



South St. Paul

WORKSESSION AGENDA
SSP City Hall
125 3rd Avenue North
Training room

Monday, July 22, 2024
7:00 pm

AGENDA:

1. 1443 Evans Avenue Sewer Charges
2. Marie Avenue Design
3. On-Street Permit Parking Discussion
4. Domestic Partnership Registration
5. Cable Franchise Fee Discussion
6. Council Comments & Questions



AGENDA ITEM: Sanitary Sewer Charge Adjustment – 1443 Evans Ave

DESIRED MEETING OUTCOMES:

Discuss request for adjustment to Sanitary Sewer Charges on utility bill for 1443 Evans Ave

OVERVIEW:

Krystle Christensen, owner of 1443 Evans Ave, has made multiple requests asking that the flat rate sewer charges be removed from the utility account for this address.

Background

Krystle Christensen has owned the property at 1443 Evans Ave since 2016. The property is a single-family residential home where the water is supplied by a private well and the property is connected to the City's sanitary sewer service.

Ms. Christensen has contacted the City numerous times requesting that the sanitary sewer charges be removed from this account because the property is vacant. In 2020, she filed a Consumer Assistance Request Form with the Minnesota Attorney General's office. A copy of that request and the City's response is attached. In addition, she contacted the City in April 2024, a copy of that response is also attached.

It should be noted that the City code requires a connection to the public sewer if/when one is available:

Chapter 62 – Utilities, Article III. – Sanitary Sewers and Sewage Disposal, Division 1. Generally, Section 62-86. – Private sewage disposal, (e) *Closing of private system.*:

When a public sewer becomes available to a property served by a private sewage disposal system, a direct connection must be made to the public sewer in compliance with this section... *(emphasis added)*

There is no comparable requirement with respect to connection to the City's water distribution system. It should also be noted that according to the Engineering department, City water service is available to this property. A copy of the as-built map provided by Engineering (in 2020) is attached.

To accommodate properties that have a private well and are connected to the City's sanitary sewer system (this is one of seven accounts in the City in this category), the City's Fee Schedule includes a flat rate calculated as follows:

- Sanitary sewer base rate of \$16.40, plus
- Sanitary sewer usage of 15 units (1 unit = 1,000 gallons) multiplied by \$7.77, or \$116.55
- Total quarterly charge of \$132.95

In addition, this account is charged the residential rates for storm water utility (\$19.12) and street light utility (\$9.84). The total quarterly bill, which equals the minimum billing for this type of property, is \$161.91 for 2024.

In comparison, for a vacant residential property that is connected to both the City's water distribution and sanitary sewer collection systems, the minimum charge per quarter is \$104.57. The difference between this minimum charge and the minimum charge for a property with a private well is \$57.34 per quarter or \$19.11 per month.

The City's responses to the property owners' requests have been consistent – all properties have minimum charges for services that are provided by the City. These charges are calculated regardless of whether the property is occupied or vacant. These charges not only pay for the operations of the service, but also to repair and eventually replace the aging public infrastructure needed to provide the service.

RECOMMENDATION OF STAFF

Staff recommends no changes to the application of the sanitary sewer charges since neither our City Code nor our Fee Schedule make any allowances for properties that are vacant. Any change in the way this property is charged because it is vacant would require the City to change the way all vacant properties are charged for the services available.

Minimum charges are applied to all residential properties within the City; unfortunately for this property, the minimum charge is the current bill amount.

As an example, for the bills that were issued on July 8, there were more than 25 residential properties that had no water used for the quarter, but they were charged a minimum charge for sanitary sewer. In addition, there were more than 50 residential accounts that used between 1,000 and 3,000 gallons of water for the quarter. These accounts were also charged a minimum charge for sanitary sewer.

Source of Funds:

Sanitary Sewer Utility Fund

Attachment 1



The Office of
Minnesota Attorney General Keith Ellison
helping people afford their lives and live with dignity and respect • www.ag.state.mn.us

October 12, 2020

South St. Paul Utilities
125 3rd Avenue North
South St. Paul, MN 55075

Re: Ms. Krystle Christensen
File No: KSS/2020/5347461/C

Dear Sir/Madam:

Enclosed is a copy of a Consumer Assistance Request Form this Office received from Ms. Krystle Christensen. I ask that you review this matter as quickly as possible and address Ms. Christensen's concerns. I ask that you send a written response to this Office within ten (10) days of receiving this letter. Please provide a response to this Office by email or fax as follows:

Kyle Straiton
Minnesota Attorney General's Office
Email: AG.Replies@ag.state.mn.us
Fax: (651) 282-2155

I thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Kyle Straiton". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

KYLE STRAITON
Consumer Services Division
(651) 355-0733 (Voice)
(651) 282-2155 (Fax)

Enclosure: Copy of Consumer Assistance Request Form from Ms. Krystle Christensen

cc: Ms. Krystle Christensen

|#4822023-v1

Consumer Assistance Request Form

Submission Date (CST) October 8, 2020 03:30 PM

Submission ID 4779982475123978168

Your Information

Your Name Ms. Krystle Christensen

Your Company/Organization (if applicable)

Your Street Address 1443 Evans Ave

Your Street Address Line 2

Your City South St Paul

Your State Minnesota

Your Zip Code 55075

Your Primary Phone (612) 226-7227

Your Alternate Phone

Your Email krystle@holycropcreative.com

Company Complained About

Name Company You Are Complaining About South St Paul Utilities

Contact Person

Contact Person Title

Company Street Address 125 3rd Ave N

Company Street Address Line 2

Company City south st paul

Company State Minnesota
Company Zip Code 55075
Phone Number (651) 554-3209
Company Email

Other Information

Have you contacted another agency? No

Agency You Contacted

Result of Contacting Agency

Have you filed a lawsuit? No

Court File No.

What was the result?

Product, Service, or Payment Involved

Product/Service Involved Water Bill

Date of Purchase

Amount of Purchase (\$ USD)

Customer ID or Account Number

Explanation & Resolution

Explanation of the Problem

I inherited the residency of 1443 after my father passed away in 2016. It has never had city water, only a well and septic. In 2017 the water pump stopped working. I contacted the city about stopping the water bills. Because there is no meter the bill is based on the average household usage in SSP, which is mostly families. The city said I could not stop the bill unless the water was capped. But it is because it has never been used. They then said there was no way to stop the bills. In October 2019, I went down to ask again for the bills to stop and was told there was a process to email for an exception. I did so and received an email that says "city bills minimum charges to all properties, even if vacant or the house is removed". Now with COVID and everyone being at home the bill has skyrocketed. I just want to stop being charged for something I am not using.

What do you want the company to do?

Stop the bills and reimburse me for the amount I have paid, for a service I am not using.

Attachments

- [RE_Utility bill c_o finance director .pdf](#)

By choosing Accept below, I consent to and acknowledge that the information I am providing may be used and/or disseminated by the Minnesota Attorney General's Office: (a) to resolve the issue about which I am contacting the Office, including by contacting any person or entity complained against; (b) to communicate with me; (c) to other law enforcement agencies and/or consumer-assistance agencies; and (d) to otherwise assist in enforcing the law. Except as otherwise authorized by this consent, I understand that the information I am providing will be treated as "private data on individuals" under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13, and shall not be used or disseminated except as authorized under the Act or other applicable state or federal law. I understand that I am not legally required to provide the information I have submitted in this form, but that my failure to do so may make it more difficult to resolve my concern.

Accept



October 20, 2020

Office of the Attorney General
Attn: Kyle Straiton
445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2131

RE: Ms. Krystle Christensen File No: KSS/2020/5347461/C

Dear Mr. Straiton:

We received your letter dated October 12, 2020 concerning a complaint by Ms. Krystle Christensen, regarding 1443 Evans Ave, South St. Paul, MN 55075 about an escalating utility bill and services not being used.

Upon examination, our utility billing records indicate that 1443 Evans Ave has a private well that is used for water service; the property is not connected to the City's water service. However, the property is connected to the City's sanitary sewer system. Like many other cities, South St. Paul bills sanitary sewer based on the water used. Since the City has no way to determine the amount of water used at this property, the City's fee schedule has set the sanitary sewer charge at a flat rate based on 15,000 gallons of water per quarter. This is the same rate that is charged to all properties in the City that have private wells and are connected to the City's sanitary sewer system.

Upon examination of this account in our billing system, we have identified an error. For the last two billing cycles, we have overbilled this property for sanitary sewer service. This has been corrected and the property owner will see a credit of \$48.72 on their next bill and a lower quarterly bill.

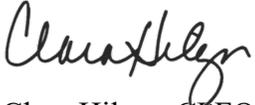
In reference to the comment that Ms. Christensen made that she was told that the billing could not stop unless the water was capped, I suspect that this statement may have been misunderstood. As stated, this property is not connected to the City water service; we do not bill this property for water service. I believe that Ms. Christensen may have been told that the sanitary sewer service charges would stop only if the sewer connection was disconnected or capped. However, I have been informed by our Engineering department that properties in South St. Paul are not allowed to disconnect from the City's sanitary sewer system and install a septic system. Therefore, this is not an option for the property owner.

While I am not able to locate the email or the response sent by the City in 2019 that Ms. Christensen references in her complaint, the statement she quoted is correct. Given that there is a sanitary sewer connection on the property, the City is required to maintain that connection. To maintain that connection, the City bills minimum charges each quarter. Every residential property connected to the City's sanitary sewer system is billed a minimum quarterly charge, regardless of whether the service is used during that quarter. The minimum charge for this property is the flat rate explained above.

