



City of Saint Paul

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

Meeting Agenda

City Council

Council President Kathy Lantry
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Melvin Carter III
Councilmember Russ Stark
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, December 12, 2012

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 12-26](#) Letter from the Department of Safety and Inspections declaring 1054 Central Avenue West as a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Attachments: [1054 Central Ave W.OTA.pdf](#)

- 2 [AO 12-36](#) Amending the 2012 budget of the Planning and Economic Development Operations Fund.
Attachments: [2012-RelocationAddlRequest.xls](#)

- 3 [AO 12-37](#) Amending the spending plans in the Department of Safety and Inspections in the amount of \$245,250 to reallocate salary savings to cover vacant building demolitions and environmental health costs.
Attachments: [AO 12-37 DSI Vacant Building and Environmental Health Fiscal.xlsx](#)

- 4 [AO 12-38](#) Amending the 2012 Public Library Agency general fund to transfer funds for an agreement with the Saint Paul Public Schools for the 2012-2013 Parent Academy program.
Attachments: [Financial Analysis for Parent Academy program](#)
 [Parent Academy Contract](#)

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.

- 5 [RES](#) Accepting a Dedication of Easement from the Scheffer Lane Townhome
[12-2178](#) Association, Inc., dedicating a public alley on the west 18 feet of the
 Association's property near 781 Scheffer Avenue.
Attachments: [Map of Townhome Association Property.pdf](#)
 [Dedication of Easement.pdf](#)
 [Exhibit A.pdf](#)
- 6 [RES](#) Accepting a Dedication of Easement from CH Midway, LLC to facilitate
[12-2177](#) creation of two parking bays for vehicles along the Wirtz Beverage
 property at 429 and 475 Prior Avenue North.
Attachments: [Exhibit A - Dedication of Easement.pdf](#)
- 7 [RES](#) Authorizing the proper city officials to enter into a lease amendment
[12-2144](#) between the Department of Parks and Recreation and Thomas
 Annunziata, d/b/a Putt'er There for an additional five year extension
 ending October 31, 2017.
Attachments: [Putt'er There Miniature Golf Agreement.doc](#)
- 8 [RES](#) Authorizing the Department of Parks and Recreation to enter into an
[12-2100](#) agreement with Resource Recovery Technologies, which includes an
 indemnification clause, to allow the City of Saint Paul to deliver all
 municipal solid waste to the Resource Recovery Technologies location
 in Newport, Minnesota.
Attachments: [Resource Recovery Technologies Agreement.pdf](#)
- 9 [RES](#) Extending and continuing agreements for the transfer of St. Paul Police
[12-2078](#) employees (Brenna Atz, Juliet Rudie, John Serier) to the Ramsey
 County Sheriff's Office.
Attachments: [Brenna Atz Agreement 2013 2014.pdf](#)
 [Juliet Rudie Agreement 2013 2014.pdf](#)
 [John Serier Agreement 2013 2014.pdf](#)
- 10 [RES](#) Authorizing the Police Department to accept the fourth (4th) amendment
[12-2227](#) to the Child Sexual Predator Program grant with the State of Minnesota,
 Bureau of Criminal Apprehension to extend the term of the grant.
Attachments: [State of MN Child Sexual Predator 4th Amendment](#)
 [Financial Analysis](#)
- 11 [RES](#) Authorizing the Police Department to enter into an agreement with the
[12-2228](#) State of Minnesota to provide police service to their Department of
 Human Services at their building parking ramp.

Attachments: [State of Minnesota Dept of Human Services Agreement RES 12-2228.pdf](#)
[Financial Analysis](#)

- 12 [RES](#)
[12-2212](#) Preliminary Order setting the date of Public Hearing for January 2, 2013 for a sidewalk improvement on the north side of Montreal Avenue - West Seventh Street to I-35E. (File No. S1301 Assmt No. 135301)

Attachments: [S1301 SOER.pdf](#)
[S1301 Assessment Roll.pdf](#)

- 13 [RES](#)
[12-2248](#) Approving the Performance Agreement between the City of Saint Paul and the Saint Paul Neighborhood Network for 2013.

