P-1 Double Door RS

Front View



Back View



Estimated base price: \$5,348.12*

Base price includes: 0" Eave/0" Gable Overhangs, Framing Materials, OSB Roof Sheathing, 20 yr. Fiberglass Classic - Onyx Black Shingles, Pine Fascia, Galv Regular Roof Edge, Insulated Vertical Hardboard Siding, All selected overhead, service and sliding doors are included. Windows and other options are NOT included.

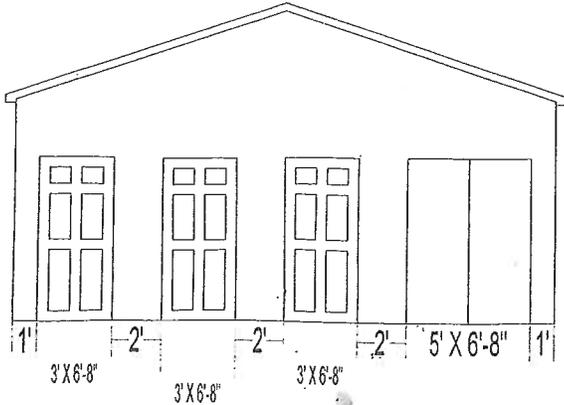
Estimated price: ~~\$6,055.99~~

*Today's estimated price, future pricing may go up or down.
 *Tax, labor, and delivery not included.

*** Take this sheet to the Building Materials counter to purchase your materials. ***

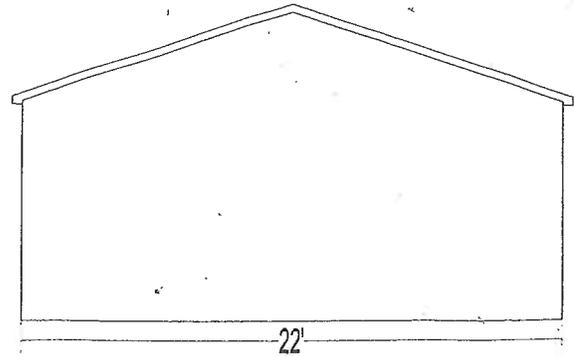
Concrete (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to market conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. Information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. DUE TO THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED BY MENARDS ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

*** Here are the wall configurations for your design.
Illustration May Not Depict All Options Selected

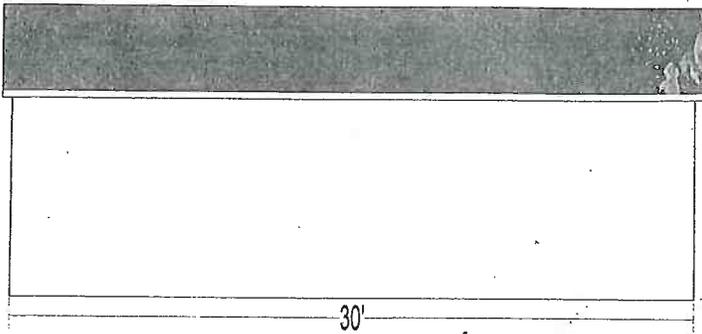


Gable Front View

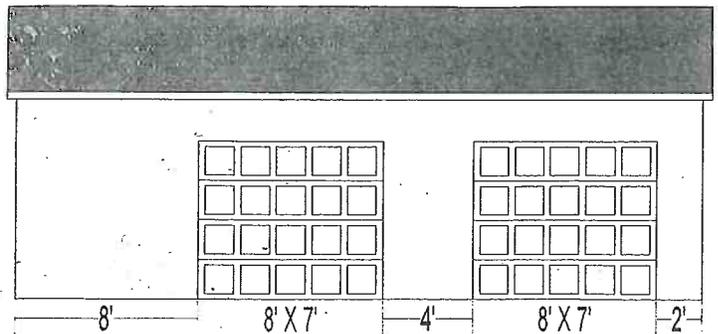
- (2) -
- (1) -
- (1) - 5' WOOD DOUBLE DOOR



Gable Back View



Eave Front View



Eave Back View
(2) -

Building Size: 22 feet wide X 30 feet long X 9 feet high
Approximate Peak Height: 13 feet 0 inches (156 inches)

NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.
Confirm the door requirements with your local zoning official before construction.

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks or eye protection during construction to ensure a positive building experience.

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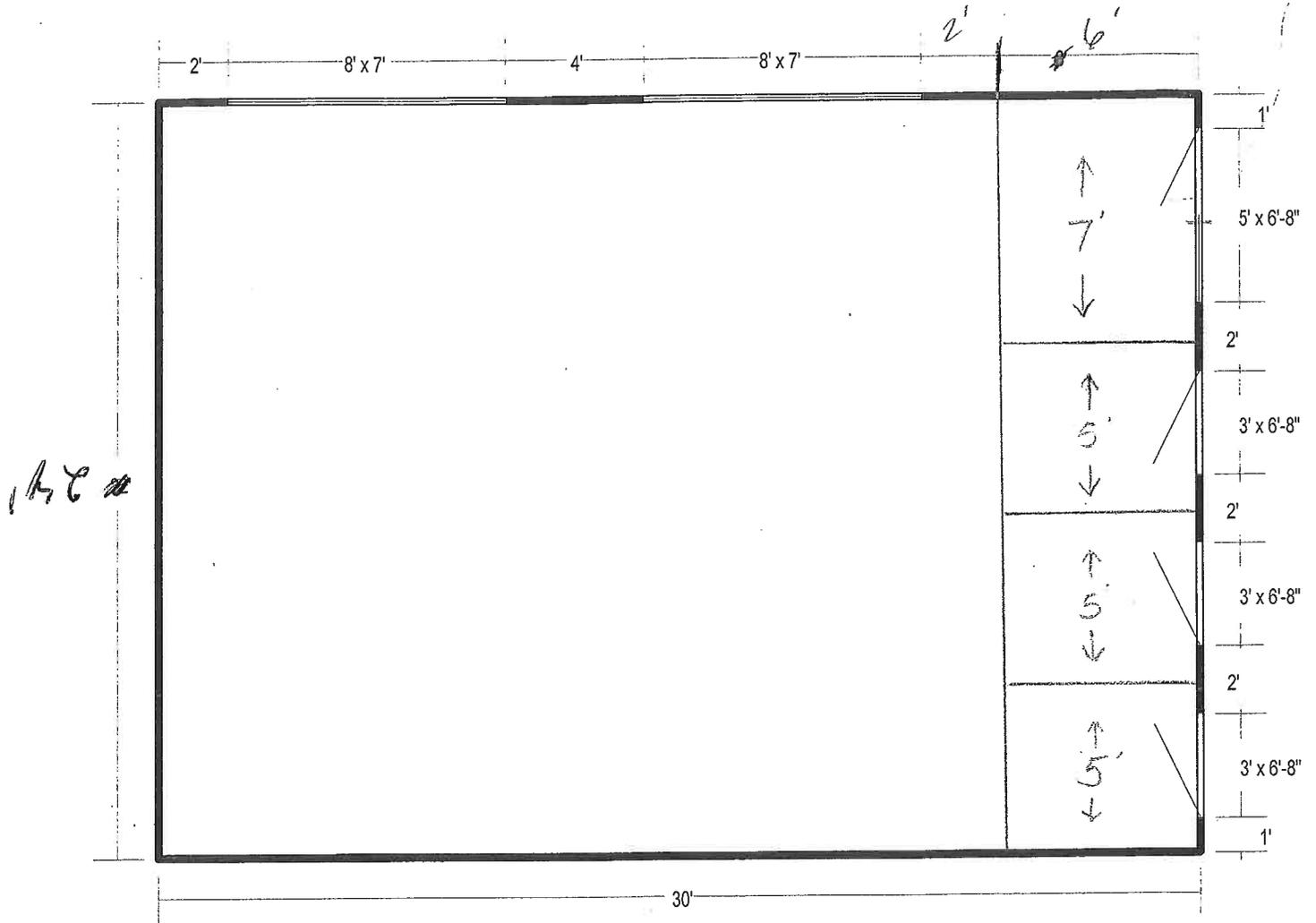
Estimate Id: 75280



Revised plans - 9/24/16
Page 3 of 3
9/1/2016

*** Garage Floor Plan.

Illustration May Not Depict All Options Selected

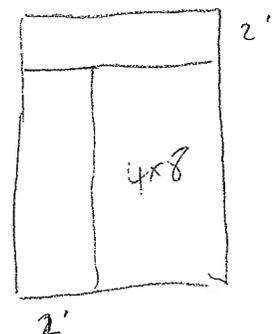


Add

- ✓ 12 - 2x4 x 12' SPF
- ✓ 3 - 2x4 x 12' AC 2
- ✓ 60 - 2x4 x 104
- ✓ 18 - 4x9x 7/16 OSB
- 6 - 4x8x 5/8 FC ext.
- 1 - 2x4x 8 AC 2

Building Size: 22 feet wide X 30 feet long X 9 feet high

Note: Wall construction is 2x4 @ 16" on center



Planning Commission Meeting Date: Wednesday, June 1, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 4.D
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Project Name:	Tollas Garage CUP and Variances	
Site Address:	1321 Southview Boulevard (& 203 14 th Ave. S.)	PID: 36-83900-10-300 36-83900-10-290
Applicant:	Roger Tollas	
Request:	Consider the request for a Conditional Use Permit and a Variances to allow for the construction of a detached garage building and surface parking lot.	
Proceeding:	Public Hearing / Planning Commission Recommendation	
Tentative City Council Meeting Date:	June 6, 2016	
Deadline:	July 11, 2016* <small>*The City must act on this request by this 60-day review period deadline unless the city provides the applicant with written reasons for why additional time, up to a maximum of 120 days, is required. The City may extend the review period beyond the 120 days but only with the applicant's consent.</small>	
Exhibits:	A. Location Map, previous approvals B. Correspondence from neighboring property owners (None) C. Materials submitted by the applicant	

BACKGROUND

The applicant is the owner of the building at 1321 Southview Boulevard and has recently acquired the vacant lot directly to the south of the building and is now proposing to construct a detached garage building and surface parking lot on the vacant property. The proposed garage spaces would serve the apartment residents in the building and the surface parking lot would serve both the residential and commercial tenants. Currently the 1321 Southview building has 1 tuck-under garage and a surface lot with 3 parking spaces all of which serve the apartment units. The proposed garage and surface parking would provide approximately 8 additional parking spaces.

The building at 1321 Southview Boulevard is a 2-story mixed-use structure (office/retail and residential) that was built in 1961. The property at 203 14th Avenue South was an alley house that was acquired by the HRA and cleared for future redevelopment.