It should be noted that the quarterly utility bill for 1443 Evans Ave also includes charges for storm drainage and streetlights. These are billed to every property in the City, including vacant properties, based on the fee schedule approved by the City Council each year.

Absent information pointing to an inconsistency in the billing for this property compared to similar properties in the City, we believe that the charges billed are valid, with the exception noted earlier.

Sincerely,

A handwritten signature in black ink, appearing to read "Clara Hilger". The signature is fluid and cursive, with the first name "Clara" being more prominent than the last name "Hilger".

Clara Hilger, CPFO
Finance Director

cc: Krystle Christensen

Clara Hilger

To: Clara Hilger
Subject: RE: Sewer Concerns

From: Clara Hilger
Sent: Friday, May 10, 2024 4:32 PM
To: Krystle Christensen <krystle_christensen@yahoo.com>
Subject: RE: Sewer Concerns

Ms. Christensen,
As we have explained before, this property has a private well that is used for water service and is connected to the City sanitary sewer system.

Because we cannot measure the water used and discharged into the sanitary sewer system, our fee schedule has a flat rate for sewer service. That fee is calculated at 15,000 gallons per quarter plus the sewer base charge. The number of gallons used to calculate this fee has not changed in many years; it is not recalculated annually or with each billing period.

The only way to avoid the current sanitary sewer charge would be to connect the property to the City’s water system. Since you mentioned that you are considering a demo and rebuild, I would recommend that you connect to the City’s water system with the rebuild. At that time, the sanitary sewer charges for the property would be calculated based on the water used in the same manner as your single family home.

Regardless of whether the City sewer is used, we have minimum charges for all residential properties. Unfortunately, for this property, the minimum charge is the 15,000 gallons as mentioned above.

Please let me know if you have any additional questions.

Clara Hilger | Finance Director
Phone : 651-554-3207 | Fax: 651-554-3201
City of South St. Paul | 125 3rd Avenue North | South St. Paul, MN 55075



Krystle Christensen <krystle_christensen@yahoo.com> wrote:

Hello,

I spoke to Melissa Blair at ssp public works. She recommended that I send you an email.

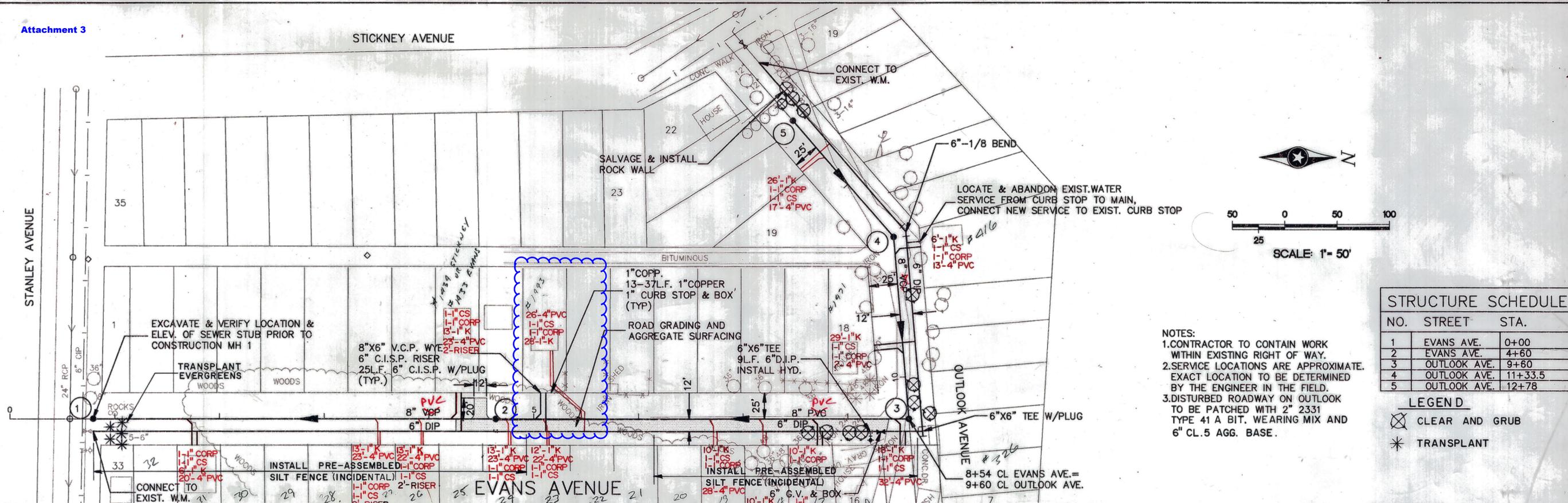
In 2016, I inherited a property at 1443 Evans Ave, South St Paul. In 2017 the water pump stopped working and I had the electricity removed from the house; since we were planning a demo and build. The house has never had city water or sewer. Up until now I have spoke to the city several times between 2020-2024. I was told that the house was attached to city and the bill was correct, but they were never able to provide the documentation that I asked for. Today I was told that in fact the house does not have city water and there is nothing that can prove that city sewer was used.

The sewer portion of the bill, for a house that has none, is more than my single family home bill. Since the city takes the average house amount and ssp is mostly families. Is there a way to remove the sewer from the bill? If you have any questions, feel free to call me (612)226-7227.

Thank you,
Krystle

Caution: External Email - This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

BASE	OVER	TDRG. NO.



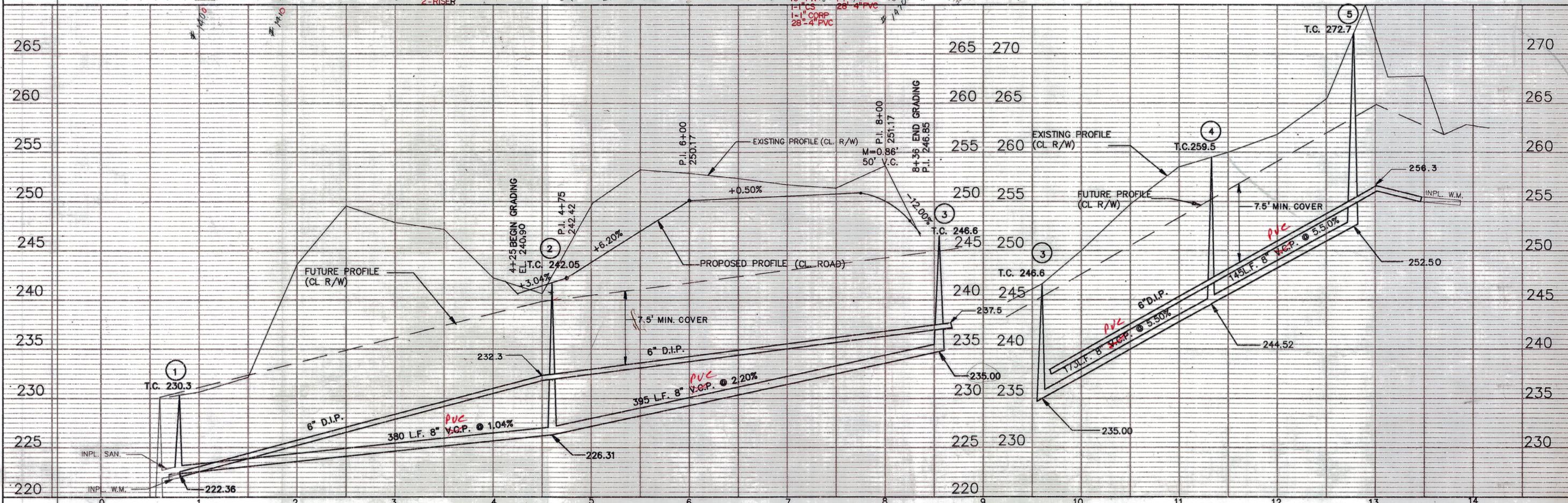
STRUCTURE SCHEDULE

NO.	STREET	STA.
1	EVANS AVE.	0+00
2	EVANS AVE.	4+60
3	OUTLOOK AVE.	9+60
4	OUTLOOK AVE.	11+33.5
5	OUTLOOK AVE.	12+78

NOTES:
 1. CONTRACTOR TO CONTAIN WORK WITHIN EXISTING RIGHT OF WAY.
 2. SERVICE LOCATIONS ARE APPROXIMATE. EXACT LOCATION TO BE DETERMINED BY THE ENGINEER IN THE FIELD.
 3. DISTURBED ROADWAY ON OUTLOOK TO BE PATCHED WITH 2" 2331 TYPE 41 A BIT, WEARING MIX AND 6" CL.5 AGG. BASE.

LEGEND

	CLEAR AND GRUB
	TRANSPLANT



NO.	BY	DATE	REVISIONS	ITEM	DESIGN	CHECKED

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.
Richard D. Moore
 Date: 9/23/91 Reg. No. 14961



SOUTH ST. PAUL, MINNESOTA

UTILITIES AND GRADING

FILE NO.	91234	3
DATE	9/23/91	5



COUNCIL WORKSESSION REPORT
DATE: JULY 22, 2024
DEPARTMENT: ENGINEERING
Prepared By: Nick Guilliams, City Engineer

2

AGENDA ITEM: Marie Avenue Roadway Design Discussion

DESIRED OUTCOMES:

Council direction on the Marie Avenue roadway design

OVERVIEW:

The Marie Avenue Reconstruction Project, which will stretch from 3rd Avenue North to 9th Avenue North, is scheduled for improvements as part of the 2025 Capital Improvement Plan. A \$1,000,000 Safe Routes to School Grant has been obtained for the construction work. Following the feedback received during the June 24th work session, this matter is being revisited to gather additional input before proceeding to the final design phase.