Attachments: [SPNN 2013 Performance Agreement.doc](#)

- 14 [RES](#)
[12-2196](#) Approving adverse action against the Dance or Rental Halls license held by Jonah Ogamien at 508 Snelling Avenue North.

Attachments: [Notice of Violation.pdf](#)
[SPLC Section 310.05 \(m\).pdf](#)

- 15 [RES](#)
[12-2258](#) Directing the appropriate city department to refund appeal fees paid by Raymond and Susan Cantu for zoning appeals filed under Zoning File Nos. 12-101937 and 12-116607.

- 16 [RES](#)
[12-2210](#) Memorializing City Council action taken October 3, 2012 granting an appeal by Alan C. Young of a decision of the Board of Zoning Appeals which denied a driveway width variance at 654 California Avenue East.

FOR DISCUSSION

- 17 [RES PH
12-296](#) Final Order approving the 2013 Right-of-Way Maintenance Program and 2013 Above-Standard Lighting Operation and Maintenance Program. (File No. 13ROW FINAL)

Attachments: [Description of Services and Assessment Rates](#)
[Assessment Roll 01-28-23-11-0001 to 09-28-23-13-0092](#)
[Assessment Roll 09-28-23-13-0093 to 22-29-23-23-0020](#)
[Assessment Roll 22-29-23-23-0021 to 29-29-23-13-0031](#)
[Assessment Roll 29-29-23-13-0032 to 36-29-23-44-0004](#)
[B. Picka Letter](#)
[D. Rothstein Letter](#)
[Sullivan comments re assessments.pdf](#)

In opposition:

Dennis Paulson (1390 Larpenteur Avenue E.), board member at Our Redeemer Lutheran Church, said he wanted to appeal right of way fee for a portion of the alley; he displayed an aerial photo. Council President Lantry referred Mr. Paulson to Bruce Engelbrekt in the Real Estate Department of Financial Services.

Stan Berger (475 Portland) said there was a significant problem with the rate structure, specifically with that associated with his alley. He said his alley was brick paved and had never been seal-coated, and he asked if a correction could be made.

Rich Lallier, Public Works Director, said alleys were classified as improved or unimproved and there wasn't a classification for brick paved alleys. He noted that it was more expensive to maintain brick streets than paved streets.

Councilmember Stark acknowledged the point made by Mr. Berger, but said the classifications were blunt instruments and the piece of cost assigned to alley maintenance was probably insignificant. Mr. Lallier said there were so few brick alleys it didn't make sense to create a classification.

Bill Dunnigan, owner of the commercial property at 168 N. Griggs, said there were unfair and undue assessments for corner commercial properties, and the current lawsuits should be a signal to the City that something had gone astray.

Councilmember Tolbert moved to close the public hearing and lay the matter over to December 12 for adoption.

Councilmember Stark stated that he agreed with points raised by Mr. Dunnigan.

- 18 [RES PH
12-332](#) Setting the recycling service fee for 2013, and authorizing Public Works to request \$589,209 in SCORE grant funds from Ramsey County to support the curbside recycling program under contract with Eureka Recycling.

Attachments: [2013 Financial Analysis Score Grant and Rates.xlsx](#)

- 19 [RES PH
12-326](#) Setting the 2013 Sanitary Sewer and Storm Sewer rates.

No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and lay the matter over to December 12 for adoption.
- 20 [RES PH
12-302](#) Establishing the Water Rates for 2013.

Attachments: [Council resolution-2013 water rates.pdf](#)
 [Sullivan comments re assessments.pdf](#)

No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and lay the matter over to December 12 for adoption.
- 21 [RES
12-2256](#) Approving the Saint Paul Regional Water Services 2013 Budget.

Attachments: [Res 12-2256 - Water Bud Resolution Attachment A.pdf](#)
 [Res 12-2256-Water-Resol'n-Attachment B.pdf](#)
- 22 [RES
12-2255](#) Approving the Saint Paul RiverCentre Convention and Visitors Authority 2013 Budget.

