

ACTION MINUTES OF THE SAINT PAUL CITY COUNCIL

Wednesday, July 3, 2002 - 3:30 - 5:00 p.m.

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

Nancy Anderson, Assistant Secretary to the Council
Mary Erickson, Clerical Support - 651-266-8565
Office of the City Council

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Present - 7 - Benanav, Blakey, Bostrom, Coleman, Harris, Lantry, Reiter

Absent - 0

CONSENT AGENDA (Items 1 - 30)

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

The following communication was read into the record by Nancy Anderson, Assistant City Council Secretary:

Letter from the City Attorney's Office announcing a public hearing before the City Council on July 10, 2002, to reconsider the decision made in Council File #01-760 based on a Court of Appeals decision that remanded the decision back to the City Council regarding Manoucher Rostamkhani vs. the City of St. Paul. (790 Selby Avenue).

1. Claims of Enterprise Rent-A-Car, Lillian Lloyd, Gary Marx, Luetta Menzel, Ujean Pal, Peterson & Nelson, Attorneys at Law (for Joyce Peloquin), Progressive Insurance (for Debra Meisner), Meshbeshier & Spence, LTD. (for Shirlee Sherkow), Dennis and Susan Schell, and Daren Stegeman.

Referred to the Risk Management Division

2. Summons and Complaint in the matter of Speedway SuperAmerica LLC, vs. City of Saint Paul.

Referred to the City Attorney's Office

3. Petition in Condemnation and Motion for Transfer of Title and Possession, Notice of Hearing to Approve Petition in Condemnation and Motion for Transfer of Title and Possession, Notice of Intent to Take Possession, Proposed Order Granting Petition and Appointing Commissioners and Proposed Order authorizing Payment or Deposit and Transferring of Title in the matter of the Saint Paul Housing and Redevelopment Authority vs. the City of Saint Paul, et al in the matter of the condemnation of real property at the Northwest corner of Franklin and Berry Avenues for the Franklin-Emerald Redevelopment Project.

Referred to the City Attorney's Office

4. Final Report of Commissioners in the matter of the State of Minnesota, by Mike Hatch, its Attorney General vs. the City of Saint Paul, et al regarding the condemnation of certain lands for public purposes.

Referred to the City Attorney's Office

5. Letter from the Office of the City Attorney announcing a hearing before an Administrative Law Judge on July 23, 2002, at 9:30 a.m., Room 41, Saint Paul City Hall, to consider the Wrecker/Towing License held by A-1 Able Towing, 14 E. Acker Street.

6. Letter from the Office of the City Attorney announcing a hearing before the City Council on July 24, 2002, to consider the application of Otis Taylor for a Saint Paul Taxicab Driver's License.

7. Letters from the Office of the City Attorney recommending revocation of the provisional taxicab driver's license of the following individuals based upon their failure to enroll in and successfully complete a taxicab driver training course: Ahmed Boru, Fred Carey, Kariim Geer, Liban Haji, Elizabeth Halleran, Erik Larson, Richard Laughead, Natasha Mazoleny, Hesham Oraby, Jeffrey Patterson, Michael Phaneuf, Tim Regentz, Steven Schutte, Mukhtar Sherifali, Richard Spencer, and Christopher Stumler.

8. Letter from the Real Estate Division announcing a public hearing before the City Council on July 24, 2002, to consider the petition of R.S. Eden to vacate City interest in the alley turnaround in Block 19, Gurney Park lying south of the westerly extension of the north line of Lot 7, said Block 19 to facilitate development of abutting property for multi-family housing.

FOR ACTION

9. Resolution - 02-589 - Approving the Memorandum of Agreement between the Independent School District No. 625 and the International Brotherhood of Electrical Workers No. 110 to establish terms and conditions of employment for 2002-2003. (To be laid over one week for adoption)

Laid over to July 10

10. Resolution - 02-590 - Approving payment of \$11,237.50 to Leonid Pugach in full settlement of his property damage claim against the City of Saint Paul.

Adopted Yeas - 7 Nays - 0

11. Resolution - 02-591 - Authorizing application to the Metropolitan Council for the Livable Communities Demonstration Account Program.

