



**ACTION MINUTES OF THE
SAINT PAUL CITY COUNCIL
Wednesday, December 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
Racquel Naylor - 651-266-8573
Office of the City Council**

**Present – 5 – Benanav, Bostrom, Harris, Helgen, Lantry
Absent – 2 – Montgomery (arrived after roll call), Thune (arrived later in the
meeting)**

CONSENT AGENDA (Items 1 - 16)

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:

Letter from the Office of the City Attorney announcing a hearing before an Administrative Law Judge on December 14, 2007 at 9:30 a.m., Room 42, City Hall/Courthouse, 15 Kellogg Boulevard West, to consider all licenses held by Club Cancun, 1638 Rice Street.

1. Claims of Stephen C. Cunningham, Mary N. Massman, Builders Mortgage Company, LLC, and Thomas Crosby.
Referred to Risk Management

2. Letters from the Department of Safety and Inspections/Code Enforcement declaring 55 Atwater Street, 59 Atwater Street, 682 Blair Avenue, 893 Burr Street, 950 Desoto Street, 977 Edgerton Street, 763 Fuller Avenue, and 1867 Stillwater Avenue as nuisance properties, and setting date of Legislative Hearings for December 11, 2007 and City Council public hearings for January 2, 2008.
3. Letters from the Department of Safety and Inspections/Code Enforcement declaring 839 Aurora Avenue, 1339 Conway Street (garage only), 772 Fuller Avenue, 766 Fuller Avenue, and 242-244 Nugent Street as nuisance properties. (For notification purpose only; public hearings will be scheduled at a later date if necessary.)
4. Administrative Order:
D002687 Extending the contract completion date from December 30, 2005 to October 31, 2007 for the Snelling/Larpenteur Sewer Cleaning and TV Inspection Project.
On file with the City Clerk

FOR ACTION

5. Approval of minutes of October 17, 2007.
Adopted Yeas – 6 Nays – 0
6. Resolution – 07-1136 – Amending the 2007 budget for the use of Neighborhood STAR Investment Initiative Program funds for projects in Ward 4. (GS 3046757)
Adopted Yeas – 6 Nays – 0
7. Resolution – 07-1137 – Approving the 2007 Round Two Cultural STAR grant recommendations. (GS 3046490)
Adopted Yeas – 7 Nays – 0
8. Resolution – 07-1138 – Approving the allocation of Federal Emergency Shelter Grant Program funds to listed non-profit agencies for the purpose of assisting them in providing a wide-range of services to people who are “homeless” or “at risk” of becoming homeless. (GS 3045971)
Adopted Yeas – 6 Nays – 0

9. Resolution – 07-1139 – Approving a budget amendment, in the Department of Planning and Economic Development, to the Urban Revitalization Action Program (URAP) in the amount of \$40,000 for relocation of tenants in the Cornerstone Apartments. (GS 3046391)
Adopted Yeas – 6 Nays – 0
10. Resolution – 07-1140 – Memorializing City Council action taken November 7, 2007 denying the appeal for property at 1452 Ashland Avenue, per the recommendation of the Legislative Hearing Officer. (GS 3046272)
Adopted Yeas – 6 Nays – 0
11. Resolution – 07-1141 – Authorizing Aurelia Tessmer to proceed in forma pauperis related to her appeal for property located at 332 St. Clair Avenue. (GS 3046870)
Adopted Yeas – 6 Nays – 0
12. Resolution – 07-1142 – Authorizing the Police Department to enter into an agreement with the Internal Revenue Service, Criminal Investigation for reimbursement of overtime hours associated with investigating drug crimes specific to money laundering by drug trafficking organizations. (GS 3042522)
Adopted Yeas – 6 Nays – 0
13. Resolution – 07-1143 – Authorizing the Police Department to accept a \$13,000 donation from the Saint Paul Police Foundation which will be used for the ongoing “Cops and Kids” program and the “Shop with Kids” program. (GS 3046392)
Adopted Yeas – 6 Nays – 0
14. Resolution – 07-1144 – Approving correction of the assessable frontage for the operating costs for above standard street lights along Dale Street just north of Minnehaha Avenue. (GS 3046074)
Adopted Yeas – 6 Nays – 0
15. Resolution – 07-1145 – Approving a Retaining Wall License Agreement between the City and the Mississippi Flats Upper Landing Condominium Association. (GS 3046250)
Adopted Yeas – 6 Nays – 0

16. Preliminary Order – 07-1146 – In the matter of improving the alley in the West Saint Paul Real Estate and Improvement Syndicate Addition No. 2, Block 16, by grading and paving with bituminous material (area bounded by Sidney, Page, Brown, and Andrew), and setting date of public hearing for January 16, 2008. [File No. 19051] (GS 3045156)
Adopted Yeas – 6 Nays - 0
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FOR DISCUSSION