3.2

Surrounding Area			
Direction	Future Land Use Plan	Zoning	Existing Land Use
North	Low Density Residential	C-1: Retail Business	Detached Single Family Residential
South	Commercial	C-1: Retail Business	Detached Single Family Residential
East	Commercial	C-1: Retail Business	Commercial (Kaposia Gas Station 2)
West	Low Density Residential	R-2: Single and Two-Family Residence	Detached Single Family Residential

Subject Property Site Data	
Future Land Use Plan	Commercial
Existing Land Use	Commercial / Mixed-Use
Zoning	C-1: Retail Business
Property Size	.22 acres (9,583 Total square feet)
Topography	Modest slope at western side of property running downhill toward Southview, property also sloped down toward the east side at the alley where there is now a retaining wall.

ZONING SUMMARY:

Bulk Requirements	Required	Existing Building	Proposed
Setbacks:			
Street (Southview)	40 ft. from centerline / block avg.	Appx. 40 ft.	n/a (behind building)
Street (14 th Ave.,)	40 ft. from centerline / block avg.	Appx. 39 ft	6 ft. east of building – garage 0 ft. – surface parking
Side yard (south)	10 ft.	41 ft	3 ft.
Rear yard (east)	10 ft.	24 ft	10 ft.
Building Height: (access. bldg.)	16 ft Max floor to peak	N/A	16 ft or less
Site Design			
Parking Standards:			
Parking stalls	N/A	4	12
Accessible parking stalls	1	0*	0*
Exterior Building Materials:		Brick/stucco	Siding (match stucco)
Other Critical Zoning Items			
Floodplain		No	
Shoreland		No	
MNRRRA		No	
Utility easements		No	

*ADA accessible parking spaces need to be striped and signed and include the required access aisle space. One space is required for parking with 25 spaces or less.

EVALUATION OF THE REQUEST

A. VARIANCE / CONDITIONAL USE PERMIT

Following are standards from the City's Zoning Code that apply to specifically to the application.

1. Zoning / Land Use

The property is zoned C-1: Retail Business District. The C-1 District allows offices and retail service spaces as permitted uses in the district. The garage use would be considered an accessory use on the property and the only vehicular access to the garage would come from 14th Avenue.

2. Exterior materials

The dominant building material is vinyl siding that would be selected to match the building. The applicant has not yet provided any elevations of the proposed garage structure for staff to review.

3. Parking/Parking Surfaces

The City Code states that parking surfaces be paved asphalt or concrete and include curbing. The proposed parking spaces to the west of the new garage would face to the south. City Code would require privacy fencing consisting of wood, PVC, or composite fencing to a minimum height of 3.5 feet should be installed along the south side of the parking spaces to provide adequate screening for the residential property to the south. Fencing extending west of the front of the house at 211 14th Avenue South shall not exceed 3.5 feet in height. The parking lot will need to have at least 1 ADA accessible parking space and the lot should be restriped including the markings/signage for the ADA space. In addition there should be an accessible route from the parking lot to the building so that

4. Correspondence from Neighboring Property Owners

Staff had not received any correspondence from neighboring property owners prior to the writing of this report.

5. Variances Proposed in the Application

The City's Zoning Code (Sec. 118-270) requires a side yard setback of 10 feet for commercial structures in the C-1 district. The application shows a side setback of 3 feet. Additionally, the application also shows parking spaces without the require parking setback (approximately 0 foot of space provided) adjacent to the 14th Avenue Right of Way. Finally the City's parking standards show that two-way traffic should have a minimum aisle width of 22 feet and the applicant has proposed 17.5 feet.

6. Variance Findings

In variance cases the City is required to make findings in regard to practical difficulties as used in connection with the granting of a variance as defined by State Statute 462.357, subd. 6 and in City Code Section 118-39. The City must make the following findings in considering approval of a variance:

- a. *The variance is in harmony with the general purpose and intent of the ordinance*
- b. *The terms of the variance are consistent with the Comprehensive Plan, and*
- c. *The applicant for the variance establishes that there are practical difficulties in complying with the ordinance. (Economic considerations alone do not constitute practical difficulties). Practical difficulties as used in connection with the granting of a variance means that:

 - i. *The property owner proposes to utilize the property in a reasonable manner.*
 - ii. *The plight of the property owner is due to circumstances unique to the property that were not created by the property owner, and*
 - iii. *The variance will not alter the essential character of the neighborhood.**

Staff has reviewed the proposal and determined that the use conforms to the general purpose of the Zoning Code and with conditions should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, already has adequate utilities, and as an existing building has adequate ingress and egress.

7. Conditional Use Permit Findings:

The applicant is seeking a Conditional Use Permit (CUP) for a 20-foot by 48-foot accessory building/ garage on the property at 1321 Southview Boulevard. The Council may grant a Conditional Use Permit, if the following criteria can be met:

- ✓ *The proposed conditional use conforms to the general purpose and intent of the zoning code.*
- ✓ *The conditional use will not substantially diminish or impair property values within the neighborhood, and in consideration of this question the comparison of the use shall be with respect to uses that are permitted without a Conditional Use Permit in the district which the use is located.*
- ✓ *The conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district affected.*
- ✓ *Adequate utilities, access roads, streets, drainage, and other necessary facilities have been provided.*
- ✓ *Adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.*

Staff has reviewed the proposal and determined that the use conforms to the general purpose of the Zoning Code and with conditions should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, already has adequate utilities, ingress and egress are not impacted.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission has review the application and determined that the application is consistent with the Variance findings (see p. 4 of this report) and the Conditional Use Permit findings (see p.5 of this report), then staff would recommend the following conditions for a *recommendation* for approval:

- **(Step 1) Findings:** The Planning Commission would need to include findings (see the section above) that the proposed Conditional Use would not have an adverse impact on other properties and the general area or that potential impacts would be mitigated through specific conditions. Additionally the Commission would need to include findings for the Variances.
- **(Step 2) Recommendation for Approval:** Approval of the **Conditional Use Permit** for an accessory building over 200 square feet and **Variances** of 8 feet for the side yard setback, and 10 feet for parking setback for the property located at 1321 Southview Boulevard, subject to the following conditions:

1) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Engineering Department:

- | | |
|--|-------------------------|
| a) Application / Narrative (Roger Tollas) | dated 05/12/2016 |
| b) Site Plan (Roger Tollas) | dated 05/12/2016 |

2) **Building Permits Required.** Building permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.

3) **Parcel Combination.** An accessory building can only be built on a parcel where there is principal building. Therefore the applicant shall combine the two tax parcels (36-83900-10-300 and 36-83900-10-290) to make the property consistent with City Code.

4) **Parking and ADA Accessible Parking.** The applicant shall stripe the parking spaces and shall sign and stripe the parking lot to provide ADA accessible parking spaces at the building site. The applicant shall provide an ADA accessible route to the parking lot.

5) **Revised South Side Architectural Elevation Plans and/or Landscaping Plans.** The applicant shall submit revised architectural and/or landscaping plans to break

B_k

up the blank wall span along the south side of the property.

- 6) **Parking Lot Screening and Dumpster Screening.** The proposed surface parking area shall require privacy fence to a minimum height of 3 ½ feet to help screen the adjacent residential property from headlight glare. Dumpsters shall be screened in accordance with City Code, such screening is subject to the review and approval of the City Planner.
- 7) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.
- 8) **Termination of the Conditional Use Permit / Variances.** The Conditional Use Permit / Variance will terminate if improvements have not substantially begun within 1-year from the date of approval of the Conditional Use Permit / Variances. The violation of any condition of approval shall terminate the Conditional Use Permit / Variances.

B. **Denial.** If the Planning Commission does not favor the proposed application or portions thereof, the above requested should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

- **Recommendation for Denial:** Denial of the proposed **Conditional Use Permit/Variance** for the property located at 1321 Southview for the following reasons:

1) _____

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed Conditional Use Permit/Variations for the property located at 1321 Southview Boulevard subject to the conditions listed in this report.

Respectfully Submitted,

Peter Hellegers

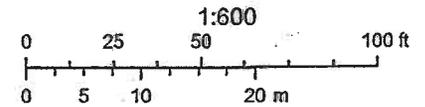
Peter Hellegers, City Planner

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1315 Southview Boulevard



May 25, 2016



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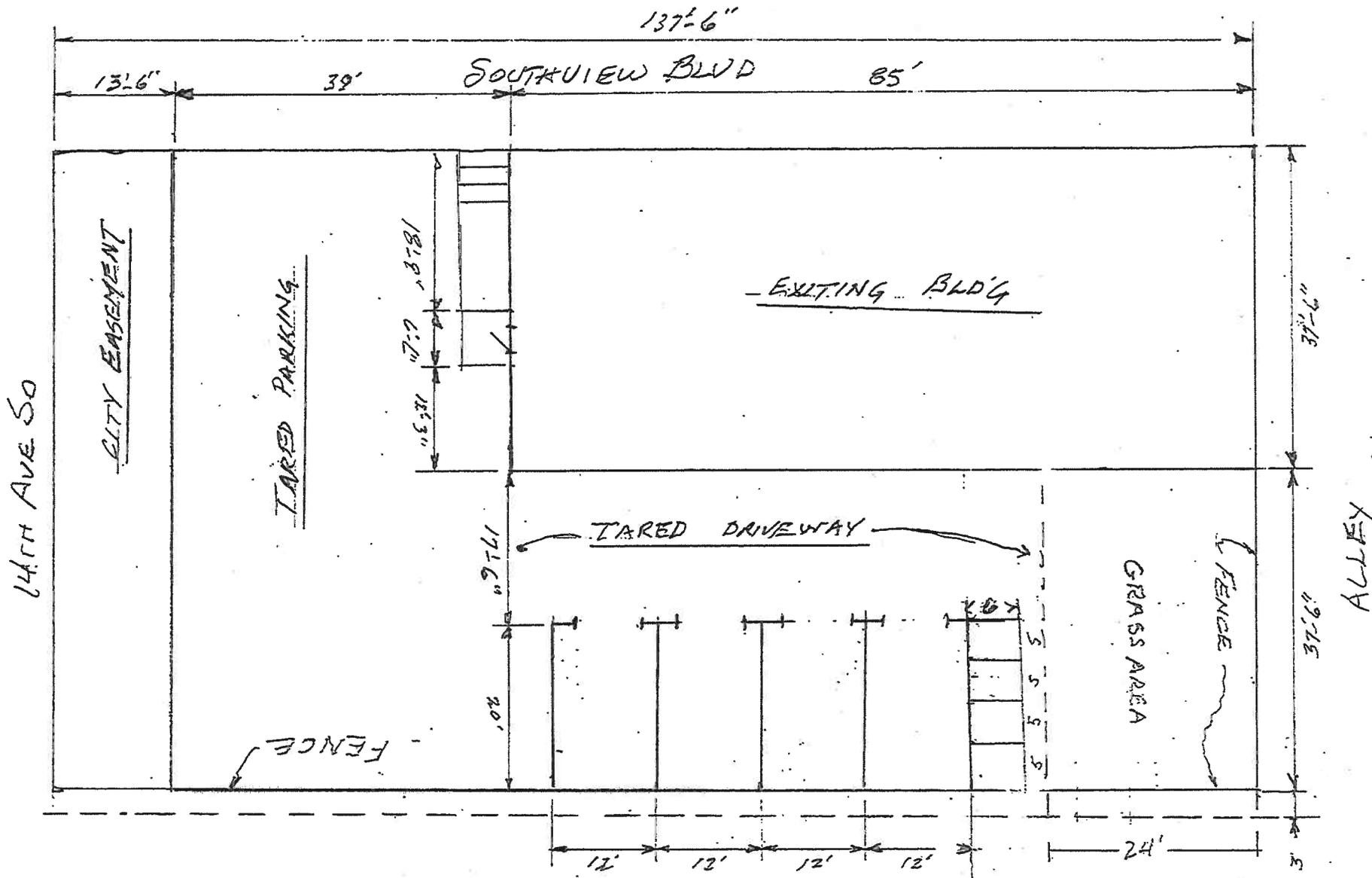


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PARKING, GARAGES & STORAGE

ROGER JOLLYS 5-13-2016

SCALE 1/16" = 1'-0"

[Signature]



CITY COUNCIL AGENDA REPORT

DATE: OCTOBER 17, 2016

DEPARTMENT: COMMUNITY DEVELOPMENT-PLANNING

ADMINISTRATOR: SPKen

10-E

AGENDA ITEM: Accessory Building Amendments

ACTIONS TO BE CONSIDERED:

- Offer for its First Reading an amendment to the City Code regarding accessory buildings.

