



PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

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Payne Phalen District Five Community Planning & Economic Development Committee Draft Minutes

Wednesday, August 7, 2013 – 6:30 p.m.

722 Payne Avenue (Payne and Minnehaha)
Eastern District Police Department Community Room
Chair: Jonathan Bohn

CPED Committee Members Present:

Darlene Adams	P	Edward Bertges	E	Jonathan Bohn	P
Rich Bold	E	Luke Bredeson	P	Greg Copeland	P
Roy Evans	P	Suzan Forsberg	P	Ted Hecht Sr.	P
Cathy Hennelly	P	Tong Her	P	Michael Mueller	P
Al Oertwig	P	Crystal Passi	P	Cheryl Peterson	P
Ann Polachek	P	Regina Rippel	E	Keith Schmalzbauer	P
Christian Schweitzer	E	David Syers	P	Maychy Vu	E
Buzz Wilson	E				

P= Present, L= Late, A= Absent, E = Excused Absence,

Community Participants & Guests: Sage Holben, Mike Grealish, Mike Klobucar, Vickie Norwood, Artesa Wheatley, Brad Griffith, Jamie and Renee Duncan, Lillie Cooksey, Jocelyn Jensen, Ricardo Cervantes (Director, St. Paul Dept. of Safety and Inspections), Jimmy Gerding, Marjorie Mangine, Murph Dawkins, Grace Bredeson (and two children), Romi Slowiak, Bill Zajicek, Stephanie McCorkell, Janice Rettman (Ramsey County Commissioner), Greg Schrader (DSI), Mike Hahm (Saint Paul Parks and Recreation Director), Helen, Ronald J. Adams.

Leslie McMurray (District Five Executive Director)

CPED Chair Jonathan Bohn called the meeting to order and welcomed everyone. Introductions were made.

CPED Agenda Review and Approval of Minutes from July 2, 2013

Motion to approve Agenda and Draft CPED Minutes from July 2, 2013. Seconded. Motion approved.

Maryland and Payne Intersection Reconstruction - Left Turn Lane project.

Guest Presenter: Jerry Auge, PE, Ramsey County Public Works

A public meeting was held in April 2013 on this topic. A second meeting was held on July 10, 2013. Leslie McMurray and Christian Schweitzer were both present at that community meeting. It was recommended that the presentation also be made at this CPED meeting. RCPW requests CPED review, comment and approval of the general project layout. The meeting presentation was made –with commentary offered reflecting community input already received at the July 10, 2013 meeting.

Maryland Ave has some 20,000 cars (Average Daily Traffic); Payne Ave has about 9,000 ADT. Payne Ave is a city road. Maryland Ave is a county/state route. There were 130 crashes over a 5-year period: 53% involved left turns, 25% involved side-swipes or rear-ends, and 22% involved right turns, some with pedestrians. Adding left turn lane will increase road width and improve safety.

A focus of discussion was alley access - ingress and egress off Maryland. This issue presents a safety concern. There are sight distance issues, as well as issues caused by left turns into and out of alleys. There are several ways to address alleys, including medians, "no left turn" signs, diverting or closing alleys. Six layouts were presented.

Leslie McMurray noted that the projected slide being shown to CPED for the mid-block alleyway had been changed since the July 10th, 2013 presentation. Ted Hecht noted that the presentation provided in his packet was not the same as the slide presentation. Mr. Auge acknowledged that the house on the south side of Maryland at Edgerton (the corner lot at the SE quadrant of Edgerton-Maryland) was now shown as a property taking on the slide in his presentation. He said that examination of storm water treatment options since July 10th had led RCPW to consider that this house and property must also be taken for this purpose. Leslie McMurray noted that at the July 10th, 2013 meeting – the community members had said that they preferred to have the tree planters (Stockholm) method of storm water treatment as a first option -coupled with the trench method or other methods for storm water treatment. There was no mention at the July 10th, 2013 meeting that the property on the corner would be taken. There was not at that time a discussion around impacts to the corner lot. If the Edgerton Maryland highway safety unfunded project is pursued – that lot could reasonably be expected to have impacts. The City of Saint Paul has an interest in pursuing federal highway safety funds for changes at Edgerton and Maryland. Jocelyn asked if there would be impacts to her block. Mr. Auge stated that there would be a public process if that project is pursued. McMurray asked if maybe the public process should precede the submission of funding for the project by the City. Mr. Auge responded that if funded, there would be a five year timeline for implementation of the plan. Storm water treatment is required as part of the project. The type of system hasn't been determined yet. Soil testing needs to be done and the type of soil will determine the filtration system.