17. Resolution – 07-1122 – Amending the 2007 Capital Improvement Budget to include outdoor refrigerated ice rinks. (Laid over from November 28; a substitute resolution will be introduced) (GS 3045436)
Substitute introduced and adopted
Yeas – 5 Nays – 2 (Benanav, Lantry)
18. Resolution – 07-1123 – Approving a waiver of Neighborhood STAR Program Guidelines for three outdoor refrigerated skating rinks. (Laid over from November 28) (GS 3046091)
Adopted Yeas – 5 Nays – 2 (Benanav, Lantry)

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.

19. Final Adoption – 07-966 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees (except restaurants and on-sale liquor) to reflect the current level of service. (Substitute introduced November 7; laid over from November 14) (GS 3044691)
Substitute introduced and laid over to December 12 for final adoption
Yeas – 7 Nays – 0

20. Final Adoption – 07-967 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees for restaurants and on-sale liquor to reflect the current level of service. (Substitute introduced and laid over November 14) (GS 3044700)

Substitute introduced and laid over to December 12 for final adoption

Yeas – 7 Nays – 0

21. First Reading – 07-1147 – An ordinance amending Chapter 198 of the Saint Paul Legislative Code to ban ownership of the seven subspecies of the marsupial, Petaurus Breviceps, commonly referred to as “sugar gliders.” (GS 3046572)

Laid over to December 12 for Second Reading

22. First Reading – 07-1148 – An ordinance amending Chapter 65.774 of the Saint Paul Legislative Code, Malt Liquor Manufacturing, by permitting the use in the B2 Community Business District and permitting the sale of malt liquor at retail on the site where it is manufactured; and amending the use table in Chapter 66.421 adding malt liquor manufacturing as a permitted use in Table 66.421. (GS 3046775)

Laid over to December 12 for Second Reading

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

23. Third Reading – 07-992 – An ordinance amending Chapter 345 of the Saint Paul Legislative Code (Peddlers, Solicitors and Transient Merchants) to ensure safety outside entertainment venues and to clarify other requirements. (Laid over from November 14) (GS 3044330)

Substitute introduced and laid over to December 12 for Final Adoption

24. Third Reading – 07-1106 – An ordinance amending Chapter 64 of the Saint Paul Legislative Code to permit the conversion of legal nonconforming billboards to ones with "dynamic displays," i.e., electronic billboards, in exchange for permanently removing traditional billboards, and also to regulate the locations and operating standards for billboards with dynamic displays. (Substitute introduced November 21) (GS 3046312)

Substitute introduced and laid over to December 12 for Final Adoption

25. Third Reading – 07-1107 – An ordinance amending Chapter 161 of the Saint Paul Legislative Code to permit snow emergency tags to be written by Final Adoption party vendors and to delete obsolete references to Ramsey County Municipal Court. (GS 3046094)
Laid over to December 12 for Final Adoption
26. Third Reading – 07-1108 – An ordinance granting the District Heating Franchise, held by the District Energy St. Paul, Inc., for a period of twenty years, ending in 2027. (GS 3046330)
Amendment introduced and laid over to December 12 for Final Adoption
Yeas – 7 Nays – 0
27. Third Reading – 07-1109 – An ordinance granting the District Cooling Franchise, held by the District Energy St. Paul, Inc., for a period of twenty years, ending in 2027. (GS 3046332)
Amendment introduced and laid over to December 12 for Final Adoption
Yeas – 7 Nays - 0
28. Resolution – 07-1149 – Approving a Single Family Housing Finance Program to be financed by the issuance of Single Family Mortgage Revenue Bonds. (GS 3046314)
Adopted Yeas – 7 Nays – 0
29. Resolution – 07-931 – Extending Residential Permit Parking in Area 7 to include Smith Avenue from West Seventh Street to Goodrich Avenue and Goodrich Avenue from Smith Avenue to the dead-end east of Leech Street, and changing all of Permit Area 7 to “No Parking Except by Permit.” (Public hearing continued from November 21) (GS 3044090)
Substitute introduced and public hearing continued to December 12 at 3:30
Yeas – 7 Nays – 0
30. Resolution – 07-1110 – Approving the petition of the Church of Saint James to vacate and re-dedicate north/south alley rights in the Randolph Avenue/View Street block in order to slightly reconfigure the property playground equipment. (Public hearing continued from November 21) (GS 3045830)
Public hearing continued to December 19
Yeas – 6 Nays – 0 (Montgomery not present for vote)

