



**SUMMARY MINUTES OF THE  
SAINT PAUL CITY COUNCIL  
Wednesday, February 21, 2007 - 3:30 p.m.**

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

*Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at [www.ci.stpaul.mn.us/council](http://www.ci.stpaul.mn.us/council) and click on Watch the Live Webcast.*

The meeting was called to order at 3:30 p.m. by Council President Lantry

Present – 7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune  
Absent – 0

**CONSENT AGENDA (Items 1 - 18)**

*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.*

Councilmember Benanav requested Item 8 be removed for discussion.  
Councilmember Benanav moved approval of the consent agenda as amended.  
Adopted as amended Yeas – 7 Nays – 0

**COMMUNICATIONS AND ADMINISTRATIVE ORDERS**

1. Claims of Patricia DeVallier, and Blong Vang.  
Referred to Risk Management
2. Letter from the Office of License, Inspections and Environmental Protection announcing a public hearing on March 7, 2007 to consider the appeal of Travis Mead to a decision of the Board of Zoning Appeals denying a minimum lot size variance in order to convert a duplex into a triplex at 315 Aurora Avenue. (Zoning File No. 07-021306)
3. Letter from the Department of Public Works announcing a public hearing before the City Council on March 7, 2007 to consider the petition of the Metropolitan Council to vacate alley rights in Block 15, Edmund Rice's Trout Brook Addition, and part of Acker Street, not previously vacated, between Soo Line Plat No. 6 and Mississippi Street, in order to allow for platting the area where the Metro Bus Garage exists.

4. Letter from the Department of Public Works, Real Estate, announcing a public hearing before the City Council on March 7, 2007 to consider the petition of Gary Ribble to vacate a 6-foot section of a 25-foot public walkway abutting 1371 McAfee Street between McAfee and the Bruce Vento Regional Trail.
5. Letter from the Office of the City Attorney announcing a hearing before an Administrative Law Judge on February 28, 2007 at 9:30 a.m. in the County Commissioners' Office (medium conference room), 220 City Hall/Courthouse, 15 West Kellogg Boulevard, to consider all licenses held by Reese-Brooks Hospitality Industries, LLC, d/b/a Minnehaha Lanes, 955 Seminary Avenue.

### FOR ACTION

6. Resolution – 07-151 – Recognizing Dorothy McCluney on her 90<sup>th</sup> birthday and declaring February 24, 2007 as *Dorothy McCluney Day in the City of Saint Paul*.  
Adopted      Yeas – 7      Nays – 0
7. Resolution – 07-152 – Approving the appointment of Stacey Millett, by Mayor Coleman, as Assistant to the Mayor VI, effective February 12, 2007.  
Adopted      Yeas – 7      Nays – 0
8. Resolution – 07-153 – Supporting legislation sought to recover Metropolitan Emissions Reduction Plan (MERP) related costs and apply those recovered costs to a new energy supply for Rock-Tenn Company.  
(Discussed after the consent agenda)
9. Resolution – 07-154 – Approving the application with conditions, per the Legislative Hearing Officer, for Restaurant (B) – more than 12 seats, Liquor On Sale – over 100 seats, Liquor On Sale – Sunday, Liquor On Sale – 2AM Closing, Liquor Outdoor Service Area (Patio), Entertainment B, Gambling Location, and Cigarette /Tobacco licenses by Jefferson Avenue Investments, Inc. d/b/a Spanky's Bar & Grill, 825 Jefferson Avenue.  
Adopted      Yeas – 7      Nays – 0
10. Resolution – 07-155 – Approving the application, per the Legislative Hearing Officer, for Liquor On Sale – 100 seats or less, Liquor On Sale – Sunday, Entertainment (A), Restaurant (B) – more than 12 seats, Gambling Location, and Cigarette/Tobacco licenses by G & P Holdings, Inc., d/b/a Hoovers Pub, LLC, 755 Jackson Street.  
Adopted      Yeas – 7      Nays – 0