The layout option with the median would retain the current alley access; however, the public didn't like it because the footprint is too big and property takings on both north and south side would be increased. The extra width at Maryland crossings seemed problematic and unsafe. It doesn't match what has been done on Maryland in the past. Neighbors have given input at Westminster and Maryland that they do not like the median option being discussed at that location. Another option is to close the alleyways and not install a median. Some alleyways could be closed if we have at least two accesses to public roadways. In the southwest quadrant of the project, the county and city are proposing to close five alleyways and put in an alleyway mid-block. It would go in between the lot that currently houses a church and the adjacent residential property. The two properties where the alley would go in would be taken. Some of the property that has to be taken is already vacant property (there is no longer a residence there). Some is rental. A church is on one lot. Yannarely's will be taken.

Grace Bredeson is a resident volunteer who has invested in a District Five community garden at 598 Maryland. She asked about impacts to the garden. The lot is currently an HRA owned lot and so the City has final determination on the garden. District Five leases the land for the garden from the HRA. At present – the plans would call for a reduction of lot size but there is no definite need to eliminate the garden – it may simply need to be set back further on the lot.

The timeline for the project is compressed. Approval is needed on the layout soon. The appraisal and notification timeline is underway. There are three right of way appraisers: one commercial, one church, and residential.

Motion by Luke Bredeson to approve the layout with the mid-block alley reconstruction. He stated he liked the option that the public preferred at the July 10th, 2013 meeting. Seconded. Motion passed.

858 Payne Ave – DBA Ward 6 – Applicants – Eric Foster and Bob Parker

Add a Liquor-Outdoor Service Area (Patio) (located on private property at the rear of the building) and Liquor Outdoor Service Area (Sidewalk) (located on the public sidewalk along Payne Avenue) licenses to existing Liquor on Sale – 100 seats or less, Liquor on Sale – Sunday, Entertainment (A) and Restaurant (4) 51-150 Seats Licenses.

Waiver Letter and recommendations on license application.

The restaurant has approval of 60% of their neighbors for the service expansion – patio and sidewalk service. This application will allow Ward 6 have drinks on the patio. The patio already existed; this is a service expansion. The patio is screened from the auto body shop. Some neighbors were unreachable Eric Foster described the layout of the patio and expected use of the sidewalk benches for waiting customers.

It was unclear if the waiver letter was desired by the applicant. CPED will approve the waiver letter to be drafted and submitted if the applicant chooses to pursue this.

Motion by Al Oertwig to support the applicant for 858 Payne for both the patio and the sidewalk service, and a 45 day waiver if requested. Second by Cheryl Peterson. Motion passed.

**754 Payne (Formerly Cornerstone Apts.) - Michael Buelow, BB Housing & Associates
BB Housing is filing Application to Appeal Zoning decision on allowable first floor uses of apartment building rehab.**

The building at 754 Payne was called Cornerstone Apartments. Mr. Buelow has been before CPED and RR Island Task Force several times on the project. At present, the work is underway, most of it is interior. It has a new roof. This was a 12-unit building and is now being converted into a four family building with four 2-bedroom units: two units on the second floor and two on the third floor. There will be balconies for each unit on the back of the building (facing east). The variance request is for the first floor to be converted to four rooms with half-baths. These ideally could serve as work rooms, artist studios, room for a home business. They also could serve as bedrooms. Mr. Buelow stated that this could help to draw in new types of tenants – i.e., artists or craftspeople who like the separate work room. The objection by the Zoning Administrator is that the code does not currently permit this type of dis-connected room from the main living area units. It's outside the current delimitation within the code. Mr. Buelow has recorded a restrictive covenant that would prevent tenants from subletting the one bedroom units. (See attached).

Motion by Oertwig to support the appeal of the zoning decision. Second by Mike Mueller. Oertwig stated he is supporting it because the number of units is being reduced from what was there, in a building that clearly needs to have something done. He stated the presentation seemed consistent with information provided at previous Railroad Island Task Force meetings. The goal is to have alternative spaces for families, a business/residential combined setting. Discussion followed.

Friendly amendment offered by Peterson to reference the restrictive covenant stipulations in the letter. She felt this would protect the community from future misinterpretation of the uses or trouble. The friendly amendment was accepted.

Vote on the motion (to approve the variance, to support the appeal, with the clear reference to and understanding that the restrictive covenant is in place and must remain in effect). Motion passed.

Discussion regarding future of 680 Wells installation, community concerns about the lot and remaining materials on the site that haven't been deemed hazardous.