Adopted Yeas - 7 Nays - 0

12. Resolution - 02-592 - Amending the spending and financing plans of the 2002 Residential Street Vitality Program in the Department of Public Works by transferring funding from the Arlington-Edgerton to Payne and the 2001 Major Sewer Repair projects.

Adopted Yeas - 7 Nays - 0

13. Resolution - 02-593 - Amending the spending and financing plans of the East 7th Street Lighting and Streetscape project by adding PIA financing from the 1998 and 1999 Local Street, Alley, Sewer and Lighting projects.

Adopted Yeas - 7 Nays - 0

14. Resolution - 02-594 - Defending, indemnifying and holding Macalester College and the University of St. Thomas harmless for the Division of Parks and Recreation to use their athletic track for the period of April 1 to August 1, 2002, from 7:00 to 9:00 p.m.

Adopted Yeas - 7 Nays - 0

15. Resolution - 02-595 - Amending Attachment A (correcting an error in the legal description) in Council File 02-348 adopted on April 24, 2002, vacating City interest in certain properties and approving conveyance of title to the said properties to the Housing and Redevelopment Authority.

Adopted Yeas - 7 Nays - 0

16. Resolution - 02-596 - Authorizing the proper City officials to execute a dedication of permanent and

temporary easements across City property for the purpose of reconstructing and maintaining an existing retaining wall in Rice and Irvine's Addition.

Adopted Yeas - 7 Nays - 0

17. Resolution - 02-597 - Suspending the Sanitary Disposal Vehicle License held by Ron Okerstrom, dba Fergus Power Pump.

Adopted Yeas - 7 Nays - 0

18. Resolution - 02-598 - Concerning adverse action against the Cigarette/Tobacco license held by Snyder Drug Store, Inc. #5010, dba Snyder Drug Store, Inc., 2083 Ford Parkway.

Adopted Yeas - 7 Nays - 0

19. Resolution - 02-599 - Concerning adverse action against the Cigarette/Tobacco license held by Snyder Drug Store, Inc., dba Snyder Brothers Drugs, Inc. #5073, 1620 White Bear Avenue North.

Adopted Yeas - 7 Nays - 0

20. Resolution - 02-600 - Concerning adverse action against the Cigarette/Tobacco license held by Little Grocery, dba Little Grocery, 1724 University Avenue West.

Adopted Yeas - 7 Nays - 0

21. Resolution - 02-601 - Memorializing City Council action taken April 3, 2002, granting the application of Christenson Corporation for preliminary plat approval for subdivision of property bounded by Norfolk Avenue, Davern Street, and West Seventh Street to provide for construction of new commercial and residential buildings. (Gateway Village)

Adopted Yeas - 7 Nays - 0

22 Resolution - 02-602 - Memorializing City Council action taken June 5, 2002, granting the application of Realife, Inc. for combined plat approval for subdivision of property at 1355 Phalen Boulevard (north corner at Johnson Parkway) for residential development.

Adopted Yeas - 7 Nays - 0

23. Resolution - 02-603 - Amending the 2002 budget in the Division of Parks and Recreation to include funding for the Vista Survey and Enhancement project and authorizing proper City officials to enter into any necessary agreements.

Adopted Yeas - 7 Nays - 0

24. Preliminary Order - 02-604 - In the matter of improvements for the Downtown Streetscape Project, Phase 2A, consisting of the total reconstruction of the streets, new curb, gutter, catch basins, clay pavers, new street lighting and streetscape for Fourth Street West, Market Street and Washington Street and setting date of public hearing for July 10, 2002. (File #18996A)

Adopted Yeas - 7 Nays - 0

25. Preliminary Order - 02-605 - In the matter of improvements for the Downtown Streetscape Project,

Phase 2B, consisting of the total reconstruction of the streets and intersection for Fifth Street West, Market Street and Intersection at Sixth Street West and St. Peter Street and setting date of public hearing for July 10, 2002. (File #18996B)

Adopted Yeas - 7 Nays - 0

26. Preliminary Order - 02-606 - In the matter of improvements for the alley in Michel and Robertson's Addition, Block 10, by constructing storm sewer and by grading and paving with a bituminous material (bounded by James Avenue, Palace Avenue, Milton Street and Victoria Street), and setting date of public hearing for July 24, 2002. (File #18971)

