



**ACTION MINUTES OF THE
SAINT PAUL CITY COUNCIL
Thursday, July 5, 2007 - 3:30 p.m.**

PUBLIC HEARINGS – 5:30 P.M.

**CITY COUNCIL CHAMBERS, 3RD FLOOR
City Hall and Court House
15 West Kellogg Boulevard**

**Mary Erickson - 651-266-8565
Office of the City Council**

**Present – 6 – Benanav, Bostrom, Harris, Lantry, Montgomery, Thune
Absent – 1 – Helgen (excused)**

CONSENT AGENDA (Items 1 - 35)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of CMR/Qwest Claims, Raymond J. Hessler, Paul G. Hillestad, Peter N. Kittleson, Song Vang, and Laura L. Weidmann.
Referred to Risk Management
2. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on July 18, 2007 to receive comment on the Summary of the Railroad Island Plan.
3. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on July 18, 2007 to receive comment on the Summary of the District 10/Como Plan.
4. Letters from the Department of Safety and Inspections declaring 963 Burr Street and 1000 DeSoto Street as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

FOR ACTION

5. Resolution – 07-550 – Approving the Maintenance Labor Agreement between the City of Saint Paul and the Operative Plasterers and Cement Masons International Association, Local 633. (Laid over from June 27 for adoption) (GS 3040879)
Adopted Yeas – 6 Nays – 0

6. Resolution – 07-572 – Approving the Memorandum of Agreement between the City and the Professionals Employees Association, Inc. for employees in Information Services Division of the Office of Technology regarding on-call procedures/ compensation. (To be laid over one week for adoption) (GS 3041092)
Laid over to July 11 for adoption Yeas – 6 Nays – 0

7. Resolution – 07-573 – Approving the Memorandum of Agreement between the City and AFSCME Local #1842 for a pilot project within Saint Paul Regional Water Services for the job classifications of Water Utility Technician I, II, and III. (To be laid over one week for adoption) (GS 3041110)
Laid over to July 11 for adoption Yeas – 6 Nays – 0

8. Resolution – 07-574 – Approving the Memorandum of Agreement between the City and the International Brotherhood of Electrical Workers Local #110 for the 2007 Wage and Fringe Adjustment. (To be laid over one week for adoption) GS 3041159)
Laid over to July 11 for adoption Yeas – 6 Nays – 0

9. Resolution – 07-575 – Establishing the rate of pay for the new classification of Water Resource Coordinator in Grade 19 of Bargaining Unit 06, Professional Employees Association. (GS 3040754)
Adopted Yeas – 6 Nays – 0

10. Resolution – 07-576 – Appointing Mayor Coleman to the League of Minnesota Cities Board of Directors. (GS 3041291)
Adopted Yeas – 6 Nays – 0

11. Resolution – 07-577 – Amending Council File 07-396 and deleting the assessment for property at 128 Cook Avenue East. (GS 3041234)
Adopted Yeas – 6 Nays – 0

12. Resolution – 07-578 – Approving the use of Neighborhood STAR Investment Initiative Program Funds for the Raymond Gordon and Marshall Median projects in Ward 4. (GS 3041209)
Adopted Yeas – 6 Nays – 0
13. Resolution – 07-579 – Canceling eleven (11) outstanding registered bills for the Hallie Q. Brown Community Center. (GS 3040877)
Adopted Yeas – 6 Nays – 0
14. Resolution – 07-580 – Accepting a grant from the Corporation for National and Community Service to provide up to twenty Ameri-Corps*VISTA members for the City of Saint Paul VISTA program. (GS 3041056)
Adopted Yeas – 6 Nays – 0
15. Resolution – 07-581 – Approving Cable Access-St. Paul, Inc. (d/b/a Saint Paul Neighborhood Network – SPNN) amended April 10, 2007 By-Laws. (GS 3041073)
Adopted Yeas – 6 Nays – 0
16. Resolution – 07-582 – Memorializing City Council action taken June 13, 2007 denying the appeal of William Madden, Jr. to a decision of the Board of Zoning Appeals granting a side yard setback variance in order to construct a sunroom addition at 2215 Como Avenue. [ZF 07-081619] (GS 3041150)
Adopted Yeas – 6 Nays – 0
17. Resolution – 07-583 – Authorizing the Department of Planning and Economic Development to submit five (5) City of Saint Paul applications to the Metropolitan Council for Livable Communities Demonstration Account funding for 2008. (GS 3040499)
Adopted Yeas – 6 Nays – 0
18. Resolution – 07-584 – Amending the 2007 adopted Capital Improvement Budget for the sidewalk reconstruction program by recognizing a transfer from the ROW assessment fund rather than use of street improvement bonds. (GS 3040875)
Adopted Yeas – 6 Nays – 0
19. Resolution – 07-585 – Approving a license agreement with Magnolia Blossom to

locate and operate a cruise and/or charter service at the Watergate Marina from January 1, 2008 through December 31, 2012. (GS 3040951)

