City of West St. Paul
Open Council Work Session Minutes
July 27, 2020

1. Call to Order

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

2. Roll Call

Present: Mayor Dave Napier
Councilmembers Wendy Berry, Lisa Eng-Sarne, Anthony Fernandez (arrived at 5:32 p.m.), John Justen, Bob Pace and Dick Vitelli

Absent: None

Also Present: City Manager Ryan Schroeder
City Attorney Kori Land
Police Chief Brian Sturgeon
Parks & Public Works Director/City Engineer Ross Beckwith
Finance Director Char Stark
City Clerk Shirley Buecksler

3. Review and Approve the OCWS Agenda

Motion was made by Councilmember Vitelli and seconded by Councilmember Justen to approve the OCWS agenda, as presented.

Vote: 6 ayes / 0 nays. Motion carried.

4. Review the Regular Meeting Consent Agenda

Motion was made by Councilmember Vitelli and seconded by Councilmember Justen to approve the Consent Agenda, as presented.

Vote: 6 ayes / 0 nays. Motion carried.

5. Agenda Item(s)

A. CARES Act Funding and Expenditure Allocation Plan

In order for West St. Paul to appropriately allocate $1,586,138 in CARES Act funding, and any accrued interest, City Manager Schroeder said City Staff has consulted with or attended meetings with the City Attorney, the City's Auditor, senior representatives of the League of Minnesota Cities, Metro Cities, representatives of Congressperson Craig's office, and City Managers/Administrators of area Cities and Dakota County.

Background:

Timeline of Emergency Declarations and related actions:

- First communication on pandemic from the Mayor to the public March 12, 2020
- First communication on pandemic from City Manager to the Staff March 12, 2020
- First Interagency COVID Management Meeting March 12, 2020
- Governor Walz declares Peacetime Emergency March 13, 2020
- West St. Paul City Council declares Pandemic State of Emergency March 20, 2020
- City begins teleworking/offices close end of day March 27, 2020

Guidance from Minnesota Office of Management and Budget (MMB):
On July 1, 2020, the MMB provided guidance during a LMC Webinar. City Staff interpretation of this guidance follows:

- Document why in the opinion of the Chief Executive (City Manager) the expenditure is necessary as a COVID expense and how the determination was made
- Receive City Council approval even if City Manager is authorized
- Work with the City Auditor in preparation for the Single Audit
- Realize that Federal Guidance can change through this period
- On Public Safety expenses, no specific guidance received other than "work with auditor" and "the state is also working on Corrections interpretation"
- Expenditure Eligibility is for those expenses that have occurred or will occur between March 1 and November 15, 2020
- Can transfer funds to other governments such as South Metro Fire and need to verify that any sub-grantees also comply with 601(d)

The initial and largest question is whether Public Safety payroll and other expenditures are acceptable and appropriate expenditure allocations under the Act.

Both LeVander, Gillen & Miller, P.A., our legal counsel, and Abdo, Eick and Meyers, the firm which will conduct a Single Audit for the expenditure of federal funds, support that police/public safety expenditures are an appropriate allocation for payroll and benefit costs.

City Staff Conclusions:

- That published Federal guidance clearly states that police payroll and payroll for similar employees who are substantially dedicated to COVID response and mitigation are eligible expenditures. This clear reading of the guidance is also confirmed twice by the office of our U.S. Congressperson, our legal counsel, and our audit firm.

  On the same topic, we reviewed the common language to ascertain the "reasonable person" approach outside of legislative intent. City Staff intent is to ascertain the meaning of "substantially dedicated" within language and interpretation. It appears that the word "substantial" could not have been

intended to mean anything other than which we conclude to mean "more than minimally."

- That a determination by the responsible government officials are to be broadly, not narrowly, construed as it relates to expenditures related to response to the Public Health Emergency. It is adjudged, herein, that Government Officials would reasonably be defined as the City Manager in a Home Rule City Charter City Manager system. However, under a belt and suspenders theory, the decisions of the City Manager on allocated expenditures will be reviewed and affirmed by the policy board (City Council) which is the local body, which has declared the Public Health Emergency, which continues in effect.
- The determination that allocation of expenses in response to or mitigation of effects of the COVID-19 Public Health Emergency are appropriately both direct and indirect. Further, that any expense associated with the COVID-19 Public Health Emergency that resulted in a business interruption is an appropriate allocation. Finally, that payroll expenses for public safety employees are appropriately allocated so long as COVID-19 Public Health Emergency responses or mitigation impacts are more than minimal. It follows that "broadly construed" as denoted within the Federal guidance would necessarily include employees for which public safety employees rely upon for administrative support both inside and outside of the police department or South Metro Fire.
- The determination that an expense that is substantially different from the intended expense, if related to the COVID-19 Public Health Emergency would be appropriate to allocate to the CARES ACT allocation.