11. Resolution – 07-156 – Approving the application with conditions, per the Legislative Hearing Officer, for a Liquor On Sale – over 200 seats license by Shannon Crossing, Inc., d/b/a Turf Club, 1601 University Avenue West.  
Adopted      Yeas – 7      Nays – 0
12. Resolution – 07-157 – Approving the decision of the Legislative Hearing Officer on Appeal of Letters, Correction Notices, and Correction Orders for property at 1055 Laurel Avenue.  
Adopted      Yeas – 7      Nays – 0
13. Resolution – 07-158 – Approving the decision of the Legislative Hearing Officer on Appeals of Letters, Correction Notices, and Correction Orders for property at 1812 Portland Avenue and 1980 Seventh Street West, #105. (GS 3036923)  
Adopted      Yeas – 7      Nays – 0
14. Resolution – 07-159 – Authorizing the Police Department to enter into an agreement with the State of Minnesota for participants of the Second Judicial District DWI Court program.  
Adopted      Yeas – 7      Nays – 0
15. Resolution – 07-160 – Authorizing the Police Department to enter into an agreement with the State of Minnesota for the Juvenile Delinquency Prevention Program grant.  
Adopted      Yeas – 7      Nays – 0
16. Preliminary Order – 07-161 – In the matter of constructing a new concrete curb and sidewalk and a new above standard twin globe lantern street lighting system on Rice Street from Front Avenue to Rose Avenue, and setting date of public hearing for April 4, 2007. (File No. 19040)  
Adopted      Yeas – 7      Nays – 0
17. Resolution Approving Assessment – 07-162 – In the matter of the assessment of benefits, cost and expenses for reconstruction of concrete surfaces above existing areaway vaults abutting the First Bank building at 332 Minnesota Street and the Athletic Club building at 340 Cedar Street, and setting date of public hearing for April 4, 2007.  
Adopted      Yeas – 7      Nays – 0
18. Resolution Approving Assessment – 07-163 – In the matter of the assessment of benefits, cost and expenses for boarding up vacant building during December, 2006 (J0614B); summary abatement (property clean-ups) from January 16, 2006 to January 30, 2007 (J0702A); providing weekly garbage hauling services from January 16, 2006 to January 30, 2007 (J0702G); demolition of vacant buildings at 947 Desoto Street and 36 Winnipeg Avenue in January, 2007 (J0702C); and setting date of public hearing for April 4, 2007.

Adopted      Yeas – 7      Nays – 0

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8. Resolution – 07-153 – Supporting legislation sought to recover Metropolitan Emissions Reduction Plan (MERP) related costs and apply those recovered costs to a new energy supply for Rock-Tenn Company.

Councilmember Benanav moved to introduce a substitute resolution. This will be a new bio-mass facility in the Midway area.

Substitute introduced and adopted      Yeas – 7      Nays – 0

### **FOR DISCUSSION**

19. Resolution – 07-120 – Ordering the owner to remove or repair the building(s) at 872 Simcoe Street within fifteen (15) days from adoption of resolution. (Public hearing held and laid over from February 7) (Legislative Hearing Officer recommends granting the owner one-hundred eighty (180) days to complete the repairs to the building provided the following conditions are met by Friday, February 2: 1) provide an approved work plan outlining the necessary repairs to the building with a timeline for completing the repairs; and 2) provide an approved financing plan outlining the financial wherewithal to complete the necessary repairs.)

Marcia Moermond, Legislative Hearing Officer, requested a one week layover in order for the work plan to be completed. All other items have been completed.

Councilmember Helgen moved to lay over one week.

Laid over to February 28      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. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.*

20. Final Adoption – 07-39 – An ordinance amending Chapter 64 of the Saint Paul Legislative Code pertaining to signs, amending existing language and adding new language pertaining to temporary signs, skyway banners and light pole banners; amending Saint Paul Legislative Code Section 140.07 pertaining to skyway advertising and exterior signs, adding new language regulating exterior skyway banners; and amending Saint Paul Legislative Code Section 286.03 pertaining to posting of masts and poles, regulating banners on light poles. (Substitute introduced February 14)

Councilmember Thune thanked his Legislative Aide, Pat Lindgren, Erin Dady, Marketing Director, non-profit organizations, and business people who worked on this issue and reached an agreement.

Councilmember Thune moved approval.

Adopted      Yeas – 7      Nays – 0

The meeting was recessed from 4:40 p.m. to 5:30 p.m.

Present – 5    Absent – 2 (Harris, Montgomery – arrived later in the meeting)

### **PUBLIC HEARINGS**

21.    Third Reading – 07-74 – An ordinance preserving the status quo pending the completion and report of a study and possible action on the study including amending the City’s zoning ordinances regulating advertising signs as they may pertain to retrofitting existing advertising signs with new “digital” or “electronic” panels.

No one appeared in opposition; Councilmember Thune moved to close the public hearing.    Yeas – 5    Nays – 0

Laid over to February 28 for final adoption

22.    Third Reading – 07-115 - An ordinance deleting Chapter 420 of the Saint Paul Legislative Code, “Scrap and Metal Processors,” as that license has been replaced by Recycling Collection Center/Recycling Processing Center language.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing.    Yeas – 5    Nays – 0

Councilmember Helgen said the issue of stolen copper is a concern as there is currently no tracking of copper that is brought to recycling centers.