Adopted Yeas – 6 Nays – 0

20. Resolution – 07-586 – Authorizing the Police Department to accept a donation from the Saint Paul Police Foundation to pay for training for 100 law enforcement officials throughout the Twin Cities metro area and members of the Twin Cities Security Partnership on instructions and guidance relating to the arrest and detention of foreign national and related issues. (GS 3040372)

Adopted Yeas – 6 Nays – 0

21. Resolution – 07-587 – Authorizing the Police Department to accept a Safe & Sober grant from the Minnesota Department of Public Safety. (GS 3039790)

Adopted Yeas – 6 Nays – 0

22. Resolution – 07-588 – Authorizing the Police Department to enter into a 2005 Buffer Zone Protection Grant amendment with the Minnesota Department of Public Safety for funding for equipment to enhance security at critical infrastructure sites in the City of Saint Paul. (GS 3040350)

Adopted Yeas – 6 Nays – 0

23. Resolution – 07-589 – Memorializing City Council action taken June 20, 2007 imposing adverse action against all licenses held by Billy Neng Yang, d/b/a Asian Cuisine, 945 Rice Street, Suite A. (GS 3041076)

Adopted Yeas – 6 Nays – 0

24. Resolution – 07-590 – Approving adverse action against the Entertainment B license application submitted by G – 8 Inc., d/b/a Starting Gate Pub, 2516 – 7th Street West. (GS 3040452)

Adopted Yeas – 6 Nays – 0

25. Resolution – 07-591 – Approving adverse action against the Liquor On Sale – Over 200 Seats (A), Liquor On Sale-Sunday, Entertainment (B), and Restaurant (C) – Limited license applications submitted by Selvig, Inc., d/b/a Cab’s Pub and Eatery, 992 Arcade Street. (GS 3040970)

Adopted Yeas – 6 Nays – 0

26. Resolution – 07-592 – Approving adverse action against the Cigarette/Tobacco, Alarm Permit (New), Malt Off Sale, Retail Food (C) Grocery 1001-2000 sq. ft.,

and Gas Station license applications submitted by Gas It For Less, Inc., d/b/a Gas It For Less & West 7th Market, 675 7th Street West. (GS 3040971)

Adopted Yeas – 6 Nays – 0

27. Resolution – 07-593 – Waiving the 45-day notification requirement and granting, with conditions, an on sale malt (3.2) license to Kenkayba’s Place, 864 University Avenue West. (GS 3041074)

Adopted Yeas – 6 Nays – 0

28. Resolution – 07-594 – Amending the spending and financing plans of the Davern-West 7th Street to Shepard Road project by adding sewer and water financing and transferring MSA from the Ayd Mill Off-Road Trail project. (GS 3040176)

Adopted Yeas – 6 Nays – 0

29. Resolution – 07-595 – Authorizing renewal of a no-fee, 10-year lease with the Minnesota Department of Natural Resources (DNR) for a City recreation trail on DNR property near the East Metro Area Fisheries Office. (GS 3040810)

Adopted Yeas – 6 Nays – 0

30. Resolution – 07-596 – Approving a contract with City Design Group to provide services for the State of Minnesota, Second Judicial District, for remodeling work in Room 130 of the Courthouse. (GS 3040870)

Adopted Yeas – 6 Nays – 0

31. Resolution – 07-597 – Approving a contract with City Design Group for laying out space for Ramsey County Corrections in various locations in Ramsey County. (GS 3040874)

Adopted Yeas – 6 Nays – 0

32. Resolution – 07-598 – Authorizing the proper City officials to enter into a cooperative construction agreement with Ramsey County for reconstruction of White Bear Avenue at Maryland Avenue. (GS 3040500)

Adopted Yeas – 6 Nays – 0

- 33. Preliminary Order – 07-599 – In the matter of the operation and maintenance costs for the Arcade/Case and the Grand/Snelling parking lots for 2009, and setting date of public hearing for August 15, 2007. [File No. 18744 & 18746] (GS 3041014)
Adopted Yeas – 6 Nays – 0

 - 34. Resolution Approving Assessment – 07-600 – In the matter of the assessment of benefits, cost, and expenses for the Arcade/Case and the Grand/Snelling parking lots operation and maintenance costs for 2008, and setting date of public hearing for August 15, 2007. [File No. 18744 & 18756] (GS 3041016)
Adopted Yeas – 6 Nays – 0

 - 35. Resolution Approving Assessment – 07-601 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property clean-up) on private properties from May 17 to June 12, 2007 [J0709A]; providing weekly garbage hauling services from May 17 to June 12, 2007 [J0709G]; and setting date of Legislative Hearings for July 24, 2007 and City Council public hearings for August 15, 2007. (GS 3041156)
Adopted Yeas – 6 Nays – 0
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FOR DISCUSSION

