



CITY COUNCIL MEETING

Municipal Center Council Chambers

1616 Humboldt Ave, West St. Paul, MN 55118

Monday, March 9, 2026

6:30 PM

1. **Call to Order**

2. **Roll Call**

One or more members of the City Council may be joining remotely.

3. **Pledge of Allegiance**

4. **Adopt the Agenda**

5. **OCWS Briefing**

6. **Community Comments - In Person**

Individuals may address the City Council about any item of city business not included on the regular agenda. Speakers are requested to come to the podium and state their name and address for the Clerk's record. Generally, the City Council will not take official action on items discussed at this time but may, typically, refer the matter to Staff for a future report or direct that the matter be scheduled on an upcoming agenda.

7. **Community Comments - Phone Line**

Individuals may address the City Council about any item **of city business** not included on the regular agenda. Speakers are requested to state their name and address for the Clerk's record. Generally, the City Council will not take official action on items discussed at this time but may, typically, refer the matter to Staff for a future report or direct that the matter be scheduled on an upcoming agenda.

8. **Council Comments**

9. **Proclamations, Presentations and Recognitions**

10. **Consent Agenda**

Items on the Consent Agenda are considered routine and are voted on in one motion by the Council. Any items that require further discussion or a separate vote may be removed from the consent agenda by a council member or a member of the community and placed on the regular agenda.

A. City Business Licensing

Documents:

[CITY LICENSING 3-9-26.PDF](#)

B. City Rental Licensing

Documents:

[RENTAL LICENSING 3-9-26.PDF](#)

C. List of Claims for March 9, 2026

Documents:

[CITY COUNCIL ACTION ITEM - LIST OF CLAIMS 3.9.26.PDF](#)

D. Boards and Commissions Policy

Documents:

[CITY COUNCIL ACTION ITEM - BOARDS AND COMMISSIONS POLICY.PDF](#)
[ATTACHMENT - BOARDS AND COMMISSIONS POLICY.PDF](#)

E. Award Bid for the Emerson East Mill & Overlay Project 26-3

Documents:

[COUNCIL ACTION ITEM - AWARD BID CP 26-3.PDF](#)

F. Joint Powers Agreement with Dakota County for Oakdale Avenue Pavement Management Project

Documents:

[CITY COUNCIL ACTION ITEM - JPA DAKOTA COUNTY OAKDALE PAVEMENT MANAGEMENT PROJECT.PDF](#)
[ATTACHMENT - JPA DCA23558.PDF](#)

11. Public Hearings

12. General Business

A. Final Reading - Ordinance Amendment to City Code Section 72.02 Regarding Parking Over 48 Hours

Documents:

[CITY COUNCIL ACTION ITEM - FINAL READING ORD 72.02 48 HR PARKING.PDF](#)
[ATTACHMENT - ORDINANCE SECTION 72.02.PDF](#)

B. Mayor and Councilmember Salaries

Documents:

[CITY COUNCIL ACTION ITEM - FIRST READING - CODE AMENDMENT - MAYOR AND CITY COUNCILMEMBER SALARIES 2027-28.PDF](#)
[ORDINANCE AMENDMENT - SECTION 30.04 SALARIES.PDF](#)

C. Charter Amendment: First Reading of Ordinance Updating Entire City Charter

Documents:

CHARTER AMENDMENT - ORDINANCE UPDATING ENTIRE CITY
CHARTER.PDF
ORDINANCE - UPDATING CITY CHARTER IN ENTIRETY.PDF

D. City Charter Summary Publication

Documents:

CITY COUNCIL ACTION ITEM - CHARTER AMENDMENT SUMMARY.PDF
CITY CHARTER AMENDMENT SUMMARY RESOLUTION - 3-9-26.PDF

13. **Adjourn**

If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at 651-552-4108 or email ADA@wspmn.gov at least 5 business days prior to the meeting.

Si usted desea que alguna parte del paquete de esta agenda sea traducida al Español, por favor solicítelo al social@wspmn.gov.

www.wspmn.gov EOE/AA

Subject: City Business Licenses-2026 New/Renewals

Meeting Date: March 9, 2026	
Submitted/Presented by/Department: Bryan Byrd-Licensing	
Action Type	
<input checked="" type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other:
Action	
Staff is requesting Council to approve the following licenses:	
LIQUOR Gebeta Restaurant	
PRECIOUS METALS DEALER National Rarities LLC	
MASSAGE Bao Yang (Lily Oriental Massage)	
Required background check and site inspections have been completed by the appropriate City departments, as applicable, and all license fees have been received.	
Attachments	
Alternatives	
Deny license applications.	
Financial	
Budgeted: <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No Financial Impact
Fund: See box at right	Business- 101-30000-32199
Department:	Liquor- 101-30000-32199
Account:	
Amount: \$4,800 (Revenue)	



City Council Action Item

Rental License Applications

Meeting Date: March 9, 2026	
Submitted by: Bryan Byrd/Licensing	
Action Type	
<input checked="" type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other:
Action	
Staff recommends that the City Council approve rental license application(s) listed below.	
Background	
Rental License(s) - background required.	
According to the rental dwelling ordinance, the City requires a background investigation for each new rental property owner and/or applicant. In addition, the Police and Community Development departments review calls for service to the properties in an effort to identify problem properties.	
220 Butler Ave. W (Single family, Renewal)	
Attachments	
N/A	
Previous Relevant Actions	
N/A	
Alternatives	
N/A	
Financial	
Budgeted: <input type="checkbox"/> Yes	<input type="checkbox"/> No Financial Impact
Fund: 101	
Department: 41910	
Account: 171	
Amount: \$100 (Revenue)	

Subject: List of Claims

Meeting Date: March 9, 2026	
Submitted/Presented by/Department:	
Action Type	
<input checked="" type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input checked="" type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other: <i>Click or tap here to enter text.</i>
Action	
Approve claims as attached in the amount of \$1,873,227.88	
Background	
Attachments	
List of Claims	
Previous Relevant Actions	
Alternatives	
Financial	
Budgeted: <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No Financial Impact
Fund: <i>Click or tap here to enter text.</i>	
Department: <i>Click or tap here to enter text.</i>	
Account: <i>Click or tap here to enter text.</i>	
Amount: <i>Click or tap here to enter text.</i>	

CITY OF WEST ST PAUL

Summary of List of Claims

Council Meeting of March 9, 2026

PAYROLL CHECK REGISTER:

Payroll Period	2/2/26 - 2/15/26	
Date Paid	2/20/2026	
Direct Deposit		\$273,362.32

Payroll Period	2/16/26 - 3/1/26	
Date Paid	3/6/2026	
Direct Deposit		\$269,763.97

TOTAL NET PAYROLL

\$543,126.29

DISBURSEMENT CHECK REGISTER:

Checks	145513 - 145578	\$755,294.62
EFTS	5737 - 5802	\$574,806.97

TOTAL DISBURSEMENT CHECKS

\$1,330,101.59

TOTAL PAYROLL, DISBURSEMENTS, ACH AND WIRE TRANSFERS

\$1,873,227.88

Subject: Boards and Commissions Policy

Meeting Date: March 9, 2026	
Submitted/Presented by/Department: Nate Burkett, City Manager	
Action Type	
<input checked="" type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input checked="" type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other:
Action	
Adopt the Boards and Commissions Policy as presented (with changes)	
Background	
<p>The Council first reviewed this policy on January 12, 2026, and directed staff to gather feedback from board and commission members. That feedback was generally positive. A few clarifying questions were raised and addressed by staff, but none resulted in changes to the draft. On February 9, 2026, the Council discussed the policy again and directed staff to incorporate two additions prior to bringing the policy back for adoption. Both additions are reflected in the current draft.</p>	
<p>SUMMARY OF THE POLICY</p> <p>The policy establishes a Citywide baseline for all appointed citizen members serving on boards, commissions, committees, and task forces. It works alongside body bylaws, ordinances, and applicable law. Each body may recommend bylaws to the Council for approval and may adopt additional procedural practices, provided they do not conflict with City policy, rules, or law.</p>	
<p>Key topics addressed in the policy:</p> <ul style="list-style-type: none"> • Core expectation. Members serve the public interest and are expected to act with integrity, fairness, respect, and professionalism. • Roles and boundaries. Bodies are primarily advisory. Staff support the body and manage City operations. Members route questions and requests through the staff liaison and established processes. • Public statements and media. Members may speak as private residents but must clarify they do not represent the City or the body. Members may not speak on behalf of the City or the body unless authorized through the City communications process. • Conduct and professionalism. Respectful engagement, issue-focused discussion, orderly meetings, and responsible cell phone use while at the dais. • Open government and records. Members should avoid serial discussions outside of meetings and assume communications about City business may be public records, including on personal devices. • Ethics standards. Conflicts of interest, gifts, and use of position. • Attendance and reliability. Regular attendance is expected. Issues are addressed first through conversation, with escalation to the appointing authority if needed. 	

Subject: Boards and Commissions Policy

- Public communications and social media. Members may share general information and encourage civic engagement but should not imply they represent the City or the body unless authorized.
- Concerns and accountability. Coaching first, with escalation to the appointing authority as needed, up to and including removal.
- Board and commission procedures. Each body may adopt bylaws and elect its own officers. No member may serve as Chair for more than two consecutive years unless no other willing and able member exists.
- Acknowledgement and training. Members will receive orientation and periodic refreshers on open meeting practices, records, and ethics, and must sign an acknowledgement upon appointment.

CHANGES SINCE LAST REVIEW

Two sections were added following the February 9 discussion:

- Section H.5 - Cell Phone Use at the Dais. This section establishes expectations for cell phone use while members are seated at the dais. Use is limited to essential communication related to the ongoing meeting. Non-essential use, including personal calls, texting, browsing, and social media, should be avoided. Phones must be kept on silent or vibrate at all times.
- Section P - Board and Commission Procedures. This section addresses three items: each body may adopt bylaws, rules, and procedures provided they are consistent with this policy and ratified by the Council; each body is responsible for electing its own officers; and no member may serve as Chair for more than two consecutive years unless no other willing and able member exists. The two-year limit reflects staff's recommendation following Council discussion of a one- or two-year threshold.

Attachments

Attachment - Boards and Commissions Policy

Previous Relevant Actions

Alternatives

Financial

Budgeted: Yes

No Financial Impact

Fund:

Department:

Account:

Amount:



BOARDS, COMMISSIONS, AND COMMITTEES MEMBER CODE OF CONDUCT, ETHICS, AND EXPECTATIONS POLICY

Adopted By:
City Council

Revision History:
March 4, 2026 – Initial Adoption

A. PURPOSE

This policy outlines basic expectations for citizen members serving on City boards, commissions, and committees. Its purpose is to protect public trust, support respectful and fair meetings, clarify member and staff roles, and reduce avoidable legal and reputational risk.

B. SCOPE

This policy applies to all appointed citizen members, including alternates and ex officio non-staff members, serving on any City board, commission, committee, or task force. This policy sets baseline expectations and works alongside body bylaws, ordinances, and applicable law.

Each body may recommend bylaws to the City Council for approval, and may adopt rules of procedure or meeting practices to support its work, provided they are consistent with this policy. If a conflict exists, this policy and applicable City rules or law control.

C. CORE EXPECTATION

Members serve the public interest. Members are expected to act with integrity, fairness, respect, and professionalism, and help create meetings where members can participate and the body can complete its work.

D. ROLES AND BOUNDARIES

1. Primary advisory role
 - a. Boards and commissions are primarily advisory. Members provide input, advice, and recommendations within the scope of the body's purpose and authority. Although function is primarily advisory, boards and commissions which are standing boards and commissions of the City must comply with the open meeting law.
 - b. Members focus on community perspective and policy considerations, not day-to-day operations.
2. Planning Commission and Committee of Adjustments
The Planning Commission and Committee of Adjustments sometimes act in roles with legal ramifications, including quasi-judicial matters. When acting in that capacity, additional expectations apply as set forth in this policy.

E. STAFF ROLE

1. Staff support the body by preparing materials, providing professional analysis, and implementing direction from City leadership. Members of the Commission and Board do not oversee staff but rather work collaboratively with staff.
2. Staff manage City operations and the City Manager supervises employees.

F. HOW WE WORK TOGETHER

1. Members should route questions and requests through the staff liaison or the established process for the body.
2. Members should avoid asking individual staff for work outside that process.

G. PUBLIC STATEMENTS AND MEDIA

1. Members may speak as private residents, but should clarify that, in doing so, they do not represent the City or the body. When commenting on matters that are, or may be perceived to be under the purview of a Committee or Commission they are on, members must clearly state that they are speaking in their individual capacity.
2. Members do not make public statements on behalf of the City or the body unless authorized in advance through the City's communications process.

3. Media requests related to the body's work should be directed to the staff liaison or City communications.

H. CONDUCT AND PROFESSIONALISM

Members are expected to:

1. Be respectful toward the public, fellow members, applicants, elected officials, and staff.
2. Focus on issues and standards, not personal attacks or assumptions about motives.
3. Follow meeting procedures and help keep meetings orderly so everyone has a fair chance to be heard.
4. Avoid disruptive behavior, harassment, intimidation, retaliation, or threats in any City-related setting, including meetings and communications.
5. Minimize use of cell phones when at the dais. Use of cell phones is limited to essential communication only, such as receiving urgent messages related to the ongoing proceedings or operational matters. Non-essential use, including personal calls, texting, browsing, or social media activity, should be avoided or, at a minimum, limited. Cell phones must be kept on silent or vibrate mode at all times while seated on the dais.

I. MEETINGS, OPEN GOVERNMENT, AND RECORDS

1. City business should be discussed in properly noticed meetings.
2. Members should avoid serial discussions outside meetings, including "reply all" emails, group texts, and back-and-forth messaging about City business.
3. Members should assume notes, emails, and texts about City business may be public records, including when using a personal device.
4. Members should not share nonpublic information. When unsure, members should ask the staff liaison before sharing information or continuing a messaging thread.

J. ETHICS STANDARDS

1. Conflicts of interest
 - a. Members should disclose potential conflicts as soon as they become aware.

- b. If a conflict exists, the member should step back from discussion and voting on that matter.
- c. When unsure, disclose and ask the staff liaison.