Conclusion From LeVander Memorandum:
Within guidance received on the CARES Act expenditures from the MMB, the LeVander law firm and published Treasury and other articles phrases such as "substantially dedicated" appear consistently. In viewing definitions of "substantially," and especially in viewing antonyms of the word, it is apparent that the guidance does not interpret the word "substantially" to mean a significant amount. In fact, it is apparent that the reference is something more than "minimally" and something less than totally. In fact, Webster defines the word to mean "somewhat." Therefore, it is apparent that if the government officials responsible for spending decisions regarding CARES funding can identify that the expense incurred beyond a minimal amount due to COVID-19, it must be an expense eligible for CARES funding. Further, as a matter of Administrative Convenience, the government may presume that public safety payroll costs are "substantially dedicated" to the responding to or mitigating the COVID-19 Public Health Emergency.

Similar Employees Substantially Dedicated:
It follows that City Staff related to public safety response or support of public safety response or pandemic response could reasonably be presumed "as a matter of administrative convenience" to also be an eligible payroll expense, so long as their time has been dedicated toward responding to or mitigating the COVID-19 Public Health Emergency. Regardless, each of the following positions and their job duties

have been substantially impacted in that the job duties and tasks contemplated within the 2020 budget have been significantly altered from what was intended at adoption of the 2020 budget. In addition to the following list of Staff having duties substantially impacted are additional staff that "may be" substantially impacted but for whom level of impacts beyond "minimal" levels is not as clear. Included would be:

1. City Manager
   - Response Coordination
   - Assisting the Policy Board (City Council) in response
   - Communication/messaging to the public
   - Collaboration with other agencies throughout the County
   - Responding to Citizen concerns
   - Coordinating COVID-19 response team meetings
   - Managing CARES Funding including creation of small business grants
2. Human Resources Director
   - Participating with response team meetings
   - Managing organization wide employee safety
   - Working with employees on quarantine and contamination issues
   - Recruitment of employees with job duties related to COVID-19
   - Working with departments on reassigning employees
3. Finance Director
   - Participating with response team meetings
   - Managing the accounting for COVID-19 expenses
   - Managing Telework assets
   - Management of the accounting and administration of Small Business Grants
4. Communications Manager
   - Participating with response team meetings
   - Coordinating/writing messaging to the public on COVID-19 impacts and response
   - Working with IT on employee teleworking and Policy Board (Council) virtual meeting technology and meeting management and support
   - Assisting with and communicating small business grants and communicating waiver of code requirements for small businesses in response to Governor's COVID closures and partial openings
5. Chief Building Official
   - Participating with response team meetings
   - Charged with sanitizing general government portion of the building and management of asset/infrastructure improvements to public facilities
6. Assistant Parks Director
   - Participating with response team meetings
   - Mitigating to and responding to the need for recreational facilities closures, re-openings and sanitizing including park playgrounds, basketball courts, playfields, ice arena, splash pad, outdoor pool, sports dome
7. IT Manager
   - Participating with subject specific response team meetings

- Charged with ensuring employee teleworking technology works
- Purchasing of IT technology in response to pandemic
- Lead on Policy Board (Council) virtual meeting creation and technology

8. City Clerk
   - Participating with response team meetings
   - Managing Elections impacted by the Public Health Emergency including acquisition of personal protection equipment (PPE) and coordinating with the County on absentee balloting due to the Public Health Emergency
9. Public Works/Parks Director
   - Participating with response team meetings
   - Supervising the Public Health Emergency actions of the Assistant Park Director

Expenditure Line Items

Upon the above, our conclusion is the following are eligible CARES ACT expenditures:

1. Police Department payroll (wage and benefit) March 1 through November 15
2. South Metro Fire COVID-19 medical calls March 1 through November 15
3. Staff for departments outside Public Safety as per above
4. Seasonal and apportioned full time employees hired specifically for cleaning/sanitizing public facilities
5. Other employee wages when assigned specifically to respond to or mitigate impacts to the pandemic
6. Computer equipment purchased in order to facilitate teleworking and/or virtual meetings
7. Local cost share (25%) of FEMA grants received for the COVID-19 pandemic
8. Emergency sick leave, quarantines and FMLA leaves, medical leaves
9. PPE and sanitizing expense across the organization
10. Business grants in accordance with the Social Security Act 601(d)
11. Any other reasonably necessary expenditure that meets the criterion of 601(d) of the Social Security Act

Ineligible expenses would include the following:

- Anything covered by insurance
- Payroll expense for those not substantially dedicated to mitigating or responding to COVID
- Anything reimbursed by any other federal program
- Workforce bonuses other than hazard pay or overtime
- Reimbursement to donors
- Severance pay

Allocation Approach

- Upon guidance from the City's audit firm, it is intended that the City would first allocate Police Department payroll expenditures against CARES ACT funding

- Upon approval of the City Council, the City would create a Business Grant Program or provide funding to a Dakota County Community Development Agency (CDA) Business Grant Program to assist West St. Paul businesses with CARES ACT eligible expenses directly attributable to or in response to COVID-19
- As per the above, the City would allocate direct expenditures for PPE, sanitizing, teleworking/computer/server/telephone COVID-19 related expenditures
- To the extent funding would be available, the City would allocate Staff expense for those positions identified above, to the extent that these positions have been substantially dedicated to COVID-19 response or mitigation
- South Metro Fire is an eligible sub-grantee with direct COVID-19 expenditure which may be allocated

Approval Approach

1. Council approval of the Expenditure Plan
2. Council approval of the Small Business Grant Program and/or approach
3. Future Council approval of CARES ACT allocations
4. If Business Grant Program is approved, future Council approval of Individual Business Grants
5. Upon approval of the Federal Single Audit (spring/summer 2021), re-allocation of any residual revenue per adopted fund balance policy

Following is a compendium of Police Department direct and indirect impacts of the public health emergency and related impacts.