OVERVIEW:

At their June 6th meeting the City Council heard a case for a CUP/Variance to allow an applicant with an attached garage to build a second garage and to keep an existing shed that had recently been built on the property. The issue is that City Code currently only allows one garage (attached or detached) and one other accessory building. In that case the applicant had already exhausted what they could build with the attached garage and the shed. The applicant also could have complied with Code by removing the shed and incorporating that amount of storage space into the proposed second garage thereby eliminating the need for the variance. At the meeting Councilmembers stated that they felt the request seemed reasonable and discussed whether the variance should be granted or whether the Code should be amended. The application for the CUP and variance were approved and the Council then directed staff to draft language so that a similar situation could be avoided in the future. Options were outlined at the June 26th City Council work session and staff brought the item to the Planning Commission where public hearings were held and the revisions were discussed at their last several meetings.

CODE AMENDMENT:

The original code amendment (referred to below as “Option A”) was designed to correct the issue from the CUP/variance application by simply allowing up to two (2) accessory buildings on residential lots. The current accessory building size standards were kept the same which would allow a detached garage of up to 1,000 square feet and another accessory building (i.e. shed, gazebo, etc.) of up to another 200 square feet for a grand total of 1,200 square feet of accessory building on a property. In most cases throughout the community this would work just fine and would be helpful for properties with single tuck-under garages which do not provide enough garage space to meet modern needs. One concern was that while this worked well for many properties it would allow properties with large attached garages (i.e. 3-car attached garage) to also build another detached garage on the property thus having far more garage space than could be accommodated on other properties.

An alternative was developed (“Option B”) to allow the 2 accessory buildings but would cap all accessory use space (including attached garages, detached garages, sheds, etc.) at the 1,200 square feet thus eliminating the fairness concern that properties with large attached garages were granted a benefit over other properties.

At the Planning Commission it was also discussed that there was an “Option C” which was to recommend just keeping the Code language as is.

In summary the options for the code amendment were determined to be as follows:

- OPTION A:** Amend the City Code to allow 2 accessory buildings. This would be allowed even if the property already had an existing attached garage. Only the accessory buildings (detached garage, shed, etc.) would count toward the maximum size of 1,200 square feet.
- OPTION B:** Amend the City Code to allow 2 accessory buildings on a residential lot (just as allowed under Option A) AND amend the Code to cap all accessory uses (garages attached or detached, sheds, etc.) to a maximum of 1,200 square feet.
- OPTION C:** Do not amend the City Code; leave it as is.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the accessory building discussion at the last several meetings, held public hearings and at the September 7th meeting voted on a recommendation. A motion was made to recommend approval of code amendment “Option A” but the motion failed (2-4). The Commission then moved to recommend the Code not be amended (“Option C”) which carried (4-2). Commissioners speaking for the motion stated that they felt that situation which started the whole discussion was unique enough and applications could be handled on a case by case basis for consideration of variances.

STAFF RECOMMENDATION:

Staff initially favored either Option A or Option C as they would be much more straightforward to administer and would make it easier for homeowners and contractors when they came in with applications for new garages. However, Option A does have potential to help property owners that have attached single-car garages or single-car tuck-under garages and an existing shed so that there are more options for adding garage space. These instances are fairly common and therefore a code amendment as contemplated in Option A would be warranted.

60-DAY REVIEW DEADLINE: N/A

SOURCE OF FUNDS: N/A

Planning Commission Meeting Date: Wednesday, September 7, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 3.F
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Project Name:	Accessory Building Ordinance Amendments
Request:	Consider an ordinance amending the number of Accessory Buildings
Proceeding:	<ul style="list-style-type: none"> ▪ Public Hearing ▪ Planning Commission Resolution (Recommendation to City Council)
City Council Meeting Date(s):	City Council – 1 st Reading – September 19, 2016 (tentative) City Council – 2 nd Reading – October 3, 2016 (tentative)
Exhibits:	A. PC Resolution 2016-05 – Accessory Buildings Amendment B. Proposed amendments to R-1 District and Accessory Building Standards

Update

This item was continued from the August 3rd and July 6th Planning Commission meetings. The Planning Commission is asked to review the two options to change the regulations pertaining to accessory buildings, weigh those changes against the existing language, and recommend which way to proceed.

Request

Review the attached draft ordinance regarding changes to the R-1 Zoning District and Accessory Building Standards. Conduct the public hearing for the draft ordinance and provide a recommendation to the City Council. Staff has prepared Planning Commission Resolution 2016-05 which would recommend that the City Council adopt the proposed ordinance.

What Would the Proposed Ordinance Do?

The proposed amendment would:

- Eliminate language stating that a property is limited to one garage (attached or detached) plus one other accessory building and replace it with allowing two accessory buildings. Attached garages would be considered part of the principal building (house) and would not count against number of accessory buildings.

- Existing language capping an accessory garage building to 1,000 square feet and an additional accessory building (shed) at 200 square feet, for a grand total of 1,200 square feet of accessory buildings.

Why Should the City Take This Action?

In a recent application a property that had an existing attached garage and existing shed and was requesting to add a detached garage the current standards would have required that the shed be removed to build the new garage. However if the property had not had an attached garage and was looking to build a large detached garage then removal of the shed would not have been an issue. This case highlighted a conflict in the code where homes with attached garages essentially had less flexibility with regard to adding accessory structures to their property. Since there are many properties that have attached 1-car garages and tuck-under garages which do not accommodate today's vehicles the Code would push those properties into requiring a Conditional Use Permit for a second garage. After discussing the case listed above the City Council directed staff to examine ways to remedy the situation so that variances would not be required to have a shed along with the detached garage and attached garage.

In the proposed amendment (shown as A) the language is simplified to state that a property may have 2 accessory buildings while the maximum size for a garage (1,000 s.f.) and the maximum size for the second accessory building/shed (200 s.f.) are retained.

Items for additional discussion

Alternative Amendment Language

Should there be a Cap on the maximum size of garages whether attached or detached?

The proposed amendment was intended to correct the situation where properties with a 1-car/tuck-under attached garage are forced into needing a Conditional Use Permit to build a new detached garage or converting the tuck-under garage into part of the finished space in the house. However, the same language would allow a property that already has a 3-car attached garage to also build 2 accessory buildings totaling up to 1,200 square feet.

1. Is the Planning Commission comfortable with the language as proposed noting the situation listed above could arise? Alternative language (shown as B) would cap the maximum size for the accessory uses (garages, sheds, etc.) at 1,200 square feet whether the accessory use is in a separate building or is attached to the house.

For example a home with a 768 square foot attached garage would then have the ability to have another 432 square feet of space that could be in 2 accessory buildings (a detached 1-car garage and a small shed or 2 larger sheds)

The final option of course is to recommend that no action be taken and the language would remain as is.

Process / Timeline

Process – The Planning Commission will hold the public hearing, make a recommendation, and the ordinance amendment would be forwarded to the City Council to be considered at two readings of the ordinance.

Timeline - The first reading for this item would be at the August 15th City Council meeting and the 2nd reading, would be scheduled for either the September 19th City Council meeting. If approved by the Council the ordinance would be in effect from the date of adoption.

Staff Recommendation

Open the public hearing and discuss the proposed ordinance options (A or B) and alternatively whether the City Code language should be left as is. Staff recommends approval of PC Resolution No. 2016-05 which would recommend approval of the ordinance (per option A) amending the standards for Accessory Buildings.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

City of South St. Paul
Dakota County, Minnesota

**PLANNING COMMISSION
RESOLUTION NUMBER 2016-05**

**RECOMMENDING APPROVAL OF AN AMENDMENT TO
SECTIONS 118-121 AND 118-208 OF THE CITY CODE REGARDING
REQUIREMENTS FOR ACCESSORY BUILDINGS**

WHEREAS, the City Code establishes certain standards for development in the City of South St. Paul, including standards for the maximum number of accessory buildings and the maximum size of accessory buildings; and

WHEREAS, the proposed amendment would allow two accessory buildings on a residentially zoned property and would consider attached garages as part of the principal building.

WHEREAS, the maximum size for accessory buildings would remain consistent with the current standards.

WHEREAS, the Planning Commission opened a public hearing on the proposed resolution at their July 6, 2016 meeting and continued the public hearing to their August 3, 2016 meeting; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of South St. Paul, Minnesota, as follows:

1. Approval of An Amendment to Sections 118-121 of the City Code, regarding the Single Family Residence District and 118-208 of the City Code regarding Accessory Buildings.

Adopted this 7th day of September, 2016.

Chair

ATTEST:

City Planner

Sec. 118-121. - R-1, single-family district.

(a) *Permitted uses.* Within the R-1 single-family district, no building, structure or land shall be used except for one or more of the following uses, unless otherwise provided in this chapter:

(1) *Principal use.*

- a. One single-family dwelling (not to include mobile homes).
- b. Churches, chapels, temples, and synagogues, including Sunday schools, and parish houses meeting the requirements of this district.
- c. Public parks and playgrounds.

(2) *Accessory uses.*

- a. One garage (~~attached or unattached~~) used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted, as regulated herein by the performance standards section 118-208.
- b. One accessory building or structure, in addition to the garage, the use of which is incidental to and located on the same lot as the dwelling, as regulated herein by the performance standards section 118-208.
- c. Swimming pools and tennis courts, as regulated herein by the performance standards section.
- d. Keeping of domestic pets.
- e. Fences, signs, and recreation equipment, as regulated herein.
- f. Residential business office.
- g. A PWS antenna located entirely inside a building or structure.
- h. Keeping of chickens as per the backyard chicken regulations found in section 15-9.