2. Gifts

- a. Except for trinkets of insignificant value defined as \$5 or less, members should not accept gifts, special favors, or hospitality from anyone who has business before the City or could be affected by the body's work.
- b. When unsure, decline or ask the staff liaison before accepting.

3. Use of position

- a. Members should not use their role for personal gain or to benefit family, friends, or business associates.
- b. Members should not use nonpublic information gained through service for personal benefit.

K. ATTENDANCE AND RELIABILITY

1. Members are expected to attend meetings regularly when possible and communicate conflicts in advance.
2. If attendance becomes an issue, the Chair and staff liaison should start with a conversation to clarify expectations and identify barriers.
3. If attendance issues persist, the matter may be referred to the appointing authority consistent with bylaws and appointment terms.

L. PUBLIC COMMUNICATIONS AND SOCIAL MEDIA

1. Members may share general information and encourage civic engagement, but should not imply they represent the City or the body unless authorized through City communications.
2. Members should be cautious about making premature public statements on pending or sensitive matters, including on social media.
3. Additional restrictions apply to pending quasi-judicial matters under Appendix B.

M. CONCERNS AND ACCOUNTABILITY

1. Concerns may be raised with the Chair, staff liaison, City Clerk, or City Manager's Office.
2. The City will generally start with coaching and clarification of expectations.
3. If concerns are serious or repeated, they may be referred to the appointing authority for action consistent with bylaws and appointment terms, up to and including removal.

N. ACKNOWLEDGEMENT AND TRAINING

1. Members will receive basic orientation and periodic refreshers focused on practical responsibilities, including open meeting practices, records, and ethics.
2. Members must sign an acknowledgement upon appointment and as requested thereafter.

O. MEETING DECORUM

These rules support orderly meetings and fair participation for everyone.

1. The Chair runs the meeting, recognizes speakers, and maintains order.
2. Members should take turns, stay on topic, and keep discussion respectful.
3. Members should not argue with the public.
4. The City may set reasonable time limits and procedures for public comment.
5. If conduct becomes disruptive, the Chair may give a warning, call a recess, or take other reasonable steps to restore order and complete the meeting.

P. BOARD AND COMMISSION PROCEDURES

1. Each Board and Commission may adopt bylaws, rules and procedures to govern the business of that Board or Commission provided those bylaws, rules or procedures do not conflict with this policy. Formally adopted bylaws, rules and procedures must be forwarded to the City Council for ratification.
2. Each Board and Commission shall be responsible for electing its own officers including Chair, Vice-Chair and other positions as the Board or Commission may define in its bylaws.

3. No member may serve as Chair of a Board or Commission for more than two consecutive years unless there is no other member of the Board or Commission who is willing and/or able to serve as Chair of that Board or Commission.

Q. PLANNING COMMISSION AND COMMITTEE OF ADJUSTMENTS ADDENDUM

1. Applicability

This Addendum applies whenever the Planning Commission and Committee of Adjustments is acting in a quasi-judicial capacity, meaning it is applying specific standards to the facts of an individual case and making findings based on the public record.

2. Staff Designation

- a. Staff will identify quasi-judicial items in the staff report.
- b. If unclear or omitted, staff will clarify on the record before the public hearing begins.
- c. When in doubt, members should presume that the item is quasi-judicial in nature and the item will be handled using this Addendum.

3. Fair Process and Impartiality

- a. Members must approach the matter with an open mind and avoid statements that suggest the outcome is decided in advance.
- b. Members will treat all parties fairly and apply the same standards to all.

4. Record-Based Decisions

- a. Decisions must be based on information presented at the noticed meeting and included in the record.
- b. At the meeting, members should connect discussion and findings to the applicable standards to create a records of why the body made the decision. Members recognize that findings need to be reflected in writing at the same meeting at which the matter was decided or at the next, subsequent meeting.

5. Off-Record Contacts

- a. Members should avoid off-record discussions about the merits of a pending quasi-judicial matter.

- b. If an off-record contact occurs, the member must disclose it on the record before deliberation and summarize the substance. Any written materials must be provided to staff for the record.

6. Site Visits

- a. Site visits are permitted, but members should not gather new evidence or conduct off-record interviews. Unless properly noticed, members should not attend a site visit with other members if the number of members attending the visit together equals a quorum or more of the committee or commission.
- b. Material observations should be disclosed on the record.

7. Conflicts and Recusal

- a. Members must disclose conflicts or bias concerns as soon as known.
- b. If recused, the member will not participate in discussion or voting on the matter. Depending on the nature of the conflict, the member may or may not be able to establish quorum for purposes of the decision. When able to do so, member should make staff aware of potential conflict prior to the meeting so a conflict analysis can be done if necessary.

8. Public Statements on Pending Cases

Members should not publicly advocate for or against a pending case in a way that could undermine fairness or the appearance of fairness.

Subject: Award Bid for the Emerson East Mill & Overlay Project 26-3

Meeting Date: March 9, 2026			
Submitted/Presented by/Department: Ross Beckwith/Public Works			
Action Type			
<input checked="" type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction		
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only		
<input type="checkbox"/> Action/Motion	<input type="checkbox"/> Report		
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other:		
Action			
Award the base bid and alternate bid for the Emerson East Mill & Overlay Project, City Project 26-3, to McNamara Contracting for \$488,505.50.			
Background			
The Emerson East Mill and Overlay Project includes the following streets:			
Street	From	To	
Emerson Avenue East	Oakdale Avenue	Christensen Avenue	
Sperl Street	Emerson Avenue East	Dead End	
Logan Avenue	Oakdale Avenue	Sperl Street	
Kopp Drive	Logan Avenue	Sperl Street	
Moreland Circle	Sperl Street	Dead End	
Stassen Drive	Oakdale Avenue	Logan Avenue	
This project will include spot curb repair, casting replacement, and two inches of milled and paved asphalt with a Texas Underseal.			
On February 24, 2026, bids were opened for the Emerson East Mill & Overlay Project. Six (6) prevailing wage bids were received with alternate bids for Texas Underseal and are shown below along with the engineer's estimate.			
Contractor	Base Bid	Alternate Bid	Total Bid
McNamara Contracting	\$441,080.00	\$47,425.50	\$488,505.50

Subject: Award Bid for the Emerson East Mill & Overlay Project 26-3

North Valley, Inc.	\$457,508.31	\$49,954.86	\$507,463.17
Bituminous Roadways, Inc.	\$471,052.75	\$45,317.70	\$516,370.45
Park Construction Co..	\$484,962.84	\$46,793.16	\$531,756.00
Valley Paving	\$486,770.20	\$48,479.40	\$535,249.60
GMH Asphalt Corporation	\$542,568.98	\$48,900.96	\$591,469.94
Engineer's Estimate	\$308,000.00	\$52,695.00	\$360,695.00

McNamara Contracting is the lowest responsible bidder. City staff recommend that McNamara Contracting be awarded the contract for the base bid and alternate bid which includes the Texas Underseal.

The final completion date for this project is July 2, 2026.

Attachments

Previous Relevant Actions

1/26/26 Approve Plans and Authorize Ad for Bid CP 26-3.

Alternatives

Financial

Budgeted: Yes

No Financial Impact

Fund: Neighborhood Streets

Department:

Account:

Amount:

The lowest total bid of \$488,505.50 is \$127,810.50 over the engineer's estimate. Based on the low bid from the Emerson Avenue Street Reconstruction Project there is sufficient funding in the Neighborhood Streets Fund to cover project funding.

Subject: Joint Powers Agreement with Dakota County for Oakdale Avenue Pavement Management Project

Meeting Date: March 9, 2026	
Submitted/Presented by/Department: Ross Beckwith/Public Works	
Action Type	
<input checked="" type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other:
Action	
Approve the attached Joint Powers Agreement (JPA) with Dakota County for construction cost sharing as part of their upcoming Oakdale Avenue Pavement Management Project.	
Background	
Dakota County has an annual countywide pavement management project. Their 2026 project includes a mill and overlay of Oakdale Avenue from Wentworth Avenue to 980 feet north of Mendota Road.	
Sanitary castings will be replaced, and inflow/infiltration barriers will be installed, both at the city's expense. Storm sewer castings replaced will be paid for at an 80/20 county/city split. All other project costs will be 100% county.	
A JPA with Dakota County is required to define project cost sharing for this project.	
Attachments	
JPA DCA23558 (needs signatures)	
Previous Relevant Actions	
Alternatives	
Financial	
Budgeted: <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No Financial Impact
Fund: Sanitary Sewer and Storm Sewer	Total estimated city cost is \$36,000.
Department:	
Account:	
Amount:	

JOINT POWERS AGREEMENT FOR

RESURFACING OF BITUMINOUS PAVEMENT, DRAINAGE IMPROVEMENTS, CITY

UTILITY REPAIRS, AND COST PARTICIPATION

BETWEEN

THE COUNTY OF DAKOTA

AND

THE CITY OF WEST SAINT PAUL

FOR

DAKOTA COUNTY PROJECT NO. 73-044

CITY PROJECT NO. 26-5

SYNOPSIS: Dakota County and the City of West Saint Paul agree to include the necessary storm sewer and sanitary sewer repairs with the 2026 resurfacing of County State Aid Highway (CSAH) 73 (Oakdale Avenue) from 980' north of CSAH 14 (Mendota Road) to County Road 8 (Wentworth Avenue) in West Saint Paul, Dakota County. All sharing of project costs will be in accordance with the Cost Sharing Policies within the Dakota County 2040 Transportation Plan.

THIS JOINT POWERS AGREEMENT (“Agreement”), is made and entered into by and between the County of Dakota (“County”), a political subdivision of the State of Minnesota, and the City of West Saint Paul (“City”), a municipal corporation existing under the laws of the State of Minnesota, hereafter collectively referred to as “Parties”, and individually as “Party”, and witnesses the following:

WHEREAS, under Minnesota Statutes sections 162.17, subd. 1 and 471.59, subd. 1, two governmental units may enter into an agreement to cooperatively exercise any power common to the contracting parties, and one of the participating governmental units may exercise one of its powers on behalf of the other governmental units; and

WHEREAS, to provide a safe and efficient transportation system, the County and the City are proceeding with County Project 73-044 and City Project 26-5 (the “Project”); and

WHEREAS, County Project 73-044 will include resurfacing the pavement of County State Aid Highway 73 (Oakdale Avenue) between 980’ north of CSAH 14 (Mendota Road) and County Road 8 (Wentworth Avenue), and includes upgrades to the pedestrian facilities to meet modern ADA standards; and

WHEREAS, the City desires to repair storm sewer and sanitary sewer infrastructure within the project limits of CSAH 73 (the “City Work”); and

WHEREAS, to more efficiently deliver the Project, the County and the City mutually desire to partner with one another in exercising their joint powers to complete final design, construction, administration, and maintenance of the Project, as well as to determine each parties’ respective share of Project costs; and

WHEREAS, the County and City have included the Project in their Capital Improvement Programs and will jointly participate in the costs of said final design engineering, construction administration, and maintenance, per the Cost Sharing Policy within the Dakota County 2040 Transportation Plan (July 2021); and

NOW, THEREFORE, it is agreed the County and City will share Project responsibilities as detailed in this Agreement and, in accordance with the County's adopted cost share policy, jointly participate in Project costs as set forth herein. The above recitals are incorporated by reference and are made a part hereof as if fully set forth below.

1. Project Administration. The County shall be the lead agency for design, construction, construction administration, and maintenance of the Project. Subject to the requirements below, the County and the City shall each retain final decision-making authority within their respective jurisdictions.

2. Engineering. Engineering costs shall include the cost of preparing final designs, plans, specifications and proposals, surveying, mapping, consultant engineering, right-of-way mapping, construction management, construction inspection and all related materials testing, including the cost of County and City staff time, as well as the cost of facilitating public and/or third-party agency involvement.

3. Plans, Specifications and Award of Contract. The County will prepare plans and specifications consistent with County and City design standards, State-Aid design standards and MnDOT standards and specifications. The City shall be responsible for inventorying and identifying necessary storm sewer, sanitary sewer, and watermain system repairs, and preparing plans and specifications to be incorporated into the County's plans and specifications. The parties' mutual concurrence with the plans and specifications is required prior to advertising for bids. Within 7 days of opening bids for the construction contract, the lead agency shall submit a copy of the low bid and an abstract of all bids together with the request for concurrence to the State and the award of the construction contract to the lowest responsible bidder. The lead agency may award the contract for construction to the lowest responsive and responsible bidder in accordance with state law. If a bid is not awarded, this Agreement shall terminate for the specific project that is not awarded, and all costs incurred as of the date of termination shall be apportioned in accordance with the terms of this Agreement. The contract construction shall be performed in accordance with approved

plans, specifications and special provisions which are made a part hereof by reference with the same force and effect as though fully set forth herein.

4. City Permits. The City will issue the County and its contractors a permit to work within the City's right-of-way allowing the County and its contractors to work on City street right-of-way for the Project. The County, or its contractors, must secure a city building permit for retaining walls and/or other structures, and any other City permits as required by City Code, and the City hereby agrees to waive the City's permit fees for the permits obtained by the County. Nothing in this Agreement or any permit issued by the City shall prevent the use of the public right-of-way by utilities, communication providers, or any other entity entitled by law to use public right-of-way. The City will process permits for utility work and other activities within the City's right-of-way.

5. Construction. Construction costs shall include all highway and roadway construction items, including removals; mobilization and traffic control, temporary widening or other measures if required as part of traffic control or project staging; mitigation as required by state and federal permits including accessibility requirements; replacement or restoration of fences, landscaping and driveways when affected by construction; replacement or adjustment of sanitary sewer, water and storm sewer systems, if required due to construction; wetland mitigation and banking; and all other construction aspects outlined in the plan except for elements as called out under this Agreement or County policies included in the current adopted Dakota County Transportation Plan. The City shall be responsible for inspecting and approving the work associated with utility repairs of storm sewer and sanitary sewer. During any construction activities on City Storm Sewer or Sanitary Sewer, an inspector from the City must be available at the site. The County and City shall be responsible for the maintenance of all such storm sewer facilities after completion of the Project in accordance with terms and conditions of the current adopted Maintenance Agreement for Storm Sewer Systems (Dakota County Contract No. C0025406). The City shall be responsible for maintaining all sanitary sewer and watermain facilities.