Attachments: [RES 12-2255 RCVA 2013 budget with resolution \(Attachment A\).pdf](#)
 [RES 12-2255 2013 RCVA Council Phase Tracker \(Attachment B\).pdf](#)
- 23 [RES
12-2233](#) Approving the HRA Budget for the fiscal year 2013 and the levying of the Housing and Redevelopment 2013 property tax.

Attachments: [RES 12-2233 HRA Tracker Attachment - City Action.pdf](#)

The Council will recess and convene as the Library Board to consider Library Board Resolution 12-2204: Adopting the 2013 budget and requesting property tax financing.

The Library Board will then adjourn and the City Council will reconvene.

- 24 [RES
12-2223](#) Approving and adopting the Saint Paul Public Library Agency Budget.

Attachments: [RES 12-2223 \(Council - Library Budget\) Attachment A.pdf](#)
 [RES 12-2223 -\(Library Budget - Council\) Attachment B.pdf](#)
- 25 [RES
12-2203](#) Approving the 2013 City Tax Levy.

Attachments: [RES 12-2203- Financial Analysis \(City Tax Levy\).pdf](#)
- 26 [RES
12-2247](#) Adopting the 2013 Budgets.

Attachments: [Amended_RES 12-2247 City Budget-Attachment A](#)
 [RES 12-2247 City Budget-Attachment A](#)
- 27 [RES
12-2222](#) Adopting the 2013 Budget Policy Plan.

Attachments: [2013 Council Policy Plan](#)

- 28 [RES 11-471](#) Ordering the razing and removal of the structures at 260 MARIA AVE within fifteen (15) days after the April 20, 2011 City Council Public Hearing. (Public hearing held and closed; laid over from August 8, 2012)

Attachments: [260 Maria Ave.Order to Abate.1-21-11.doc](#)
[260 Maria Ave.Public Hearng Notification.2-25-11.pdf](#)
[260 Maria.R-R FTA & HPC LO Ltr 3-22-11.doc](#)
[260 Maria Ave.Photos.12-30-10.pdf](#)

LO 3 weeks to LH April 12, 2011.

No one appeared.

Steve Magner, Department of Safety and Inspections, Vacant Buildings, reported that 260 Maria is a two-story wood frame single-family dwelling with a detached two-stall garage on a lot of 4,792 square feet that has been a Vacant Building since April 23, 2009. The current property owner is Twin Cities Real Estate Partners LLC per Ramsey County records. There have been ten (10) Summary Abatement Notices since 2009 resulting in ten (10) Work Orders issued for: 1) boarding/securing; 2) garbage/rubbish; 3) tall grass/weeds; 4) snow/ice; and 5) exterior (remove fence). On January 4, 2011, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on January 21, 2011, with a compliance date of February 23, 2011. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fee was paid (assessed on 4/16/10). Taxation has placed an estimated market value of \$20,200 on the land and \$78,700 on the building. As of March 18, 2011, a Code Compliance Inspection has not been done. (Code Compliance Inspection August 6, 2009-Expired) As of March 18, 2001, the \$5,000 Performance Deposit has not been posted. Real Estate taxes for 2010 are delinquent in the amount of \$2,357.95 plus penalty and interest. Code Enforcement Officers estimate the cost to repair this structure exceeding \$35,000; the cost for demolition is estimated to exceed \$11,000.

Ms. Moermond noted that a forfeiture notice wouldn't be sent before 2012. She added that the photos suggest a lot of water, trim and plaster damage has occurred and the copper wiring is no longer there. There is nothing remarkable about the garage. There are no bid tabs yet.

Ms. Spong, HPC, reported that 260 Maria is known as the George and Jenny Madison House; it was built in 1882 and it's classified as pivotal to the Dayton's Bluff Historic District despite some of its alterations. It is a two-story Italianate house with a mansard roof and a frame structure with stucco over clapboard. One of the major features of this house is the cornice which is described as quarter wheel brackets and dog-toothed bed molds that are unique survivors in the historic district which is why it has a pivotal classification. The porch was enclosed in 1915. Originally, it did not have a full front porch; there was just a stoop. This was also surveyed as part of the 1981 Comprehensive Survey of Saint Paul, about eleven (11) years prior to the Dayton's Bluff Survey. At that time, it said that although it was altered with stucco, the house retains an unusually ornate cornice. It was stuccoed very early (before 1925), which increases it's integrity. It is one of several houses in the area which date from

the early 1880s. The Italianate style is unique to Dayton's Bluff because of the collection. If Saint Paul starts to lose a lot of the Italianate houses, the integrity of the historic district becomes compromised.