(b) *Uses by conditional use permit.* Within the R-1 district, the following uses shall be by conditional use permit only:

- (1) Accessory buildings that exceed the height or size requirements in city code section 118-208.
- (2) Hospitals or sanatoriums, philanthropic and charitable institutions, except correctional institutions and animal hospitals. Any building permitted to be used shall have an appearance that shall be in appropriate harmony with the residential character of the area.
- (3) Essential services (public utility and municipal services).
- (4) Elementary, junior, and senior high schools and incidental and accessory uses, when situated on the same site or unit of property.
- (5) Cemeteries.
- (6) Home occupations.
- (7) A PWS antenna mounted on the outside of an institutional building or structure of any height, as defined in section 118-207, and any governmental building or structure.

(c) *Building height, width, and area requirement.* Within the R-1 district, residential dwellings must comply with the following:

- (1) Shall not exceed a height of three stories, or 28 feet above grade as defined in the Minnesota State Building Code;
- (2) Shall be a minimum of 24 feet wide; and
- (3) Shall have a minimum area footprint of 800 square feet.

(d) *Lot requirements.* Within the R-1 district, the following requirements shall apply:

- (1) *Lot area, width, and depth.* Each dwelling, together with its accessory buildings, shall be located on a lot having an area not less than 9,000 square feet, width of not less than 75 feet, and depth of not less than 120 feet, except that a dwelling may be erected on a lot platted prior to May 1, 1967, having less than the foregoing area and width but having no less than 4,500 square feet of lot area.
- (2) *Ingress and egress.* All lots shall front on a public street or have adequate ingress and egress to a public street.
- (3) *Percent of land use.* All dwellings and accessory buildings on any lot shall not cover more than 30 percent of the area of the lot (see article VII of this chapter for additional requirements), except that all dwellings and accessory buildings on a lot containing 5,000 square feet or less shall not cover more than 35 percent of the lot.
- (4) *Front yard.* No building shall be erected, reconstructed, altered or moved nearer to the front lot line than the average setback observed by residential buildings on the same side of the street and fronting thereon within the same block. Further, no part of the structure shall be closer than 25 feet to the street line on which it faces, except when the average setback is less than 25 feet.
- (5) *Side yard.* There shall be a side yard of not less than five feet along each side of each building located on an interior lot having a frontage of 60 feet or less; such side yard on a lot having a frontage of more than 60 feet shall be not less than nine feet; provided, however, that a garage having no basement below it may have a side yard of not less than five feet if located in the front two-thirds of the lot, and no less than three feet if located entirely within the rear one-third of the lot. There shall be a side yard of not less than nine feet on the street side of any structure constructed on a corner lot. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.
- (6) *Rear yard.* Each lot shall have a rear yard of not less than 25 feet in depth, except that a garage may be constructed within the 25-foot rear yard. A garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley or street, then the garage shall be set back no less than eight feet from the rear property line.
- (7) *Conditional use permit requirements.* All uses by conditional use permit shall provide such setback in front, side, and rear yards as the city council shall determine, taking into account the proposed use, the character of the surrounding area, the density of the area, and other relevant factors.
- (e) *Off-street loading and unloading berths.* In the R-1 district, off-street loading and unloading shall be governed by the provisions of article VII of this chapter.
- (f) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-1 single-family district: PWS towers and antennas, except as permitted under subsections (a)(2)g and (b)(7) of this section.

(Code 1992, § 1500.09; Ord. No. 1267, § 1, 2-19-2013; Ord. No. 1297, § 1, 4-20-2015)

Sec. 118-208. - Accessory buildings and structures.

The requirements and regulations specified in this chapter shall be subject to the following:

(a) *Purpose.* The purpose of this section is to regulate the number size, location and appearance of all buildings accessory to and detached from principal buildings on lots within the city. These regulations shall apply to all detached structures, including but not limited to garages, carports, storage buildings, gazebos, screen houses, play houses, and similar structures.

(b) *Number.*

(1) Single-family residential zoning districts:

- a. One garage (~~attached or unattached~~) used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.
- b. One accessory building or structure in addition to the garage, the use of which is incidental to and located on the same lot as the dwelling.

(2) All other districts:

- a. One per principal building.

(c) *Location.*

(1) All zoning districts:

- a. No accessory building shall be located nearer the front lot line than the principal building on that lot.
- b. The required setbacks shall apply to all types of corner lots and accessory buildings shall adhere to any front or side setbacks as may be applicable to any principal building on such lots from both streets.
- c. The minimum distance between the principal building and a detached accessory building shall be determined by the Minnesota State Building Code.
- d. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.
- e. No accessory buildings shall be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines.

(2) Single-family residential zoning districts:

a. Side yard setbacks:

- i. Accessory buildings in a residential district must be located at least five feet from the side lot line in the front two-thirds of the lot and three feet in the rear one-third of the lot. Accessory buildings and projections (soffits or overhang) located less than five feet from the property line are subject to additional fire separation requirements from the Minnesota State Building Code.
- ii. An accessory buildings must be located at least nine feet from the street side property line on a corner lot.

b. Rear yard setback:

- i. A garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley or street, then the garage shall be set back no less than eight feet from the rear property line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are subject to additional fire separation requirements from the Minnesota State Building Code.

- ii. All other accessory buildings shall be set back at least three feet from the rear property line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are subject to additional fire separation requirements from the Minnesota State Building Code.
 - c. Setbacks for through lots:
 - i. The minimum setback from the rear street of a through lot shall be 30 feet.
- (3) All other districts:
 - a. Accessory buildings in the business and industrial districts may be located to the rear of the principal building, subject to rear setbacks, the Minnesota State Building Code and any fire separation requirements.
 - b. No accessory building in the industrial district shall be located less than ten feet from a rear or side lot line unless otherwise provided for herein.
- (d) *Maximum height.*
 - (1) Single-family residential zoning districts:
 - a. Garages or any accessory structure intended to or capable of storing vehicles:
 - i. No detached garage shall exceed one story. As used in this subsection, the word "story" means the portion of the garage between the surface of the floor and the roof above.
 - ii. In the case of a hip roof or gable roof, no part of the garage shall exceed a height of 16 feet measured from the garage floor to the highest point of the roof; in all other cases the highest point of the garage shall not exceed a height of 12 feet above the surface of the garage floor.
 - iii. The exterior side walls of a garage shall not exceed ten feet in height.
 - b. All other accessory buildings:
 - i. The height of a detached building shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.
 - (2) All other districts:
 - a. No accessory building in a business or industrial district shall exceed the height of the principal building except by conditional use permit.
- (e) *Maximum size.*
 - (1) Single-family residential zoning districts:
 - a. Garages or any accessory structure intended to or capable of storing vehicles:
 - i. The maximum size for a garage shall be 1,000 square feet.
 - b. All other accessory buildings:
 - i. Structures larger than 200 square feet shall require a conditional use permit.
 - c. The maximum allowable size for all accessory buildings combined (garages and other accessory buildings) is 1,200 square feet.
 - (2) All other districts:
 - a. Accessory buildings shall not exceed the footprint to the principal building to which they are accessory.
 - b. Accessory buildings larger than 200 square feet shall require a conditional use permit.
- (f) *Construction and finish.*
 - (1) All zoning districts:
 - a. All accessory buildings shall require a surfaced floor, except greenhouses.
 - b.

Accessory buildings shall be anchored to a concrete slab, or otherwise securely fastened to the ground by other methods approved by the building inspection department.

- c. Exterior materials and finish must match or complement the exterior finish of the principal structure in material, color and texture. Exterior surfaces of all accessory buildings shall be maintained in new or like new condition, free from cracked and peeling paint, rusting and **deteriorating materials**.

(2) Single-family residential zoning districts:

- a. If constructed of metal, the accessory structure shall have prefinished enamel siding and roof.
- b. No galvanized siding or roofing shall be used.
- c. Galvanized steel-covered pole buildings are prohibited.
- d. Wood frame accessory buildings or structures shall conform to the Minnesota State Building Code and shall have one of the following types of siding: Masonite, shakes, redwood, exterior plywood panel, hardboard, decorative steel, decorative aluminum, vinyl, hardie-board, decorative fiberglass and/or rough-cut exterior siding, and the roofing material shall consist of asphalt shingles, standing-seam metal roofing, or when the pitch of the roof is less than 5/12, decorative rolled roofing will be permitted.

(3) All other districts:

- a. In business and industrial districts, all accessory structures, screen walls, and exposed areas of retaining walls shall be of a similar type, quality, and appearance as the principal structure.

(g) *Approvals.*

- (1) Except in single-family residential zoning districts, no accessory building shall be constructed, erected or installed without approval of final site plans and building plans by the city.
- (2) No accessory building occupying an area greater than 200 square feet shall be constructed erected or installed without a building permit issued by the city.
- (3) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building.
- (4) Two-story accessory buildings are not permitted.
- (5) No accessory building or structure shall be used for living purposes as a dwelling unit.

(h) *Other structures.*

- (1) Freestanding tents and canopies for the purpose of housing motor or recreational vehicles or storage are prohibited, except for municipal purposes in an industrial district.
- (2) Fish houses shall be stored as regulated herein by the exterior storage regulations in section 118-240.

(Ord. No. 1267, § 3, 2-19-2013)

- **ARTICLE IV. - DISTRICT REGULATIONS**
- **DIVISION 1. - GENERALLY**
- **Sec. ~~118-121~~. - R-1, single-family district.**

(a) *Permitted uses.* Within the R-1 single-family district, no building, structure or land shall be used except for one or more of the following uses, unless otherwise provided in this chapter:

(1) *Principal use.*

- a. One single-family dwelling (not to include mobile homes).
- b. Churches, chapels, temples, and synagogues, including Sunday schools, and parish houses meeting the requirements of this district.
- c. Public parks and playgrounds.

(2) *Accessory uses.*

- a. One attached garage (attached or unattached) used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted, as regulated herein by the performance standards section ~~118~~-208.
- b. One detached garage used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted, as regulated herein by the performance standards section ~~118~~-208.
- c. One accessory building or structure, in addition to the garage, the use of which is incidental to and located on the same lot as the dwelling, as regulated herein by the performance standards section ~~118~~-208.
- d. Swimming pools and tennis courts, as regulated herein by the performance standards section.
- e. Keeping of domestic pets.
- f. Fences, signs, and recreation equipment, as regulated herein.
- g. Residential business office.
- h. A PWS antenna located entirely inside a building or structure.

- i. Keeping of chickens as per the backyard chicken regulations found in section 15-9.

(b) *Uses by conditional use permit.* Within the R-1 district, the following uses shall be by conditional use permit only:

- (1) Accessory buildings that exceed the height or size requirements in city code section 118-208.
- (2) Hospitals or sanatoriums, philanthropic and charitable institutions, except correctional institutions and animal hospitals. Any building permitted to be used shall have an appearance that shall be in appropriate harmony with the residential character of the area.
- (3) Essential services (public utility and municipal services).
- (4) Elementary, junior, and senior high schools and incidental and accessory uses, when situated on the same site or unit of property.
- (5) Cemeteries.
- (6) Home occupations.
- (7) A PWS antenna mounted on the outside of an institutional building or structure of any height, as defined in section 118-207, and any governmental building or structure.