Saint Paul Parks and Recreation Director Mike Hahm and Director Ricardo Cervantes of DSI were present and answered community questions. A number of residents concerned about the lot's future were also present.

The HRA submitted a number of lots on Wells to be transferred to the Parks Department. This HRA land was paid for by HUD and was intended to become sites for housing development. The land was given to Parks when it was not being developed – and Parks provided the public purpose necessary for the swap.

The retaining walls at 676 and 680 Wells are problematic. They are attractive nuisances and present a public safety danger. Parks cannot look the other way once the property is cited by DSI. Safety must be a top priority in policy decisions. The Aguirre Street connection is impeded by the wall. McMurray noted that this finding was apparently only recently communicated. This was not heard when the RCRRA, City of Saint Paul agreed to the project and funded it two years prior. This trail connection was to connect the Bruce Vento Regional Trail and Eastside Heritage Park, with Payne Avenue via Aguirre. The project was awarded funding and submitted by District Five in the 2011 Capital Budgeting Improvement process. Mr. Hahm spoke to 680 Wells. The property can provide a contiguous land buffer that runs east on Wells. It hasn't been evaluated as having a programmatic value or any real natural resource value. It would be a buffer. The installation is clearly intended to be art. Yet art is not for him to personally evaluate. The question is if it rises to the standard of public art? The City's Public Art Administrator and the Parks and Recreation Arts Coordinator were asked to review the site and to take photos. They have reported that what is there does not rise to their understanding of public art. If the installation were to remain under City ownership, it makes the most sense for the land to remain under Parks stewardship because of its location. The central issue is safety and safety issues must be corrected. The area has been fenced off. The walls need to put in a safe condition. The current materials are not uniform. For the walls to remain in place they would likely need to be completely unconstructed, engineered, and reconstructed. To stabilize what is there really doesn't exist. This meeting is the start of a definite "maybe" for what the terrain of the slope is and how to work with what is there. As it stands now, there are hazards that have to be corrected, and until then we cannot let the public onto that land.

Lengthy discussion followed, along with questions for Director Hahm. Ronald J. Adams stated that DSI should consult with him on the wall and that he alone could provide all needed information on the stability and materials of the wall – since he had constructed the wall. Kristen Dawkins provided an e-mail from 2006 clearly showing that Bob Kessler, then DSI Director, had investigated the wall's stability and the e-mail referenced an inspector and engineer who stated the wall was solid. It was confirmed that no civil engineer had currently evaluated the structural issues with the wall. The inspectors evaluation was enough to flag the safety issues. Romi Slowiak asked what the plan would be to improve safety if the wall were removed. She noted that erosion could be a serious safety issue if the wall was removed without a clear plan for stabilizing the area. Director Cervantes said in his research – that no directive to build a wall had been issued by the City. So presumably the City would to therefore be required to replace a retaining wall at this site. Mike Hahm said that District Five could possibly rent a storage unit and store the items from the park while the park was dismantled and regarded. Many people spoke of why they valued the wall and the installation. It was viewed as creative, playful, a "surprise", showed determination and effort, and was an interesting feature on the East Side. The park's connection to the past inhabitants and history of the area was highlighted by some. Residents noted that there was no clear plan for the land and that more time could result in a good outcome. Mike Grealish noted that in past District Five had made a motion of support for the wall – possibly in 2006.

Cathy Hennelly put forward a motion on behalf of Bill Zajicek requesting that enough time be allowed for the community to work in good faith with Parks and Recreation to develop a plan that results in safety, and preservation of some features or aspects of the installation or art park. Seconded. Kristen Dawkins stated the wall was of greatest importance to her.

Mr. Hahm noted that the issue is that Parks now has an unengineered structure with the creator admitting that the wall is made of irregular materials.

Mr. Bohn suggested that an ad hoc committee work on the issue. Stephanie McCorkell volunteered to be the point person for the group.

Mr. Hahm said he does not have a resource to pursue saving what is there.

He noted he wants to be realistic about the situation. There is a significant amount of structure on the site. To evaluate what is there and to make a conclusion that it is safe – that is a herculean, expensive task with a likely outcome that the whole structure would have to be reconstructed. He is sensitive to the community interests and is not close-minded. He does not want to leave anyone with unrealistic expectations about what is possible at this site. Parks conclusion is that the walls would have to be fully reconstructed and re-installed to be determined to be safe. There is no budget for this.

Motion passed. One opposed.

Informational Items and/or Community Updates: (None)

There was also a handout referenced concerning the construction of the Community Center and Library.

Adjournment