Mr. Magner stated that in December 2008, owner, Consiano, lost the building and it became vacant and the C of O was re-pulled. The City opened the Vacant Building file in April, 2009 (four (4) months after it became vacant). It became a Category 2 Vacant Building and then Twin Cities Real Estate Partners wanted to purchase the property. Wells Fargo got a Code Compliance and the City inspected it. They go through the sale review process and get approved.

Ms. Spong added that this property is on a corner; it kind of anchors that block base. When buildings are in an historic district, the HPC has to make four (4) findings and considerations when demolition is being applied for by a private entity: 1) the effect of the demolition on the surrounding neighborhood of historic district; 2) the architectural significance and integrity of the property; 3) what is being proposed in its place; and 4) Ms. Spong was unsure about the 4th one. If there were an individual applying for a demo permit, the HPC would require a structural engineer report. They need to supply a lot of documents to the HPC in order for them to make a decision according to historic district guidelines.

Ms. Moermond noted that it looks as though the owner hasn't maintained the property. She stated that this parcel is a legal nonconforming duplex and it has been vacant for more than one year so, it would need to be deconverted to a single-family structure unless it was originally constructed as a duplex. It looks like a case of abandonment given that maintenance has been bad in recent times, the taxes haven't been paid and that we haven't heard from the owner, Twin Cities Real Estate Partners.

Ms. Moermond asked Ms. Spong if it would be beneficial to lay this matter over for another two (2) weeks to get more information onto Legistar. Ms. Spong responded that if it were forwarded to HPC, the City would need to get very accurate numbers on rehab costs. Ms. Moermond suggested that perhaps the City could ask for an opinion from Dayton's Bluff, which should also go into the record. She asked Mr. Spong to put something on the record in two (2) weeks after consulting with PED.

Ms. Moermond noted that this will be on the City Council agenda April 20, 2011, so this body could look at it on April 12, 2011.

Mr. Magner asked if this address is in the ISP area. Ms. Spong replied, "Yes."

*Ms. Moermond recommended laying this over to April 12, 2011 at which time a recommendation will be locked-in.
Heritage Preservation Commission (HPC) update is forthcoming.*

April 12, 2011 Legislative Hearing minutes (update)

Ms. Moermond stated that Ms. Amy Spong, HPC, will not be in attendance today but her HPC updated material is forthcoming. It is scheduled to be on the City Council agenda April 20, 2011. She asked Mai Vang to send an email to Ms. Spong today requesting that she remit the material on April 13.

No one appeared in opposition; Council President Lantry moved to continue the public hearing for three months (July 20, 2011).

No one appeared in opposition; Council President Lantry moved to continue the

public hearing to October 5.

Council President Lantry moved to continue the public hearing to the first meeting in January.

No one appeared in opposition; Council President Lantry moved to close the public hearing and lay the matter over to June 13, 2012.

Council President Lantry moved to lay the matter over to December 12.

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

- 29 [Ord 12-71](#) Amending Chapters 60 and 62 of the Legislative Code pertaining to nonconforming lots, uses, and structures.

