



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Phone: 651-266-8560

## City Council Minutes - Final

**Council President Kathy Lantry**  
**Councilmember Dan Bostrom**  
**Councilmember Melvin Carter III**  
**Councilmember Pat Harris**  
**Councilmember Lee Helgen**  
**Councilmember Russ Stark**  
**Councilmember Dave Thune**

Wednesday, October 12, 2011

3:30 PM

Council Chambers - 3rd Floor

### ROLL CALL

*The meeting was called to order by Council President Lantry at 3:33 p.m.*

#### **Councilmember Harris excused**

**Present** 6 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

**Absent** 1 - Councilmember Pat Harris

### COMMUNICATIONS & RECEIVE/FILE

- 1      **CO 11-25**      Letters from the Department of Safety and Inspections declaring 1057-1059 Maryland Avenue East and 1028 Loeb Street as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

**Sponsors:**      Bostrom and Helgen

#### **Received and Filed**

- 2      **CO 11-26**      Submittal of the Blue Ribbon Commission Report entitled "Everybody In: A Report to Reduce Racial Employment Disparities in the Ramsey County Metropolitan Area."

**Sponsors:**      Helgen

*Councilmember Helgen highlighted the problem of racial disparity in employment in the Twin Cities area, and the importance of following up on the results of the study.*

*Butch Howard introduced Karen Gray and Nora Hall, study facilitators. Ms. Hall presented a Powerpoint summary of the report. Ms. Gray detailed strategies for addressing racial employment inequities. Mr. Howard and Councilmember Thune discussed challenges faced by small companies trying to bid on large projects.*

*Councilmember Helgen made closing comments, and gratefully acknowledged and accepted the report.*

**Received and Filed**

- 3      **AO 11-38**      STAR accounting for projects approved through the Year-Round STAR Program.

**Received and Filed**

### **CONSENT AGENDA**

**Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.**

### **Approval of the Consent Agenda**

*Item 9 was removed from the Consent Agenda for separate consideration.*

*Councilmember Carter moved approval of the Consent Agenda as amended.*

**Consent Agenda adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 4      **RES 11-1969**      Accepting the gift of travel and expenses, not to exceed \$803.00, from the National League of Cities for Mayor's Office staff member Jane Eastwood to travel to the Post-Secondary Advisors Network (PSCAN) conference of the National League of Cities, October 5-6, 2011 in Indianapolis, IN.

**Sponsors:**      Lantry

**Adopted**

- 5      **RES 11-1864**      Authorizing the Police Department to enter into a joint powers agreement with the United States Secret Service concerning the use of property issued while in attendance of training at the National Computer Forensics Institute.

**Sponsors:**      Lantry

**Adopted**

- 6      **RES 11-1975**      Approving and authorizing execution of a lease agreement between the Board of Water Commissioners and Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless, allowing the installation of wireless communication equipment at the Board's Highland Water Tower No. 3 site at 750 South Snelling Avenue.

**Sponsors:**      Harris

**Adopted**

7      **RES 11-1971**      Setting a public hearing date of November 2, 2011 to establish the 2012 water rates.

**Sponsors:**      Harris

**Adopted**

8      **RES 11-1990**      Approving adverse action against the Solid Waste Hauler, and Vehicle and Solid Waste Hauler (Each Additional Vehicle) licenses held by Susan Stewart, d/b/a Highland Sanitation & Recycling, Inc.

**Sponsors:**      Lantry

**Adopted**

9      **RES 11-2017**      Updating City documents and maps to accurately identify the North End/South Como neighborhoods.

**Sponsors:**      Helgen

*Councilmember Helgen introduced an amendment and highlighted the changes.*

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

## **FOR DISCUSSION**

10      **AHPC 11-1**      Public hearing to consider the appeal of Shari Wilsey and Susan Foote to a decision of Heritage Preservation Commission Staff for conditionally approving a 78 feet by 34 feet galvanized steel panel fence with cedar posts and top in the front yard at 797 Summit Avenue, House of Hope Presbyterian Church, Hill Historic District. (Public hearing held July 20; laid over from December 21)

**Sponsors:**      Carter III

*Councilmember Carter said they were still working to resolve the issue; he moved a four week layover.*

**Laid over to November 9**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

## ORDINANCES

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.

### Final Adoption

- 11     **Ord 11-94**     Amending Chapter 310.05 of the Saint Paul Legislative Code to establish presumptive penalties for sidewalk café license violations.  
**Sponsors:**     Lantry  
*Councilmember Thune moved approval.*  
**Adopted**  
**Yea:** 5 - Councilmember Bostrom, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark  
**Nay:** 0  
**Absent:** 2 - Councilmember Carter III and Councilmember Harris
- 12     **Ord 11-97**     Repealing Chapter 166 of the Saint Paul Legislative Code pertaining to "Residential Permit Parking - University of Minnesota, St. Paul Campus and William Mitchell College of Law" and incorporating these permit regulations into the new Chapter 164, Traffic Code - Residential Permit Parking - Guidelines and Regulations.  
**Sponsors:**     Carter III and Stark  
*Councilmember Stark moved approval.*  
**Adopted**  
**Yea:** 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Thune and Councilmember Stark  
**Nay:** 0  
**Absent:** 3 - Councilmember Carter III, Councilmember Harris and Councilmember Helgen