31. Final Order – 07-1150 – In the matter of acquiring property rights needed for right-of-way purposes for the public purpose of replacing the Rice Street Bridge over the Burlington Northern and Santa Fe Railway by removing the existing bridge and constructing a new bridge. [File No. AE2007-07] (GS 3046103)
Adopted Yeas – 5 Nays – 0 (Harris and Montgomery not present for vote)
32. Final Order – 07-1151 – In the matter of acquiring property rights needed for right-of-way purposes for the public purpose of realigning the intersection of Cleveland Avenue and St. Paul Avenue. [File No. AE2007-10] (GS 3046100)
Public hearing held and laid over to December 19
Yeas – 6 Nays – 0 (Thune not present for vote)
33. Final Order – 07-1152 – In the matter of acquiring property at 350 Water Street West, for the public purpose of removing blight, protecting bluff land adjacent to Harriet Island Regional Park, providing space for a Lilydale Regional Park Gateway feature, and for possible future use to support operations at Harriet Island Regional Park. [File No. AE2007-14] (GS 3045837)
Adopted Yeas – 5 Nays – 0 (Harris and Thune not present for vote)
34. Public hearing to consider the application of NWM HI94 LLC for a Combined Plat for Flannery Addition to create two (2) industrial parcels at 389 Hamline Avenue North (northwest corner at St. Anthony Avenue). [ZF 07-076-549]
Motion of Intent – Application Granted
Yeas – 5 Nay – 0 (Harris and Thune not present for vote)
35. Public hearing to consider the application of Abway LLC (ABRA Auto Body) for Interim Use to continue auto body repair business at 1190 University Avenue West (between Lexington Avenue and Griggs Street). [ZF 07-184-825]
Motion of Intent - Application Granted
Yeas – 6 Nays – 0 (Thune not present for vote)
36. Resolution – 07-1153 – Ordering the owner to remove or repair the building at 751 Burr Street within fifteen (15) days from adoption of resolution. (GS 3045133) (Legislative Hearing Officer's recommendation is forthcoming)
Adopted Yeas – 6 Nays – 0 (Thune not present for vote)
37. Resolution – 07-1154 – Ordering the owner to remove or repair the building at 552 Charles Avenue within fifteen (15) days from adoption of resolution.
Adopted Yeas – 7 Nays – 0

38. Resolution – 07-1155 – Ordering the owner to remove or repair the building at 605 Magnolia Avenue East within ~~fifteen (15)~~ one hundred-eighty (180) days from adoption of resolution. (GS 3045135) (Legislative Hearing Officer recommends approval)
Adopted Yeas – 7 Nays – 0
39. Resolution – 07-1156 – Ordering the owner to remove or repair the building at 610 Magnolia Avenue East within fifteen (15) days from adoption of resolution. (GS 3045132) (Legislative Hearing Officer's recommendation is forthcoming)
Public hearing continued to December 12 at 3:30 p.m.
Yeas – 7 Nays – 0
40. Resolution – 07-1157 – Ordering the owner to remove or repair the building at 333 Maryland Avenue West within fifteen (15) days from adoption of resolution. (GS 3045138) (Legislative Hearing Officer's recommendation is forthcoming)
Adopted as amended (remove or repair within 180 days)
Yeas – 7 Nays – 0
41. Resolution – 07-1158 – Ordering the owner to remove the building at 1185 Payne Avenue within five (5) days from adoption of resolution. (GS 3045134) (Legislative Hearing Officer recommends approval)
Adopted Yeas – 7 Nays – 0
42. Resolution – 07-1159 – Ordering the owner to remove the building at 276 Topping Street within fifteen (15) days from adoption of resolution. (GS 3045139) (Legislative Hearing Officer recommends approval)
Adopted Yeas – 7 Nays – 0
43. Appeal of Brian Tuminelly to a Summary Abatement Order and Vehicle Abatement Order for property at 5 George Street West. (Legislative Hearing Officer recommends denying the appeal on the Summary Abatement Order and granting an extension to the end of business on December 6, 2007)
Appeal denied (per the recommendation of the Legislative Hearing Officer)
Yeas – 7 Nays – 0

Suspension Items

Resolution – 07-1160 – Accepting the offer from the Port Authority to assist in acquisition of land for park purposes.

Adopted Yeas – 7 Nays – 0

Resolution – 07-1161 – Requesting the Planning Commission to incorporate the present B3 building height limits along University Avenue between Lexington and Marion into any new zoning recommendations contained in the Central Corridor TOD zoning study subject to the exception for building heights at the corners of block faces.

Adopted Yeas – 7 Nays – 0

Marcia Moermond, Legislative Hearing Officer, noted that 343 Maple Street will be referred back to a Legislative Hearing.

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

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