Year to date activity for 2020 compared to the same period from 2019 reveals:

- Crashes are down significantly (probably due to stay at home orders)
- Community policing activities down significantly (due to COVID)
- Mental Health calls up (Mental Health calls can be labeled Mental Health or are in other categories where mental health is the underlying contributor to the reason for Police response)
- Domestics / disturbances are up slightly
- Fireworks complaints up significantly (increases are up nationally)
- Order for Protection and Domestic Abuse No Contact Order violations are up significantly
- Ordinance violations are down dramatically due to lower number of Snow Emergencies the first part of the year
- Traffic stops are down significantly (due to COVID, Officers do not want to make unnecessary contact. This is nationally, as well.)

2019 versus 2018, larcenies were up 84 percent. This year, we are seeing it remaining steady. The increase in larcenies are attributed to the increase of people being caught stealing when using the self-checkouts at Wal-Mart and Target, which were put in place at the end of 2018 and beginning of 2019. They have 10 items and only ring up two.

Not all community outreach has ended. We have done some virtual meetings, outreach, etc. We will be having a virtual Safety Camp and in person youth activities with limited numbers of youth participating this summer. We are making great progress in the planning of a diversity outreach/recruitment effort next spring. This outreach effort is in partnership with the FBI/Department of Justice (DOJ) and the two of us are taking the lead in the organization of this event. Participants will not only include the DOJ and our Department but many other local, state, and federal law enforcement agencies, as well as private and public organizations. The event is called "Be the change you want to see...Pursue a career in Public Safety." The focus will be recruitment of more diversity in the Criminal Justice field and will not only be a career fair, but there will be several speakers and other activities. The event is April 10, 2020 at the University of Minnesota. This will be the second such event in the country.

The COVID-19 pandemic has caused several issues with moving forward with the Departmental Work Plan. However, progress has been made on the following:

- Additional data and information placed on website. Regular meetings and planning being done with the Social Media Committee.
- Several stories have been produced in conjunction with Town Square TV and West St. Paul Reader to promote activities within the Police Department.
- Body camera implementation completed with a community meeting via Facebook Live scheduled for next week.
- Informal discussions taking place reference web design/content. Issues exist with locating time availability.
- Review of Mission Statement taking place through our Policy Committee.
- Citizen Academy has been cancelled due to COVID.
- Every other week, communications are being sent out to the Department. Many times, this has occurred weekly. During the riots, looting, and emergency scheduling, daily updates were provided.
- All data requests being processed in a timely fashion.
- Initial IT meeting was conducted to address IT deficiencies in the Police Department.
- Rehab project in the Department is near completion.
- Had some discussion so far with Human Resources regarding training deficits and addressed them via line item additions in the 2021 budget request.
- Temporarily reconfigured Supervisory Staff to include an Administrative Sergeant position to enhance career development. Working with Human Resources to get this completed.
- Developed committees to provide employee feedback and involvement in the operations. This includes Social Media and Web Content, Community Events and Engagement, IT, Recruitment, Policy and, lastly, Facilities, Equipment and Maintenance.
- It has been suggested that recent nationwide rioting was influenced in part by economic and social impacts from the pandemic, in addition to the larger influencers associated with the unrest that was demonstrated.

- The Police Department has assisted South Metro Fire with COVID responses somewhat.
- Recruitment has ceased for the most part.

Councilmember Berry asked if there is any concern about double-dipping. Schroeder said anything that we have applied for with FEMA, we can match.

Councilmember Eng-Sarne commented regarding the uptick in mental health calls and asked if it will be impossible to deal with calls in any way? Police Chief Sturgeon said no, that calls have been up but he doesn't see any additional need. Their partners have scaled back on in-person valuation and resources to these individuals. Dealing with them on a case by case basis.

Mayor Napier thanked City Manager Schroeder, City Attorney Land and Staff for all their work.

a. **Creation of a CARES Act Small Business Grant Program**

Schroeder said Governor Walz announced on Thursday, June 25, that $841.4 million from the State's share of Federal CARES Act funds would be distributed to local governments that have eligible costs related to the COVID-19 pandemic. In order to qualify for funding, local governments must submit a certification form by September 15, 2020. The City of West St. Paul submitted the required certification on June 30, 2020. We anticipate that the $1,586,138 allocated toward West St. Paul will be received on or about July 31, 2020.