Adopted Yeas - 7 Nays - 0

27. Preliminary Order - 02-607 - In the matter of condemning and taking an easement in the land necessary for the slopes, cuts, and fills, including the right of removal of lateral support and construction of slopes in the grading and paving of the alley in Michel and Robertson's Addition, Block 10 (bounded by James Avenue, Palace Avenue, Milton Street and Victoria Street), and setting date of public hearing for July 24, 2002. (File #18971S)

Adopted Yeas - 7 Nays - 0

28. Preliminary Order - 02-608 - In the matter of improving the alley in Hazel Park, Block 4, by grading and paving with a bituminous material (bounded by Case Street, LaCrosse Avenue, Kennard Street and Flandrau Street), and setting date of public hearing for July 24, 2002. (File #18972)

Adopted Yeas - 7 Nays - 0

29. Preliminary Order - 02-609 - In the matter of condemning and taking an easement in the land necessary for the slopes, cuts, and fills, including the right of removal of lateral support and construction of slopes in the grading and paving of the alley in Hazel Park, Block 4 (bounded by Case Street, LaCrosse Avenue, Kennard Street and Flandrau Street), and setting date of public hearing for July 24, 2002. (File #18972S)

Adopted Yeas - 7 Nays - 0

30. Resolution Approving Assessment - 02-610 - In the matter of the assessment of benefits, cost and expenses for the installation of a water main in Snowshoe Lane, Winthrop Street, Boxwood Avenue and Ogden Court, and setting date of public hearing for August 28, 2002. (File #18941)

Adopted Yeas - 7 Nays - 0

FOR DISCUSSION

31. Resolution - 02-473 - Approving the application for a Gambling Location License by Blues Saloon, dba Lucy's, 601 Western Avenue North. (**Legislative Hearing Officer recommends approval**) (Laid over from June 5)

Adopted Yeas - 7 Nays - 0

32. Deputy Mayor Dennis Flaherty will provide a response from Mayor Kelly on the personnel issue in

the Office of Human Rights. (Requested by the City Council on June 26)

A report was presented by Dennis Flaherty, Deputy Mayor.

33. Update from Al Shetka, Department of Public Works, on the following issues pertaining to the environmental and traffic impact study of the one-year test of the Ayd Mill Road connection to Interstate 35E:

Traffic volume information in order to determine which intersections should be monitored;

Responses to additional questions requested at the June 12 City Council Meeting (not included in Council File 02-531);

Report on speeding/traffic violations on Ayd Mill Road.

Laid over to July 24 Yeas - 7 Nays - 0

34. Consideration of the appeal of Rick Igo to a decision of the Board of Zoning Appeals denying an appeal of a decision by the Zoning Administrator denying an application for legal nonconforming status for outdoor storage of semi-trailers and other material on the property at 726 Selby Avenue. (Public hearing held and laid over from June 26)

Motion of Intent - Appeal denied with requirements (The outdoor storage must be removed from the property within 6 months of the hearing date or obtain the necessary building permits and approvals for construction of a new building on the property. Said construction must commence within one year of the hearing date. Mr. Igo must post a performance bond by August 7, 2002, in the amount of \$2,000 and if the outdoor storage is not removed within 6 months or the necessary permits and approvals are not obtained from the City for construction of a building on the site, said bond will be forfeited and the money will be used to abate the outdoor storage.)

Yeas - 7 Nays - 0

35. Resolution - 02-587 - Amending the 2001 Capital Budget financing and spending plans to include Neighborhood Investment Initiative, Purchase of the Benz Building, Marketing and Promotions, and Police Mounted Patrol Horse Stable. (Laid over from June 26)

Adopted as amended Yeas - 4 Nays - 3 (Blakey, Coleman, Lantry)

36. Resolution Ratifying Assessment - 02-611 - In the matter of the assessment of benefits, cost and expenses for Summary Abatements (property clean-up) at 1514 York Avenue (J0201AAA) and 1104 Rice Street (J0106AAAAA). (**Legislative Hearing Officer recommends approval**) (Public hearing held on June 26)

Adopted Yeas - 7 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.