6. Construction Standards. All construction, including traffic control, shall be accomplished in accordance with applicable State Aid, County and City standards, specifications, and policies to the satisfaction of the County and City. The County and City reserves the right to inspect construction materials and methods as needed.
7. Traffic Control. Prior to the start of any construction activities on City Storm Sewer or Sanitary Sewer, a traffic control meeting must be conducted. This meeting can take place at the preconstruction conference. A representative from each the City, County, and Contractor must be in attendance. The contractor will provide details of their traffic control plans and must receive concurrence from both the City and County before proceeding with the work. As part of construction inspection, the parties shall monitor the traffic conditions and ensure the traffic control measures are in accordance with what was agreed upon during the traffic control meeting. The Parties must coordinate with the Engineer and contractor in the case that traffic control measures are ineffective or are creating unsafe conditions.
8. Cost Share. After application of all applicable cost sharing provisions of this Agreement and the Dakota County 2040 Transportation Plan (July 2021) Appendix A (Attachment A) polices F.1 through F.19, the County will participate in the Project as shown in the Opinion of Cost Participation (Attachment B) and as defined below after deducting federal and state cost participation amounts. It is understood that the Opinion of Cost Participation reflects an estimated cost share at the time of Agreement execution. Final costs will be based on actuals at the time of construction.

Cost Participation – Roadway (County Cost Policy F.1)

- The County will be responsible for 100% of the costs of existing pavement retained and/or rehabilitated through mill and overlay, resurfacing, or other methods, as part of the final project.

Cost Participation for Storm Sewer System Maintenance (County Cost Policy F.7)

- The City has inspected their facilities and documented a request of specific Storm Sewer repair items to be included in the construction plans.
- Storm Sewer Repairs: The County and City shall share all costs associated with the repairs to storm sewer systems made as part of the Project. The County shall

pay for 80% of the storm sewer utility repair costs, and the City shall pay for 20% of the storm sewer utility repair costs. The City shall be responsible for inspecting and approving this work. Further, the County and City shall be responsible for the maintenance of all such facilities after completion of the Project in accordance with terms and conditions of the current adopted Maintenance Agreement for Storm Sewer Systems (Dakota County Contract No. C0025406).

Multi-Use Trails and Sidewalk Maintenance (County Cost Policy F.8)

- Repairs and updates to pedestrian facilities including both trail and sidewalk are included in the construction plans. The County shall pay for 100% of the costs for this work.

9. Project Costs: City Utility Repairs. The City has inspected their facilities and documented a request of specific Sanitary Sewer repair items to be included in the construction plans.

The City shall be solely responsible for:

- all costs associated with utility repairs to sanitary sewer systems made as part of the Project;
- inspecting and approving said utility work; and
- maintaining all such facilities after the completion of the Project.

10. Project Cost Updates. The lead agency must provide updated cost estimates showing the County and City shares of Project costs annually at the time of Capital Improvement Program development. Updated cost estimates will also be provided by the lead agency at the following times:

- At construction plan milestones (30%/60%/90%/Final)
- prior to advertising a construction contract;
- after bid opening (prior to contract award);
- during construction if total contract changes exceed \$25,000;

Project cost estimate updates include actual and estimated costs for Engineering Costs, right-of-way acquisition, utility relocation, construction, and administration.

The parties acknowledge that Project cost estimates are subject to numerous variables causing the estimates to be subject to change and the updates are provided

for informational purposes in good faith. Each agency is responsible for informing their respective council or board regarding Project costs estimates.

11. Payment. The County shall administer the contract and act as the paying agent for all payments to the Contractor. Payments to the Contractor will be made as Project work progresses and when certified by the County Engineer. After the construction contract has been awarded, the County shall invoice the City 50% of the City's estimated construction costs based on awarded contract amount. Upon Project completion, the County shall reconcile the final contract amount and invoice the City for any additional amount owed under this Agreement. In the event the County owes payment to the City, then the City shall invoice the County for the amount owed. Upon presentation of an itemized claim by one agency to the other, the receiving agency shall reimburse the invoicing agency for its share of the costs incurred under this Agreement upon receipt or within a maximum of 35 days from the presentation of the claim. If any portion of an itemized claim is questioned by the receiving agency, the remainder of the claim shall be promptly paid, and accompanied by a written explanation of the amounts in question. Payment of any outstanding amount will be made following good faith negotiation and documentation of actual costs incurred in carrying out the work.

12. Change Orders and Supplemental Agreements. Any change orders or supplemental agreements that affect any of the Project's cost participation must be approved by the authorized representative of each party prior to execution of work. The City's appointed representative is Ross Beckwith, City Engineer, and the County's appointed representative is Todd Howard, Assistant County Engineer, or their successors. Both Parties shall endeavor to provide timely approval of change orders and supplemental agreements so as not to delay construction operations.

13. Amendments. Any amendments to this Agreement will be effective only after approval by each governing body and execution of a written amendment document by duly authorized officials of each body.

14. Effective Dates for Design and Construction of Project. This Agreement will be effective upon execution by duly authorized officials of each governing body and shall

continue in effect until all work to be carried out in accordance with this Agreement has been completed. Absent an amendment, however, in no event will this Agreement continue in effect after December 31, 2031.

15. Final Acceptance. Final completion of the Project must be approved by both the County and the City. The contractor shall provide a maintenance bond for the City Work. The warranty period for materials and workmanship shall be one year from the date of final acceptance by the City, as approved by the City Engineer. The County shall include this requirement in the contract documents.
16. Pavement Maintenance. Upon acceptance of the Project, the City shall be responsible for all pavement maintenance within City-owned right-of-way. The County shall be responsible for all pavement maintenance within County-owned right-of-way unless necessitated by a failure of a City utility system or installation of new City-owned facilities.
17. Pavement Marking and Traffic Signing Maintenance. Pavement markings will be installed as applicable for the operation of the highway and intersections along the Project area as outlined in the plans. The City shall be responsible for all pavement marking and sign maintenance within City right-of-way and the County shall be responsible for all pavement marking and sign maintenance within the County right-of-way unless necessitated by installation of new facilities.
18. Drainage Area and Stormwater or Drainage Facilities Maintenance. Upon final acceptance of the Project, maintenance of any drainage areas and any stormwater or drainage facilities shall be provided in accordance with the current County and City Maintenance Agreement (Dakota County Contract No. C0025406).
19. Sidewalks and Trails. Upon final acceptance of the Project, maintenance of sidewalks and trails shall be provided in accordance with the current adopted Dakota County Transportation Plan. The County and the City shall be responsible for the costs of trail resurfacing or reconstruction in accordance with County policies included in the County's current adopted Transportation Plan.

20. Subsequent Excavation. After completion of the Project, and after expiration of the warranty period regarding repair, if excavation within the County right-of-way is necessary to repair or install water, sanitary sewer, or other City utilities, the City shall apply for a permit from the County and shall be responsible to restore the excavated area and road surface to substantially the condition at the time of disturbance. If the City employs its own contractor for the above-described sewer or other utility repair or installation, the City shall hold the County harmless from any and all liability incurred due to the repair or installation of said sewer or other municipal utility including, but not limited to, the costs of repair as well as liability to third parties injured or damaged as a result of the work. If the City fails to have the highway properly restored, the County Engineer may have the work done and the City shall pay for the work within 35 days following receipt of a written claim by the County.
21. Rules and Regulations. The County and the City shall abide by Minnesota Department of Transportation standard specifications, rules, and contract administration procedures unless amended by the contract specifications.
22. Indemnification. The County agrees to defend, indemnify, and hold harmless the City against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement and caused by or resulting from negligent acts or omissions of the County and/or those of County employees or agents. The City agrees to defend, indemnify, and hold harmless the County against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement for which the City is responsible, including future operation and maintenance of facilities owned by the City and caused by or resulting from negligent acts or omissions of the City and/or those of City employees or agents. All parties to this agreement recognize that liability for any claims arising under this agreement are subject to the provisions of the Minnesota Municipal Tort Claims Law; Minnesota Statutes, Chapter 466. In the event of any claims or actions filed against either party, nothing in this Agreement shall be construed to allow a claimant to obtain separate judgments or separate liability caps from the individual parties. The County shall include the City as additional insured in the contract documents.

23. Employees of Parties. Any and all persons engaged in the work to be performed by the County shall not be considered employees of the City, for any purpose, including Worker's Compensation, and any and all claims that may or might arise out of said employment context on behalf of said employees while so engaged. Any and all claims made by any third party as a consequence of any act or omission on the part of the County's employees while so engaged on any of the work contemplated herein shall not be the obligation or responsibility of the City. Any and all persons engaged in the work to be performed by the City shall not be considered employees of the County for any purpose, including Worker's Compensation, and any and all claims that may or might arise out of said employment context on behalf of said employee while so engaged. Any and all claims made by any third party as a consequence of any act or omissions of the part of the City's employees while so engaged on any of the work contemplated herein shall not be the obligation or responsibility of the County.
24. Audits. Pursuant to Minnesota Statutes Sec 16 C. 05, Subd. 5, any books, records, documents, and accounting procedures and practices of the County and the City relevant to this Agreement are subject to examination by the County or the City and either the Legislative Auditor or the State Auditor as appropriate. The County and the City agree to maintain these records for a period of six years from the date of performance of all services covered under this Agreement.
25. Integration and Continuing Effect. The entire and integrated agreement of the Parties contained in this Agreement shall supersede all prior negotiations, representations or agreements between the City and the County regarding the Project; whether written or oral. All agreements for future maintenance or cost responsibilities shall survive and continue in full force and effect in accordance with the Dakota County Transportation Plan after completion of the construction provided for in this Agreement.
26. Authorized Representatives. The authorized representatives for the purpose of the administration of this Agreement are:

COUNTY OF DAKOTA
Erin Laberee, Dakota County
Engineer (or successor)
14955 Galaxie Ave.
Apple Valley, MN 55124
Office: (952) 891-7100
Erin.Laberee@co.dakota.mn.us

CITY OF WEST SAINT PAUL
Ross Beckwith, Public Works
Director/City Engineer (or
successor)
1616 Humboldt Ave.
West St. Paul, MN 55118
Office: (651) 552-4130
RBeckwith@wspmnp.gov

All notices or communications required or permitted by this Agreement shall be either hand delivered or mailed by certified mail, return receipt requested, to the above addresses. Either party may change its address by written notice to the other party. Mailed notice shall be deemed complete two business days after the date of mailing.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS THEREOF, the Parties have caused this Agreement to be executed by their duly authorized officials.

CITY OF WEST SAINT PAUL

RECOMMENDED FOR APPROVAL:

City Engineer

By _____
Mayor

(SEAL)

By _____
City Attorney

Date _____

By _____
City Clerk

Date: _____

COUNTY OF DAKOTA

RECOMMENDED FOR APPROVAL:

County Engineer

By: _____
Physical Development Director

Date: _____

COUNTY BOARD RESOLUTION

No. 25-449 Date: September 23, 2025

Subject: Final Reading - Ordinance Amendment to City Code Section 72.02 Regarding Parking Over 48 Hours

Meeting Date: March 9, 2026	
Submitted/Presented by/Department: Ross Beckwith/Public Works	
Action Type	
<input type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input checked="" type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input checked="" type="checkbox"/> Other: Ordinance
Action	
Review the attached ordinance amendment to City Code Section 72.02 and approve the final reading.	
Background	
City right-of-way is not intended to be a long-term storage location for trailers and boats. In addition to sight distance and visual clutter, it makes snowplowing difficult on streets and alleys.	
The ordinance changes will allow trailers/boats in public streets for up to 48 hours. The 48-hour timeline allows ample time to load/unload a trailer/boat.	
A public hearing and first reading were held on February 23, 2026, at the regular City Council meeting.	
Attachments	
Ordinance	
Previous Relevant Actions	
2/23/26 First Reading	
Alternatives	
Financial	
Budgeted: <input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No Financial Impact
Fund:	
Department:	
Account:	
Amount:	

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

ORDINANCE 26-

**AN ORDINANCE AMENDING SECTION 72.02 OF THE CITY CODE REGARDING
PARKING OVER 48 HOURS**

The City Council of the City of West Saint Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul City Code Section 72.02 is hereby amended as follows:

§ 72.02 PARKING OVER 48 HOURS.

A. No vehicle shall be parked continuously upon any street or alley at a place not contiguous or adjacent to the residence of its owner for more than 48 hours.

B. No recreational equipment or recreational vehicles, including all-terrain vehicles (ATV's), boats, utility trailers, enclosed trailers, motor homes, travel trailers or other similar vehicles shall be parked continuously upon any street or alley for more than 48 hours.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statute Section 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 City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance updates section 72.02 of the West St. Paul City Code regarding parking over 48 hours. The updates expand limitations on vehicles and equipment that cannot be parked on the street or alleyways for over 48 hours, including all-terrain vehicles, boats, trailers, motor homes, and other similar recreational vehicles or equipment.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul Minnesota this 9th day of March 2026.

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk

Subject: First Reading - Code Amendment - Mayor and City Councilmember Salaries 2027-28

Meeting Date: March 9, 2026	
Submitted/Presented by/Department: Dan Nowicki, Assistant City Manager	
Action Type	
<input type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input checked="" type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Other:
Action	
Approve the first reading and establish a public hearing and final reading on April 13, 2026 for Ordinance Amending City Code 30.04 - Setting Mayor and Councilmember Salaries for 2027 and 2028.	
Background	
Charter Commission reviewed elected officials' salaries and is proposing a 3% increase for 2027 and a 2.5% increase for 2028. The proposed salaries are as follows:	
Mayor's salary is \$14,935 for 2027 and \$15,308 for 2028.	
Councilmember's salary is \$12,875 for 2027 and \$13,197 for 2028.	
Attachments	
City Council Action Item - Ordinance Amendment - Section 30.04 Salaries	
Previous Relevant Actions	
Alternatives	
Financial	
Budgeted: <input type="checkbox"/> Yes	<input type="checkbox"/> No Financial Impact
Fund:	
Department:	
Account:	
Amount:	

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. 26-XX

AN ORDINANCE AMENDING SECTION 30.04 OF CITY CODE REGARDING MAYOR
AND COUNCILMEMBER SALARIES

The City of West Saint Paul does ordain:

SECTION 1. West St. Paul City Code Section 30.04. Salaries. is amended with additions shown by underlining and deletions shown by ~~strikethrough~~:

(A) The Mayor' s salary is \$ 14,935 ~~12,500~~ for calendar year ~~2027~~ 2025 and \$ 15,308 ~~14,500~~ for calendar year ~~2028~~ 2026.