In summary, the City may allocate this revenue as follows:

1. Costs incurred due to the Public Health Emergency were not accounted for in the 2020 budget and were incurred between March 1 and November 15.
2. Expenditures for actions taken to respond to the Public Health Emergency. This may include expenditures incurred directly, such as addressing medical or public health needs or to respond to second order effects such as providing economic support to those suffering from employment or business interruption due to COVID related ordered closures. Fund payments must be necessary in the judgement of government officials responsible for spending the funds.
3. The Act requires payments be used only to cover costs that were not accounted for in the budget. The cost must be for a substantially different use than expected.
4. Examples of eligible expense:
    - Emergency medical response related to COVID
    - Expenses for communication and enforcement of COVID orders
    - Expenses for PPE and sanitizing expense for Police Officers
    - Expenses for disinfection of public areas and facilities
    - Expenses for public safety measures in response to COVID
    - Quarantine expenses

- Payroll expense for Public Safety employees whose services are substantially dedicated to mitigating or responding to the Public Health Emergency
- Expenses to improve teleworking capabilities
- Expenses of providing medical leaves due to COVID
- Expenses related to provision of small business grants directly due to business closures
- Any other reasonably necessary expenditure that meets the criterion 601(d) (expenditures are necessary, the cost is substantially different from expected use of funds or was not allocated within the most current budget, and expenditures were incurred between March 1 and November 15)

5. Ineligible expenses include:
   - Anything covered by insurance
   - Payroll expense for those not substantially dedicated to mitigating or responding to COVID
   - Anything reimbursed by any other federal program
   - Workforce bonuses other than hazard pay or overtime
   - Reimbursement to donors
   - Severance pay

Any City that expends more than $750,000 of federal funds in its fiscal year is required to have a single audit. Such being the case, we have conferred with both the City Attorney and our audit firm to confirm our understanding of eligible expenditures under the Act. Any funds from the allocation not incurred by the City by November 15, 2020 must be returned to the County.

Council will note that among eligible CARES ACT expenditures are Small Business Grants. The guidance received regarding small business grants is as follows:

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a "small business," and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The City Council has been proactive in addressing Pandemic response. On March 20, 2020, the City Council affirmed the March 17 Mayoral action of declaring a pandemic State of Emergency. This declaration has continued in effect since. On May 26, the City Council adopted a resolution granting temporary waivers from City Code to

promote businesses activities in response to State mandated business closures. On June 22, the Council granted consensus direction to Staff to bring a business grant program for municipally licensed businesses suffering from pandemic related closures. Three days after this direction, the Governor allocated CARES funding toward local governments. Proposed is that Council adopt a Business Grant Program that qualifies for CARES ACT funding.

It should be noted that the program proposed herein is not the first such program from which West St. Paul businesses have or could receive funding, as there have been various Federal and State programs related, at least in part, to the pandemic. Recently, the Small Business Administration released data that includes a significant list of West St. Paul area businesses having received convertible loans from the Payroll Protection Program. Also, the Minnesota Department of Employment and Economic Development (DEED) had a $60 million pool for business grants with applications which closed on July 2, with awards by late July and public notification of who received grant awards by the end of August. The Dakota County Community Development Authority (CDA) is also providing a countywide program with $10 million in allocations. Both of these latter two programs are lottery style programs. It is intended that the West St. Paul program essentially provides an improved level of certainty that impacted businesses would not fall through gaps created by such a lottery approach. Hence, this program is proposed to first fund bars and restaurants for out-of-pocket pandemic costs, after which all other eligible businesses would be funded only to the extent that funding was not received or was insufficiently received through other funding sources.

The primary components of the proposed Small Business Grant Program are:

1. Business Eligibility: We have proposed a tiered eligibility such that restaurants and bars are most likely to qualify for funding. Beyond that, smaller businesses and non-profits would qualify ahead of larger operations. However, as noted above, we would evaluate unmet need in comparison to all other grant applicants. Unmet need considers both pandemic related expenditures and federal, state, and county grants received.
2. Grant amounts: We have proposed a grant maximum of $10,000 which is consistent with the DEED and CDA programs. We are proposing a total allocation of $150,000 which is approximately 10% of the CARES allocation. This is the same threshold the City of Lakeville (the only other Dakota County City proposing a CARES Business Grant outside of the CDA currently) has proceeded under.
3. Expenditure Activity: Only expenditures meeting the qualifications of the CARES ACT are eligible. In general, however, expenditures appear to be limited to those costs of business interruption caused by "required" closures. Under the DEED grant guidelines it is interpreted that if the business was restricted by executive orders to operating at 50% or less of normal capacity or if the business experienced 10% revenue loss year-over-year between March 1 and May 31, 2019 vs. 2020 the business is grant eligible. DEED excludes non-profits and home-based businesses

but for in-home daycare businesses. The enclosed includes non-profits in all but the first tier and excludes all home-based businesses.

4. Given that the City is at risk of a subsequent audit determining grants were spent on ineligible expenditures, it is required that sub-grantees certify that, if West St. Paul is required to pay back a portion of grant funds, the sub-grantee is responsible to provide for that payment. The language within the guidance we have received is fairly broad but also is subject to differing interpretations.
5. The deadline for receipt of grant requests is September 4. Grant awards would be brought to the City Council for approval on September 14.