Councilmember Bostrom suggested staff might want to see if there is a state statute that would cover this matter. St. Paul could make it illegal but people then may take it to another jurisdiction where there are no controls, he said.

Councilmember Helgen requested Trudy Moloney, Director of Council Operations, see if there is a state law that could be amended or if there is something in the City Code that would allow the City to get a better handle on this problem. He requested a report be provided to his office.

Laid over to February 28 for final adoption

23. Third Reading – 07-116 – An ordinance amending Chapter 225 of the Saint Paul Legislative Code by adding new sections defining and regulating Non-Lethal Firearms and deleting other sections therein. (Substitute introduced February 14)

No one appeared in opposition.

The following appeared in support:

Erik Pakieser, Safety Officer for the Minnesota Airsoft Association (MAA), 2539 Taylor Street NE, Minneapolis, said they represent organized airsoft hobbyists throughout the State of Minnesota. Airsoft is a hobby in which participants play paint-style war games. The MAA plays its' games in remote, rural areas. He said it's realism that attracts players to the sport but the realism also presents problems. There have been incidents where replicas have been used in criminal acts as well as tragic incidents where police officers, believing they are real firearms, have responded with deadly force. He said they have worked hard to educate their members and the general public about safe and legal airsoft play. They share the same concerns of the City Council and support the ordinance. He extended his appreciation to Councilmember Helgen for working with their group.

John Blackstone, 1338 Cherokee Avenue, representing Citizens for a Safer Minnesota, urged the Council to do what they can to reduce gun violence.

Councilmember Helgen moved to close the public hearing. Yeas – 7 Nays - 0  
Laid over to February 28 for final adoption

24. Resolution – 07-103 – Authorizing the diversion of City parkland, located southerly of 501 Shepard Road (Xcel Energy High Bridge Plant), in accordance with City Charter requirements. (Laid over from February 7) (Laid over from February 21 for public hearing)

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.

Adopted Yeas – 7 Nays – 0

25. Resolution – 07-164 – Approving adverse action against all licenses held by Twin Star VFW Post 8854, 820 Concordia Avenue.

Rachel Gunderson, Assistant City Attorney, representing the Office of License, Inspections and Environmental Protection (LIEP), explained the incidents that occurred at the VFW that resulted in this action.

Ms. Gunderson and LIEP staff met with the licensee and told them if they applied for an entertainment license the fine would be reduced from \$1,500 to \$1,000. They have

applied for that license so the recommendation of the Office of LIEP is for a \$1,000 fine.

Councilmember Montgomery moved to close the public hearing. Yeas – 7 Nays – 0

Councilmember Montgomery moved approval.

Adopted Yeas – 7 Nays – 0

26. Resolution – 07-165 – Approving adverse action against the Taxicab Driver (Provisional) license application submitted by Roosevelt Moore for the City of Saint Paul.

Rachel Gunderson, Assistant City Attorney, representing the Office of License, Inspections and Environmental Protection (LIEP), presented a staff report saying this matter is for a license denial. Mr. Moore is not eligible for a taxi license based on a conviction for aggravated robbery in 1994. He was sentenced in 1994 to approximately one year in jail and 20 years probation. After a series of probation violations, his sentence was executed in 2002. He served the remainder of his sentence and was discharged from sentence from 2004. The City's ordinance now looks back and states that any time there is a conviction of this nature and there has been a discharged from sentence for less than five years, a person is not eligible for a taxi license. The earliest Mr. Moore would be eligible for a license is 2009. In 2005, he requested and obtained a taxi license from the City of Saint Paul. He had a provisional license which means he had a certain amount of time to take the taxi driver training course and then take the test. Mr. Moore never completed the training course and did not take the test and, therefore, his provisional license expired. He applied for another license but because of the legislative change, he was told he did not qualify.

Roosevelt Moore appeared requesting that his license be renewed. Because he had a license the last couple of years, he feels he should be exempt from the new law. Council President Lantry clarified for him that he had a provisional license only.

Councilmember Montgomery moved to close the public hearing and approval.