(8) A Council member' s salary is \$ 12,875 ~~10,400~~ for calendar year ~~2027~~ 2025 and \$ 13,197 ~~12,500~~ for calendar year ~~2028~~ 2026.

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

SECTION 3. SUMMARY PUBLICATION. The following is authorized as summary publication of this ordinance: This ordinance increases the Mayor' s annual salary from \$14,500 in 2026 to \$14,935 in 2027 and \$15,308 in 2028 and increases Councilmember annual salaries from \$12,500 in 2026 to \$12,875 in 2027 and \$13,197 in 2028.

Passed by the City Council of the City of West St. Paul, Minnesota, this ____ day of _____, 2026.

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk

Subject: Charter Amendment - Ordinance Updating Entire City Charter

Meeting Date: March 9, 2026	
Submitted/Presented by/Department: Dan Nowicki, Assistant City Manager	
Action Type	
<input type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Other:
Action	
Approve first reading of Ordinance Updating Entire City Charter and set a public hearing and final reading for April 13, 2026.	
Background	
<p>The Charter Commission has unanimously approved Council consideration of the attached ordinance which would replace gender specific language with gender-neutral language. As the current Charter has gendered language throughout the document, it is proposed that the entire document be replaced rather than amendments for each instance.</p> <p>In addition, one sentence received rewording for clarity in Section 1.02. Powers of the City.</p> <p>Lastly, as is required in even numbered years, the Charter Commission reviewed elected officials' salaries and is proposing a 3% increase for 2027 and a 2.5% increase for 2028. The proposed salaries are as follows:</p> <p>Mayor's salary is \$14,935 for 2027 and \$15,308 for 2028.</p> <p>Councilmember's salary is \$12,875 for 2027 and \$13,197 for 2028.</p>	
Attachments	
Ordinance - Updating City Charter in Entirety	
Previous Relevant Actions	
Alternatives	
Financial	
Budgeted: <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No Financial Impact

**Subject: Charter Amendment - Ordinance Updating
Entire City Charter**

Fund:	
Department:	
Account:	
Amount:	

CITY OF WEST ST. PAUL DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. 26-XX

AN ORDINANCE UPDATING THE WEST ST. PAUL CHARTER IN ITS ENTIRETY

WHEREAS, the Charter Commission has recommended updating the charter to (i) reflect gender neutral language; (ii) remedy missing text in Section 1.02 and (iii) address mayoral and council salaries as required by Charter; and

WHEREAS, Minn. Stat. §410.12 provides the timeline for charter amendments by ordinance; and

WHEREAS, the City, within one month of receiving a recommendation to amend the charter by ordinance from the Charter Commission, published notice of a public hearing on the Charter amendments with the proposed text amendments identified; and

WHEREAS, on _____, the Council held a public hearing on the proposed charter amendments meeting the statutory timeline of at least two weeks but not more than one month after the notice was published.

NOW THEREFORE, the City of West Saint Paul does ordain:

SECTION 1 . West St. Paul City Charter is amended in its entirety as follows with additions shown by underlining and deletions shown by ~~strike through~~:



CITY CHARTER

**2025 Supplement 1 Contains:
Local Legislation Current Through Ordinance No. 25-019, Passed 12-8-25**

Dated: ~~December 31, 2025~~

TABLE OF CONTENTS

CHAPTER I.	NAME BOUNDARIES, POWERS AND GENERAL PROVISIONS	PAGE NO.
SECTION 1.01	NAME AND BOUNDARIES	5
SECTION 1.02	POWERS OF THE CITY	5
SECTION 1.03	CHARTER A PUBLIC ACT	5
SECTION 1.04	WARD DESIGNATION	5-6
SECTION 1.05	COUNCIL DISTRICTS	6
SECTION 1.06	CHARTER COMMISSION MEMBERSHIP	6

CHAPTER II.	FORM OF GOVERNMENT	PAGE NO.
SECTION 2.01	FORM OF GOVERNMENT	7
SECTION 2.02	BOARDS AND COMMISSIONS	7
SECTION 2.03	ELECTIVE OFFICERS	7
SECTION 2.04	INCOMPATIBLE OFFICES	7
SECTION 2.05	VACANCIES IN THE COUNCIL	7-8
SECTION 2.06	THE MAYOR	8-9
SECTION 2.07	SALARIES	9
SECTION 2.08	INVESTIGATION OF CITY AFFAIRS	9
SECTION 2.09	INTERFERENCES WITH ADMINISTRATION	10
SECTION 2.10	CHARTER COMPLIANCE	10

CHAPTER III.	PROCEDURE OF COUNCIL	PAGE NO.
SECTION 3.01	COUNCIL MEETINGS	11
SECTION 3.02	SECRETARY OF COUNCIL	11
SECTION 3.03	RULES OF PROCEDURE AND QUORUM	11
SECTION 3.04	ORDINANCES, RESOLUTIONS AND MOTIONS	12
SECTION 3.05	PROCEDURE ON ORDINANCES	12
SECTION 3.06	EMERGENCY ORDINANCES	12
SECTION 3.07	PROCEDURE ON RESOLUTIONS	12
SECTION 3.08	SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS	12
SECTION 3.09	WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT	13
SECTION 3.10	AMENDMENT AND REPEAL OF ORDINANCES	13
SECTION 3.11	REVISION AND CODIFICATION OF ORDINANCES	13
SECTION 3.12	CODE OF ETHICS	13

CHAPTER IV.	NOMINATIONS AND ELECTIONS	PAGE NO.
SECTION 4.01	PRIMARY AND GENERAL ELECTIONS	14
SECTION 4.02	OFFICERS TO BE ELECTED AND TERMS OF OFFICE	14-15
SECTION 4.03	OFFICERS: HOW ELECTED	15
SECTION 4.04	OFFICIAL YEAR	15
SECTION 4.05	COUNCILPERSON – QUALIFICATIONS	15
SECTION 4.06	NOTICE OF ELECTION – BY CITY CLERK	15

SECTION 4.07	CANVASS OF ELECTIONS	15
SECTION 4.08	SPECIAL ELECTIONS	15

CHAPTER V.	INITIATIVE AND REFERENDUM	PAGE NO.
SECTION 5.01	POWERS RESERVED BY THE PEOPLE	16
SECTION 5.02	EXPENDITURES BY PETITIONERS	16
SECTION 5.03	FURTHER REGULATIONS	16
SECTION 5.04	INITIATION OF MEASURES	16
SECTION 5.05	FORM OF PETITION AND SIGNATURE PAPERS	16
SECTION 5.06	FILING OF PETITION AND ACTION THEREON	17
SECTION 5.07	ACTION OF COUNCIL ON PETITION	17
SECTION 5.08	INITIATIVE BALLOTS	18
SECTION 5.09	INITIATION OF CHARTER AMENDMENTS	18
SECTION 5.10	THE REFERENDUM	18
SECTION 5.11	REFERENDUM PETITIONS	19
SECTION 5.12	REFERENDUM BALLOTS	19
SECTION 5.13	RECALL ELECTIONS	20-21

CHAPTER VI.	ADMINISTRATION OF CITY AFFAIRS	PAGE NO.
SECTION 6.01	THE CITY MANAGER	22
SECTION 6.02	POWERS AND DUTIES OF THE CITY MANAGER	22-23
SECTION 6.03	DEPARTMENT OF ADMINISTRATION	23
SECTION 6.04	SUBORDINATE OFFICERS	23
SECTION 6.05	PURCHASES AND CONTRACTS	23-24
SECTION 6.06	CONTRACTS: HOW LET	24
SECTION 6.07	LABOR CONTRACTS	24

CHAPTER VII.	TAXATION AND FINANCES	PAGE NO.
SECTION 7.01	COUNCIL TO CONTROL FINANCES	25
SECTION 7.02	FISCAL YEAR	25
SECTION 7.03	SYSTEM OF TAXATION	25
SECTION 7.04	PREPARATION OF THE ANNUAL BUDGET	25
SECTION 7.05	PASSAGE OF THE BUDGET	25
SECTION 7.06	ENFORCEMENT OF THE BUDGET	26
SECTION 7.07	ALTERATIONS IN THE BUDGET	26
SECTION 7.08	EMERGENCY APPROPRIATION IN BUDGET	26
SECTION 7.09	DISBURSEMENTS: HOW MADE	26
SECTION 7.10	FUNDS TO BE KEPT	26-27
SECTION 7.11	ACCOUNTS AND REPORTS	27
SECTION 7.12	CITY INDEBTEDNESS	27
SECTION 7.13	TAX ANTICIPATION CERTIFICATES	28
SECTION 7.14	EMERGENCY DEBT CERTIFICATES	28
SECTION 7.15	AUTHORITY FOR EXPENDITURES	28

CHAPTER VIII.	PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS	PAGE NO.
SECTION 8.01	POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS	29
SECTION 8.02	ASSESSMENTS FOR SERVICES	29

CHAPTER IX.	EMINENT DOMAIN (Condemnation Proceedings)	PAGE NO.
SECTION 9.01	POWER TO ACQUIRE PROPERTY	30

CHAPTER X.	FRANCHISES	PAGE NO.
SECTION 10.01	FRANCHISE REQUIRED	31
SECTION 10.02	TERM	31
SECTION 10.03	PUBLIC HEARINGS	31
SECTION 10.04	POWER OF REGULATION RESERVE	31
SECTION 10.05	RENEWALS OR EXTENSIONS	31

CHAPTER XI.	PUBLIC OWNERSHIP AND OPERATION OF UTILITIES	PAGE NO.
SECTION 11.01	ACQUISITION AND OPERATION OF UTILITIES	32
SECTION 11.02	RATES AND FINANCES	32
SECTION 11.03	PURCHASE IN BULK	32
SECTION 11.04	LEASE OF PLANT	32
SECTION 11.05	PUBLIC UTILITY: HOW SOLD	32

CHAPTER XII.	MISCELLANEOUS AND TRANSITORY PROVISIONS	PAGE NO.
SECTION 12.01	OFFICIAL PUBLICATIONS	33
SECTION 12.02	OATH OF OFFICE	33
SECTION 12.03	CITY OFFICERS NOT TO BE INTERESTED IN CONTRACTS	33
SECTION 12.04	OFFICIAL BONDS	33
SECTION 12.05	SALES OF REAL PROPERTY	33
SECTION 12.06	VACATION OF STREETS	33-34
SECTION 12.07	STATUTES NOT AFFECTED BY CHARTER	34
SECTION 12.08	ORDINANCES TO MAKE CHARTER EFFECTIVE	34
SECTION 12.09	ADMINISTRATIVE CIVIL PENALTIES	34
SECTION 12.10	ASSESSMENT OF UNPAID PENALTIES	34
	ATTACHMENT(S)	PAGE NO.
	WARD AND PRECINCT MAP	35

THE CHARTER OF THE CITY OF WEST ST. PAUL

CHAPTER I

NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.01. Name and Boundaries. The City of West Saint Paul, in the County of Dakota and the State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation, under the name and style of the City of West Saint Paul, with the same boundaries as now are or hereafter may be established. The territory constituting the City of West Saint Paul, with the same boundaries and limits thereof, are as follows:

All of Sections number Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), and the North one-half (N ½) of Section Twenty-Nine (29) lying north of Mendota Road, and the North one-half (N ½) of Section Thirty (30), and the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Seven (7). All in Township 28 North, Range 22, West, of the fourth principal meridian.

Section 1.02. Powers of the City. The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this State to exercise in harmony with the constitution of this State and of the United States. It is the intention of this charter to confer upon the city every power which it would have if it were specifically mentioned. ~~It is the intention of this Charter that every power which the people of the City of West Saint Paul might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this Section.~~ This Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Section 1.03. Charter a Public Act. This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect six (6) months from and after its adoption by the electors.

Section 1.04. Ward Designation. The said City shall be divided into three (3) wards, to be called the First (1st), Second (2nd), and Third (3rd) wards, limited and bounded as follows:

The First Ward shall be comprised of:

The area north and east of the intersection of the centerlines of South Robert Street and Marie Avenue, and the area south and east of the intersection of the centerlines of Marie Avenue and Oakdale Avenue.

The Second Ward shall be comprised of:

The area between the centerlines of Charlton Street and South Robert Street that is north of the centerline of Kraft Road excepting therefrom the area between the centerlines of Butler Avenue and Emerson Avenue that is west of the centerline of Bidwell Street, and the area that is between the centerlines of Livingston Avenue and South Robert Street north of the centerline of Marie Avenue.

The Third Ward shall be comprised of:

The areas west and south of Wards 1 and 2 not contained therein.

The Wards are depicted on the following map: Attachment A.

(Ord. 02-08, passed 4-22-02; Ord. 12-05, passed 4-02-12; Ord. 22-007, passed 3-28-22)

Section 1.05. Council Districts. Said City of West Saint Paul shall be, and is hereby divided into three (3) Council districts, and each ward shall constitute a Council district. Said Council districts shall be numbered to correspond with the number of the wards.

That each of said Council districts, as above defined and constituted, shall form a separate election precinct of said City for the holding of all general elections provided for under the laws of this State, and for the election of all corporate officers provided for in this Charter.

Provided, however, that the Council of said City may, by a vote of five (5) of the members-elect of said Council, divide such of said Council districts as may contain over four hundred (400) resident electors into two (2) or more election precincts of said district and, from time to time, designate by resolution or ordinance such election precincts as aforesaid as may be deemed necessary, in order to provide for the convenience of the electors.