Mayor Napier said $150,000 will be a good number. Schroeder said Eagan, Apple Valley and, perhaps, South St. Paul will be allocating off that 10% formula.

Councilmember Vitelli asked if there is any concern with grants and PPE grants. Schroeder said he had intended to ship that out to Council separately last week. We do have that list and he will forward it to Council.

Councilmember Justen said the 10% allocation is equivalent to other cities. He received an email from hair salon owners – they are also affected. Hair salons, gyms and restaurants had to put in a lot of expenditure. Schroeder said we anticipate that, if we do receive a lot of applications, we are suggesting that, if our applications exceed our allocation, $10,000 might be prorated. Or it could grow if we do not receive that many.

Councilmember Eng-Sarne said the form looks great and that in-home daycares are eligible. She asked how we are conducting outreach. Schroeder said through social media, as well as a packet that went out this week to a list of small businesses in West St. Paul.

b. **Pedestrian Plan Update and Trail and Sidewalk Gaps**

In 2011, the City endeavored to study its pedestrian and bicyclist facilities to provide a long term plan to improve from the existing condition. It contracted with the planning firm of Hoisington Koegler Group. The citizen participation portion of the planning project was from April to October after which the City Council accepted the Bicycle and Pedestrian Master Plan dated December 5, 2011. The plan is a "tool to guide the long term efforts (25 years or more) to physical projects, programs and policies that will support walking and biking in West St. Paul."

The priorities identified within the plan are the following routes with status as:

- NURT (aka River-to-River Regional Trail way)
  - Segment from Wentworth to Wentworth including Robert Street Underpass is scheduled for 2020 and 2021 construction
  - Segment through Thompson Oaks conceptually designed
  - Segment through Marthaler Park conceptually designed as a future joint County project

    - Segment north of Oakdale/Thompson currently in concept design for a future grant request
- Charlton from Annapolis to Marie
    - Walkway exists on at least one side of the road, some areas both sides (Emerson to Butler and Arion to just north of Bernard)
- Robert Street from Annapolis to Mendota Road
    - Completed as part of the 2014-2017 Robert Street Reconstruction
- Livingston from Wentworth to Mendota Road
    - Completed in 2019
- Oakdale from Bernard to Emerson and from Thompson to Mendota Road
    - Segment from Mendota Road to Wentworth completed in 2019
    - Segment from Bernard to Emerson:
    - Emerson to West Chester Place no walk
    - West Chester Place to Conver walk on west side
    - Conver to Bernard walk on both sides
- Bidwell from Butler to Thompson
    - Annual Safe Routes to School Grant funding request; not yet funded
- Marie from Delaware to Oakdale
    - Final segment completed in 2019
- Butler from Delaware to Highway 52
    - Delaware to Smith no walk
    - Smith to Manomin walk on one side
    - Manomin to Stassen walk on both sides
    - Stassen to Hwy 52 no walk

Additionally, main routes were identified as:

- Delaware from Annapolis to Marie
    - Included in 2020-2029 City CIP as 2025 project; requires County and Mendota Heights approval
- Wentworth from Delaware to South St. Paul
    - Segment from Delaware to Robert completed in 2019
    - Pedestrian Crossing at Marthaler Lane completed in 2020
    - Marthaler to Oakdale existing trail
    - Oakdale to Meadows trail through Sports Complex
    - Meadows to TH 52 trail on south side
- Mendota Road from Delaware to South St. Paul
    - Delaware to Charlton no walk
    - TH 62 intersection to Robert walk on north side
    - Robert to Oakdale walk on south side (IGH)
    - Oakdale to TH 52 walk on both sides

In addition to Priority and Main Routes, the plan identifies lower priority local and access routes. On May 24, 2019, Engineering estimated that completion of gaps within the entire Bike/Pedestrian plan could be accomplished at a cost of $15 million plus the cost of any necessary right of way or easement acquisition. Some segments will be constructed as part of development and redevelopment projects. Others would

be coordinated with roadway reconstruction projects. Third party/grant funding of Priority and Main routes are continuously sought.

The City has been collaborating with Dakota County to facilitate construction of the final leg of the Regional River to River Trail by 2021. As part of this bikeway/ walkway, the City is collaborating with Dakota County to construct an underpass of Robert Street just north of Wentworth. The County Board awarded this $4,654,634 project on July 14, 2020. Construction of the trail connections is scheduled for 2020 while the underpass itself will be constructed in 2021. The partners are also working on securing grant funding for additional legs of this important regional asset.

On December 9, 2019, Council adopted its 2020-2029 CEP-CIP. This plan followed a prior change in policy to eliminate benefit assessments for sidewalk and trail improvements in favor of a tax levy to fund these projects commencing in 2021. The plan projected an annual $500,000 property tax levy without allocations to specific projects. The intent, however, is toward completion of sidewalk and trail gaps as identified within the Pedestrian and Bicycle Master Plan. This $500,000 budget allocation is included in the staff recommended 2021-2022 budgets. Within the other elements of the CEP-CIP reserve targets are established. A similar target has not yet been established for this element of the CIP. However, as with all other elements of the CEP-CIP, but for Sanitary Sewer lift stations and forcemain projects, the Sidewalk/Trail element will provide project funding on a "pay as you go" basis. In other words, when cash is sufficient to complete a project it may proceed such that additional debt is not required to construct any of the improvements proposed going forward.