### Second Reading

- 13     **Ord 11-101**     Amending Legislative Code Chapters 63 and 65 pertaining to solar energy systems.  
**Sponsors:**     Lantry  
**Laid over to October 19 for third reading/public hearing**
- 14     **Ord 11-98**     Amending Chapter 88 of the Legislative Code pertaining to water meters, to define new metering system technology and installation requirements, and to permit customers to select alternative metering systems, and imposing additional charges for manual reads of alternative metering systems.  
**Sponsors:**     Harris  
**Laid over to October 19 for third reading/public hearing**

- 15      **Ord 11-99**      Amending Chapter 91 of the Legislative Code pertaining to water meter removal, to update language to conform to new metering system technology.

**Sponsors:**      Harris

**Laid over to October 19 for third reading/public hearing**

- 16      **Ord 11-100**      Amending Chapter 94 of the Legislative Code pertaining to water meter removal, to update language to conform to new metering system technology.

**Sponsors:**      Harris

**Laid over to October 19 for third reading/public hearing**

### **First Reading**

- 17      **Ord 11-106**      Memorializing City Council action granting the application of Rolando Aguilar, et. al. for the rezoning from RT1 Two-Family Residential to T2 Traditional Neighborhood of portions of 908 Arcade Street and 833 York Avenue and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

**Sponsors:**      Bostrom

**Laid over to October 19 for second reading**

### **PUBLIC HEARING**

- 18      **APC 11-2**      Public hearing to consider the appeal of the Union Park Community Council to a decision of the Planning Commission upholding staff's decision to approve a site plan for an office/warehouse development at 650 Pelham Boulevard. (Public hearing continued from October 5)

**Sponsors:**      Stark

*In support of the Appellant:*

*Mark Smith (1671 Laurel Avenue) read a statement arguing that the site plan did not meet mandatory requirements. He said the Council had the authority to enforce the conditions and urged them to look forward and not accept a "quick fix."*

*Matthew Curran (609 Eustis Street) said the neighborhood wanted development and jobs but was opposed to that site plan. He said they had worked hard to develop area plans, and had worked tirelessly with the Port and the developer to come up with an acceptable plan.*

*Jack Moloney (580 Otis Avenue) supported the appeal, and read a letter of support from a business owner in Midway who was unable to attend.*

*Ray Bryan asked why the parcel had to be developed in the manner proposed, and said the goals of good urban design and transit development could be met even with industrial zoning.*

*Geoffrey Warner (856 Raymond Avenue), architect and member of land use committee, displayed a photograph of the site and surrounding area, and discussed design alternatives.*

*In support of the Applicant:*

*Ted Davis, Midway Chamber board member, read a letter urging the Council to affirm*

*the site plan, which he said was consistent with the zoning resulting from a process involving extensive community input.*

*Mike Zipko, incoming chair of the Midway Chamber, said the development would benefit the City not just the neighborhood, and affirming the site plan would send the right message to a number of important audiences.*

*Zach Schwartz, manager of public affairs for the Midway Chamber, said City staff reviews confirmed that the plan was consistent with zoning approved by the Council and planning commission. He said the project maximized opportunities for jobs and broadened the tax base, and it showed the Council had the ability to balance community and business needs.*

*Kelly Jameson, St. Paul Port Authority, said the zoning was approved based on the site plan being considered, and the only changes since were pedestrian enhancements made in response to community input.*

*John Allen, designer/developer, said he was very familiar with Midway and with demand for this type of site within the City. He expressed confidence in the success of the site and said he felt it would result in a good mix of overall development.*

*Tom Beach, Department of Safety and Inspections, distributed copies of emails the department had received.*

*Councilmember Stark moved to close the public hearing. Yeas - 5 Nays - 0 (Bostrom not present for vote)*

*Councilmember Stark said the development in an I1 zone met all requirements, and community members opposed the design and not the use. He said he had visited the site, and surrounding businesses had zero setback. He reiterated that it was not a question of use or zoning, but of fit with the surrounding area. He found that the planning commission erred, and he move to grant the appeal.*

*Council President Lantry emphasized the distinction between site plan review and a zoning issue.*

**Appeal granted**

**Yea:** 5 - Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

**RECONSIDERATION**

*Council President Lantry moved suspension of the rules.*

**Rules suspended**

**Yea:** 5 - Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

**RES PH 11-1035** Ratifying assessments for Replacement of Lead Water Service Line on private properties during May to July 2011. (File No. 1104LDSRP, Asmt No. 114939) (To be laid over to October 19 for public hearing)

**Sponsors:** Lantry

*Council President Lantry said the item was noticed for October 19 but inadvertently placed on the October 5 agenda. She moved to lay the matter over to October 19 at 5:30 p.m. for public hearing.*

**Laid over to October 19 for public hearing**

**Yea:** 5 - Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

## **ADJOURNMENT**

*Councilmember Stark moved to adjourn the meeting at 4:54 p.m.*

**Meeting adjourned**

**Yea:** 5 - Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

## **Council Meeting Information**

### **Web**

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### **Cable**

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