(c) *Building height, width, and area requirement.* Within the R-1 district, residential dwellings must comply with the following:

- (1) Shall not exceed a height of three stories, or 28 feet above grade as defined in the Minnesota State Building Code;
- (2) Shall be a minimum of 24 feet wide; and
- (3) Shall have a minimum area footprint of 800 square feet.

(d) *Lot requirements.* Within the R-1 district, the following requirements shall apply:

- (1) *Lot area, width, and depth.* Each dwelling, together with its accessory buildings, shall be located on a lot having an area not less than 9,000 square feet, width of not less than 75 feet, and depth of not less than 120 feet, except that a dwelling may be erected on a lot platted prior to May 1, 1967, having less than the foregoing area and width but having no less than 4,500 square feet of lot area.

(2) *Ingress and egress.* All lots shall front on a public street or have adequate ingress and egress to a public street.

(3) *Percent of land use.* All dwellings and accessory buildings on any lot shall not cover more than 30 percent of the area of the lot (see article VII of this chapter for additional requirements), except that all dwellings and accessory buildings on a lot containing 5,000 square feet or less shall not cover more than 35 percent of the lot.

(4) *Front yard.* No building shall be erected, reconstructed, altered or moved nearer to the front lot line than the average setback observed by residential buildings on the same side of the street and fronting thereon within the same block. Further, no part of the structure shall be closer than 25 feet to the street line on which it faces, except when the average setback is less than 25 feet.

(5) *Side yard.* There shall be a side yard of not less than five feet along each side of each building located on an interior lot having a frontage of 60 feet or less; such side yard on a lot having a frontage of more than 60 feet shall be not less than nine feet; provided, however, that a garage having no basement below it may have a side yard of not less than five feet if located in the front two-thirds of the lot, and no less than three feet if located entirely within the rear one-third of the lot. There shall be a side yard of not less than nine feet on the street side of any structure constructed on a corner lot. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.

(6) *Rear yard.* Each lot shall have a rear yard of not less than 25 feet in depth, except that a garage may be constructed within the 25-foot rear yard. A garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley or street, then the garage shall be set back no less than eight feet from the rear property line.

(7) *Conditional use permit requirements.* All uses by conditional use permit shall provide such setback in front, side, and rear yards as the city council shall determine, taking into account the proposed use, the character of the surrounding area, the density of the area, and other relevant factors.

(e) *Off-street loading and unloading berths.* In the R-1 district, off-street loading and unloading shall be governed by the provisions of article VII of this chapter.

(f) *Prohibited uses.* The following uses are prohibited because they are not compatible with the purposes of the R-1 single-family district: PWS towers and antennas, except as permitted under subsections (a)(2)g and (b)(7) of this section.

(Code 1992, § 1500.09; Ord. No. 1267, § 1, 2-19-2013; Ord. No. 1297, § 1, 4-20-2015)

Sec. 118-208. - Accessory buildings and structures.

The requirements and regulations specified in this chapter shall be subject to the following:

(a) *Purpose.* The purpose of this section is to regulate the number size, location and appearance of all buildings accessory to and detached from principal buildings on lots within the city. These regulations shall apply to all detached structures, including but not limited to garages, carports, storage buildings, gazebos, screen houses, play houses, and similar structures.

(b) *Number.*

(1) Single-family residential zoning districts:

- a. One attached garage (~~attached or unattached~~) used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.
- b. One unattached garage used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.
- c. One accessory building or structure in addition to the garage(s), the use of which is incidental to and located on the same lot as the dwelling.

(2) All other districts:

- a. One per principal building.

(c) *Location.*

(1) All zoning districts:

- a. No accessory building shall be located nearer the front lot line than the principal building on that lot.
- b. The required setbacks shall apply to all types of corner lots and accessory buildings shall adhere to any front or side setbacks as may be applicable to any principal building on such lots from both streets.

c. The minimum distance between the principal building and a detached accessory building shall be determined by the Minnesota State Building Code.

d. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.

e. No accessory buildings shall be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines.

(2) Single-family residential zoning districts:

a. Side yard setbacks:

i. Accessory buildings in a residential district must be located at least five feet from the side lot line in the front two-thirds of the lot and three feet in the rear one-third of the lot. Accessory buildings and projections (soffits or overhang) located less than five feet from the property line are subject to additional fire separation requirements from the Minnesota State Building Code.

ii. An accessory buildings must be located at least nine feet from the street side property line on a corner lot.

b. Rear yard setback:

i. A detached garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley or street, then the garage shall be set back no less than eight feet from the rear property line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are subject to additional fire separation requirements from the Minnesota State Building Code.

ii. All other accessory buildings shall be set back at least three feet from the rear property line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are subject to additional fire separation requirements from the Minnesota State Building Code.

c. Setbacks for through lots:

i. The minimum setback from the rear street of a through lot shall be 30 feet.

(3) All other districts:

a. Accessory buildings in the business and industrial districts may be located to the rear of the principal building, subject to rear setbacks, the Minnesota State Building Code and any fire separation requirements.

b. No accessory building in the industrial district shall be located less than ten feet from a rear or side lot line unless otherwise provided for herein.

(d) *Maximum height.*

(1) Single-family residential zoning districts:

a. Garages or any accessory structure intended to or capable of storing vehicles:

i. No detached garage shall exceed one story. As used in this subsection, the word "story" means the portion of the garage between the surface of the floor and the roof above.

ii. In the case of a hip roof or gable roof, no part of the garage shall exceed a height of 16 feet measured from the garage floor to the highest point of the roof; in all other cases the highest point of the garage shall not exceed a height of 12 feet above the surface of the garage floor.

iii. The exterior side walls of a garage shall not exceed ~~10~~ **ten** feet in height.

b. All other accessory buildings:

i. The height of a detached building shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.

(2) All other districts:

a. No accessory building in a business or industrial district shall exceed the height of the principal building except by conditional use permit.

(e) *Maximum size.*

(1) Single-family residential zoning districts:

a. Garages or any accessory structure intended to or capable of storing vehicles:

i. The maximum size for a garage shall be 1,000 square feet.

b. All other accessory buildings:

i. Structures larger than 200 square feet shall require a conditional use permit.

c. The maximum allowable size for all accessory buildings combined (garages and other accessory buildings) is 1,200 square feet. In the case of a property with a detached garage, an attached garage, and another accessory building the total size of all of these spaces shall not exceed 1,200 square feet.

(2) All other districts:

a. Accessory buildings shall not exceed the footprint to the principal building to which they are accessory.

b. Accessory buildings larger than 200 square feet shall require a conditional use permit.

(f) *Construction and finish.*

(1) All zoning districts:

a. All accessory buildings shall require a surfaced floor, except greenhouses.

b. Accessory buildings shall be anchored to a concrete slab, or otherwise securely fastened to the ground by other methods approved by the building inspection department.

c. Exterior materials and finish must match or complement the exterior finish of the principal structure in material, color and texture. Exterior surfaces of all accessory buildings shall be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.

(2) Single-family residential zoning districts:

- a. If constructed of metal, the accessory structure shall have prefinished enamel siding and roof.
- b. No galvanized siding or roofing shall be used.
- c. Galvanized steel-covered pole buildings are prohibited.
- d. Wood frame accessory buildings or structures shall conform to the Minnesota State Building Code and shall have one of the following types of siding: Masonite, shakes, redwood, exterior plywood panel, hardboard, decorative steel, decorative aluminum, vinyl, hardie-board, decorative fiberglass and/or rough-cut exterior siding, and the roofing material shall consist of asphalt shingles, standing-seam metal roofing, or when the pitch of the roof is less than 5/12, decorative rolled roofing will be permitted.

(3) All other districts:

- a. In business and industrial districts, all accessory structures, screen walls, and exposed areas of retaining walls shall be of a similar type, quality, and appearance as the principal structure.

(g) *Approvals.*

- (1) Except in single-family residential zoning districts, no accessory building shall be constructed, erected or installed without approval of final site plans and building plans by the city.
- (2) No accessory building occupying an area greater than 200 square feet shall be constructed erected or installed without a building permit issued by the city.
- (3) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building.
- (4) Two-story accessory buildings are not permitted.
- (5) No accessory building or structure shall be used for living purposes as a dwelling unit.

(h) *Other structures.*

(1) Freestanding tents and canopies for the purpose of housing motor or recreational vehicles or storage are prohibited, except for municipal purposes in an industrial district.

(2) Fish houses shall be stored as regulated herein by the exterior storage regulations in [section 118-240](#).

(Ord. No. 1267, § 3, 2-19-2013)



CITY COUNCIL AGENDA REPORT

DATE: October 17, 2016

DEPARTMENT: Engineering

ADMINISTRATOR: DPK

10-F

AGENDA ITEM: Second Reading - Amendment to Ordinance for Right-of-Way Management

ACTION TO BE CONSIDERED:

Adopt an ORDINANCE ENACTING SOUTH ST. PAUL CITY CODE CHAPTER 54, ARTICLE VI REGARDING RIGHT OF WAY MANAGEMENT and Authorize its Publication.

OVERVIEW:

Staff has been exploring the implementation of a Right-of-Way Ordinance that would provide better regulations regarding the placement and maintenance of facilities in the right-of-way, as well as the recovery of the administrative costs that are associated with permit processing, construction monitoring, and follow up for utility construction within the City's right-of-way.

Staff spends a number of hours processing permits for private utility construction and dealing with complaints due to private utility restoration of pavement and boulevard areas every year. As allowed by Statute, the cost for administrative work for permitting private utilities can be recovered through permitting fees. Staff with assistance of the City Attorney and the League of Minnesota Cities Model Ordinance drafted a new Right-of-Way Management Ordinance that will require public right-of-way users to register with the City, file a permit for excavations and obstructions within the right-of-way, have a certificate of insurance with sufficient coverage on file with the City, establish the right to acquire permit fees, timing of restoration and patching work, remedies for failure to restore the right-of-way to the pre-existing condition, site inspection and the authority of the Engineer. In addition, the ordinance requires all new utilities to be placed underground when technically and financially feasible and right-of-way users to provide "as built" mapping of their facilities. The ordinance was first introduced at the October 3, 2016, City Council meeting.

Staff and the City Attorney have reviewed and carefully considered all comments and suggestions regarding the right-of-way management ordinance since the first reading. Based on the suggested revisions, staff and the City Attorney incorporated language to provide greater clarity on degradation costs, permit extensions, delay penalties, pre-excavation utility location, the appeal process, and required mapping data. In addition, we included a section on joint application which allows the right-of-way user to jointly apply for a permit to be within the same trench and deleted the section on nuisance abatement for utilities that have not registered with the City (Attachment A: Ordinance No. 1311). This is the second and final reading of the ordinance.

SOURCE OF FUNDS:

No fiscal impact at this time.