ACTION NEEDED

Council direction on the initial Marie Avenue roadway design.

ATTACHMENTS:

MARIE AVENUE RENDERING 3RD TO 8TH
MARIE AVENUE RENDERING 8TH TO 9TH
MARIE AVENUE LAYOUT
MARIE AVENUE PARKING LAYOUT
MARIE AVENUE AND 9TH AVENUE INTERSECTION DETAIL

MARIE AVENUE FROM 3RD AVENUE TO 8TH AVENUE



Sidewalk
8 ft

Parking
9 ft*

Bike
6 ft

Travel Lane
11 ft

Travel Lane
11 ft

Bike
6 ft*

Sidewalk
9 ft

Existing Right-Of-Way: 60 ft
Roadway: 43 ft*

*Measured to Face of Curb

MARIE AVENUE FROM 8TH AVENUE TO 9TH AVENUE



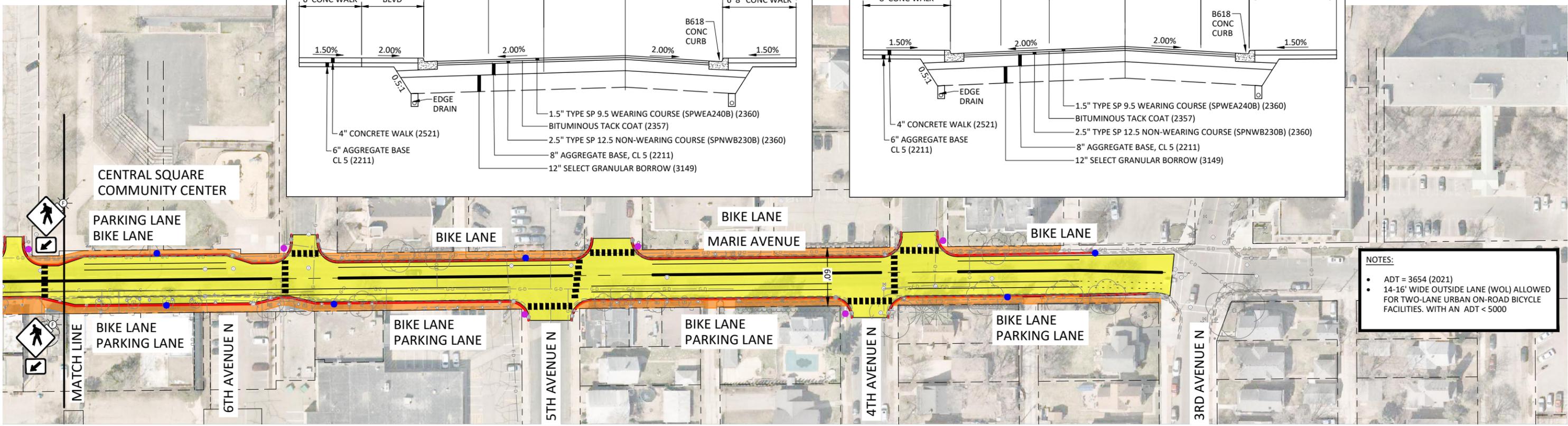
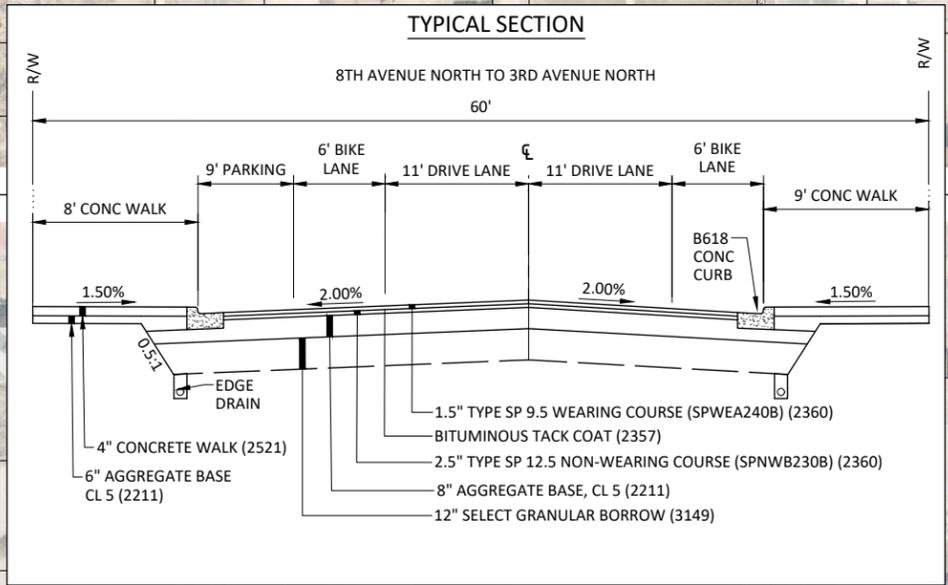
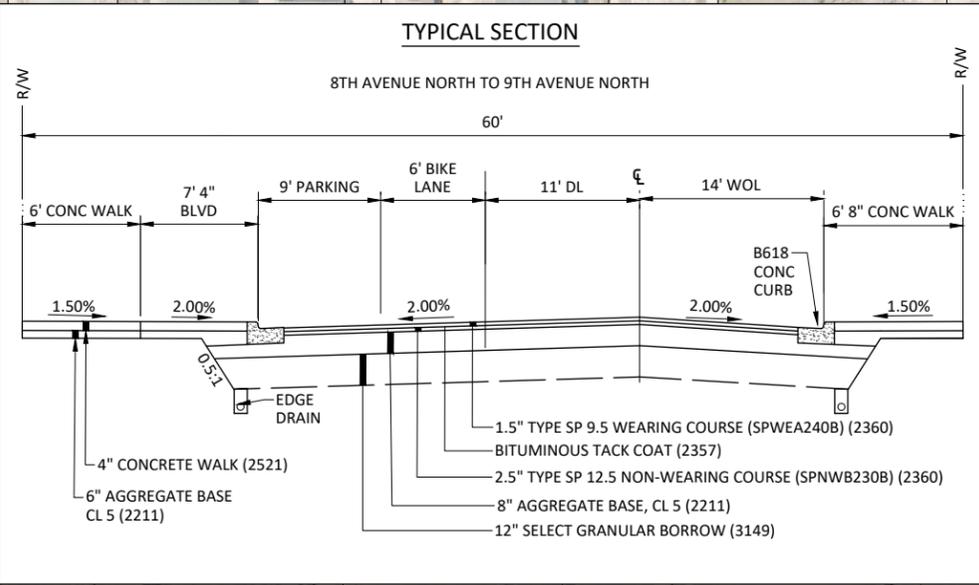
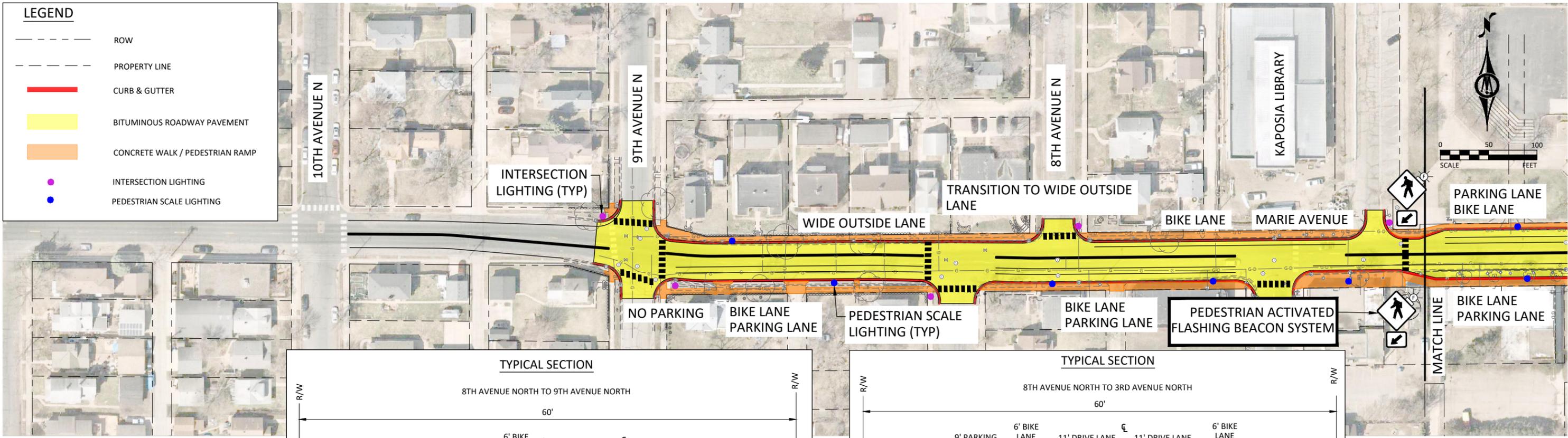
Sidewalk 6 ft	BLVD 7 ft 4 in	Parking 9 ft*	Bike 6 ft	Travel Lane 11 ft	Wide Outside Lane 14 ft*	Sidewalk 6 ft 8 in
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Existing Right-Of-Way: 60 ft
Roadway: 40 ft*