Adopted Yeas – 7 Nays – 0

27. Final Order – 07-166 – In the matter of the operation costs of the Above Standard Street Lighting System on the east side of future Temperance Street from Tenth Street to Ninth Street and on the north side of Ninth Street from future Temperance Street to approximately 100 feet east of future Temperance Street; the east side of Sibley Street from Tenth Street to Ninth Street and the south side of Tenth Street from Sibley Street to approximately 40 feet east of Sibley Street; and the north side of Ninth Street from Sibley Street to approximately 200 feet east of Sibley Street for 2007. (File No. 19029)

Theresa Wanta, 490 Temperance St., said when she purchased her condo, nothing was said about decorative lighting at that time. She said she is objecting because of that and

the fact that the residents had no control over the style of lighting that was installed.

Councilmember Thune questioned the cost. Public Works staff said the estimated cost is \$3.49 per foot.

Bruce Engelbrekt , Department of Public Works, added that for the Ninth Street Lofts the cost is \$22.16 per unit per year and for Printers Row it's a little over \$31.00 per unit, per year. First Baptist Church and a few other properties are also included.

Council President Lantry asked if it would have been listed as a pending assessment when Ms. Wanta bought her property. Mr. Engelbrekt responded that it becomes a pending assessment when the Public Works Assessment Office receives the information on the costs. Records show it became pending just recently.

Councilmember Thune moved to close the public hearing. Yeas – 7 Nays – 0

Councilmember Thune said he has received positive comments and it is felt that the value of the property will be enhanced.

Councilmember Thune moved approval.

Adopted Yeas – 7 Nays – 0

28. Final Order – 07-167 – In the matter of the installation of a 3-Globe Style Above Standard Street Lighting System on the south side of Tenth Street from Wabasha to St. Peter Streets. (File No. 19035)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas – 7 Nays - 0

29. Final Order – 07-168 – In the matter of the operation costs of the Above Standard Street Lighting System for White Bear Avenue from Hoyt Avenue to Larpenteur Avenue for 2007. (File No. 19036)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas – 7 Nays – 0



30. Final Order – 07-169 – In the matter of improving the alley in Arcadia, Block 2, from Kenneth Street to approximately 296 feet west of Kenneth Street, by grading and paving with bituminous material the area bounded by Mississippi River Boulevard, Kenneth Street, Norfolk Avenue, and Cleveland Avenue; and in the matter of condemning and taking an easement in the land necessary for the slopes, cuts and fills, including right of removal of lateral support from subject land or land remainder thereof, occasioned by excavation thereof or construction of slopes in the grading and paving of the alley in Arcadia, Block 2, from Kenneth Street to approximately 296 feet west of Kenneth Street. (File No. 19038)

No one appeared in opposition; Councilmember Harris moved to close the public hearing.  
Adopted        Yeas – 7        Nays – 0

31. Final Order – 07-170 – In the matter of improving the westernmost north-south alley in Saint Anthony Park North, Block 27, from Valentine Avenue to approximately 264 feet south of Valentine Avenue, by grading and paving with bituminous material for the area bounded by Valentine Avenue, Como Avenue, Keston Street and Doswell Avenue; and in the matter of condemning and taking an easement in the land necessary for the slopes, cuts and fills, including right of removal of lateral support from subject land or land remainder thereof, occasioned by excavation thereof or construction of slopes in the grading and paving of the westernmost north-south alley in Saint Anthony Park North, Block 27, from Valentine Avenue to approximately 264 feet south of Valentine Avenue. (File No. 19039)

Luella Griffin, 1380 Keston Street, said she's in favor of the improvements but not in favor of a decision at this time saying the neighbors have not had an opportunity for input and they have a lot of questions.

Peter Gallagher, Department of Public Works, said the hearing notices inadvertently were omitted from the mailings and he will reschedule a neighborhood hearing.

Shirley Campbell, 1384 Keston Street, said there are three families who use this alley and two of them said they have trouble getting their cars in and out. They heard the alley will be paved 16 feet wide which they feel is too wide.

Councilmember Benanav moved to continue the public hearing to March 7.  
Laid over to March 7 for continuation of the public hearing.        Yeas – 7        Nays – 0

32. Resolution Ratifying Assessment – 07-171 – In the matter of the assessment of benefits, cost and expenses for summary abatement (property clean-ups) from December 1, to December 27, 2006 (J0618A); providing weekly garbage hauling services from December 5 to December 27, 2006 (J0616G). (Legislative Hearing Office recommends approval)

Marcia Moermond, Legislative Hearing Officer, said there were no appellants at the Legislative Hearing and, therefore, she recommended approval.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted      Yeas – 7      Nays – 0