Future projects for allocation from future budgets:
The 2021 Moreland Avenue Street Improvement Project offers the opportunity to close the sidewalk gap between Smith Avenue and Delaware Avenue. The feasibility study currently underway will evaluate in detail the impacts and associated costs of closing this sidewalk gap. Based on the existing steep side slopes, construction of this 1,000-foot stretch of concrete walk is probably in the range of $130k - $180k.

The 2022 Street Improvement Project on Crusader Avenue lends the perfect opportunity to connect the sidewalk from Bidwell Street to Robert Street. There is currently concrete walk on the south side of Crusader Avenue from Robert Street to 300 feet west. Adding 2,250 feet of new sidewalk on one side of the street would cost around $300k-$400k. A feasibility study with some preliminary engineering will dissect the options and costs. Between Stryker Avenue and Bidwell Avenue, there are utility poles in the south boulevard that may dictate where a sidewalk fits. Moving private utilities is one of the most difficult/time consuming part of any sidewalk/trail project.

The 2022 Crusader Avenue Project is adjacent to the 1,350-foot sidewalk gap on Bidwell Avenue from Marie Avenue to Crusader Avenue. This section in conjunction with new walk on Crusader Avenue would create a loop from Marie Avenue to Robert

Street. Back in 2017 when Bidwell Avenue from Marie Avenue to Crusader Avenue was reconstructed, there were discussions about adding concrete walk. However, the final decision was to just narrow Bidwell Avenue by 4 feet by bringing the western curb line in. This eliminated parking from the west side of the street and set up Bidwell Avenue for a future sidewalk where property acquisition would be reduced. This segment would cost $175k-$250k if it were part of the Crusader Avenue project and higher if it were a standalone project.

In 2023 and 2024, all of Annapolis Street is scheduled for reconstruction in partnership with the City of St. Paul. Most of the south side (WSP side) currently has concrete walk. However, the current widths vary from four to five feet and it is all in poor condition. All of the concrete walk will be replaced as part of the project cost and widened to five feet where it currently is narrower.

Delaware Avenue is scheduled for reconstruction in 2025 from Marie Avenue to Dodd Road. Like the recent reconstruction of Wentworth Avenue, the County would look at adding multiuse trails along Delaware Avenue. West St. Paul's share of this $10M project is estimated at $1.45M including trails.

Dakota County is interested in a turn back of Thompson Avenue from Robert Street to South St. Paul. Sidewalks and trails are part of those discussions at this point. Without a turn back, a City/County project to construct trail on one side and a sidewalk on the other would require about a $300k contribution from the City.

The City recently applied for Regional Solicitation grant for sidewalks and trails on Oakdale Avenue from Wentworth Avenue to Butler Avenue. If successful, there would still be some cost sharing required by the City but it would less than a standalone City/County project, which would require about a $410k contribution from the City.

The City recently applied for a Safe Routes to School (SRTS) Grant for a sidewalk on Bidwell Street from Thompson Avenue to Butler Avenue. Construction of this project is estimated at $800k of which $160k would be the City's portion. The City would also be required to pay for design and construction administration/inspection/testing for about another $100k. A feasibility report and preliminary engineering study was done on this section in order to get more accurate estimated cost required for the SRTS application. That study shows narrowing the roadway by about 5 feet would be the most cost effective way to install a sidewalk along this corridor as it minimizes property impacts and pulls the walk further away from the very steep side slopes. Without a grant this project would not likely move forward.

Two trail gaps exist on the County owned Butler Avenue. The Dodd Road to Smith Avenue trail gap is about a $900k project of which the City would be responsible for $135k. The Sperl Street to Trunk Highway 52 trail gap is about a $1M project of which the City would be responsible for $150k.

Emerson Avenue from Delaware Avenue to Robert Street is a long east/west corridor with no bicycle or pedestrian facilities. A bicycle and pedestrian connection on Emerson would be evaluated as part of the feasibility study for reconstructing the roadway, which is currently scheduled for 2026. This 7,000-foot stretch will have significant tree and grade challenges. A five-foot sidewalk would cost $1M-$1.5M to construct as part of a reconstruction project. An 8' or 10' multiuse trail would increase costs over $2M due to the additional easement areas needed. Pairing a sidewalk or trial with a reconstruction project would significantly help with costs on the design, construction administration/inspection/testing. There are also options to explore like roadway width that could significantly reduce easement costs. A standalone project on Emerson would increase costs and disrupt the same residents with two projects over a short timeframe. Standalone sidewalk/trail projects of this magnitude require a year of design, a year of property acquisition and a year of construction.

Lothenbach Avenue is another street that is not in the first five years of the CIP, but is projected within the 2026-2030 out years. Sidewalk installation at the time of reconstruction would be the most cost effective project approach. With steep grades on the south side and utility poles on the north side this would take some analysis to figure out the path of least resistance (and cost) of this half mile stretch. An estimated construction cost for sidewalk is around $350k-$470k when paired with a street reconstruction.