*Measured to Face of Curb

LEGEND

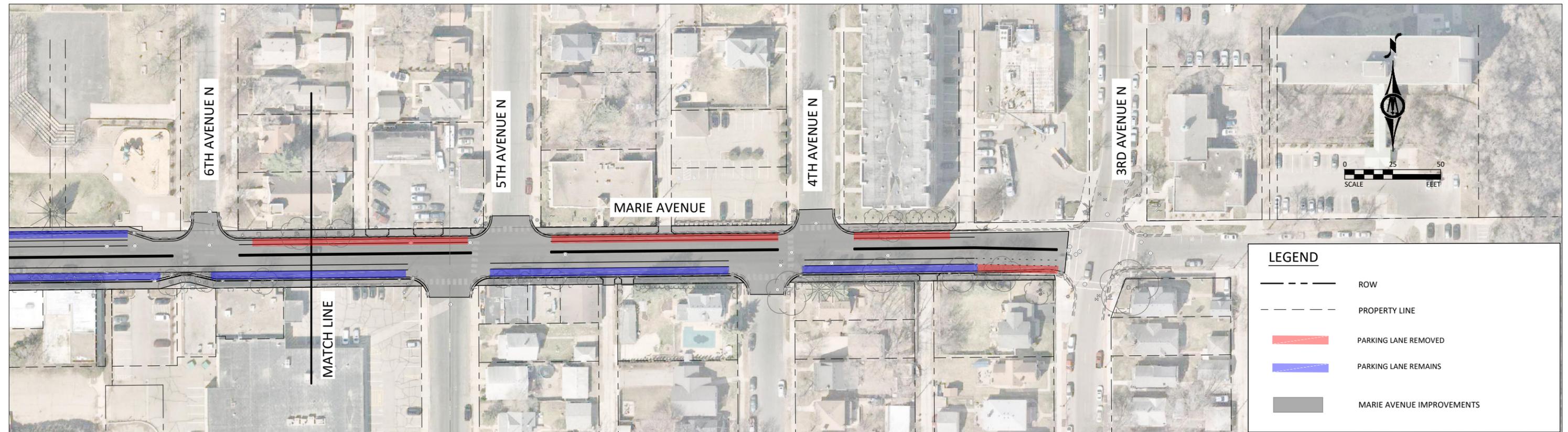
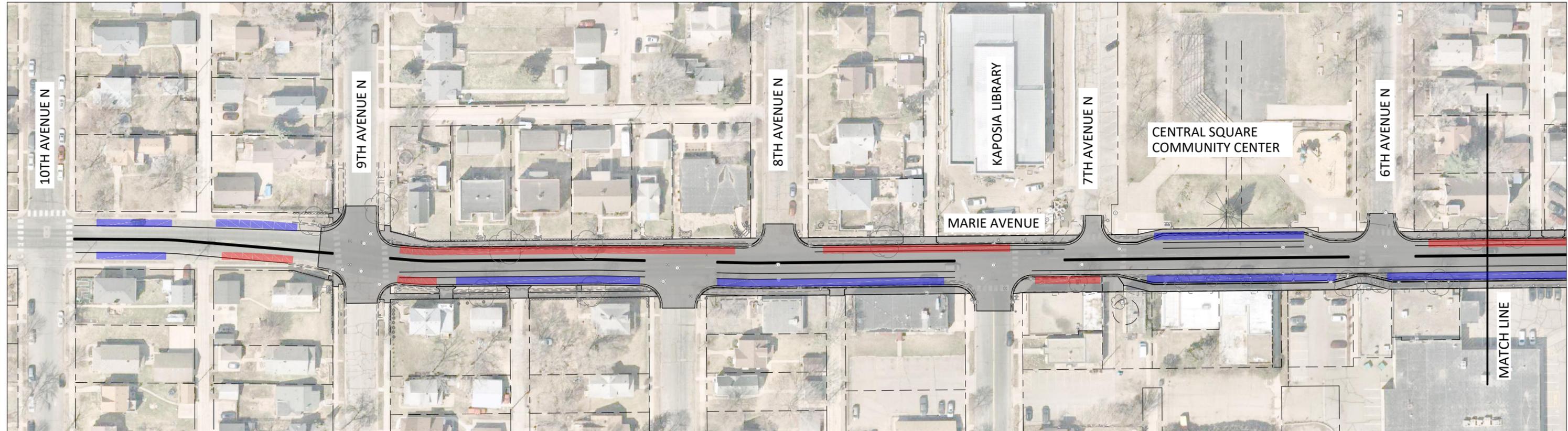
- ROW
- PROPERTY LINE
- CURB & GUTTER
- BITUMINOUS ROADWAY PAVEMENT
- CONCRETE WALK / PEDESTRIAN RAMP
- INTERSECTION LIGHTING
- PEDESTRIAN SCALE LIGHTING



NOTES:

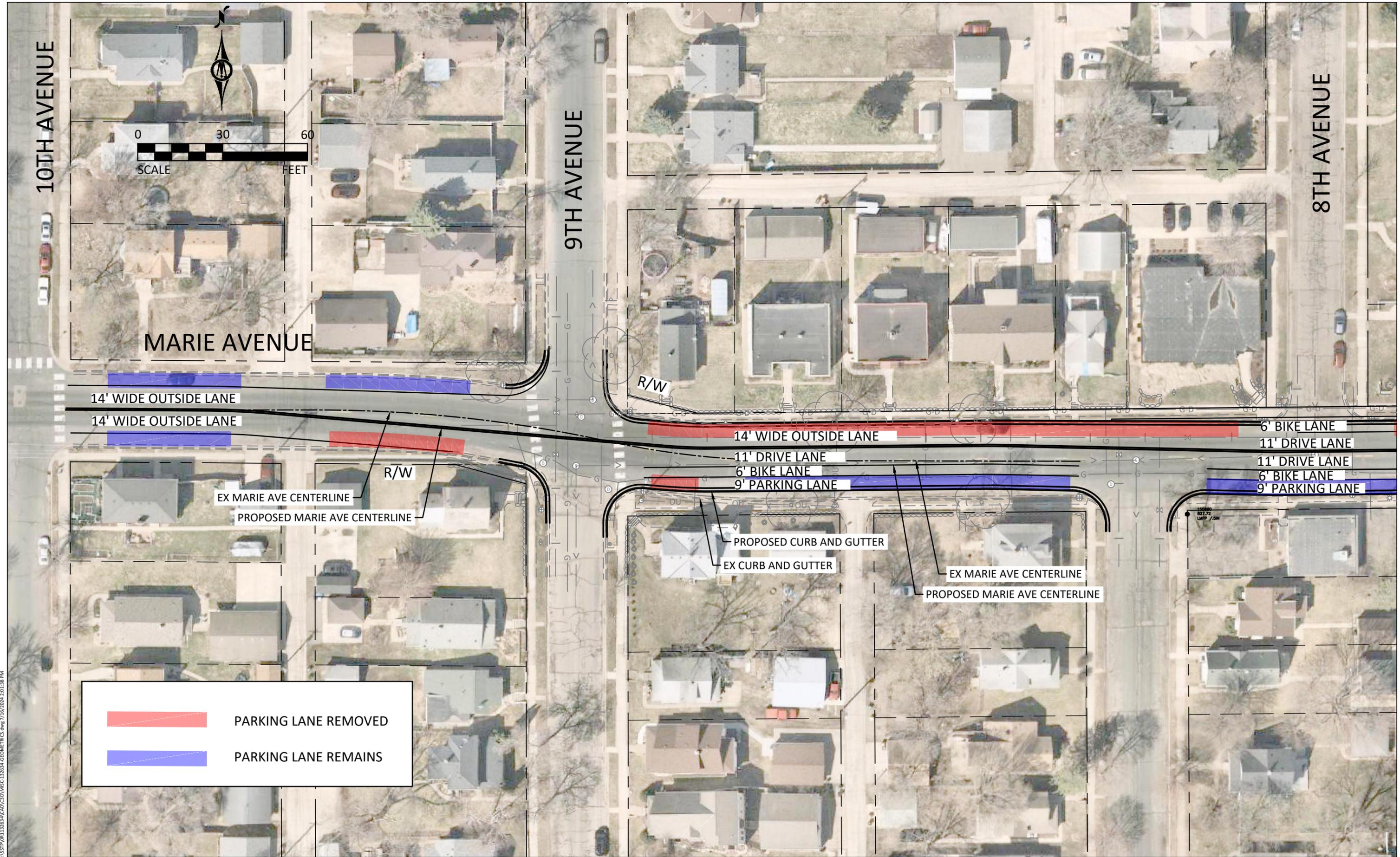
- ADT = 3654 (2021)
- 14'-16" WIDE OUTSIDE LANE (WOL) ALLOWED FOR TWO-LANE URBAN ON-ROAD BICYCLE FACILITIES, WITH AN ADT < 5000

H:\SSTP\0R1132634\CAD\C3D\FIGR-132634-LAYOUT.dwg 7/15/2024 2:31:27 PM



H:\SSTP\08113263A\CAD\C3D\FIGR-132634-PARKING LAYOUT.dwg, 7/16/2024, 2:06:35 PM

MARIE AVENUE GEOMETRICS AT 9TH AVENUE





CITY COUNCIL WORKSESSION REPORT

DATE: JULY 22, 2024

DEPARTMENTS: PLANNING

Prepared By: Michael Healy, Planning Manager

3

ADMINISTRATOR: _____

AGENDA ITEM: On-Street Permit Parking Discussion

DESIRED OUTCOMES:

1. Review the history of residential on-street permit parking in South St. Paul.
2. Discuss resident's verbal request that on-street permit parking tied to ballgames at Lorraine Park be extended to the 100 block of 8th Street South.
3. City Council provides direction regarding the on-street parking permit program.