(Ord. 96-17, passed 10-28-96; Ord. 97-13, passed 8-25-97)

Section 1.06. Charter Commission Membership. The Commission shall be composed of eleven (11) qualified voters of the City who have been appointed as provided by law.

(Ord. 04-08, passed 7-12-04; Ord. 12-14, passed 7-23-12)

CHAPTER II

FORM OF GOVERNMENT

Section 2.01. Form of Government. The form of government established by this Charter is the "Council-Manager Plan". The Council shall exercise the legislative power of the City and determine all matters of policy. The City Manager shall be the head of the administrative branch of the City government and shall be responsible to the Council for the proper administration of all affairs relating to the City.

Section 2.02. Boards and Commissions. The City Council shall by ordinance, establish a Planning Commission and a Board of Appeals and Adjustments that shall have the powers and duties imposed by the Municipal Planning Act. The City Council may by ordinance, resolution or in any other manner prescribed by state law, create or abolish any other commissions or boards and appoint the members thereof, with advisory power to investigate any subject of interest to the City and to prepare any recommendations for consideration by the City Council.

(Ord. 96-17, passed 10-28-96; Ord. 97-13, passed 8-25-97; Ord. 12-15, passed 7-23-12)

Section 2.03. Elective Officers. The Council shall be composed of a Mayor and six (6) Councilpersons. The Mayor shall be a qualified elector. Two (2) Councilpersons shall be elected from each Council district and shall be qualified electors. The Mayor shall be elected for terms of two (2) years, and Councilpersons shall be elected for terms of four (4) years.

Section 2.04. Incompatible Offices. No member of the Council shall be appointed City Manager, nor shall any member hold any other paid municipal office or employment under the City during the term of office for which they were elected. Until one year after the expiration of the term as Mayor, no former member shall be appointed to any paid appointive office or employment under the City which office or employment was created or the emoluments of which were increased during the term as Mayor.

Section 2.05. Vacancies in the Council.

Subdivision 1. A vacancy in the Council shall be deemed to exist in case of the failure of any person elected thereto to qualify as required by law prior to the date of the first meeting of the new Council, or by reason of the death, resignation, removal from office, removal from the City, continuous absence from the City for more than three (3) months, or conviction of a felony under the laws of any State or of the United States (unless restored to full civil rights) of any such persons whether the conviction is before or after the election, or by reason of the failure of any Councilperson without good cause to perform any of the duties of membership in the Council for a period of three (3) months. In each case, the Council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy until an election is held as provided in this section.

Subdivision 2. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular election and more than two (2) years remain in the unexpired term, a special election shall be held at the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there shall be no special election and the appointed person shall serve until the qualification of a successor elected at a regular city election.

(Ord. 04-09, passed 7-12-04)

Section 2.06. The Mayor. The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro-tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as the Mayor in the case of the Mayor's disability or absence from the City.

Subdivision 1. The Mayor shall not have a vote as a member of the Council except in the following circumstances:

- a. The case of a tie vote,
- b. The case of 3 affirmative votes that would result in a failed motion,
- c. The hiring or removal of the City Manager,
- d. The appointment of a person to fill a Council vacancy,
- e. The sale of a public utility,
- f. An amendment to the Charter, or
- g. Otherwise as required by state law.

Subdivision 2. The Mayor shall have veto power over all ordinances, resolutions and motions of the Council. The Mayor shall have five (5) days (excluding Sundays) to exercise the veto power or it shall have the same effect as if approved. If the Mayor exercises the veto power, the matter shall be presented to the Council at their next meeting. Upon the exercise of the veto power by the Mayor, the matter may be reconsidered, and if after such reconsideration the Council passes the matter by a vote of at least five (5) of the members-elect, it shall have the same effect as if approved by the Mayor; and in such case the votes shall be a roll call vote, which shall be entered by the City Clerk into the record.

The Mayor shall not have veto power on matters on which they have the right to vote. The Mayor may strike and eliminate any line item amount in the City budget or reduce the sum appropriated therefore within five (5) days after Council passage of the budget. Such elimination or reduction of any line item amount shall constitute a veto of the line item and may be reconsidered as provided for in the case of a veto.

Subdivision 3. The Mayor shall exercise all other powers and perform all duties conferred and imposed upon the office by this Charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all

ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of martial law.

Subdivision 4. The Mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In times of public danger or emergency the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

(Ord. 96-17, passed 10-28-96; Ord. 98-01, passed 1-26-98; Ord. 14-06, passed 10-13-14; Ord. 17-11, passed 11-13-17; Ord. 21-004, passed 03-22-21)

Section 2.07. Salaries.

Subdivision 1. For the faithful discharge of the duties of their respective offices, the elected official shall receive the following salaries: the Mayor: ~~\$12,500 for year 2025 and \$14,500 for year 2026;~~ \$14,935 for year 2027 and \$15,308 for year 2028; each Councilperson: ~~\$10,400 for year 2025 and \$12,500 for year 2026;~~ \$12,875 for year 2027 and \$13,197 for year 2028. The City Manager and all other officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

(Ord. 18-11, passed 7-23-18; Ord. 20-011, passed 7-27-20; Ord. 22-011, passed 7-25-22; Ord. 24-002, passed 7-8-24)

Subdivision 2. Prior to June of every even-numbered year, the Commission shall review and may adopt a charter amendment increasing the salaries of the Mayor and Council. Salary increase shall take effect pursuant to statute.

(Ord. 94-11, passed 9-12-94; Ord. 99-02, passed 2-22-99; Ord. 99-20, passed 11-08-99; Ord. 00-10, passed 3-13-00; Ord. 02-09, passed 4-22-02; Ord. 04-10, passed 7-12-04; Ord. 12-16, passed 7-23-12)

Section 2.08. Investigation of City Affairs. The Council and the City Manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. There shall be an annual audit of the City accounts by a Certified Public Accountant selected by the Council, who shall certify, among other things, that the accounts and records of the City have been maintained in accordance with this Charter and with the Statutes of the State of Minnesota, and that all funds of the City have been handled according to law; a copy of such audit shall be filed with the City Clerk and with the Chairperson of the Charter Commission not later than 30 days after completion of the audit. The Council may, at any time, and shall, upon petition of not less than five (5) % of the total number of registered voters of the City who voted in the last Presidential election, provide for an examination or audit of the accounts or financial affairs of the City or of any officer, employee or department of the City government by the State Auditor. The form of the Petition shall comply with Minnesota Rules, part 8205.1010, and shall be provided upon request at the office of the City Clerk. The Council may cause to be made any survey or research study of any department of the City or any other matter of municipal concern. (Ord. 97-14, passed 8-25-97; Ord. 25-021, passed 12-08-25)

Section 2.09. Interferences with Administration. Neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager, or any manner interfere with the City Manager or prevent them from exercising judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with and control the administrative service solely through the City Manager, and neither the Council or any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

Section 2.10. Charter Compliance. Public officials elected and appointed of the City are bound to uphold the Constitution of the United States, the State of Minnesota, and the Charter of the City of West St. Paul, except when required by superior law, any public official who has been adjudicated of violating the provisions of this Charter may be subject to removal or termination of their public office or position by the District Court.

(Ord. 98-01, passed 1-26-98)

CHAPTER III

PROCEDURE OF COUNCIL

Section 3.01. Council Meetings. All meetings of the Council are public meetings, except as otherwise permitted by law. Any person may inspect the minutes and records of the Council meetings at reasonable times and may request copies thereof, pursuant to the Minnesota Government Data Practices Act, or as may be amended.

Subdivision 1. Regular Meetings. On the first business day of January in the year following a regular municipal election, the Council shall meet at the usual place and time for the holding of Council meetings. At this time, the newly elected members of the Council shall take their oaths of office and assume their duties. Thereafter, the Council shall meet at such times each month as may be prescribed by ordinance or resolution.

Subdivision 2. Special Meetings. The Mayor or any three members (3) of the Council may call special meetings of the Council upon at least three (3) business days advance written notice to each member of the Council, delivered personally to each member or left at their usual place of residence with a responsible person. The written notice must also identify who requested the meeting and state the item or items to be discussed at the special meeting.

Subdivision 3. Emergency Meetings. The Mayor or any three (3) members of the Council may call emergency meetings of the Council upon at least twenty-four (24) hours' notice to each member of the Council delivered personally to each member or left at their usual place of residence with a responsible person.

(Ord. 12-17, passed 7-23-12; Ord. 12-18, passed 7-23-12; Ord. 14-07, passed 10-13-14; Ord. 16-01, passed 1-25-16)

Section 3.02. Secretary of Council. The City Clerk, or a deputy clerk, shall act as Secretary of the Council, and shall keep a journal of Council proceedings and such other records and perform such other duties as may be required by this Charter or the Council may require. The Council shall choose such other officers and employees as may be necessary to serve at its meetings. In the absence of the City Clerk or deputy, the Council may designate any other official or employee of the City, except the City Manager or a member of the Council, to act as secretary to the Council. A deputy clerk shall be authorized to certify Council minutes or extracts therefrom or any other documents relating to City affairs in the same manner and with the same authority as the Clerk.

Section 3.03. Rules of Procedure and Quorum. The Council shall determine its own rules and order of business. A majority of all members elected or appointed shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by ordinance provide a means by which absent members may be compelled to attend.

(Ord. 23-008, passed 7-24-23)

Section 3.04. Ordinances, Resolutions, and Motions. Except as in this Charter otherwise provided, all legislation shall be by ordinance. The Council shall keep a journal of its proceedings and the ayes and nays when taken on any question shall be entered on such journal. Any member of the Council who, being present when their name is called, fails to vote up any pending motion, in a tone plainly understood by the presiding officer, shall be counted as having voted in the negative.

Subdivision 1. An affirmative vote of a majority of all the members of the Council shall be required for the passage of all ordinances, resolutions and motions except as otherwise provided in state law or this Charter.

Subdivision 2. An affirmative vote of at least five (5) members of the Council shall be required for the passage of the certification of the annual levy to the County Auditor or the passage of the annual budget.

Subdivision 3. Only the number of council members eligible to vote will be counted when this Charter provides a voting requirement, such as “a majority of all the members of the Council.” The total number of council members eligible to vote on a matter does not include vacancies that exist under the provisions of section 2.05 and council members who cannot vote because of a legally recognized conflict of interest on the matter.

(Ord. 12-18, passed 7-23-12; Ord. 21-005, passed 03-22-21)

Section 3.05. Procedure on Ordinances. The enacting clause of all ordinances shall be in the words, “The City of West Saint Paul does ordain.” Every ordinance shall be presented in writing. No ordinance except an emergency ordinance, shall be passed at the meeting at which it is introduced. At least one week prior to the final passage of every ordinance, except an emergency ordinance, a statement of its purpose and the time and place of its consideration shall be published once in the official newspaper.

(Ord. 12-18, passed 7-23-12; Ord. 14-08, passed 10-13-14)

Section 3.06. Emergency Ordinances. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined therein and declared in a preamble thereto, and is adopted by a vote of at least four members of the Council. No prosecution shall be based upon the provisions of an emergency ordinance until 24 hours after the ordinance has been filed with the City Clerk and until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 3.07. Procedure on Resolutions. Every resolution shall be presented in writing before a vote is taken thereon, unless the written requirement is dispensed with by unanimous consent. (Ord. 09-09, passed 08-10-09)

Section 3.08. Signing and Publication of Ordinance and Resolutions. Every

ordinance or resolution passed by the Council shall be signed by the Mayor, attested by the City Clerk and filed and preserved. Every ordinance, but only such resolutions as may be designated by the Council, shall be published pursuant to state law. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute of Minnesota, a State administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material in full.

(Ord. 14-08, passed 10-13-14)

Section 3.09. When Ordinances and Resolutions Take Effect. Ordinances and resolutions are effective immediately upon passage and publication unless a later date is stated in the ordinance or resolution. An ordinance adopted by the voters under Chapter V is effective upon its adoption, unless a later date is stated in the ordinance.

(Ord. 12-18, passed 7-23-12)

Section 3.10. Amendment and Repeal of Ordinances. Every ordinance repealing a previous ordinance shall give the number, if any, and the title of the ordinance to be repealed. An ordinance amending the City Code or Zoning Ordinance must specify the section or subdivision to be amended. Such amending ordinance shall indicate new matter by underscoring and matter to be omitted by striking through the omitted matter. In newspaper publication, the same indications of omitted and new matter shall be used except that italics or bold-face type may be substituted for underscoring and omitted matter may be printed in capital letters within parentheses. Pursuant to Minnesota Statutes, Section 412.191, in the case of a lengthy ordinance, a summary of the ordinance may be published in the official newspaper in place of the entire ordinance.

(Ord. 14-08, passed 10-13-14)

Section 3.11. Revision and Codification of Ordinances. The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinances shall be published pursuant to state law. Hard copies of the entire City Code shall be available at the office of the City Clerk for inspection by the general public for free and copies may be made pursuant to the City's adopted fee schedule.

(Ord. 14-08, passed 10-13-14)

Section 3.12. Code of Ethics. Within ninety (90) days after taking office, each newly elected City Council shall adopt a Code of Ethics.

CHAPTER IV

NOMINATIONS AND ELECTIONS

Section 4.01. Primary and General Elections. The Municipal Election Day in the City of West Saint Paul is the first Tuesday after the first Monday in November in even numbered years and municipal officials elected on that date shall take office on the first business day of January next succeeding their election for such term as is provided by law. The municipal primary election day shall be on the day designated by the statutes of the State of Minnesota for Primary Election in each even numbered year. Each City primary election shall be conducted as follows: Any eligible person desirous of having their name placed upon the City primary election ballot as a candidate for elective City office shall, within the period of time specified by the statutes of the State of Minnesota relating to municipal elections, file an affidavit in the Office of the City Clerk, stating their residence, that they are the qualified elector in the City; naming the office for which they desire to be a candidate and that they have not filed as a candidate for any other office at the same primary election. Upon payment by such candidates of a fee of twenty dollars (\$20.00) to the City Clerk, that officer shall place the name of such candidates upon the City primary ballot without any political party designation except that where only two persons have filed for any one office, the names of such persons shall not be placed upon said primary ballot, but shall be placed upon the "General Election Ballot" as the nominee for the office named. Only the names of candidates who have filed, as herein provided, shall be printed on the "Primary Election Ballot" and there shall be no political party designation or mark on such ballot indicative of the source of the candidacy or the support of any candidate. There shall be no blank spaces on such ballots for writing in the names of candidates. Votes cast for any candidate whose name has not been duly placed on such ballot shall not be counted.