33. Public hearing to consider the application of JAS Apartments Inc. for a Subdivision (Combined Plat) for Saint Paul Union Depot, 214 4th Street East (block bounded by Sibley Street, Kellogg Boulevard, Wacouta Street and 4<sup>th</sup> Street), in order to create 25 parcels (lots). (Zoning File 06-284-250)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Motion of Intent – Application Granted    Yeas – 7    Nays – 0

34. Public hearing to consider the appeal of Steppingstone Theatre to a decision of the Heritage Preservation Commission (HPC) requiring four main facade stained glass windows be retained instead of replaced with clear glass windows at 873 Portland Avenue (Hill Historic District). (File No. 07-071)

Amy Spong, staff person to the Heritage Preservation Commission (HPC), said this appeal is not about merits of the organization or the use that is going into this building. Several years ago the HPC adopted a resolution supporting Steppingstone to consider this building. The grounds for the appeal were that the HPC did not mean to approve the replacement of four stained glass windows on the front façade. Ms. Spong said she listened to the meeting tapes and reviewed the minutes. The City Attorney also listened to the meeting tapes and it is clear that the motion of the HPC required preservation of the windows as opposed to replacement. The appellant has said they need clear glass on the second level to have transparency in the lobby area to show that there is activity as well as more light. Some of the neighbors have brought up a safety component. In some of the staff discussions, Steppingstone went through a concept review with the HPC. One of the ideas proposed by the HPC and staff was that they could have the doors in an open, stabilized position and have new doors with full glass on the inside. This was not in the final proposal so the doors will be pretty much in their original configuration but the inset panels will be allowed to be replaced with clear glass. The HPC felt that was a compromise in allowing some openness and visibility.

Ms. Spong showed pictures and explained that one window will have no visibility and two others that will have a stairwell behind them. The windows are original to the original building which was built in 1908. The city has contributed \$500,000 to this project.

Paul Larson, HPC Chair, appeared and said he's a supporter of Steppingstone Theatre. There has to be a compelling reason for the HPC to alter the character making historic fabric of a building. He looks at the way a building is being re-programmed and the way it might work or not work given all the details of the historic fabric. Several on the Commission looked at the requirement for bringing light into the lobby space and raised the question of whether they shouldn't try to do as much as possible by replacing the lateral windows on the façade with clear glass. Since their decision, he has been in the building and he spoke in favor of looking at replacing the two side windows with clear glass but it was decided as a Commission to uphold the findings of Ms. Spong to keep the windows in tact. Two of the four windows illuminate staircases and are not open to the lobby. The other two windows stand above staircases so pedestrians in the lobby space will not be seen from the outside. The glass is pale and emits a large amount of light; it will not cut light into the area. The HPC felt they were misled to some extent saying that the windows will be a hindrance.

Richard Hitchler, Artistic and Executive Director of Steppingstone Theatre, said they are looking at safety issues - being able to see who is coming and going. This is no longer a church but a children's theater. They are not talking about changing any of the architecture but only the windows. The stained glass windows could be reinstalled if they leave. He said none of the windows are in good shape; there are pieces missing, they are bowed, and are not good for cold weather or heating.

Councilmember Montgomery moved to close the public hearing. Yeas – 7 Nays – 0

Councilmember Montgomery moved to lay over one week.

Councilmember Benanav asked Ms. Spong for more information on the windows.

Ms. Spong explained the layout of the building in conjunction with the windows.

Councilmember Montgomery moved to deny the appeal and adopt the findings and conclusions of the HPC the basis for the motion being that the appellant has failed to show that the HPC findings or conclusions contained any error regarding the HPC's decision to repair or retain the four stained glass windows on the front elevation of the building. The HPC's findings and conclusions are also consistent with the Hill District guidelines which: 1) prohibit the destruction of distinguishing original quality during the rehabilitation of the historic building, and 2) specifically call for retaining original

window glass and if that is not possible, to duplicate the design of old window glass if it is necessary to install new window glass. The denial is not meant to be a commentary on the re-use of the building. The use is a good one. The denial is based on the program for preservation and the architectural control of the Hill District under Legislative Code 74.64 sub. a and e as stated by the Historic Preservation Commission.

Motion of Intent – Appeal Denied

Yeas – 4    Nays – 2 (Helgen, Harris) (Bostrom not present)

Councilmember Harris moved to adjourn the meeting.

Yeas – 6    Nays – 0 (Bostrom not present)

ADJOURNED at 6:45 P.M.

ATTEST:

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Mary Erickson  
Assistant Council Secretary

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Kathy Lantry, Council President

Submitted by:  
Mary Erickson

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February 28, 2007  
Minutes approved by Council