OVERVIEW:

Background

Currently, there are three residential areas in South St. Paul where a parking permit sticker is required to be displayed on the windshield to park a car on the public street:

1. A 1 ½-block stretch of 6th Avenue North across the street from the high school. *Per the posted signs, a permit is required to park a car in this zone at any time.*
2. A 2-block stretch of 8th Street South, a 1-block stretch of 3rd Avenue South, and a 1-block stretch of 2nd Avenue South near McGuire Field at Lorraine Park. *Per the posted signs, a permit is required to park a car in this zone only "during ballgames."*
3. A 2-block stretch of South Street East, a 1-block stretch of 1st Avenue South, and a 1-block stretch of Syndicate Avenue near McMorrow Field. *Per the posted signs, a permit is required to park a car in this zone at any time.*

The Police Department occasionally gets complaints about "parking without a permit" in all three zones, and they issue parking tickets in response to complaints. However, many of the posted signs in all 3 zones have faded to the point of being almost unreadable and it is unclear whether most residents living in these zones take the permit requirement seriously. At 1 PM on Monday, July 8th there were 8 cars parked on the street in the "permit parking only" area by the high school and only 3 of those cars had a parking permit sticker. At 8:20 AM on Wednesday, July 17th, there were 11 cars parked in the "permit parking only" area by the high school and only 2 of those cars had a parking permit sticker.

The permit parking zone near McMorrow Field was instituted in the 1980's, long before the 2014 voter-approved parks referendum converted the park from a softball-oriented facility to a soccer-oriented facility and added a large amount of additional off-street parking in surface parking lots. Considering these changes, it is unclear whether this permit parking zone still serves a purpose. At 8:15 AM on Tuesday, July 9th there were 3 cars parked on the street in the "permit parking" zone and none of the cars had a parking permit sticker. At 8:10 AM on

Wednesday, July 17th there were 6 cars parked in the “permit parking” zone and none of the cars had a parking permit sticker.

The permit parking zone near McGuire Field at Lorraine Park is unusual in that its signage states that the parking permit requirement is only in effect “during ballgames.” The signage does not define what type of ballgame triggers the permit requirement but a Staff memo from 1995 states that it is meant to apply to any ballgame being played at Lorraine Park. Even though enforcement is infrequent, the posted signs probably do have the intended effect of scaring ballgame attendees into parking their car on a different neighborhood street that does not have these posted signs if the parking lot is full, and they need a place to park their car.

How is a Permit Parking Zone Established?

Per Section 58-103 of the City Code, the City Council may establish a permit parking zone by resolution. This is only supposed to be done “upon a showing of necessity therefor to provide reasonable and suitable on-street parking availability to occupants of dwellings within the zone.”

The City’s three existing permit parking zones were established by City Council motions:

- The zone by McMorro Field was established sometime in 1984 or 1985 but the records are unclear about the exact date of implementation.
- The zone by the high school was established on July 19, 1993, expanded on October 4, 1993, and expanded a second time on November 2, 1993.
- The zone by McGuire Field at Lorraine Park was established on March 20, 1995, and expanded on June 5, 1995.

Verbal Request for an Expansion of the Lorraine Park Permit Parking Zone

Molly Counts, a resident living two blocks away from McGuire Field at 101 8th Street South, has verbally requested that City Staff install “permit parking only during ballgames” signs on the 100 block of 8th Street South. This block is not within the permit parking zone established by the City Council in 1995, so City Staff did not grant her request. Ms. Counts is continuing to ask for “permit parking only during ballgames” signage on her block and wants to know what the next step is to advance her request. The City has not established or expanded a permit parking zone in almost 30 years and there is no modern policy for handling this request. In the 1980’s and 1990’s, Council review of a new or expanded permit parking zone was usually initiated by a signed petition from one or more residents.

Do Other Metro-Area Communities Have On-Street Permit Parking Programs?

Eagan and Rosemount appear to be the only other suburbs in the southeast metro that operate an on-street permit parking program. They each have one permit parking zone that covers a neighborhood next to their high school. On-street parking permit programs are more common in big cities and Minneapolis and Saint Paul are the two cities in the metro that make extensive use of this tool. Saint Paul has 30 different permit parking zones, mostly near high schools, hospitals,

and college campuses. Minneapolis has 29 different permit parking zones. In both Minneapolis and Saint Paul, permit parking zones are usually found in affluent neighborhoods where property owners have banded together to petition for parking restrictions that make their street more private. Minneapolis, Saint Paul, and Eagan all require signed petitions from a supermajority of adjacent residents before they will consider instituting or expanding a permit parking zone. In Minneapolis and Saint Paul, a traffic engineer reviews all requests and those two communities only institute new permit parking if there is a documented parking supply shortage.

It is staff-time intensive to administer and enforce permit parking zones and these zones seldom work completely as intended. Police Departments are not staffed to proactively monitor permit parking zones, and this can be a source of tension between residents and their Police Department. Most permit parking zones in the Twin Cities metro operate largely on the honor system and police officers respond to complaints rather than doing proactive enforcement, something that may frustrate residents who live in these zones and want more aggressive enforcement. According to Eagan City Staff, the primary feedback that they receive from residents living near the high school is that they want the Police Department to proactively issue parking tickets to vehicles parked without permits during evening athletic events. The Eagan Police Department is reluctant to do this because many of the vehicles belong to visitors who may not understand that a permit is still required in the evening.

How do Most Suburbs Handle Parking Conflicts Near High Schools?

Most suburbs in the Twin Cities use restricted parking signage to regulate the areas near their high schools instead of operating a permit parking program. Some examples of signs that communities put up along residential streets near their high schools include:

West Saint Paul: “No Parking 8 AM-2 PM. Local Residents Exempt”

Inver Grove Heights: “No parking 8 AM- 4 PM on School Days”

Mendota Heights: “No Parking 8 AM- 2 PM on School Days”

North Saint Paul: “Resident Parking Only This Block on School Days 7 AM to 3 PM”

South St. Paul: Only 6th Avenue North is a permit parking zone. Other residential blocks near SSP’s high school have signs saying: “2 Hour Parking- 8 AM to 6 PM, Monday through Friday.”

Woodbury: “2 Hour Parking Limit, Monday through Friday, 7 AM through 3 PM, September 1st through June 10th”

Oakdale: “No Parking During School Hours”

Richfield: “No Parking on School Days 8 AM to 4 PM”

Cottage Grove: “Resident Parking Only- 7 AM to 2:30 PM, Mon thru Fri, During School”

Bloomington: “No Parking 8 AM to 2 PM Monday-Friday, September through June”

Issues with the “Status Quo” in South St. Paul

There are several issues with the “status quo” of South St. Paul’s permit parking program:

1. Many of the posted permit parking signs are faded and almost unreadable.
2. Per the adopted fee schedule, parking permits are free. That means that this program does not bring in any revenue to cover the cost of administrative time, Police Department time, permit printing costs, or the replacement of faded signs.

Note: Eagan and Rosemount have also made their permit parking programs free and they feel that this is warranted because of the unique challenges of living near a high school. Minneapolis and Saint Paul both charge \$25 per parking permit and each permit must be renewed annually for another \$25. They also sell temporary permits and guest permits.

3. SSP’s parking permit program operates very informally. There is a roll of parking permit stickers at the front counter at City Hall. Anyone who can prove that they live in one of the 3 permit parking zones is given up to 4 parking permit stickers to essentially do whatever they want with. They can stick the permits in their own car’s window or give them to a friend to stick in their car’s window as “guest parking.” Parking permit stickers do not expire, so any car with an SSP parking permit stuck in its window can park in all 3 zones for life, even if the resident no longer lives in a permit parking zone.
4. All records related to parking permits are handwritten and kept in a 3-ring binder that appears to be several decades old. Because parking permits are issued for life and do not require annual renewal, it is impossible for City Staff to know which properties have active parking permits and which properties do not since residents move and/or replace cars without informing the City.
5. There are no objective criteria for when a permit parking zone should be established or abolished. The City Council established several additional permit parking zones in the 1990’s that appear to no longer exist and the 3-ring binder does not explain what happened to them. Some of the defunct permit parking zones were very small and appear to have been implemented in response to complaints from one or two residents who were upset about people parking in front of their homes.
6. The conditions that led to the establishment of the McMorrow Field permit parking zone and the McGuire Field/Lorraine Park permit parking zone have changed since permit parking was established:
 - a. McMorrow Field was redone following the 2014 parks referendum and now has much more off-street parking and no longer has softball facilities.
 - b. The McGuire Field parking lot at Lorraine Park was expanded to add an additional 30 stalls in 1995 and now features 62 stalls total. This expansion took place three months after the permit parking zone was initially established.