The results of the City Primary Election shall be canvassed by the Council. The two candidates for each elective office who receive the highest number of votes shall be the nominees for the office named and their names shall be certified to the City Clerk who shall place them on the "City General Election Ballot" without partisan designation.

When a vacancy occurs in any nomination made at the "City Primary Election" such vacancy may be filled by petition as provided by law. No candidate defeated at the "City Primary Election" shall be eligible for nomination by petition for the same office in that year.

Except as herein regulated or otherwise provided, the "City Primary Election Law" which so far as practicable, is hereby adopted as a part hereof the same as if specifically set forth herein.

Section 4.02. Officers to be Elected and Terms of Office. At each General City Election a Mayor shall be elected at large for a term of two (2) years and until their successor is elected and qualifies, and one (1) Councilperson shall be elected from each Ward for a term of four (4) years and until their successor is elected and qualifies; provided, however, that at the first election held after the adoption of this Charter Amendment, two (2) Councilpersons shall be elected from each Ward and each candidate having the highest number of votes in each district shall be elected for a term of four (4) years and until their successor is elected and qualifies,

and each candidate having the next highest number of votes in each district shall be elected for a term of two (2) years and until their successor is elected and qualifies.

Section 4.03. Officers: How Elected. The Mayor shall be elected by and from the body of the electors of said City, and two (2) Councilpersons shall be elected by and from the electors of each Ward respectively.

Section 4.04. Official Year. The official year of the City shall begin on the first business day of January.

Section 4.05. Councilperson - Qualifications. Every Councilperson at the time of election shall be, and during their term of office shall remain a qualified elector and resident of the Ward by which they were elected, and no Councilperson shall, during the term of office for which they are elected, hold any other paid City office.

Section 4.06. Notice of Election - By the City Clerk. The City Clerk at least two (2) weeks before the holding of any General and Special City Elections shall give public notice of the time and place of holding such election, and the hours during which the polls will be open, by posting a notice in each precinct of every district, containing a list of officers to be elected at such election, and by publication at least once in the official newspaper; provided that failure of the City Clerk to give such notice shall not invalidate an election.

Section 4.07. Canvass of Elections. All general laws of the State of Minnesota relating to elections, and preliminaries thereto, shall so far as applicable, apply to and govern all elections under the Charter, and are hereby adopted as a part of this charter the same as if herein specifically enacted.

The Council shall meet and canvass the election returns within two (2) weeks after any municipal election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Clerk. This statement shall include:

- (a) The total number of good ballots cast;
- (b) The total number of spoiled or defective ballots;
- (c) The vote for each candidate, with an indication of those who were elected;
- (d) A true copy of the ballots used;
- (e) The names of the judges and clerks of election; and
- (f) Such other information as may seem pertinent.

The City Clerk shall forthwith notify all persons elected of their election.

Section 4.08. Special Elections. The Council may by resolution adopted by majority vote of the members elect, order a Special Election by the electors of the City, and provide for holding the same. State law will govern all city elections, except as otherwise provided in this charter or City ordinance. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections. The purpose of such Special Election shall be clearly stated in such resolution, and no other matter shall be submitted thereat.

(Ord. 23-008, passed 7-24-23)

CHAPTER V

INITIATIVE AND REFERENDUM

Section 5.01. Powers Reserved by the People. The people of West Saint Paul reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to require any ordinance or resolution when passed by the Council to be referred to the electors for approval or disapproval. These powers shall be called the initiative, and the referendum, respectively.

(Ord. 97-14, passed 8-25-97)

Section 5.02. Expenditures by Petitioners. No member of any initiative, or referendum committee, nor a circulator of a signature paper, shall offer any reward, pecuniary or otherwise, to a signer of any such paper and no signer of a signature paper, shall accept or offer any reward, pecuniary or otherwise, for signing any such paper. Any violation of the provisions of this section is a misdemeanor.

(Ord. 98-01, passed 1-26-98; Ord. 23-016, passed 11-13-23)

Section 5.03. Further Regulations. The Council may provide by ordinance for such further regulations for the initiative, and referendum not inconsistent with this Charter, or in limitation of this Charter, as it deems necessary.

(Ord. 97-14, passed 8-25-97)

INITIATIVE

Section 5.04. Initiation of Measures. Any five registered electors may form themselves into a committee for the initiation of any ordinance except as provided in Section 5.01. Before circulating any petition, they shall file a verified copy of their proposed ordinance with the City Clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefore.

Section 5.05. Form of Petition and of Signature Papers. Petition forms shall comply with Minnesota Rules, part 8205.1010, and shall be provided upon request at the office of the City Clerk. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered electors equal to at least ten percent (10%) of the total number of votes cast at the last preceding regular municipal election. All signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is genuine signature of the person whose name it purports to be. limitation of this Charter, as it deems necessary. (Ord. 25-022, passed 12-8-25)

Section 5.06. Filing of Petitions and Action Thereon. All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five (5) days after the filing of the petition, the City Clerk shall ascertain by examination the numbers of electors whose signatures are appended thereto and whether this number is at least ten percent (10%) of the total number of electors who cast their votes at the last preceding regular municipal election. If the Clerk finds the petition insufficient or irregular, the Clerk shall at once notify one or more of the committees or sponsors of that fact, certifying the reason for the finding. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period, the petition is found to be still insufficient or irregular, the Clerk shall file it in the office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council from referring the ordinance to the electors at the next regular or any special election at its option.

Section 5.07. Action of Council on Petition. When the petition is found to be sufficient, the City Clerk shall so certify to the Council at its next meeting, stating the number of petitions and the percentage of the total number of electors which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least fifteen percent (15%) of the total number of electors voting at the last regular municipal election, the Council shall call a special election upon the measure. Such special election shall be held not less than thirty (30) days nor more than forty-five (45) days from the date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least 4/5 of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electors.

Section 5.08. Initiative Ballots. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the electors the opportunity to vote either “yes” or “no” on the question of adoption. If a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election, but the elector shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

Section 5.09. Initiation of Charter Amendments. Nothing in this Charter contained shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to proposed amendments to this Charter.

REFERENDUM

Section 5.10. The Referendum. If within thirty (30) days of the effective date of any ordinance or resolution a petition signed by registered electors of the City equal in number to ten percent (10%) of the total vote at the last regular municipal election is filed with the City Clerk requesting that any such ordinance or resolution be repealed or rescinded or be submitted to a vote of the electors, the ordinance or resolution shall thereby be prevented from going into operation. All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five (5) days, excluding Saturdays, Sundays and legal holidays, after the filing of the petition, the City Clerk shall ascertain by examination the numbers of registered electors whose signatures are appended thereto and whether this number is at least ten percent (10%) of the total number of electors who cast their votes at the last preceding regular municipal election. The Council shall thereupon reconsider the ordinance or resolution at its next regular meeting, and either repeal or rescind it or reaffirm the ordinance or resolution as passed. In the latter case, the Council shall immediately order a special election to be held thereon, or submit the ordinance or resolution at the next regular municipal election, pending which the ordinance or resolution shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance or resolution, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance or resolution, it shall go into effect immediately.

(Ord. 97-16, passed 10-13-97; Ord. 99-21, passed 11-08-99)

Section 5.11. Referendum Petitions. The requirements laid down in Sections 5.04 and 5.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. Petition forms shall comply with Minnesota Rules, part 8205.1010, and shall be provided upon request at the office of the City Clerk.

(Ord. 97-14, passed 8-25-97; Ord. 99-12, passed 11-08-99; Ord. 25-022, passed 12-8-25)

Section 5.12. Referendum Ballots. The form of the ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this Charter for initiative ballots.

Section 5.13. Recall Elections. The holder of any elective office, in the City of West St. Paul, may be removed at any time for malfeasance or nonfeasance in office by the electors qualified to vote for a successor of such incumbent, in the following manner:

Subdivision 1. A petition signed by such electors equal in number to at least fifteen percent (15%) of the currently registered voters; in the case of Mayor, those registered voters in all Wards; in the case of Councilperson, those registered voters in their own Ward, demanding a special election to determine whether the person named therein shall be recalled, and to elect a successor of the person sought to be removed, shall be filed with the Clerk. The petition shall comply with Minnesota Rules, part 8205.1010, and shall contain a general Statement, in not more than two hundred words, of the specific grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall state their place of residence, street number and year of birth. Either one of the signers of each such paper or a circulator of the paper shall make an oath that the signatures therein made are true, as they believe and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be.

Subdivision 2. The signatures gathered for such petition, must be obtained within a period of thirty (30) days from the date of the first signature.

Subdivision 3. Within ten (10) days from the date of filing such petition, the Clerk shall ascertain from the voters register whether or not said petition is signed by the requisite number of qualified electors. The Clerk shall attach to the petition the certificate showing the result of the examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said Clerk's certificate. The Clerk shall, within ten days after such amendment make a similar examination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to filing of a new petition to the same effect. If the petition is deemed sufficient, the Clerk shall submit the same to the Council without delay, and thereupon the Council shall order the same filed, and a copy thereof delivered to the person sought to be recalled.

Subdivision 4. Within ten (10) days after the filing of said petition, the Council shall fix a date for holding said special election not less than thirty (30) days, nor more than forty (40) days, from the date of said filing. In the published call for the election, there shall be printed in not more than two hundred (200) words, the reasons for demanding the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred (200) words, the officer may justify their course in office.

Subdivision 5. Any qualified elector of the electoral district may file in the same manner as for any City election for the office which may be filled at any recall election.

Subdivision 6. Except as herein otherwise provided, such special election shall be conducted, returned, and the result thereof declared, in all respects as are general municipal elections. There shall be placed on the recall ballot or voting machine, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name against whom the recall petition is filed) be recalled from the office of (title of office)?" Following which question shall be the words "Yes" and "No". On such ballots or voting machines following each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled in the case, they shall be removed from office by said recall election. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on the question of the recall of any incumbent from office, shall vote "No", said incumbent shall continue in office.

If a majority shall vote "Yes", said incumbent shall be deemed removed therefrom upon the qualification of their successor. If the vote at any such recall election shall recall the officer then the candidate who has received the highest number of votes for the office shall thereby be elected and shall hold office for the unexpired term.

Subdivision 7. No recall petition shall be filed against any officer until they have actually held their office for at least six (6) months. No person who has been recalled from office, or who has resigned from such office while recall proceedings were pending against them, shall be elected or appointed to any office in the City within one year after such recall or resignation. Should any person resign from office while recall proceedings are pending against them, the election provided for herein shall be called and proceeded with but shall be limited to the purpose of electing their successor in office.

Subdivision 8. If a majority of the Council shall fail or refuse to act in such recall proceedings, compliance with the provisions of this section may be enforced by proceedings in the district court of Dakota County at the suit of any citizen of this City.

(Ord. 25-022, passed 12-8-25)

CHAPTER VI

ADMINISTRATION OF CITY AFFAIRS

Section 6.01. The City Manager. The City Manager shall be the chief administrative officer of the City. The Manager shall be chosen by the Council solely on the basis of experience and professional qualifications. They need not be a resident of the City, but shall be a citizen of the United States. The City Manager shall be appointed by the Council for an indefinite term and may be removed by the Council at any time during the first year of service; but after they have served as City Manager for one (1) year, they can be removed, discharged, or suspended without pay for not in excess of thirty (30) days, at any time by the affirmative vote of a majority of the Council. In case of any such action by the Council, the City Manager may, within fifteen (15) days after notice of removal, discharge or suspension, make demand on the City Clerk for written charges specifying the grounds for such removal, discharge or suspension, and a public hearing shall be held by the City Council thereon within ten (10) days of the written request by the City Manager and until such hearing is held, the proposed removal, discharge or suspension shall not take effect. If such hearing is demanded and is held, the Council shall have unlimited discretion either to reinstate the City Manager and revoke any suspension or make their removal or discharge final. Pending such hearing and removal or discharge, the Council may suspend the City Manager from office without pay for not more than thirty (30) days. During the absence, disability or suspension without pay of the City Manager, or during such time as the office of City Manager may be vacant, the Council may designate, on a temporary basis, some properly qualified person to perform the duties of the City Manager.

Section 6.02. Powers and Duties of the City Manager

Subdivision 1. Subject to the provisions of this Charter and any Council regulations consistent therewith, the City Manager shall manage, control and direct the administration of the City's affairs. The Manager shall have the powers and duties set forth in the following subdivision.

Subdivision 2. The Manager shall see that this Charter and laws, ordinances and resolutions of the City are enforced.

Subdivision 3. Except for the City Attorney who shall be selected, appointed, and removed by the Council, the City Manager shall appoint, promote and remove, upon the basis of merit and fitness the City Clerk, all heads of departments and all subordinate officers and employees in the departments. No subordinate officer or employee of the City shall be discharged from their employment unless and until such employee has had a hearing by the Council if such employee requests the hearing within fifteen (15) days of the effective date of such discharge or such greater period as may be specified in any contract with the City covering such employee.

Subdivision 4. The Manager shall exercise full control over all departments and divisions of the City administration created by this Charter or by the Council pursuant to this Charter. Except as provided by the Statutes of the State of Minnesota or by other

specific provisions of this Charter, the Manager shall exercise full control over all departments and divisions of the City Administration created by this Charter or by the Council pursuant to this Charter.

Subdivision 5. Except for such meetings of the Council at which their removal, discharge or suspension is to be considered, they shall attend all meetings of the Council and shall have the right to take part in the discussion at any meeting of the Council, but they shall not have the right to vote thereat.

Subdivision 6. The Manager shall make written recommendations to the Council for adoption of such measures as they may deem necessary for the City or the welfare of its people or the efficient administration of the City's affairs.