- 36. Resolution – 07-477 – Adopting a Summary of the Highland Park/District 15 Neighborhood Plan as an addendum to the City’s Comprehensive Plan. (Laid over from June 6) (GS 3039615)
Laid over to July 18 Yeas – 6 Nays – 0

- 37. Resolution – 07-555 – Subordinating the City’s STAR Loan to \$400,000 of additional debt for improvements to the McNally-Smith Music College. (Laid over from June 27) (GS 3040751)
Laid over to July 18 Yeas – 6 Nays – 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

- 38. Third Reading – 07-547 – An ordinance memorializing action granting the application of Firstborne Properties to rezone property from R4 (One-Family Residential) to B2 (Community Business) at 1337 Pascal Street North (southwest corner at Bison Avenue). [ZF 07-027-041] (Public hearing held May 16, 2007) (GS 3040380)

Laid over to July 11 for final adoption

- 39. Second Reading – 07-566 – An ordinance amending Section 411.04 of the Saint Paul Legislative Code to limit Class B and C Entertainment licenses to establishments holding Intoxicating Liquor licenses. (GS 3041017) (Department of Safety and Inspections report will be given)

Laid over to July 18 for third reading/public hearing

PUBLIC HEARINGS (public hearings will begin at 5:30 p.m.)

- 40. Third Reading – 07-526 – An ordinance amending Chapter 33.07 of the Saint Paul Legislative Code to provide for variances of corner clearance requirements. (GS 3040493)

Laid over to July 11 for final adoption

- 41. Resolution – 07-602 – Approving the application of The Cherry Pit for a sound level variance in order to present amplified music, with limitations, from 8:00 p.m. to 12:00 midnight on July 14, 2007 at 735 White Bear Avenue North. (GS 3040878)

Adopted Yeas – 6 Nays – 0

- 42. Resolution – 07-603 – Approving the application of Mike Feddersen for a sound level variance in order to present amplified music, with limitations, from 5:00 p.m. to 12:00 midnight on August 18, 2007 at 45 Lexington Parkway. (GS 3040811)

Adopted as amended Yeas – 6 Nays – 0

- 43. Resolution – 07-604 – Approving the application of Bridget Berigan for a sound level variance in order to present amplified music from 5:00 p.m. to 10:00 p.m. on

July 28, 2007 at 1080 Hoyt Avenue. (GS 3040950)

Adopted Yeas – 6 Nays – 0

44. Resolution – 07-605 – Approving the application of Puppeteers of America/ National Puppetry Festival for a sound level variance in order to present amplified music, with limitations, from 9:30 p.m. to 11:30 p.m. on July 17, 2007 at Concordia College, 275 Syndicate Street North. (GS 3040990)

Adopted Yeas – 6 Nays – 0

45. Resolution – 07-606 – Authorizing the City to grant a permanent pipeline easement and temporary construction easement to Northern States Power Company, d/b/a Xcel Energy, and to accept compensation for the easements and related tree replacement costs located at Lilydale Park. (GS 3040693)

Adopted Yeas – 6 Nays – 0

46. Final Order – 07-607 – In the matter of reconstructing sidewalks on the south side of Exchange Street West from St. Peter Street to Wabasha Street North [S0707]; on the north side of Kellogg Boulevard East from Cedar Street to Minnesota Street [S0708]; on the east side of Minnesota Street from Seventh Street East to Ninth Street East [S0709]; and on the south side of Sixth Street East from Robert Street North to Jackson Street [J0710]. (GS 3039930)

Adopted Yeas – 6 Nays – 0

47. Public hearing to consider the application of Teresa Deming to rezone property at 1539-1541 Lincoln Avenue, between Saratoga Street and Snelling Avenue, from R4 (one-family residential) to RT2 (townhouse residential). (ZF 07-074-940)

Motion of Intent – Application Denied Yeas – 6 Nays – 0

48. Public hearing to consider the appeal of Edina Properties, Inc., Jenifer Kent, to a decision of the Board of Zoning Appeals, which determined that Noodles & Company restaurant was a fast-food restaurant. (ZF 07-093604) (Application for 777 Grand Avenue)

Motion of Intent – Appeal Denied Yeas – 5 Nays – 1 (Bostrom)

49. Public hearing to consider the appeal of Kawaljit Bhatia/Maharaja's to a decision of the Board of Zoning Appeals granting a variance to allow maneuvering for off-

street loading within the public right-of-way at 211 West Seventh Street (Cossetta's). (ZF 07-095865)