Mendota Road between Delaware Avenue and Charlton Street is similar to Lothenbach Avenue in that it is in need of a reconstruction. That would be the opportune time to install a 1,630-foot sidewalk for $200k-$300k.

The installation of an asphalt trail (8 to 10 feet wide) on any of these projects, will guarantee the need for property acquisition, driving up costs and adding a year to project design timelines. Five-foot concrete sidewalks where limits can remain in the existing right of way, like those recently built on Livingston Avenue, substantially reduces construction costs. Side slopes quickly turn into expensive retaining walls or property acquisition. By pairing up trail/sidewalk connections with street improvement projects, costs for design, construction, inspection and testing will be reduced. From a property owner's perspective, it is also favorable to get in and out of a particular street with one large project versus multiple smaller projects.

Mayor Napier said we have made great strides and gave credit to City Engineer Beckwith and the Engineer before him. He encouraged Councilmembers to look at their ward in a printed copy from Beckwith. Mayor Napier asked Beckwith to have all he created here laid out on the map and asked Council to break into wards and provide some feedback for Beckwith.

Councilmember Justen asked about Thompson from Robert to Oakdale and what the timing is on the turn-back. Beckwith said possibly 2023.

Councilmember Justen said he is concerned about Hy-Vee and the apartment building coming in. He wants to keep the emphasis on this unsafe corridor and high on our list.

Mayor Napier said the nice piece is Hy-Vee will have to put in a sidewalk. Schroeder added that the negotiation is likely this year, at least conceptually.

Councilmember Vitelli asked about the Thompson/Oakdale roundabout. Beckwith said we are actively talking about it.

Councilmember Vitelli said Butler from Sperl to Highway 52 is also busy and should be marked as a priority. Beckwith said it is in the top 10 gaps.

Beckwith said right-of-way projects take about three years.

Councilmember Fernandez asked in what other areas is Dakota County looking at roundabouts? Beckwith said the County may look at intersections along Delaware.

Councilmember Pace said he likes and agrees with Mayor Napier to look at your wards and mark some places on the map.

Councilmember Berry asked for updated maps. Beckwith said he will provide them for Council.

Mayor Napier instructed Council to have a map, mark it up and bring back feedback in two weeks.

Schroeder said our CIP will be on August 17 and this will be a part of it, and asked Council to let Staff know quickly if there is any disagreement.

c. **Special Assessments for Townhomes**

Beckwith said that the City assesses townhomes based on the amount of front footage the property has on the road being reconstructed. This is the same way that commercial properties, churches, parks and high density residential properties are assessed.

Take Fox Ridge Condo Association for example. Property owners were assessed for street improvement projects in 2015, 2017, 2019 and will likely again be assessed in 2022. In the case of Fox Ridge Association their property fronts Marie Avenue, Livingston Avenue, Fox Ridge Drive, Fox Ridge Court, Crusader Avenue and Humboldt Avenue (cul-de-sac). The entire area that makes up the association is assessed, not each individual unit based on which road they face. Fox Ridge association is rather large at 23.5 acres. When residents that live south of Crusader Avenue (still within Fox Ridge Assoc.) are assessed for work done on Marie Avenue it can certainly seem odd. However, by assessing the entire association (all properties within) for each improvement project that abuts their property they pay a lower dollar amount per project, but are assessed more often.

The 2015 Street Improvements Project reconstructed a portion of Marie Avenue, adjacent to Fox Ridge townhomes. Each Fox Ridge townhome was assessed $223.28 for that project. Single-family homes were assessed between $5,581 and $9,991.

The 2017 Street Improvements Project reconstructed Fox Ridge Road and Fox Ridge Drive. Each townhome was assessed $918.72. Single-family homes on the same project (Humboldt Avenue) were assessed an average of $5,000.

The 2019 Street Improvements Project reconstructed Livingston Avenue and each Fox Ridge resident was assessed $894.88. Single-family homes were assessed $6,392.00

The current Capital Improvements Program shows the reconstruction of Crusader Avenue in 2022. The Fox Ridge association will again be assessed for this project, say at an estimated $1,000 per unit. Therefore, after four reconstruction projects which surround their entire property they will have been assessed about $3,000 per townhome. Whereas, a single family home is assessed two to three times amount for one reconstruction project. While assessments to the same properties keep coming, the dollar amounts are fairly low. The amount of property that these townhome associations own is quite large, as are the number of trips the combined association take per day on these roads.

A Special Benefit Appraisal was done prior to the 2019 Street Improvements Project for the Livingston Avenue reconstruction. For medium density housing (Fox Ridge condominiums), the opinion of special benefit was $3,000. For a single family home it was $7,800. That is only for the reconstruction of Livingston Avenue, not the other adjacent streets of Marie, Fox Ridge Road and Crusader. Therefore, the City's assessments are coming in much lower than the opinion of special benefit for each street improvement project.