Subdivision 7. The Manager shall see that the Council is kept informed at least quarter-annually as to the financial condition of the City and its fiscal needs. The Manager shall prepare and submit to the Council not later than the first regular meeting of the Council in September of each year for the annual budget for the operation of the City and the conduct of its affairs for the ensuing calendar year.

Subdivision 8. The Manager shall review the administrative code from time-to-time and shall make recommendations to the Council respecting amendments thereto which they ~~she~~ deem appropriate.

Subdivision 9. The Manager shall perform such other or further duties as may be prescribed by this Charter or by law or required by ordinance or resolution adopted by the Council not inconsistent with the provisions of this Charter.

Section 6.03. Department of Administration. The Council shall in conjunction with the City Manager, prepare a complete administrative code for the City and enact it in the form of an ordinance, which may be amended from time to time by ordinances; but in so doing, the Council may not create any department, division, bureau or position for the administration of the City's affairs contrary to the provision of this Charter.

Section 6.04. Subordinate Officers. Except as otherwise herein provided, there shall be a City Clerk, a City Treasurer, and such other officers subordinate to the City Manager as the Council may create by ordinance. The City Clerk shall be subject to the direction of the City Manager and shall have such duties in connection with the keeping of the public records and the general administration of the City's affairs as is prescribed in the administrative code. The City Treasurer shall be subject to the direction of the City Manager and shall have the custody and disbursement of the public funds. Except for those offices specified in this Charter, the Council may by ordinance abolish any office or combine the duties of various offices which have been created by ordinance prior to the adoption of this Charter.

Section 6.05. Purchases and Contracts. The City Manager shall be the chief purchasing agent of the City. All City purchases and contracts shall be made and signed by the City Manager when the amount of the purchase or contract does not exceed \$50,000. All

purchases and contracts that exceed \$50,000 shall be approved by the Council, after the recommendation of the City Manager has first been obtained, and shall be signed by the Mayor and the City Manager on behalf of the City.

(Ord. 00-11, passed 11-13-00; Ord. 05-09, passed 3-14-05; Ord. 08-28, passed 12-08-08; Ord. 22-004, passed 3-28-22)

Section 6.06. Contracts How Let.

Subdivision 1. General Rule. For the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property, where the amount involved is more than \$175,000.00, unless the Council shall by emergency ordinance otherwise provide, the City Manager shall advertise for bids in such manner as may be required by law. Contracts of this magnitude shall be let only by the Council to the lowest responsible bidder after consideration of the recommendation of the City Manager. The Council shall require every bid to be accompanied by a bond or certified check in such sums and with such surety and conditioned as the Council may prescribe. The Council may, however, reject any and all bids. Subject to the provisions of this Charter, the Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

Subdivision 2. Exceptions. It is not necessary for the Council to advertise for bids for the following contracts:

- (a) Professional services such as, but not limited to, engineers, attorneys, architects, or accountants;
- (b) The purchase or lease of real estate;
- (c) Insurance contracts;
- (d) When the City is using a reverse auction or electronic purchasing process in which vendors compete to provide the supplies, materials, or equipment at the lowest selling price in an open and interactive environment;
- (e) When the City is using an electronic sale of surplus supplies, materials, and equipment in which purchasers compete to purchase the surplus supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

(Ord. 99-23, passed 11-08-99; Ord. 05-10, passed 3-14-05; Ord. 22-005, passed 3-28-22)

Section 6.07. Labor Contracts. The City Manager is responsible for negotiating contracts with the City officers and employees or their bargaining agents to extend for an appropriate term and shall submit the final agreement to the City Council for approval.

CHAPTER VII

TAXATION AND FINANCES

Section 7.01. Council to Control Finances. The Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursements of public monies, and in the exercise of a sound discretion, shall make appropriations for the required payment of all determined liabilities and necessary expenses.

(Ord. 98-01, passed 1-26-98)

Section 7.02. Fiscal Year. The fiscal year of the City shall be the calendar year.

Section 7.03. System of Taxation. Subject to the State Constitution, and except as forbidden by it or by state legislation, the Council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property as such, the City shall conform as fully as possible to the general State Law as to the assessment of such property and the collection of such taxes.

Section 7.04. Preparation of the Annual Budget. The City Manager shall prepare the annual budget. The budget shall include all of the funds of the City. The estimates of revenues and expenditures for each fund budgeted shall be shown for each department, division or function of the City. The budget must show comparative figures for the current fiscal year, actual and estimated, and actual figures for the two preceding fiscal years. The budget shall contain sufficient detail to be readily understood.

The estimates shall be submitted to the Council no later than its first regular meeting in September and shall be made public. The City Manager may submit with the estimates such explanatory statement or statements as may be deemed necessary.

(Ord. 97-14, passed 8-25-97; Ord. 09-09, passed 8-10-09; Ord. 12-21, passed 7-23-12)

Section 7.05. Passage of the Budget. The Council must, by a budget resolution, adopt the budget at the time required by law. The budget is the principal item of business at regular Council meetings at the times required by law and at subsequent meetings until the budget is adopted. The consideration of the budget by the Council must be conducted in a manner to give citizens an opportunity to be heard. The City Manager must review the budget in the detail requested by the Council. The adopted budget must set forth in detail the financial plan of the City for the ensuing fiscal year. The sum appropriated by the budget may not exceed the estimated revenues together with other available funds on hand to fund the expenditures. The Council must levy sufficient taxes to provide adequate resources for the budgeted expenditures in the next ensuing fiscal year. The tax levy resolution must be certified to the county auditor in accordance with law. The sums fixed in the budget resolution are appropriated for the purposes identified in the budget resolution.

(Ord. 09-09, passed 8-10-09; Ord. 12-22, passed 7-23-12)

Section 7.06. Enforcement of the Budget. The City Manager shall enforce the budget in accordance with the City Council budget resolutions and other financial policies of the City. No officer or employee of the City shall place any order or make any purchase except for a purpose authorized in the budget resolution and for the amount authorized in the budget resolution. Any obligation incurred by any officer or City employee for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

(Ord. 97-14, passed 8-25-97; Ord. 09-18, passed 11-09-09)

Section 7.07. Alterations in the Budget. The Council may not increase the amounts appropriated in the budget resolution beyond the estimated revenues, except to the extent that realized revenues exceed the estimated revenues. The Council may by resolution reduce an appropriation in the budget. The Council may by resolution authorize the transfer of sums from unencumbered appropriations in the budget to other purposes.

(Ord. 99-24, passed 11-08-99; Ord. 12-23, passed 7-23-12)

Section 7.08. Emergency Appropriation in Budget. Repealed.

(Ord. 12-24, passed 7-23-12)

Section 7.09. Disbursements: How Made.

Subdivision 1. All disbursements shall be made only upon the order of the City Manager or designees, who have been duly authorized by a resolution or motion of the Council, in accordance with federal or state law, ordinances, or City Council resolutions and regulations, unless a disbursement must be made prior to a Council meeting, pursuant to an emergency declaration or other reasonable cause as determined by the City Manager, in which case, the disbursement may be made in advance and ratified by the Council thereafter. No claim against the City shall be allowed unless accompanied by either an itemized bill, or a payroll, or time sheet, each of which shall be approved and signed by the appropriate Department Head and the Finance Director who vouches for the correctness and reasonableness thereof. The Council may by ordinance or resolution, make additional regulations for the safekeeping and disbursement of the City funds and shall annually adopt a resolution that authorizes an appropriate expenditure amount by designees. The Council may provide for the regular payment without specific individual authorization by the Council of salaries and wages of regular employees, laborers, and fixed charges which have previously duly and regularly incurred.

Subdivision 2. Limitations on Property Tax Levy. - Repealed

(Ord. 01-16, passed 10-01-01; Ord. 04-11, passed 7-12-04; Ord. 07-06, passed 4-23-07; Ord. 12-25, passed 7-23-12; Ord. 22-006, passed 3-28-22)

Section 7.10. Funds to be Kept. There must be maintained in the City Treasury a general fund and the funds required by law, ordinance, the budget resolution or other resolution.

(Ord. 12-26, passed 7-23-12)

Subdivision 1. A General Fund. Repealed.

(Ord. 12-26, passed 7-23-12)

Subdivision 2. A Debt Service Fund. Repealed.

(Ord 12-26 passed 7-23-12)

Subdivision 3. A Bond Fund. Repealed.

(Ord. 12-26, passed 7-23-12)

Subdivision 4. A Special Assessment Fund. Repealed.

(Ord. 12-26, passed 7-23-12)

Subdivision 5. A Public Utility Fund. Repealed.

(Ord 12-26, passed 7-23-12)

Subdivision 6. Repealed.

(Ord. 12-26, passed 7-23-12)

Subdivision 7. Repealed.

(Ord. 12-26, passed 7-23-12)

Section 7.11. Accounts and Reports. The City Manager shall see to it that the Finance Director shall submit such reports as will be necessary in order to keep the Council fully informed of the financial conditions of the City. Once each year within 180 days after the close of the fiscal year, the Finance Director shall submit to the Council a financial report covering the City's operations during the preceding fiscal year. The report shall contain audited financial statements and disclosures which present the City's financial position and the results of the City operations in conformance with generally accepted accounting principles.

Section 7.12. City Indebtedness. Except as provided in Sec. 7.13 and 7.14, debt issued pursuant to Minnesota Statutes Chapter 429, Capital Note debt, revenue bonds or debt for the construction of public facilities that are necessary for the essential functions of the City, no obligations shall be issued to pay current expenses but the Council may, when authorized to do so by a majority of the electors of the City voting thereon at a general or special election, issue and sell obligations for any other municipal purpose in accordance with law and within the limits prescribed by law.

(Ord. 08-29, passed 12-08-08)

Section 7.13. Tax Anticipation Certificates. At any time after January 1, following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed 50% of the total current taxes for the fund uncollected at the time of issuance plus the cash on hand in the fund. Such certificates shall be issued on such terms and conditions as the Council may determine but they shall become due and payable not later than the last day of the year of their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.14. Emergency Debt Certificates. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City; or if any calamity or other public emergency should subject the City to the necessity of making extra-ordinary expenditures, the Council may by ordinance, issue and sell certificates. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least five members of the Council. It may be passed as an emergency ordinance.

Section 7.15. Authority for Expenditures. The Council may establish a public expenditure policy ("Policy") to identify certain types of expenditures as being for a public purpose and within the City's authority to expend City funds on. The Policy shall not limit the authority of the City to make expenditures otherwise authorized by law. If adopted, the Council shall review the Policy periodically and update it as needed. In establishing, reviewing, and approving the Policy, the Council shall consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and 3) primarily benefits the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the Council shall consider the opinion of the City attorney and statewide sources of authority, which may include judicial determinations, Minnesota Attorney General opinions, and findings of the Office of the State Auditor. Expenditures related to any of the following activities shall be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The Council may also provide specific authorization regarding any other expenditure.

(Ord. 23-017, passed 11-13-23)

CHAPTER VIII

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01. Power to Make Improvements and Levy Assessments. The City may make any type of public improvement not prohibited by law and may levy special assessments to pay all or part of the costs that are of local character. Special assessments must be levied according to state law.

(Ord. 12-19, passed 8-11-08; Ord. 12-19, passed 7-23-12)

Section 8.02. Assessments for Services. The Council may provide by ordinance that the cost of City services to streets, sidewalks or other public or private property may be assessed against the property served and collected in the same manner as special assessments.

(Ord. 12-19, passed 8-11-08; Ord. 12-19, passed 7-23-12)

Section 8.03. Local Improvement Regulations. Repealed.

(Ord. 12-19, passed 7-23-12)

Section 8.04. Public Works: How Performed. Repealed.

(Ord. 12-19, passed 7-23-12)

CHAPTER IX

EMINENT DOMAIN

Section 9.01. Power to Acquire Property. The City may acquire, by purchase, gift, devise, or condemnation, any property, within or without its corporate boundaries that may be needed by the City for any public use or purpose. When acquiring property by the power of eminent domain, the City shall do so in the manner provided by state and federal law.

(Ord. 12-20, passed 7-23-12)

Section 9.02. Proceedings in Acquiring Property. Repealed.

(Ord. 12-20, passed 7-23-12)

CHAPTER X

FRANCHISES

Section 10.01. Franchise Required. Except as otherwise provided by law, no person, firm or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the clerk to guarantee publication before the ordinance is passed.

Section 10.02. Term. No perpetual franchise shall ever be granted. No franchise for a term exceeding twenty (20) years shall be effective until approved by a majority of the electors voting thereon.

Section 10.03. Public Hearings. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the Council, the Council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

Section 10.04. Power of Regulation Reserve. Subject to any applicable law, the Council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Section 10.05. Renewals or Extension. Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER XI

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 11.01. Acquisition and Operation of Utilities. The City may own and operate or contract for any gas, water, heat, power, light, telephone or other public utility service for supplying its own needs for utility or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public property shall be consummated unless the City has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the City shall be under the supervision of the City Manager.

Section 11.02. Rate and Finances. Upon recommendations made by the City Manager, or upon its own motion, the Council shall fix rates, fares and prices, for municipal utilities but such rates, fares and prices shall be just and reasonable. In like manner, the Council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary and prescribed penalties for violation of such regulations.

Section 11.03. Purchase in Bulk. The Council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 11.04. Lease of Plant. The Council may, if the public interest will be served thereby, contract with any responsible person, co-partnership, or corporation for the operation of any utility owned by the City upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by four (4) members of the Council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten (10) years.

Section 11.05. Public Utility: How Sold. No public utility owned by the City shall be sold or otherwise disposed of by the City unless deemed to be in the best interest of the citizens and unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a unanimous vote by all members of the Council. In the case of a water works or light plant, any sale, lease or abandonment shall be subject, in addition, to the requirements of state law.

(Ord. 00-34, passed 8-14-00)

CHAPTER XII

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 12.01. Official Publications. The Council shall biennially designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published all ordinances, resolutions and other matters required by law to be so published as well as other matters as the Council may deem it in the public interest to have published in this manner. In the case of lengthy ordinances, or ordinances which include charts or maps which would be expensive to publish, if the City Council determines that publication of the title and summary of that ordinance would clearly inform the public of the intent and effect of that ordinance, the Council may by five votes of its members direct that only the title and summary of the ordinance be published in conformity with the provisions of Sections 412.191, Subd. 4 and 331A.01, Subd. 10 of the Minnesota Statutes. If any official newspaper gets discontinued, then the City may follow the alternate publication requirements set forth in Section 331A.01, Subd. 2, and any amendments thereto of the Minnesota Statutes.