37. Final Adoption - 02-500 - An ordinance amending Chapter 77 of the Saint Paul Legislative Code to authorize the Water Board to shut off water service to properties in the event sewer bills are delinquent for more than thirty (30) days.

Adopted Yeas - 7 Nays - 0

38. Final Adoption - 02-501 - An ordinance amending Chapter 91 of the Saint Paul Legislative Code pertaining to the rules and regulations of the Saint Paul Regional Water Services as recommended by the Board of Water Commissioners of the City of Saint Paul.

Adopted Yeas - 7 Nays - 0

39. Final Adoption - 02-514 - An ordinance amending the interim ordinance adopted in Council File 02-648 (Arcade Street Study) by extending the terms of the interim ordinance established therein for an additional six months as authorized in Minnesota Statutes 462.357, Subdivision 4.

Adopted Yeas - 7 Nays - 0

40. Third Reading - 02-549 - An ordinance memorializing City Council action approving the application of Mark Steigauf to rezone property from RT-1 (Two-Family Residential) to B-2 (Community Business) to conform with existing business and building at 1645 Iglehart Avenue (northeast corner at Pierce Street). (Public hearing held May 22, 2002)

Laid over to July 10 for final adoption

41. Third Reading - 02-550 - An ordinance memorializing City Council action approving the application, with a condition, of Loraine Mike to rezone property from RT-1 (Two-Family Residential) to B-3 (General Business) to expand a legal nonconforming auto body shop at 388 Front Street and 955 Western Avenue (southwest corner at Front Street and Western Avenue). (Public hearing held May 22, 2002)

Laid over to July 10 for final adoption

42. Third Reading - 02-551 - An ordinance memorializing City Council action approving the application of David and Alison Kronmiller to rezone property from RM-2 (Multi-Family Residential) to B-2C (Community Business - Converted) to allow a professional office at 1684 Selby Avenue (between Pierce and Aldine Streets). (Public hearing held May 22, 2002)

Laid over to July 10 for final adoption

43. Second Reading - 02-570 - An ordinance establishing a new height limit for boulevard plantings of 36 inches, except for plantings within fifteen feet of any intersection or within five feet of any alley, driveway approach or public utility fixture where plantings may not exceed the current height requirement of twelve inches in height. (Substitute introduced on June 26)

Laid over to July 10 for third reading/public hearing

44. First Reading - 02-612 - An ordinance amending Chapter 355 of the Saint Paul Legislative Code requiring second hand dealers to report certain transactions.

Laid over to July 10 for second reading

45. First Reading - 02-613 - An ordinance memorializing City Council action approving the application of the Housing and Redevelopment Authority to rezone property from RT-2 to P-1 to develop a parking lot at 615, 617, 621 & 623 York Avenue (north side between Payne Avenue and Edgerton Street). (Public hearing held June 5, 2002)
Laid over to July 10 for second reading

Suspension Items

Resolution - 02-634 - Requesting Council Research, in consultation with the Office of License, Inspections and Environmental Protection, to review the City's cabaret license policies and requirements and report back to the City Council no later than August 28, 2002.

Adopted Yeas - 7 Nays - 0

Resolution - 02-635 - Approving an application for an Entertainment A License by Monkey Boys, Inc., dba Dixie's Bar and Smokehouse Grill and Saji-Ya, 695 Grand Avenue. (**Legislative Hearing Officer recommends approval**)

Adopted Yeas - 7 Nays - 0

Council Meeting Information

Website

For an updated copy of the City Council Meeting agendas or minutes, please visit our website at www.ci.stpaul.mn.us/council.

Cable

*The **City Council and Housing and Redevelopment Authority (HRA) Meetings** are cablecasted live on Channel 18 and repeated on Thursdays at 7:00 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change). Also, the **City Council and HRA Agendas** are cablecasted on Saturdays at 8:00 a.m. and 7:30 p.m., Sundays at 5:30 p.m., Mondays at 8:00 a.m. 1:30 p.m., and 5:30 p.m.; Tuesdays at 8:00 a.m., and 5:30 p.m.; and Wednesdays at 8:00 a.m. and 1:30 p.m.*