DISCUSSION

Residential permit parking programs create winners and losers. The winners are the residents in the permit parking zone who now have semi-private parking spaces in front of their homes. The main losers are the residents who live on the blocks adjacent to the permit parking zone who now must deal with extra visitors parking in front of their homes because those cars can no longer park in the permit parking zone. Other losers may include businesses, churches, and other local institutions who depend on adjacent streets for occasional overflow parking and may struggle to attract patrons if on-street parking is restricted to permit-holders. Permit parking programs can also lead to some residents losing confidence in the City and becoming disgruntled if permit parking violations are not consistently met with parking tickets.

Many communities view neighborhoods that are next to a high school as a special case where parking restrictions are warranted. High schools are in session roughly 165 days per calendar year and this can mean a lot of conflicts between students and neighbors. High schoolers usually have other options for reaching campus other than parking their car in front of a neighboring house. For a variety of reasons, most communities do not want every teenager to drive their own car to campus and actively want to encourage walking, biking, bussing, drop-off by parents, and carpooling. Neighborhoods by a high school can have parking regulated either with a permit requirement or with posted parking restrictions. Permit parking may not offer substantial benefits over restrictive signage if all enforcement is going to be complaint-based.

ACTION NEEDED

The City Council is asked to discuss the permit parking program and the verbal request to expand the program to include the 100 block of 8th Street South. If the City Council is supportive of that request, the resident will need to make a written application and the City Council will need to vote on whether to expand the permit parking zone at a regular meeting. If the Council wants to expand the zone, they must adopt findings that the request satisfies the criteria listed in the permit parking ordinance.

Some questions that should frame the discussion are:

1. Is the McMorrow Field permit parking zone still necessary now that the park does not have softball fields and has much larger parking lots?
2. Is permit parking a good solution for parking conflicts at Lorraine Park or is it simply pushing ballgame attendees to park outside of the permit parking zone and in front of other houses? Are the parking conflicts at Lorraine Park still significant enough to justify a permit parking zone since the parking lot was expanded in 1995?
3. Does 6th Avenue North have special challenges that necessitate a permit parking zone along this street? Or does it make more sense to regulate parking along this street with restricted parking signage like we already do for the other blocks near the high school?
4. If SSP is going to retain its permit parking program, should it continue to operate in an informal manner? If the program needs to be made more formal, does it make sense to require annual renewal so permits can be tracked and charge a fee to offset costs?

ATTACHMENTS

A- SOUTH ST. PAUL PERMIT PARKING ORDINANCE

B- MCMORROW FIELD PERMIT PARKING ZONE MAP

C- MCGUIRE FIELD AT LORRAINE PARK PERMIT PARKING ZONE MAP

D- SOUTH ST. PAUL HIGH SCHOOL PARKING RESTRICTION MAP

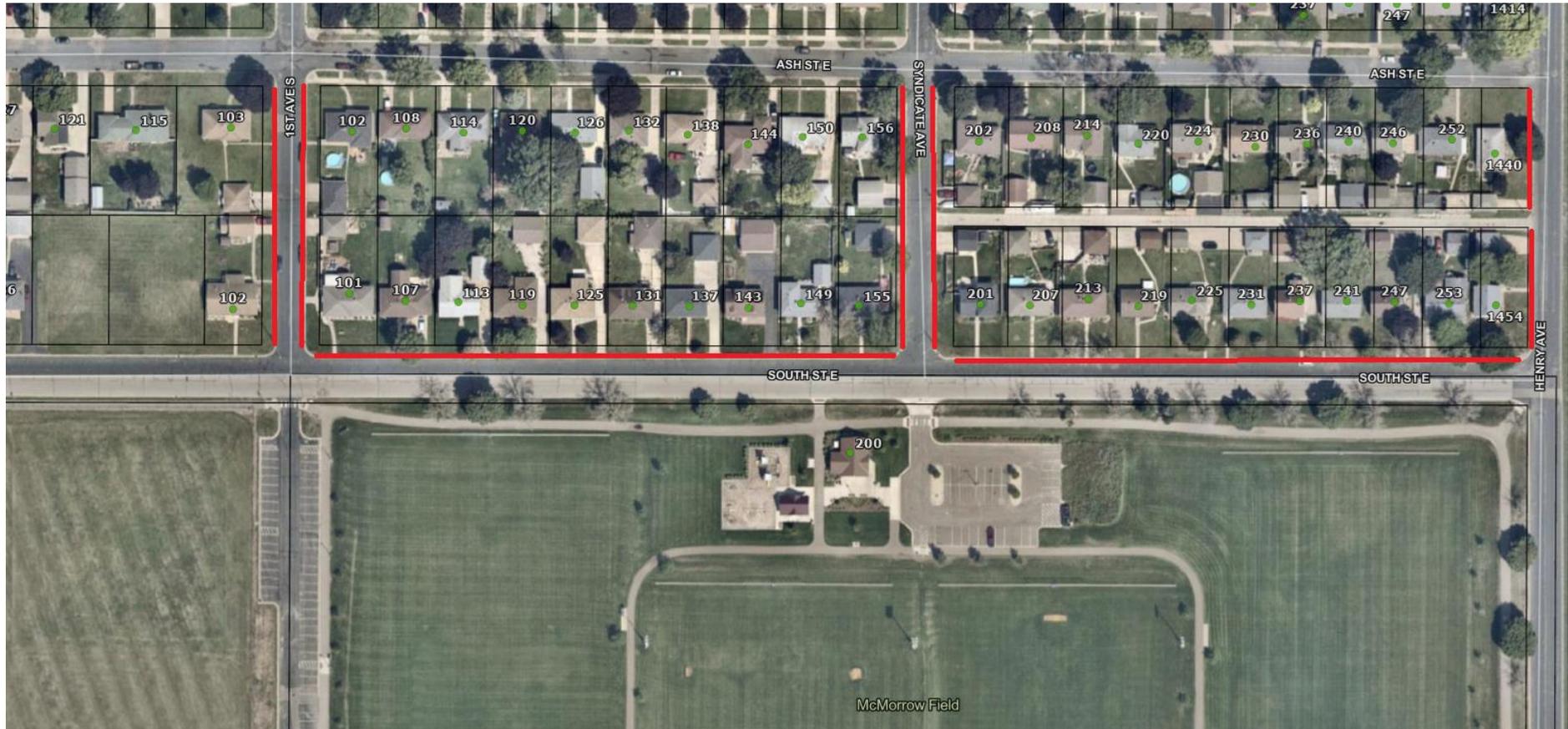
ATTACHMENT A
SOUTH ST. PAUL PERMIT PARKING ORDINANCE

Sec. 58-103. Residence parking permit.

- (a) *Policy.* The council finds that the occupants of dwellings in certain residential areas may not have suitable and adequate on-street parking available because vehicles of employees, patrons, visitors of commercial establishments, schools, public buildings and similar establishments have occupied the available on-street parking areas in such residential areas, that posted limited parking in such residential areas denies dwelling occupants reasonable on-street parking availability, and that it is in the public interest to afford dwelling occupants reasonable and suitable on-street parking in such residential areas.
- (b) *Parking zones.* The council may by resolution designate residential permit parking zones within residential areas upon a showing of necessity therefor to provide reasonable and suitable on-street parking availability to occupants of dwellings within the zone because of the circumstances set forth in subsection (a) of this section.
- (c) *Permits.* A resident within a designated residential permit parking zone may obtain residential parking permits in such number as may be determined by the council on a case-by-case basis for the parking of resident and guest motor vehicles. The permit authorizes the motor vehicle to be parked in the residential permit parking zone for a continuous period of time, not exceeding 20 consecutive hours, notwithstanding any posted limited parking, but does not authorize parking in a no parking zone nor parking in violation of snow removal provisions of this Code. The permit is issued by the clerk.
- (d) *Fee.* The permit fee shall be as established by chapter 26.
- (e) *Form of permit.* The residence parking permit is circular in shape, red in color, bears the letter "R" on its face, bears a code number representing the residence address of the owner of the vehicle on file in the office of the clerk, and must be capable of affixation to the inside of the rear window of the motor vehicle, or in such format as determined by the council.
- (f) *Placement.* The residence parking permit must be affixed to the inside of the rear window of the motor vehicle in the lower corner of the driver's side and located so as not to obstruct the vision of the driver; or, in the case of a nonsticker permit, it shall be located visibly in the rear window area on the driver's side or affixed temporarily to the rear window on the driver's side.