Motion of Intent – Appeal Denied Yeas – 6 Nays – 0

50. Resolution – 07-608 – Ordering the owner to remove the building(s) at 78 Sycamore Street East within fifteen (15) days from adoption of resolution. (GS 3040142) **(Legislative Hearing Officer recommends approval)**

Adopted Yeas – 6 Nays – 0

51. Resolution Ratifying Assessment – 07-609– In the matter of the assessment of benefits, cost, and expenses for summary abatements (property clean-up) on private properties from April 12 to April 27, 2007 [J0707A]; weekly garbage hauling services from April 18 to April 26, 2007 [J0707G]; demolition of a vacant building in April, 2007[J0706C]; and removing diseased elm trees from 519 Farrington Street during the winter season 2006/2007 [0703T]. (GS 3039673)

(Legislative Hearing Officer recommends the following:

- 1140 Arkwright Street (J0707A) - approve the assessment;
- 431 Charles Avenue (J0707A) - delete the assessment;
- 431 Charles Avenue (J0707G) - delete the assessment;
- 610 Desnoyer Avenue (J0707A) - delete the assessment;
- 1107 Edgerton Street (J0707A) - approve the assessment;
- 519 Farrington Street (J0703T) - approve the assessment;
- 859 Marion Street (J0707A) - approve the assessment and spread the payments over five (5) years;
- 1067 Oxford Street North (J0707A) - approve the assessment;
- 186 Prescott Street (J0707A) - approve the assessment;
- 1657 Selby Avenue (J0707A) - approve the assessment;
- 771 Seventh Street West (J0707A) - delete the assessment;
- 818 Sherburne Avenue (J0707A) - approve the assessment;
- 818 Sherburne Avenue (J0707G) - approve the assessment;
- 667 Sims Avenue (J0707A) - approve the assessment;
- 678 Snelling Avenue North (J0707A) - approve the assessment;
- 1220 Sylvan Street (J0707A) - ~~delete the assessment if the owner provides the waiver prior to July 5;~~ Laid over to July 18 City Council Public Hearings
- 1449 University Avenue West (J0707A) - ~~delete the assessment if the owner provides the waiver prior to July 5~~ Laid over to July 18 City Council Public Hearings;
- 1744 University Avenue West (J0707A) - delete the assessment; and
- 643 Winslow Avenue (J0707A) - approve the assessment.)

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas – 6 Nays – 0

52. Resolution Ratifying Assessment – 07-610 – In the matter of the assessment of benefits, cost, and expenses for summary abatement for the excessive consumption of inspection services for property code violations billed during November 27, 2006 to January 30, 2007 [J0701E], and towing abandoned vehicles from private property during February 2007 [J0702V]. (GS 3039951) **(Legislative Hearing Officer recommends the following:**

457 Charles Avenue (J0701E) - lay over to the July 10 Legislative Hearing and July 18 City Council Public Hearing;

128 Cook Avenue East (J0701E) - approve the assessment and spread the payments over two (2) years;

957 Cook Avenue East (J0701E) - approve the assessment;

83 Isabel Street East (J0701E) - approve the assessment;

733 Jessamine Avenue East (J0702V) - approve the assessment;

1633 Sherwood Avenue (J0701E) - delete the assessment;

123 Sycamore Street West (J0701E) - lay over to the July 10 Legislative Hearing and July 18 City Council Public Hearings; and

829 Third Street East (J0701E) – lay over to the July 10 Legislative Hearing and July 18 City Council Public Hearings)

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas – 6 Nays – 0

53. Appeal of Loren Myhre to a Revocation of Certificate of Occupancy, which includes Condemnation, for property at 619 North Street (units 2 and 3); and Appeal of Darryl Washington to a Revocation of Certificate of Occupancy, which includes Condemnation, for property at 619 North Street (unit 4). **(Legislative Hearing Officer recommends denying the appeal and granting an extension to vacate the building from June 18 to July 9.)**

Appeal denied and extension granted from June 18 to July 9, 2007 to vacate the building. Yeas – 6 Nays – 0

54. Appeals of Troy Allison to Summary Abatement Orders for properties at 1522-1524 Carroll Avenue and 1350 Thomas Avenue. **(Legislative Hearing Officer**

recommends denying the appeal for the Summary Abatement Order for 1522-1524 Carroll Avenue. The Summary Abatement Order issued to 1350 Thomas Avenue was issued in error and orders were withdrawn by DSI-Code Enforcement)

Appeal denied for the Summary Abatement Order for 1522-1524 Carroll Avenue. Yeas – 6 Nays – 0

- 55. Appeal of Deborah Eagan to a Summary Abatement Order and Vehicle Abatement Order for property at 1820 Reaney Avenue East.
(Withdrawn)

Council Meeting Information

Web

Meetings are available on the Council's Web site. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit <http://www.stpaul.gov/council/> for meeting videos and updated copies of the agendas, minutes and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)