**City of South St. Paul
Dakota County, Minnesota**

ORDINANCE NO. 1311

**AN ORDINANCE
ENACTING SOUTH ST. PAUL CITY CODE CHAPTER 54, ARTICLE VI
REGARDING RIGHT OF WAY MANAGEMENT**

The City Council of South St. Paul does ordain:

SECTION 1. ENACTMENT. South St. Paul City Code Chapter 54, Article VI is hereby adopted as follows:

ARTICLE VI – RIGHT OF WAY MANAGEMENT

Sec. 54-400. Findings, Purpose, and Intent.

To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the City strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances. This ordinance imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this ordinance, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this ordinance provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

This ordinance shall be interpreted consistently with Minn. Stat. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and the other laws governing applicable rights of the City and users of the right-of-way. This ordinance shall also be interpreted consistent with Minnesota Rules 7819.0050 – 7819.9950 where possible. To the extent any provision of this ordinance cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This ordinance shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

Sec. 54-401. Election to Manage the Public Rights-of-Way.

Pursuant to the authority granted to the City under state and federal statutory, administrative and common law, the City hereby elects, pursuant to Minn. Stat. § 237.163 subd. 2(b) to manage rights-of-way within its jurisdiction and to regulate excavations and obstructions within the public rights-of-way.

Sec. 54-402. Definitions.

The following definitions apply in this ordinance.

Abandoned Facility means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A Facility is not abandoned unless declared so by the right-of-way user.

Applicant means any person requesting permission to excavate or obstruct a right-of-way.

City means the city of South St. Paul.

Construction Performance Bond means any of the following forms of security provided at permittee's option:

- (a) Individual project bond;
- (b) Cash deposit;
- (c) Security of a form listed or approved under Minn. Stat. § 15.73, subd. 3;
- (d) Letter of Credit, in a form acceptable to the City;
- (e) Self-insurance, in a form acceptable to the City;
- (f) A blanket bond for projects within the City, or other form of construction bond, for a time specified and in a form acceptable to the City.

Degradation means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct the right-of-way earlier than would be required if the excavation or disturbance did not occur.

Degradation Cost subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration, as determined by the City at the time the permit is issued, which unless another cost is agreed to by the parties in writing, shall not exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.950.

Delay Penalty is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by city council resolution.

Department means the Engineering Department of the City.

Engineer means the Director of the Engineering Department of the City, or her or his designee.

Emergency means a condition that (1) poses a danger to life or health or of a significant loss of property; or (2) requires immediate repair or replacement of Facilities in order to restore service to a customer.

Equipment means any tangible asset used to install, repair, or maintain Facilities in any right-of-way.

Excavate means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Excavation Permit means the permit which, pursuant to this ordinance, must be obtained before a person may excavate in a right-of-way. An Excavation permit allows the holder to excavate that part of the right-of-way described in such permit.

Excavation Permit Fee means money paid to the City by an applicant to cover the costs as provided in section 54-410.

Facility or *Facilities* means any tangible asset in the right-of-way required to provide Utility Service.

Hole means an excavation in the pavement, with the excavation having a length less than the width of the pavement.

Local Representative means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this ordinance.

Management Costs means the actual costs the City incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minn. Stat. §§ 237.162 or 237.163; or any ordinance enacted under those sections, or the City fees and costs related to appeals taken pursuant to section 54-426 of this ordinance.

Obstruct means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

Obstruction Permit means the permit which, pursuant to this ordinance, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.

Obstruction Permit Fee means money paid to the City by a permittee to cover the costs as provided in section 54-410.

Patch or *Patching* means a method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions.

Pavement means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Permit has the meaning given “right-of-way permit” in Minn. Stat. § 237.162.

Permittee means any person to whom a permit to excavate or obstruct a right-of-way has been granted by the City under this ordinance.

Person means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, alleyway, transitway, cartway, bicycle lane or public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

Registrant means any person who (1) has or seeks to have its Equipment or Facilities located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or place its Facilities or Equipment in the right-of-way.

Restore or *Restoration* means the process by which an excavated right-of-way and surrounding area, including, but not limited to, turf, landscaping, pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

Restoration Cost means the amount of money paid to the City by a permittee to achieve the level of restoration according to state rules.

Right-of-Way Permit means either the excavation permit or the obstruction permit, or both, depending on the context, required by this ordinance.

Right-of-Way User means (1) a telecommunications right-of-way user as defined by Minn. Stat. § 237.162, subd. 4; or (2) a person owning or controlling a Service provided by a public utility as defined in Minn. Stat. § 216B.02, subd. 4 and 6; and who has a right under law, franchise, or ordinance to use the public right-of-way.

Service or Utility service means and includes:

- (a) Service provided by a public utility as defined in Minn. Stat. § 216B, subd. 4 and 6;
- (b) Services of a telecommunications right-of-way user, including the transporting of voice or data information;
- (c) Services provided by a cable communications system as defined in Minn. Stat. § 238.02, subd. 3;
- (d) Natural gas or electric energy or telecommunications services provided by a local government unit;
- (e) Services provided by a cooperative electric association organized under Minn. Stat. Chapter 308A; and
- (f) Water, sewer, steam, cooling or heating services.

Service Lateral means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

Supplementary Application means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

Telecommunication right-of-way user means a person owning or controlling a facility in the right-of-way, or seeking to own or control a Facility in the right-of-way that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this ordinance, a cable communication system defined and regulated under Minn. Stat. Ch. 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. § 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Ch. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Ch. 308A, are not telecommunications right-of-way users for purposes of this section.

Temporary Surface means the compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the City's two-year plan, in which case it is considered full restoration.

Trench means an excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

Sec. 54-403. Franchises/Leases.

In addition to the requirements of this section, the City may require a public utility or cable operator who has or seeks to have facilities located in a public right-of-way to obtain a franchise, and may require other users of the public right-of-way to obtain a lease, if allowed by state law.

Sec. 54-404. Administration.

The Engineer is the principal City official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The Engineer may delegate any or all of the duties hereunder.

Sec. 54-405. Registration Requirement.

(a) *Registration.* Each public right-of-way user must register with the City. Registration will be deemed complete upon the public right-of-way user submitting to the City a completed registration form furnished by the city and paying the registration fee. A Right-Of-Way User is required to update its registration within sixty (60) days after any change of the information contained in a current registration statement. Registration must be renewed annually.

(b) *Registration Prior to Work.* No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right-of-way without first being registered with the City.

(c) *Exceptions.* Persons engaged in the following activities are not deemed to use or occupy the right-of-way, and are not governed by this section, but may be governed by other City Code sections:

- (1) Installing mail boxes; or
- (2) Engaging in block parties, parades or other special events or activities that are addressed through another permitting process with the City; or
- (3) Engaging in snow removal activities.

(d) *Gopher One Call.* Nothing in this section relieves a person from complying with the provisions of Minn. Stat. Ch. 216D, Gopher One Call law.

Sec. 54-406. Registration Information.

(a) *Information Required.* The information provided to the City at the time of registration shall include, but not be limited to:

- (1) Each registrant's name, address and email address, if applicable, and telephone facsimile numbers.

- (2) The name, address and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available for consultation at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (3) A certificate of insurance or self-insurance verifying the coverage required in section 54-425.
- (4) Other information as the Engineer may require.

(b) *Notice of changes.* The registrant shall keep all of the information listed above current at all times by providing to the City information as to changes within fifteen (15) days following the date on the which the registrant has knowledge of any change.

(c) *Transfer of Ownership or Interest.* Within 30 days after a public right-of-way registrant transfers, sells, or otherwise conveys ownership or interest in facilities to another person, the registered public right-of-way user must notify the City of the date of the conveyance and the name of the transferee. Within 60 days after the conveyance a new registration fee must be paid.

Sec. 54-407. Permit Requirement.

(a) *Permit Required.* Except as otherwise provided in this Code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the City.

- (1) *Excavation Permit.* An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities described therein, to the extent and for the duration specified therein, including, but not limited to, pet containment systems, irrigation systems, driveway approach, curb.
- (2) *Obstruction Permit.* An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing equipment or materials described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

(b) *Permit Extensions.* No permit extensions shall be granted, except as provided in subsection (c) below. Any permittee who fails to begin excavation or obstruction of the right-of-way before the expiration of the permit shall apply for a new permit and pay the appropriate fee.

(c) *Delay Penalty.* Any permittee who begins but fails to complete excavation or obstruction before the expiration of the permit shall incur a delay penalty, except as provided herein. No delay penalty shall be imposed for a delay resulting from a cause outside the control of the right-of-way user, such as strikes, unusually severe or prolonged bad weather, acts of God, fire or

other casualty. In those situations, reasonable extensions may be granted. In accordance with Minnesota Rule 7819.1000 subp. 3 the delay penalty shall be set by city council resolution.

(d) *Permit Display.* Permits issued under this ordinance shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the City.

Sec. 54-408. Permit Applications.

Application for a permit is made to the City and must be signed by the registrant. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

- (a) Registration with the City pursuant to this ordinance;
- (b) The applicant's name, street address, e-mail address, telephone number, and facsimile telephone number;
- (c) The local representative's name, street address, e-mail address, telephone number, facsimile telephone number, and current information regarding how to contact the local representative in an emergency;
- (d) The name, street address and telephone number of the person(s) or entities, other than the applicant, to perform the project work or any portion of it;
- (e) A certificate of insurance or self-insurance verifying the coverage required in this section;
- (f) One copy of scaled drawings, or other drawings meeting requirements established by the Engineer, showing:
 - (1) The location and area of the proposed project and the location of all known existing and proposed facilities owned or operated by the applicant;
 - (2) The proposed location of the facility within the right-of-way and scaled dimensions of the facility from an existing physical topographic feature (such as "back of curb," "edge of bituminous road");
 - (3) All existing physical topographic features (trees, shrubs, culverts, driveways, fences, street signs) and all municipal utilities that lie within ten feet of the proposed facility location;
 - (4) The location of any public streets, alleys, sidewalks, or trails that will be disrupted by the work; and
 - (5) The location of any public streets, alleys, sidewalks, or trails that will be temporarily closed to traffic or obstructed by the work;

(g) A description of methods to be used for restoration of streets or boulevards;

(h) Payment of money due the City for:

(1) Permit fees, estimated restoration costs and other management costs;

(2) Prior obstructions or excavations;

(3) Any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights-of-way of any emergency actions taken by the City;

(4) Franchise fees or other charges, if applicable.

(i) Payment of disputed amounts due the City by posting security or depositing in an escrow account an amount equal to at least 100% of the amount owing.

(j) City may require posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the City deems the existing construction performance bond inadequate under applicable standards.

Sec. 54-409. Issuance of Permit; Conditions.

(a) *Permit Issuance.* If the applicant has satisfied the requirement of this ordinance, the City shall issue a permit.

(b) *Conditions.* The City may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare of when necessary to protect the right-of-way and its current use. A permittee must comply with all conditions of the permit.

Sec. 54-410. Permit Fees.

(a) *Establishment.* Permit fees will be established to recover the city management costs and, when applicable, restoration costs. The permit fees are set by city council resolution and are contained in the fee schedule. No permit fee will be required for an obstruction or excavation permit issued to the City, although the city must be allocated its full portion of the city management costs in calculating the permit fees.