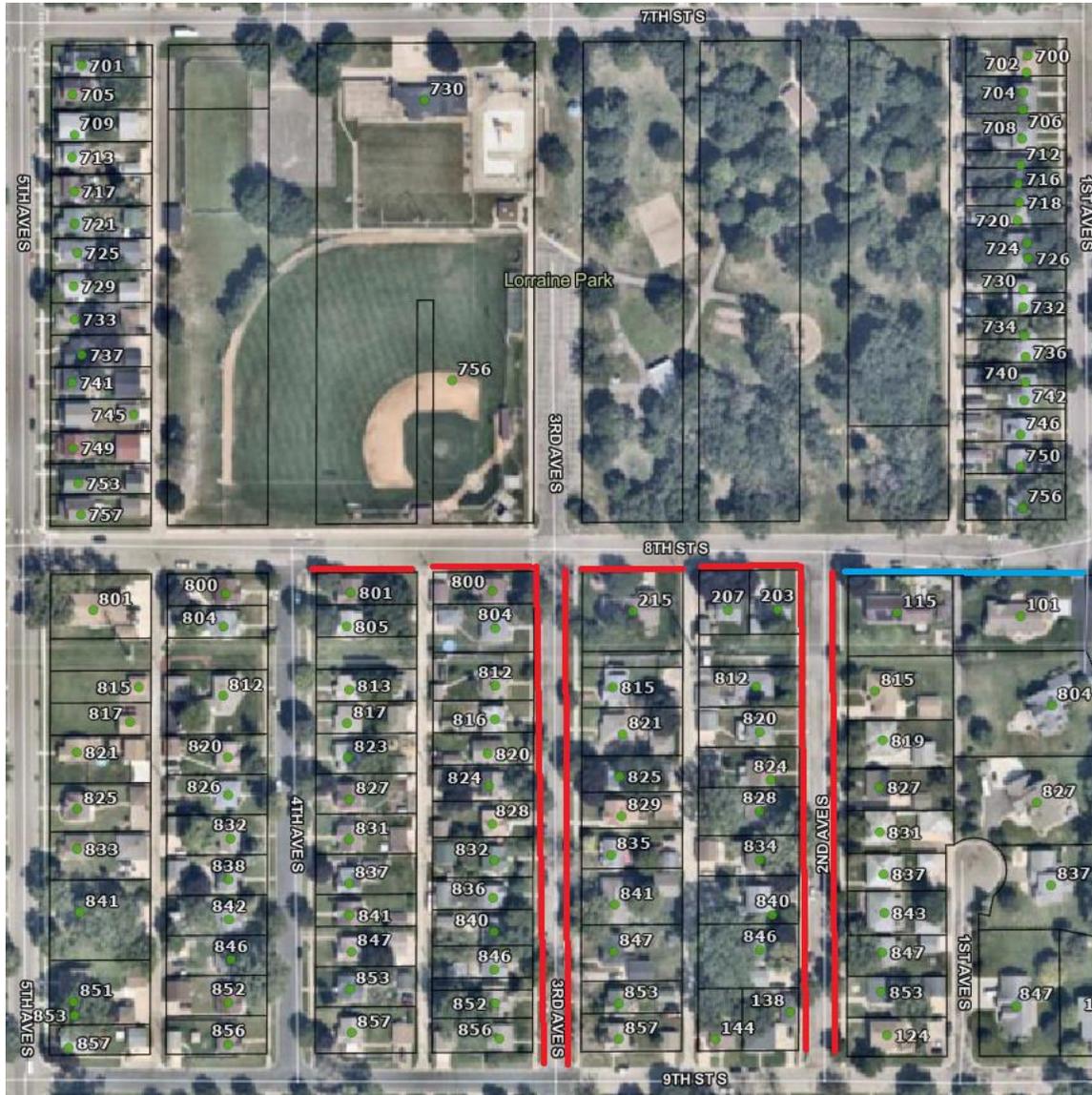
(Code 1992, § 1305.25)

**ATTACHMENT B
MCMORROW FIELD PERMIT PARKING ZONE MAP**



= Signs Say "Parking by Permit Only"

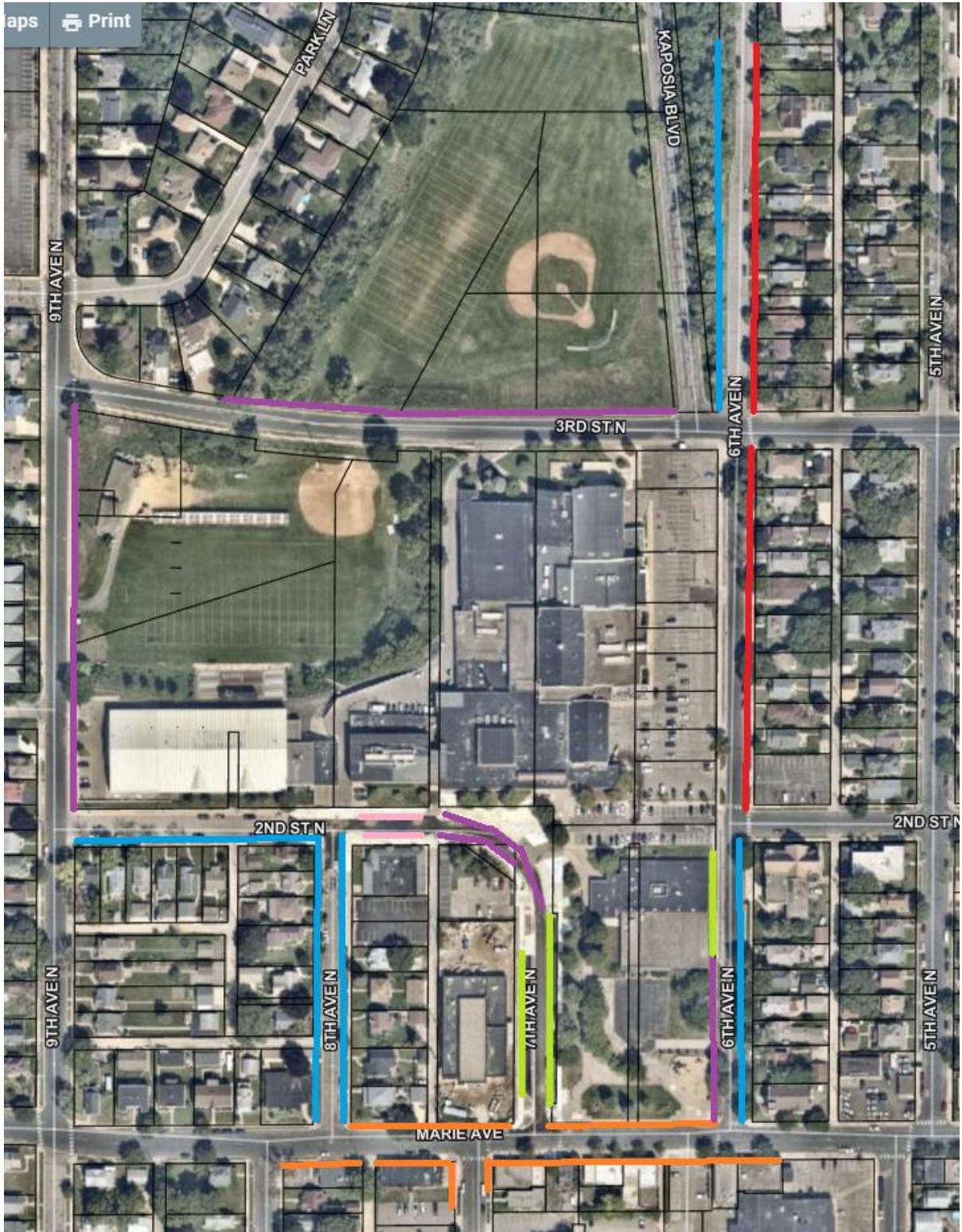
**ATTACHMENT C
MCGUIRE FIELD AT LORRAINE PARK PERMIT PARKING ZONE MAP**



— = Signs Say “Parking by Permit Only During Ballgame”

— = Verbal Request Received for an Expansion of Permit Parking to this Block

**ATTACHMENT D
SOUTH ST. PAUL HIGH SCHOOL PARKING RESTRICTION MAP**



-  = Signs Say **“Parking by Permit Only- Enforced at All Times”**
-  = Signs Say **“2 Hour Parking- 8 AM to 6 PM, Monday through Friday”**
-  = Signs Say **“2 Hour Parking- 8 AM to 6 PM, Monday through Saturday”**
-  = Signs Say **“3 Hour Parking- 7 or 8 AM to 3 or 6 PM, Monday through Friday”**
-  = Signs Say **“1 Hour Parking- 7 AM to 6 PM, Monday through Friday”**
-  = Signs Say **“No Parking Any Time”**



AGENDA ITEM: Domestic Partnership Registration

DESIRED MEETING OUTCOMES:

- Discuss citizen request for consideration of a Domestic Partnership Registration program in SSP and provide Council with information about the concept.
- Receive Council direction on whether to take steps necessary to create a Domestic Partnership Registration program.

OVERVIEW:

In the past several months, Council and Staff have received correspondence from citizens requesting that the City consider establishing a Domestic Partnership Registration program. Established as an ordinance at the municipal level (this is not something the State or County do), Domestic Partnership Registrations allow a cohabitating but unmarried or otherwise unrelated couple to register as domestic partners for a nominal fee and receive a certificate that verifies their registration. Registration of a Domestic Partnership serves purposes for the couple that may include eligibility for certain benefits or protections voluntarily provided by employers as well as to be recognized as a health care agent for their domestic partner. At least 19 municipalities in the State have adopted ordinances related to Domestic Partnership Registration, including Eagan and Northfield in Dakota County, several other Twin Cities Suburbs, and communities such as Rochester and Duluth. Included as an attachment is a relatively useful and comprehensive overview of Domestic Partnership Registration prepared by Outfront Minnesota, a private non-profit focused on advancing work towards a safe and equitable world where all members of “communities are free to lead lives of opportunity, autonomy, and full self-expression”.