(Ord. 97-21, passed 11-24-97; Ord. 25-020, passed 12-08-25)

Section 12.02. Oath of Office. Every officer of the City shall, before entering upon the duties of office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or reaffirm) to support the Constitution of the United States and of this State and discharge faithfully the duties of my office as (Mayor, Councilperson, City Manager, etc.) of the City of West Saint Paul to the best of my judgement and ability.

Section 12.03. City Officers not to be Interested in Contracts. Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom.

Section 12.04. Official Bonds. The City Manager, the City Clerk, the City Treasurer, and such other officers or employees of the City as may be provided for by ordinance shall each before entering upon the duties of their respective office or employment, give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bond at the discretion of the Council. They shall be approved as to form by the City Attorney, and approved by the City Council, and filed with the City Clerk. The provisions of the laws of the state relating to official bonds not inconsistent with this Charter shall be complied with. The premiums on such bonds shall be paid by the City.

Section 12.05. Sales of Real Property. No real property of the City shall be disposed of except by resolution of the Council. The proceeds of any sales of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of other property used for the same public purpose.

(Ord. 23-008, passed 7-24-23)

Section 12.06. Vacation of Streets, Use of Public Rights-of-Way. The Council may by resolution approve by at least four (4) members of the Council, the vacation of all or part of

streets, alleys, public easements, public ways and public grounds in the City. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the Council by ordinance may prescribe. A vacation may be approved only if the council determines that it is in the public interest. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with the law.

(Ord. 25-019, passed 12-8-25)

Section 12.07. Statutes Not Affected by Charter. All general laws and statutes of the State, as the same now exist, applicable to all cities operating under home rule charter, or applicable to cities of the same class as the City of West Saint Paul operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City of West Saint Paul, and shall be construed as supplementary to the provisions of the Charter.

Section 12.08. Ordinances to Make Charter Effective. The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

Section 12.09. Administrative Civil Penalties. The Council may establish by ordinance a procedure for imposing an administrative civil penalty which shall not exceed twice the maximum fine amount authorized for misdemeanor offenses for violations of the City Code or violations authorized by state law for an administrative process. The procedure must provide for notice to the accused and for an opportunity to be heard by a neutral party, who may be a non-City employee.

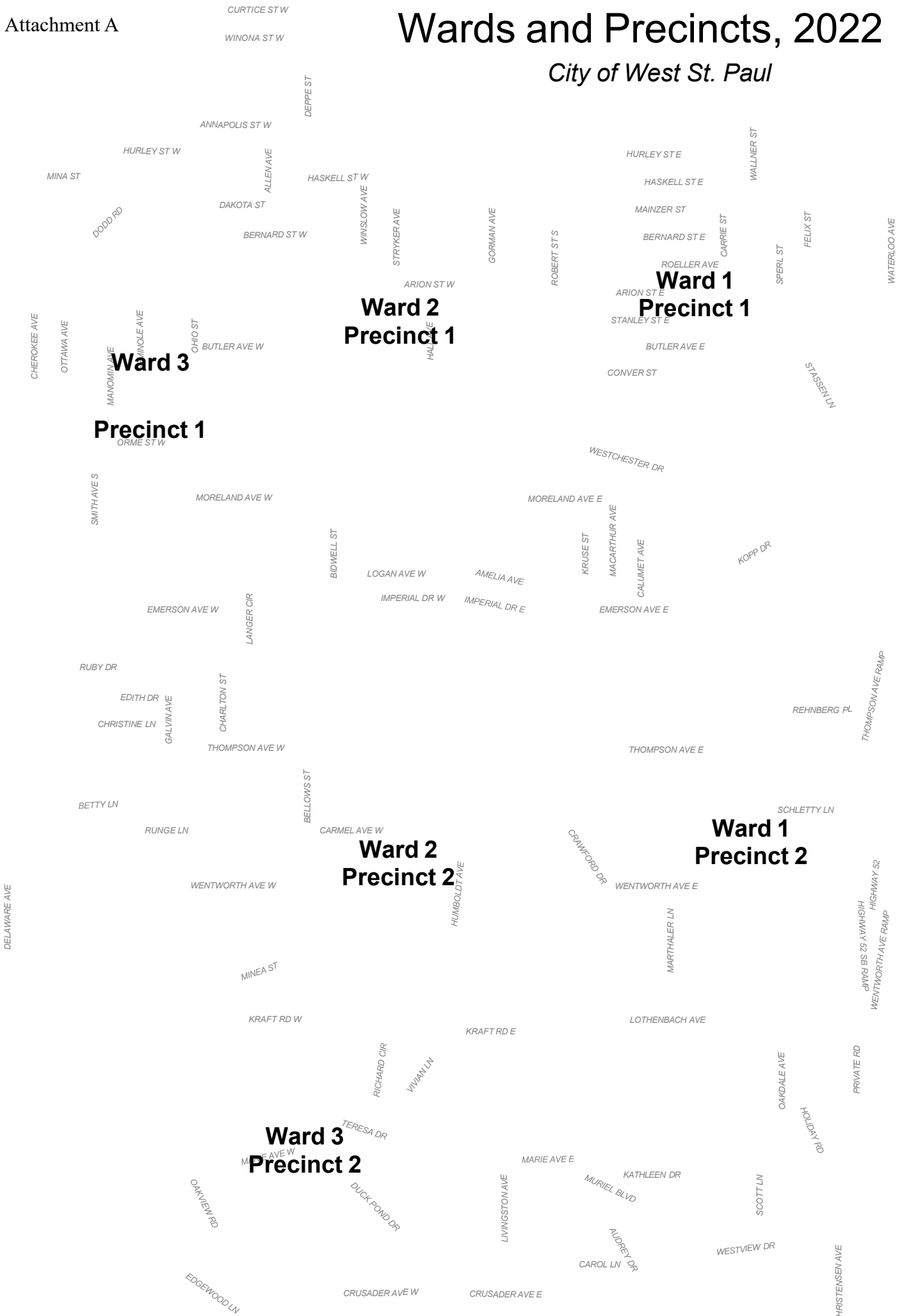
(Ord. 08-30, passed 12-08-08)

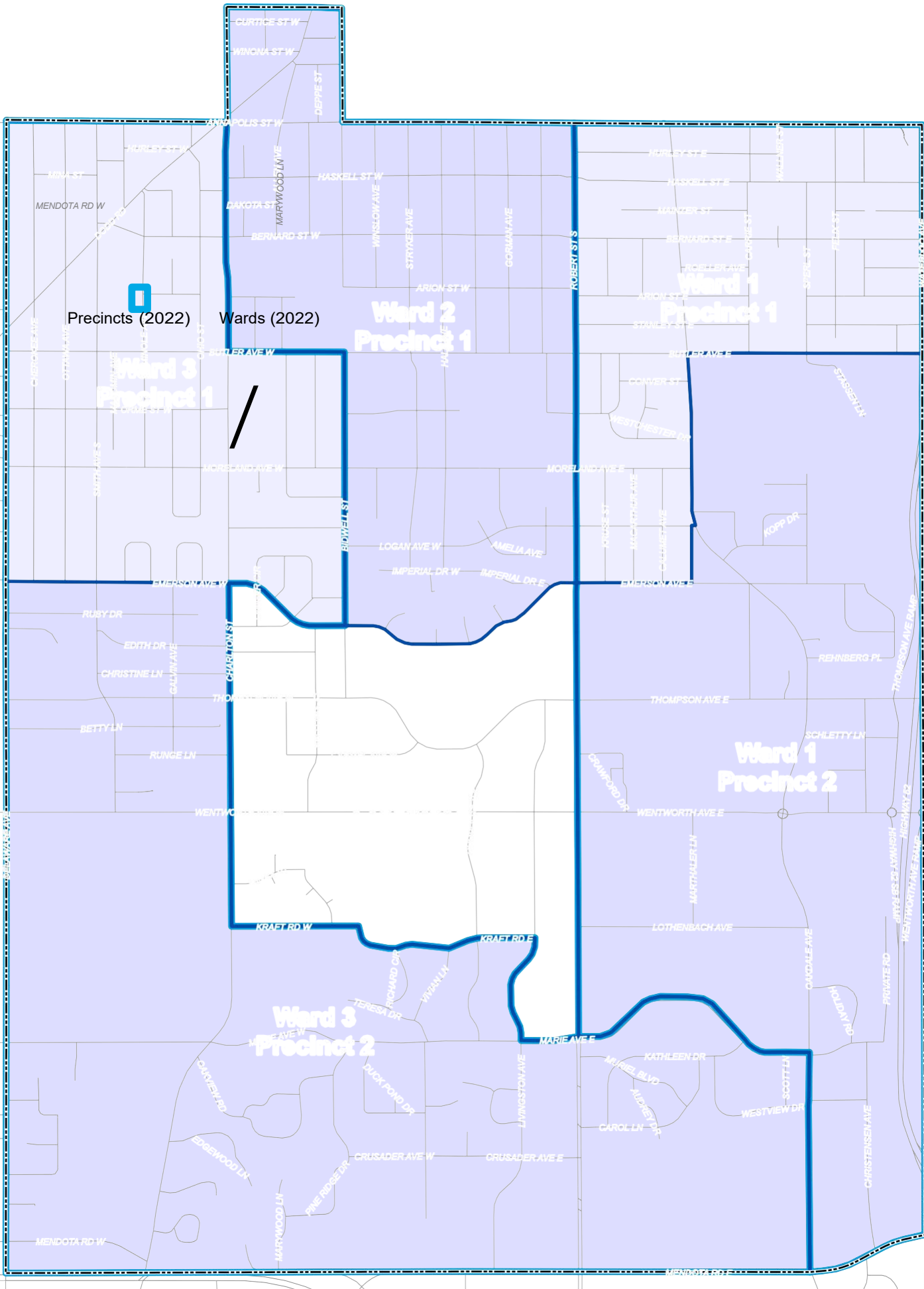
Section 12.10. Assessment of Unpaid Penalties. The Council may provide by ordinance that unpaid administrative civil penalties the City imposes as a result of certain violations be assessed against the property that was the subject of or related to the subject matter of the penalties. The ordinance must provide that the City first attempted to obtain voluntary payment of the penalties. The ordinance must also require the City to give notice and an opportunity to be heard to the property owner listed on the official tax records before the assessments are imposed. The assessments must be collected like special assessments.

(Ord. 08-30, passed 12-08-08)

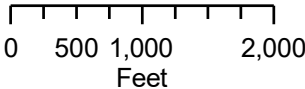
Wards and Precincts, 2022

City of West St. Paul





MENDOTA RD E



ap dated April, 2022.
Prepared by the
Dakota County Office
of GIS.

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SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after 90 days from its passage and publication according to law or at such later date as is fixed in the ordinance.

SECTION 3. SUMMARY PUBLICATION. The following is authorized as summary publication of this ordinance: This ordinance updates the Charter by addressing missing language, revising for gender neutral language, and addressing mayoral and council salaries.

Passed by the City Council of the City of West St. Paul, Minnesota, this ____ day of _____, 2026.

David J. Napier, Mayor

ATTEST:

Nicole Tillander, City Clerk

Subject: First Reading - Code Amendment Summary Publication

Meeting Date: March 9, 2026	
Submitted/Presented by/Department: Dan Nowicki, Assistant City Manager	
Action Type	
<input type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input checked="" type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Other:
Action	
Approve a resolution authorizing notice of a public hearing, including a summary of the proposed City Charter Amendments	
Background	
As the proposed Charter Amendments, especially the gender-neutral language changes, are found throughout the entire Charter document, the newspaper publishing of the full text would be excessive and costly. Staff is asking Council to approve the noticing the public hearing with a summary of the proposed amendments.	
Attachments	
City Charter Amendment Summary Resolution - 3-9-26	
Previous Relevant Actions	
Alternatives	
Financial	
Budgeted: <input type="checkbox"/> Yes	<input type="checkbox"/> No Financial Impact
Fund:	
Department:	
Account:	
Amount:	

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING NOTICE OF A PUBLIC HEARING INCLUDING A SUMMARY OF THE PROPOSED CITY CHARTER AMENDMENTS

WHEREAS, the West St. Paul Charter Commission (“Commission”) and the West St. Paul City Council (“Council”) have been working cooperatively on an update of the City Charter; and

WHEREAS, the Commission has reviewed and commented on proposed amendments to the City Charter and has requested the amendments be adopted by Council by ordinance; and

WHEREAS, at its meeting on February 19, 2026, the Commission approved moving forward with a recommendation to the Council for consideration and adoption by ordinance of the proposed Charter amendments; and

WHEREAS, the Council is authorized to amend the City Charter by ordinance upon recommendation of the Commission, but pursuant to Minnesota Statutes, section 410.12, subd. 7, must first publish notice and hold a public hearing as part of the amendment by ordinance process; and

WHEREAS, Minnesota Statutes, section 410.12, subd. 7, also requires the public hearing notice to include the text of the proposed charter amendments and the Council wishes to authorize staff to publish a summary of the proposed amendments; and

WHEREAS, at its meeting on March 9th, 2026, the Council received and accepted the Commission's recommendation to amend the Charter by ordinance.

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

1. The first reading of the ordinance adopting the proposed Charter amendments is set for March 9th, 2026.
2. The second reading and public hearing related to the proposed Charter amendments is set for April 13, 2026.
3. City staff is authorized and directed to publish notice of a public hearing to be held on April 13, 2026, together with the second reading of the ordinance adopting the proposed City Charter amendments.
4. The Council hereby approves staff to post a public hearing notice including the summary of the proposed amendments and directs that the full set of amendments be posted on the City’s website and be available at the City Clerk’s office at the West St. Paul Municipal Center.

Adopted by the City Council for the City of West St. Paul on this 9th day of March, 2026.

Dave Napier, Mayor

ATTEST:

Nicole Tillander, City Clerk