(b) *Payment Required.* No permit will be issued unless the applicable permit fee has been paid.

(c) *Work Without a Permit.* Except as otherwise provided in section 54-416, a person who obstructs or excavates in the right-of-way before obtaining a permit must pay double the normal fee for the permit.

(d) *Non Refundable.* Permit fees are not refundable.

(e) *Application to Franchises.* Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

Sec. 54-411. Right-of-Way Patching and Restoration.

(a) *Timing.* Unless the permittee is granted a new permit or an extension of the initial permit, the work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under subsection 54-412(d).

(b) *Patch and Restoration.* Permittee shall patch its own work. The permittee may choose either to have the City restore the right-of-way, restore the right-of-way itself or pay a degradation fee.

(1) *City Restoration.* If the City restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the City, within thirty (30) days of billing, all costs associated with correcting the defective work.

(2) *Permittee Restoration.* If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rule 7819.3000.

(3) *Degradation Fee in Lieu of Restoration.* In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

(c) *Standards.* Unless otherwise agreed to by the parties in writing, all restoration must be in accordance with the written standards and materials specified by the city, which must comply with state standards. Subject to state rules, the city may prescribe additional restoration procedures and standards on a case-by-case basis based on the following considerations:

(1) The number, size, depth and duration of the excavation, disruption or damage to the public right-of-way;

- (2) The traffic volume carried by the public right-of-way;
- (3) The character of the neighborhood surrounding the public right-of-way;
- (4) The pre-project condition of the public right-of-way;
- (5) The remaining life expectancy of the public right-of-way due to the project;
- (6) The costs of the restoration method in relation to the prevention of an accelerated depreciation of the public right-of-way that could result due to the project work in the public right-of-way; and
- (7) The likelihood that the particular restoration method would be effective in slowing the depreciation of the public right-of-way that would otherwise occur.

(d) *Duty to Correct Defects.* The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the City shall correct all restoration work to the extent necessary, using the method required by the City. Unless otherwise agreed to by the parties in writing, said work shall be completed within five (5) calendar days of the receipt to the notice from the City, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under subsection 54-412(d).

(e) *Failure to Restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the City, or fails to satisfactorily and timely complete all restoration required by the City, the City at its option may do such work. In that event the permittee shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. In addition to other remedies at law, future permits may be denied for failing to pay previously billed costs of restoring the right-of-way.

Sec. 54-412. Joint Applications.

(a) *Joint Application.* Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

(b) *Shared Fees.* Registrants who apply for permits for the same obstruction or excavation, which the City does not perform, may share in the payment of the obstruction or excavation permit fee. The registrants must indicate on the application as to the portion each will pay.

(c) *With City Projects.* Registrants who join in a scheduled obstruction or excavation performed by the City, whether or not it is a joint application by two or more registrants, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit is still required.

Sec. 54-413. Other Obligations.

(a) *Limitation on Area.* A right-of-way permit is valid only for the area right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

(b) *Limitations of Dates.* A right-of way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

(c) *Compliance with Other Laws.* Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the City or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws. A permittee shall perform all work in conformance with all applicable Codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

(d) *Seasonally Prohibited Work or Unreasonable Conditions.* Except in an emergency, and with the approval of the City, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

(e) *Interference with Right-of-Way.*

- (1) A permittee or registrant must not obstruct a public right-of-way and must not hinder the natural free and clear passage of water through the gutters or other waterways, except as expressly authorized by the permit. Project operations and work must be conducted in a manner to ensure the least obstruction to and interference with present and continued use of the public right-of-way.
- (2) Personal vehicles of those doing work in the public right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations.
- (3) The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

(f) Reasonable precautions must be taken as necessary to avoid creating unsafe or unsanitary conditions. Precautions including appropriate signage must be taken to ensure the safety of the general public, employees, invitees and those who require access to abutting property.

(g) The permittee must maintain access to all properties and cross streets during project work, including emergency vehicle access.

(h) The permittee must provide 48-hour written notice, using the standard city form, to abutting property owners before commencement of any project work that may disrupt the use of and access to the abutting property.

(i) The permittee must comply with the state's uniform traffic manual for traffic control at all times during any project work and must protect and identify excavations and work operations with barricade flags in the daylight hours and by warning lights at dusk and night.

(j) When a trail or drive has been cut, the appropriate signs must be kept in place and maintained until restoration is complete.

(k) The permittee must provide proper trench protection as required by federal and state occupational safety regulations to prevent any cave-in, injury to property or persons, or enlargement of the excavation.

(l) Excavations, trenches and jacking pits off the roadway surface area or adjacent to the roadway or curbing must be sheathed and braced. When unattended, all excavations, trenches and jacking pits must be protected to prevent surface drainage from entering the excavation, trench, or jacking pit.

(m) The permittee must coordinate project work and installation of facilities in co-locations involving other public right-of-way users.

(n) The permittee must physically locate property lines abutting the project work. The permittee must replace, with the services of a Minnesota-licensed surveyor, any property corners or monuments disturbed as a result of the project.

(o) The permittee must daily remove all dirt or debris from sidewalks, trails, public and private roadway surfaces, curbs and gutters during project work.

(p) *County or State Rights-of-Way.* A public right-of-way user who is required to obtain a county or state permit for excavation or obstruction in a county or state right-of-way within the city must provide notification of the proposed activity to the Engineer within one week after obtaining the permit but no less than 48 hours before the activity would begin.

(q) *Supplementary Notification.* If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the City of the accurate information as soon as this information is known.

Sec. 54-414. Denial of Permit.

The City may deny a permit for failure to meet the requirements and conditions of this ordinance, if the City determines that the denial is necessary to protect the health, safety, and welfare, for a previous violation by the permittee of any regulation or provision of the city code, zoning ordinance or state law applicable to the activity for which the license or permit is sought, or when necessary to protect the right-of-way and its current use.

Sec. 54-415. Installation Requirements.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minn. Stat. §§ 237.162 and 237.163. Installation of service laterals shall be performed in accordance with state law and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the City in the applicable permits and/or agreements referenced in subsection 54-419(c).

Sec. 54-416. Inspection.

(a) *Notice of Completion.* When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with Minnesota Rule 7819.1300.

(b) *Site Inspection.* Permittee shall make the work-site available to the City and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(c) *Authority of Engineer.*

- (1) At the time of inspection, the Engineer may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.
- (2) The Engineer may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or Codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Unless otherwise agreed to by the parties in writing, within ten (10) days after issuance of the order, the permittee shall present proof to the Engineer that the violation has been corrected. If such proof has not been presented within the required time, the Engineer may revoke the permit pursuant to section 54-417.

Sec. 54-417. Work Done Without a Permit.

(a) *Emergency Situations.* Each registrant shall immediately notify the Engineer of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher One Call regarding an emergency situation does not fulfill this requirement. Within two

(2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this ordinance for the actions it took in response to the emergency.

(b) *Emergency Work by City.* If the City becomes aware of an emergency regarding a registrant's facilities, the City will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In the event, the City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

(c) *Non-Emergency Situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by the Code, deposit with the City the fees necessary to correct any damage to the right-of-way, and comply with all the requirements of this ordinance.

Sec. 54-418. Revocation of Permits.

(a) *Substantial Breach.* The City reserves the right, as provided herein, to revoke any right-of-way permit, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
- (3) Any material misrepresentation of fact in the application for a right-of-way permit;
- (4) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete the work is due to reasons beyond the permittee's control; or
- (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to section 54-415.

(b) *Notice of Breach.* If the Engineer determines that the basis for revocation exists, the Engineer may initiate revocation of the permit. If the violation is related to non-complying project work, the Engineer must notify the permittee of the actions necessary to remedy the violation and the date by which the correction must be completed, which must be a reasonable period of time. The Engineer may impose additional or revised conditions on the permit to mitigate or remedy the violation. If correction of the non-complying work is not completed within the required time or if another basis for revocation exists, the Engineer must provide written notice to the permittee of the basis for revocation.

(c) *Revocation Costs.* If a permit is revoked, the permittee must reimburse the City for its reasonable costs (including restoration costs) incurred in connection with the revocation.

Sec. 54-419. Installation of Underground Facilities.

The permittee must comply with the following requirements when installing underground facilities:

(a) Underground facilities must, where reasonably possible, be installed outside the paved or improved area, in places with the least potential for future conflict. If unable to install outside the paved or improved area, the installation must be as close to the edge of the roadway surface as possible to allow access to the facilities without unnecessarily disturbing paved areas of the roadway.

(b) Public right-of-way alignment and grade must be maintained.

(c) Fiber facilities must be buried in a proper conduit and at a depth of no less than three feet and no more than four feet; copper facilities below concrete or bituminous paved roadway surfaces must be buried at a depth of no less than three feet and no more than four feet, and all other copper facilities must be buried at a depth of no less than 30 inches and no more than four feet.

(d) Except for gas, all underground facilities that cross streets or hard surfaced driveways must be bored and installed in conduit when requested by the City.

(e) When required, the permittee must excavate an observation hole over a city utility to ensure that a city utility is not damaged.

(f) If the project work involves an open cut, the permittee must install visual tracers 18 inches over buried facilities. If other construction methods are used, alternative location methods may be used upon approval by the City.

(g) During plowing or trenching of facilities, a warning tape must be placed at a depth of 18 inches above copper cables with over 200 pairs and fiber facilities, and a locating wire or conductive shield must be installed above buried telecommunication facilities, except for dielectric cables.

(h) Restoration of areas disturbed by facilities must include returning the right-of-way to the same condition that existed before excavation in accordance with Minnesota Rules, which indicate maximum limits of restoration methods and area requirements that the City can impose. The City and right-of-way user may agree to a lesser requirement. The right-of-way user is responsible for all of its work done in the public right-of-way, whether by employees, agents, or independent contractors. Restoration must include compaction of the materials placed in the excavation of the sub grade and aggregate base, plus pavement replacement, in kind. All work

must be performed according to the City's specifications and drawings. Installation of service laterals must be performed in accordance with Minnesota Rules and this section.

(i) All facilities must be located so as to not interfere with existing and potential future traffic signals and signs.

(j) Unless approved by the Engineer, all above ground appurtenances must be located no closer than ten feet from city hydrants, waterline valves, manholes, lift stations, and catch basins; not in front of any city or private sign, monument or amenity for facilities or parks; and no closer than two feet from sidewalks and trails.

(k) Underground facilities must not be installed within five feet of hydrants, waterline valves, lift stations, manholes or catch basins, unless approved by the Engineer.

(l) Underground facilities must not be installed between a hydrant and an auxiliary valve.

(m) The location and installation of telecommunications facilities must comply with the national electric safety code, as incorporated by reference in Minnesota Statutes.

(n) Permittees employing trenchless excavation methods, including horizontal directional drilling, must follow all requirements set forth in Minnesota Statutes and Rules, and must use potholing or open cutting in order to determine the precise location of marked underground utilities before excavating. In addition, permittees employing trenchless excavation methods must not install facilities at a depth greater than four feet below grade, unless specifically approved by the Engineer.