Mayor Napier said this seems fair and improves property values. Councilmember Vitelli agreed and said this is the best way for the townhome association.

Councilmember Eng-Sarne asked how much advance notice they receive of an assessment? Beckwith said they receive notification about a year or so before the assessment hearing. Letters went out a few months ago for next year's project. Schroeder added that the CIP is posted on the City's website and looks into the future 10 years.

Councilmember Justen said he understands the irritation level of owners and is in favor of it the way it is.

d. **Day Designations**

From time to time, Schroeder said the West St. Paul City Council may, by vote of the Council, designate recognition of an individual or group. With adoption of official recognition days, weeks, or months, the City Council may provide further recognition,

such as participation in community events or parades honoring such individual or group. Specific recognition beyond a proclamation, resolution or certificate would only be at the direction of Council at a regular or special meeting of Council.

During 2020, the City Council has, by proclamation, provided the following recognitions. These recognitions, at least in part, follow the 2019-2020 Strategic Initiative of "Identify Opportunities to Bolster Diversity and Inclusion Outreach."

January 13, 2020:	Recognition of WSP Youth Athletic Association
February 10, 2020:	Proclamation of February 2020 as African American History Month
February 24, 2020:	Proclamation of February 20, 2020 as Rose Slomba Day
March 9, 2020:	Recognition of Police Chaplains
May 26, 2020:	Proclamation recognizing Taylor Gonsalez as recipient of the 2020 Comcast Leaders and Achievers Scholarship
May 26, 2020:	Proclamation honoring June 2020 as LGBTQIA Pride Month

As reported as part of the Strategic Initiatives Update, racial diversity within the community, as per the American Community Survey, published by the Metropolitan Council for 2018 is:

White	64.18%
Hispanic	22.83%
Black	4.85%
Asian	4.23%
Multi-Race	3.47%
American Indian	0.31%
Other	0.13%
Total Non-White	35.82%

In past exchanges with Council, the following future designations have been suggested for future consideration as acknowledgement of the diversity of the community:

February:	African American History Month
March:	Women's History Month
May (1st week):	Public Service Recognition Week (recognizing all public employees)
May:	Asian Pacific American Heritage Month
June:	LGBTQIA Pride Month
September 15-October 15:	Hispanic Heritage Month
November:	American Indian Heritage Month (27th recognized)
December 3:	International Day of Persons with Disabilities

For planning purposes, Schroeder said that Staff is requesting whatever observations or direction Council is able to provide.

Mayor Napier said he likes it and that this is more efficient for Staff. Councilmember Vitelli agreed that it looks good.

Councilmember Justen said Public Service Recognition Week is not diversity but is about recognition. Schroeder said there are a number of those type of recognitions.

Councilmember Berry asked that Staff double-check American Indian Heritage Month.

e. **Harmon Park Splash Pad**

Schroeder said, we opened the Splash Pad on June 19. However, due to concerns about the need to constantly sanitize, the adjacent bathrooms remained closed until July 6. Bathroom hours were expanded on July 16. Precedent to the facilities opening, Council had discussed vandalism concerns and possible responses. As Council has been alerted, two weeks after opening the bathroom facilities, they were vandalized. Council was shown photos of the vandalism.

The purpose of this agenda item is to bring this vandalism to public attention and to receive Council direction as to the appropriate response to this vandalism. Schroeder said the recommendation he received from Staff is to close the facilities.

Mayor Napier said it is important for the community to see this disrespect to the investment made in our community and that we want the buy-in from the community.

Schroeder said this has happened before.

Councilmember Fernandez asked if there is anything being done to capture those responsible for the vandalism? Chief Sturgeon said we do not know when it happened. A month ago, we brought our Reserves back and they are checking the parks regularly. There is a new program called "Paws on Patrol." Harmon Park also has organizations who have adopted the park. There are also cameras at the park.

Councilmember Vitelli asked about the hours when the bathrooms are open Schroeder said 10:00 a.m. to 6:00 p.m. weekdays. He said the attendant is working in the park. Beckwith added that it occurred at the end of the day or close to it. He also said the attendant is working on jobs, such as dragging the ballfields.

Councilmember Berry asked if the attendant wears a bright noticeable vest? Beckwith said they don't wear vests. Councilmember Berry said if they wore a bright vest, they would be more visible in the park.

Councilmember Vitelli said he likes the idea of a brightly colored vest to make them more visible.

Councilmember Justen said public spaces incur an element of vandalism but is not in favor of shutting them down.

Councilmember Eng-Sarne asked about the threshold for closing them down. She said the health and safety of our employees is important.

Councilmember Justen suggested a sign in the bathrooms that if there is an issue they can call a specific number. Councilmember Vitelli agreed that this is a great idea.

Councilmember Eng-Sarne said other cities put in a foot opener on their doors. Beckwith said these doors have a timed lock.

Mayor Napier said he is not in favor of closing the bathrooms.

6. <u>Adjourn</u>

Motion was made by Councilmember Vitelli and seconded by Councilmember Berry to adjourn the meeting at 6:28 p.m.

All members present voted aye. Motion carried.

David J. Napier
Mayor
City of West St. Paul