This is intended as an informational session that, if the concept is supported, would return to the Council in a more formulated manner as an amendment to the City Code of Ordinances and Fee Schedule.

FUNDING SOURCE AND OTHER FINANCIAL CONSIDERATIONS:

Typically, Domestic Partnership Registration is administered out of the City Clerk’s office and carries a nominal (typically less than \$100) application fee. There are not typically any significant costs to the City for administration of such a program.

DOMESTIC PARTNER REGISTRATION

Though Minnesota permits marriage between two people regardless of their sex, some couples prefer not to marry for political, cultural, economic, or other reasons. Some may prefer to register as domestic partners. Nineteen Minnesota cities currently have domestic partnership ordinances that allow unmarried couples (same-sex or opposite-sex), who meet certain criteria, the ability to document their relationships for the purpose of securing voluntary employer benefits and some limited forms of legal recognition to protect their families. Those cities are: Crystal, Duluth, Eagan, Eden Prairie, Edina, Falcon Heights, Golden Valley, Hopkins, Maplewood, Minneapolis, Northfield, Red Wing, Richfield, Robbinsdale, Rochester, Saint Louis Park, Saint Paul, Shoreview, and Shorewood.

What are municipal domestic-partner registration ordinances?

In 1991, the City of Minneapolis created Minnesota's first municipal domestic-partner registration ordinance. Since then, other cities have followed suit. These ordinances allow a couple, whether same-sex or different-sex, to register as domestic partners for a nominal fee (usually \$25-\$50) and receive a certificate that verifies their registration.

Municipal domestic-partner registries are permitted by state law.



Though Minnesota law no longer restricts marriage to different-sex couples, state law allows local governments to register domestic partners (see Ch. 145C). Each of the domestic-partner registration ordinances in Minnesota provides for recognition of registrations from other cities, as well as domestic partnerships, civil unions, and even marriages from other jurisdictions – as municipal domestic partnerships, and nothing more. Domestic-partnership registration ordinances do not create or limit rights or obligations in such areas as inheritance, adoption, child custody, separation, or over 500 related areas governed solely by State law. Counties administer State law, and because State law does not create a domestic-partner registry, there is nothing in this context for counties to administer – hence, counties are not involved in this conversation, which is currently handled at the municipal level.

Municipal domestic-partner registrations serve purposes beyond symbolism.

Undeniably, under Minnesota law, local governments are very restricted in terms of the rights or privileges they could attach to a domestic-partner registration. A registration ordinance simply provides unmarried couples who attest that they satisfy the City's definition of a "domestic partnership" the ability to secure government documentation that a relationship exists. That documentation function strengthens couples' ability to secure benefits or protections voluntarily provided by businesses, hospitals, or other entities, which can rely on a registration certificate for their paperwork needs rather than having to create their own.

Municipal domestic-partner registration ordinances impose no costs on local businesses.



None of the domestic-partner ordinances passed in Minnesota requires any private business or other entity to pay to provide financial benefits of any kind to couples who register. A domestic-partner registration ordinance, however, can make it easier for those businesses who would like to provide these or other benefits but who don't want to create their own, internal registration process.

Passing a municipal domestic-partner registration ordinance imposes no costs on a City itself.

Local governments in Minnesota may not offer their employees' domestic partners health coverage akin to that provided to employees' spouses. Other employment benefits, e.g., bereavement leave, may be offered, if the City chooses; merely passing a domestic-partner registration ordinance does not require a City to do so. The cost of preparing forms for couples to use for registration is more than offset by the registration fee couples are charged. Passing a domestic-partner registration ordinance does not require a city to provide any particular benefits to its employees' domestic partners, though naturally a City may choose to do so, other than dependent health coverage.

Municipal domestic-partner registration ordinances may help attract businesses and residents.

There is no evidence that in twenty years' experience, businesses or residents have left, or declined to move to, Minneapolis due to its domestic-partner registration ordinance. In OutFront Minnesota's experience, local leaders express support for such ordinances because they enhance their city's reputation as welcoming to all families and communities, and they are conducive to welcoming new businesses and residents.



Municipal domestic-partner registries do not affect places of worship.

A municipal domestic-partner registration ordinance is entirely a function of civil government and has no effect on places of worship. Should a place of worship choose to conduct a ceremony for domestic partners, they are of course free and welcome to do so, but no government entity may require that a place of worship recognize or act on a domestic-partner registration.





COUNCIL WORKSESSION REPORT

DATE: JULY 22, 2024

DEPARTMENT: ADMINISTRATION

PREPARED BY: Ryan Garcia

5

AGENDA ITEM: Cable Franchise Fee Agreement

DESIRED MEETING OUTCOMES:

Discuss request from Executive Director and Board of NDC 4 for consideration of a modification to the handling/reimbursement to Cities of collected Franchise Fees for a period of up to three (3) years beginning with 2025 Budget Year. Identify next steps or additional information needed by Council to respond to the request, if necessary.

DISCUSSION:

At a meeting of the seven member cities of the Northern Dakota County Cable Commission (“NDC4”) on July 17, a presentation of NDC4’s Audited Financial Statement and Proposed 2025 Budget was given by Executive Director Jodie Miller. As articulated in Ms. Miller’s presentation, NDC4 continues to realize declining revenues largely due to the fact that Cable Franchise Fees, paid by the cable provider for use of the public right-of-way for their cable transmission infrastructure, continue to decline with each passing year as more households “cut the cord”.

Franchise fees typically have accounted for more than 95% of all NDC4 revenues, and have been trending downward since at least 2018 at rates of 2% - 5% per year. In light of these trends, NDC4 has budgeted for continued and increasing reduction of franchise fee revenues for 2024 and 2025. In 2023, cable franchise fees collected by NDC4 totaled approximately \$1,050,000. Consistent with a long-standing Joint Powers Agreement between NDC4 and the 7 member cities (South St. Paul, West St. Paul, Inver Grove Heights, Mendota Heights, Mendota, Lilydale, and Sunfish Lake), NDC4 retains 75% of franchise fees collected each year and each of the 7 cities receives a pro rata share of the remaining 25% of franchise fees, based upon cable subscribers in that City. In 2024 (based on 2023 fees collected), South St. Paul received just under \$50,000 as our share of franchise fees.

In recent history, NDC4 has been taking some measures in an attempt to offset the anticipated continued decline in cable franchise fee revenues as more and more households commit to streaming/broadband services. First, NDC4 has been reducing expenditures, with an actual 8.7% reduction in expenses in 2023 (compared to 2022) and a budgeted 4.4% reduction in total expenditures in 2024. In addition, NDC4 along with their trade association and the League of Minnesota Cities spent considerable energy in the most recent legislative session to lobby for legislation that sought to “modernize” the funding structure impacting NDC4 and all other similar organizations throughout the state. To boil it down, currently franchise fees are only applied to cable providers on their cable revenues; there is no requirement that revenues generated by these same providers, in these same public rights-of-way, for broadband/internet services that they deliver be assessed a franchise fee. NDC4 and their partners worked throughout the session on a bill that would have introduced a franchise fee to broadband/internet provider revenues, a bill that ultimately did not pass. All indications are that these efforts will continue in the next legislative session.

In summary, NDC4 and local access media companies in general are facing declining revenues, an antiquated funding formula, and the challenges of reducing expenditures. Against this backdrop, Executive Director Miller presented the group with two “asks” at the July 17th meeting:

- 1) NDC4 hired a specialized CPA firm in 2020 to audit Comcast’s cable company franchise fee calculations from 2015-2019, which revealed some erroneous accounting (on Comcast’s part) and an “underpayment” of cable franchise fees for those years. Ultimately, NDC4 ended up being due two settlement payments, one in FY 2021 and one in FY 2022. NDC4 is asking: **can they keep the revenues from those settlement payments, rather than returning 25% to the City, as they would normally do in accordance with the Joint Powers Agreement?** These funds (about \$12,000 of which would be due to SSP) are currently sitting in the “payables” category on NDC4’s books, and **they are seeking a one-time special waiver of the normal 25% sharing arrangement.**
- 2) NDC4 is also asking whether the **Member Cities would consider “suspending” and/or “reducing” the annual 25% Franchise Fee Payments for FY 2024/2025/2026 (unless they are successful sooner in modernizing the funding structure statewide)?** This would give NDC4 a short-term “cushion” as they work on the legislative and strategic solutions. Ms. Miller presented a concept whereby the reduction would be “throttled down” as follows: 12.5% in 2025, 6.25% in 2026, and 0% in 2027, but obviously the actual terms are open to some discussion and negotiation.

Staff would like to discuss these requests at “face value” with Council at Monday’s Worksession. I’ve tried to accurately represent the challenge NDC4 is facing as it relates to cable franchise fees and the impacts on their operations in enough detail to inform the Council’s decision-making, but am also careful to not attempt to stand-in for Ms. Miller or present detailed data or information that ultimately, the City does not “own”. If the Council feels that a one-on-one discussion w/ Ms. Miller is warranted to dig deeper and hear first-hand on these issues, I know that she would be open to appearing at the next (or a near-future) Worksession.

FUNDING SOURCE AND OTHER FINANCIAL CONSIDERATIONS:

Cable Franchise fees collected by South St. Paul, which in 2024 are estimated at approximately \$50,000, are treated as franchise fee revenue in the City’s General Fund Budget. Reducing this amount for 2025 by cutting it in half would have a minor effect on the 2025 Budget.