Sec. 54-420. Mapping Data.

(a) *Information Required.* Each registrant and permittee must provide "as built" mapping information in accordance with state rules. If the mapping information is not provided in a format that is compatible with the City's format, the permittee shall pay a conversion fee to convert the information into a readable format for the City. The mapping information shall provide the following:

- (1) The location of all of its underground and above ground facilities and their appurtenances in the public right-of-way, identified by:
 - a. offsets from property lines, distances from the centerline of the public right-of-way and from curb lines and other reference points as requested by the City; or
 - b. Coordinates derived from the coordinate system being used by the City or any other system agreed upon by the right of way user and the City; and
 - c. Approximate depth of facilities;
- (2) The type, quantity and size of the facilities;

- (3) A dimensional description of aboveground appurtenances;
- (4) A legend explaining symbols, characters, abbreviations, scale and other data shown on the map;
- (5) The information in subsections 54-419(a)(1-4) also for restoration work; and
- (6) The information in subsections 54-419(a)(1-4) also for abandoned facilities that remain in place.

(b) *Submittal Requirements.*

- (1) Within six months after the adoption of this ordinance, all public right-of-way users that own or control facilities within public rights-of-way within the City on that date must submit the detailed mapping including restoration data in accordance with this section for all facilities located within the public rights-of-way. Thereafter, right-of-way users must comply with city code section 54-420(a) to provide “as built” mapping.
- (2) At the request of any public right-of-way user, information required by the City that qualifies as “trade secret” data under Minnesota law will be protected accordingly.

(c) *Service Laterals.* The holder of a permit for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules, must establish the horizontal locations of installed service laterals and, when the Engineer reasonably requires it, the vertical locations of service laterals. Permittees or their subcontractors must submit this information to the Engineer in a form reasonably satisfactory to the Engineer within 30 days after completion of the work. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or the denial of future permits to the offending permittee or its subcontractors.

Sec. 54-421. General Public Right-of-Way Regulations.

(a) Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000, to the extent the rules do not limit authority otherwise available to cities.

(b) *Corridors.* The City may assign a specific area within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the City shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position

within the right-of-way, unless this requirement is waived by the City for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

(c) *Limitation of Space.* To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the City shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

(d) *Damage to Other Facilities.* When the City does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the City shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the City's response to an emergency occasioned by that registrant's facilities.

(e) *Pre-excavation Facilities Location.* In addition to complying with the requirements of Minn. Stat. §§ 216D.01-.09 ("One Call Excavation Notice System") before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

Sec. 54-422. Undergrounding.

(a) *Purpose.* The purpose of this section is to promote the health, safety and general welfare of the public and is intended to foster (1) safe travel over the right-of-way, (2) non-travel related safety around homes and buildings where overhead feeds are connected and (3) orderly development in the City. Location and relocation, installation and reinstallation of Facilities in the right-of-way must be made in accordance with this section.

(b) *Undergrounding of Facilities.* Unless otherwise agreed in a franchise between the applicable right-of-way user and the City, Facilities in the right-of-way must be located or relocated and maintained underground in accordance with this section and applicable construction standards.

(c) *Undergrounding of Permanent Replacement, Relocated or Reconstructed Facilities.* A permanent replacement, relocation or reconstruction of a facility of more than 300 feet must be

located, and maintained underground, with due regard for seasonal working conditions. For purposes of this section, reconstruction means any substantial repair of or any improvement to existing facilities. Undergrounding is required whether a replacement, relocation or reconstruction is initiated by the right-of-way user owning or operating the facilities, or by the City in connection with:

- (1) The present or future use by the City or other local government unit of the right-of-way for a public project,
- (2) The public health or safety, or
- (3) The safety and convenience of travel over the right-of-way.

(d) *Exceptions to Undergrounding.* The following exceptions to the strict application of this section will be allowed upon the conditions stated:

- (1) *Technical/Economic Feasibility; Promotion of Policy.* Above-ground installation, construction, or placement of facilities will be allowed in residential, commercial and industrial areas where the City Council finds that:
 - a. Underground placement would place an undue financial burden upon the landowner, ratepayers, or right-of-way user or would deprive the landowner of the preservation and enjoyment of substantial property rights;
 - b. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions that adversely affect underground facilities placement; or
 - c. The right-of-way user clearly and convincingly demonstrates that none of the purposes under subsection 54-420(a) would be advanced by underground placement of facilities on the project in question, or the City determines on its own review that undergrounding is not warranted based on the circumstances of the proposed undergrounding.
- (2) *Temporary Service.* Above-ground installation, construction, or placement of temporary service lines will only be allowed:
 - a. During new construction of any project for a period not to exceed three months;
 - b. During an emergency in order to safeguard lives or property within the city; or
 - c. For a period of not more than seven months when soil conditions make excavation impractical.
- (3) *Developer Responsibility.* All owners, platters, or developers are responsible for complying with the requirements of this section, and before final approval of any plat

or development plan, must submit to the Engineer written instruments from the appropriate right-of-way users showing that all necessary arrangements for installation of such facilities have been made.

Sec. 54-423. Right-of-Way Vacation.

(a) *Reservation of Right.* If the City vacates a public right-of-way that contains the facilities of a public right-of-way user and the vacation does not require the relocation of the facilities, the City must reserve, for itself and the public right-of-way user, the right to install, maintain and operate facilities in the vacated public right-of-way and to enter upon the public right-of-way at any time for the purpose of reconstruction, inspecting, maintaining or repairing the facilities.

(b) *Relocation of facilities.* If the vacation requires the relocation of the public right-of-way user's facility, and the vacation proceedings are initiated by the public right-of-way user or the City for a public project, the public right-of-way user must pay the relocation costs. If the vacation proceedings are initiated by a person or persons other than the public right-of-way user or the City, the initiating person or persons must pay the relocation costs.

Sec. 54-424. Indemnification and Liability.

(a) *Limitation of Liability.* Issuance of a public right-of-way permit does not impose any liability on the City for (a) injuries to persons, damage to property or loss of service claims by parties other than the permittee or the City, or (b) claims or penalties resulting from the installation, presence, maintenance or operation of facilities by registrants or permittees or activities of registrants or permittees.

(b) *Indemnification.* A registrant or permittee must indemnify and defend the City, its officials, employees and agents to the maximum extent that is allowed under Minnesota Rule 7819.1250.

Sec. 54-425. Abandoned and Unusable Facilities.

(a) *Discontinued Operations.* A registrant who has determined to discontinue all or a portion of its operation in the City must provide information satisfactory to the City that the registrant's obligations for its facilities in the right-of-way under this ordinance have been lawfully assumed by another registrant.

(b) *Removal.* Any registrant who has abandoned facilities in any right-of-way shall remove it from that right-of-way or required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the City.

Sec. 54-426. Insurance.

All certificate(s) of insurance or self-insurance required under this section must provide that:

(a) An insurance policy has been issued to the applicant by an insurance company authorized to do business in the state of Minnesota, or that the applicant has a form of self-insurance acceptable to the Engineer;

(b) The applicant is insured against claims for personal injury, including death, and property damage arising out of the (1) use and occupancy of the public right-of-way by the permittee, its officers, agents, and employees, and (2) placement and use of facilities and equipment in the public right-of-way by the permittee, its officers, agents, and employees, including protection against liability from completed operations, damage of underground facilities and collapse of property;

(c) The City is named as an additional insured for the coverages required under this section;

(d) The City must be notified 30 days in advance of cancellation of the policy or material modification of a coverage term; and

(e) The coverages and amounts of coverage are as required by the City.

The City may require a copy of the actual insurance policies.

Sec. 54-427. Appeal.

A right-of-way user that: (1) has been denied registration; (2) had been denied a permit; (3) has had a permit revoked; (4) believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, Subd. 6; or (5) disputes a determination of the Engineer regarding subsection 54-417 may have the denial, revocation, fee imposition, or decision reviewed, upon written request, pursuant to city code chapter 38. A decision by the independent hearing officer affirming the denial, revocation, or fee imposition will be decided in a timely manner, in writing and supported by written findings establishing reasonableness of the decision.

Sec. 54-428. Vacating Public Lands, Streets and Alleys.

(a) *Procedure.* Upon its own motion, or upon petition of a majority of abutting landowners, with a vote of four of its members, the City Council may vacate any street, alley or public right of way within the City. The vacation must be adopted by ordinance.

(b) *Petitions.* Petitions must give a full statement of facts, contain a plat of the property in question, be verified by at least one petitioner, be accompanied by satisfactory proof of title to the property, and include the filing fee set by the City.

(c) *Notice.* Notice of the hearing will be mailed to abutting property owners one week prior to the hearing. The notice must also be published in the official newspaper for one week prior to the hearing.

(d) *Recommendations.* The City Council may secure recommendations from public officials, commissions, private individuals, and may authorize payment for advisory services regarding the vacation.

(e) *Costs.* Upon granting any vacation, the City Council may require payment of all costs of the proceedings to compensate the City for its costs, and may impose any additional conditions deemed desirable in the public interest.

(f) *Rights preserved.* No vacation prevents the City's right or the right of any other individual or organization from later coming upon the property to repair or attend to lawfully established public utility installations, or to continue to keep and use lawfully established public utility installations on the property.

(g) *Filing.* After granting any vacation, the City may execute and deliver a quitclaim deed documenting the vacation.

SECTION 2. REPEALER. South St. Paul City Code Chapter 54, Article I, Sec. 54-2 Vacating Streets is hereby repealed.

SECTION 3. REPEALER. South St. Paul City Code Chapter 54, Article I, Sec. 54-6 Use of Public Streets for Utilities is hereby repealed.

SECTION 4. REPEALER. South St. Paul City Code Chapter 54, Article II Undergrounding is hereby repealed.

SECTION 5. REPEALER. South St. Paul City Code Chapter 54, Article III Excavating is hereby repealed.

SECTION 6. SUMMARY PUBLICATION. Pursuant to Minn. Stat. § 412.191, in the case of a lengthy Ordinance, a summary may be published. While a copy of the entire Ordinance is available without cost at the office of the Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire Ordinance:

The new ordinance essentially allows the city to effectively manage the public rights-of-way regarding excavations and obstructions. The City Engineer will review all permit applications, which have specific application submission requirements and fees. The rights of way must be restored after excavations up to the standards contained in state law. In the future, installations shall be underground as much as possible, unless it is cost-prohibitive, as determined by the city. There is a process for inspections, denial of permits, penalties for failing to perform, revoking permits, as well as requirements for providing the city with mapping data so that the city can have accurate records of all utilities in the rights-of-way, processes for vacations of rights-of-way, indemnification and insurance and appeals. The ordinance is intended to provide a comprehensive

approach to effectively managing the city's rights-of-way in accordance with federal, state, administrative and common law.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ day of _____, 2016.

Ayes:

Nays:

Attest:

Beth Baumann, Mayor

Christy Wilcox, City Clerk