Attachments: [NCU text amendments-Ordinance 8-22-12.doc](#)
[PC recommendation res 12-56.pdf](#)
[Neighborhood Plg. Cmte report to PC 8-15-12.doc](#)
[Planning Commission hearing minutes 4-20-12.pdf](#)
[Summit Hill Assn. letter at PC hearing.pdf](#)
[PC hearing Dist5 letter_1.pdf](#)
[Public hearing K Raabe ltr.pdf](#)
[Wilcox Public Comment Non conforming use permit process.pdf](#)
[CC ENS hearing notice.doc](#)
[District 6 Letter.pdf](#)
[Mac Groveland NonConforming Use Text Amendments Letter.pdf](#)
[District 10 Letter re NCU amendments.pdf](#)
[West 7th-Fort Road Federation Letter re NCU amendments.pdf](#)
[Open Saint Paul report on NCU amendments.pdf](#)
[Brock Letter opposing NCU text amendments.pdf](#)
[Nonconforming Use Text Amendments Revised text document.doc](#)
[SPACC letter re Ord 12-71.pdf](#)
[Proposed Lantry Amendment 11.28.12.doc](#)
[Brock email](#)
[Stark memo re proposed language 11-19-12](#)
[Ord 12-71 12-6-12](#)

Council President Lantry asked for a follow-up email to Council members from Patricia James in Planning and Economic Development.

In opposition:

Chris Schweitzer (440 Montana Ave. E.), District 5 board member, read a letter from District 5. He said the existing petition requirements were critical for effective citizen participation, and provided a safeguard to orderly and sustainable development.

Jeff Roy, Executive Director of the Summit Hill Association, expressed concern about unintended consequences resulting from the streamlining of the process, and said the petition process protected the neighborhood.

Tait Danielson-Castillo, District 7, said his board was insulted by statements in the neighborhood study results indicating that overseas banks and language

barriers were contributed to the need for the changes. He said District 7 worked hard to assist businesses and organizations with the process.

Chuck Repke, District 2, said it was important to clarify that what was being discussed was the re-establishment of a nonconforming use that had been zoned out of existence and gone from the neighborhood for at least the required one year period. He said neighbors would invest in their properties and make decisions about whether or not to stay in the neighborhood assuming the nonconforming use was gone, and that was not a circumstance under which the petition requirements should be relaxed. He said there was no demand for the changes and they placed a hardship on the neighborhoods.

Greg Copeland (612 East Cook Ave.) said he agreed with points made by Mr. Repke.

Councilmember Tolbert moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Tolbert asked what the impetus was for the changes.

Council President Lantry said she would be bringing in some language changes. She asked for staff suggestions on language to clarify what was being done with the special sign districts.

Patricia James, Planning and Economic Development, said the changes were made based on zoning staff experiences over the years; she said two or three people could prevent a use from even getting a hearing. She said when the zoning code was developed in 1975, thousand and thousands of properties became legally nonconforming. She said the move was now toward mixed use, walkable, livable communities and this was an attempt to find a different sort of balance between ensuring that neighbors had input but lowering the bar a little bit so uses could still get a public hearing.

In response to Mr. Repke's comments, Council President Lantry said there was still a process for re-establishing a non-conforming use if they got the signatures.

In response to a question from Councilmember Thune, Ms. James clarified that the special sign districts regulating size and design were not affected, but the non-conformity sections of the district-wide sign districts pertaining to billboards no longer complied with state law.

Councilmember Bostrom said it was important to look at situations individually, and he looked forward to seeing Council President Lantry's changes. Council President Lantry introduced amendments. Yeas - 7 Nays - 0 Council President Lantry moved two amendments which restored the original language requiring signatures from 2/3 of the owners of properties within 100 feet of the subject property, and deleted all of the changes from Chapter 64. She said she would then introduce a new Chapter 64 under suspension for first reading. She said some issues had been brought up by the billboard industry that would require some additional time to resolve.

Amendments moved. Yeas - 7 Nays - 0

No one appeared in opposition; Councilmember Bostrom move to close the public hearing and lay the matter over to November 14 for final adoption. Council President Lantry said she and Councilmember Stark were working on

changes.

Councilmember Stark moved to lay the matter over to November 28.

Councilmember Stark moved to lay the matter over for one week.

CPL amendments

CS amendments; request staff report on implications of text changes

Patricia James gave a report

CS and Ms. James clarify in response to CTh

CPL express concern about lack of notification

CS

CTh

CBo - the reason they are nonconforming is because we want them to go away,

CBr - change from existing...CPL - explain

CS take is to make it easier for the times it's going to work than cause problems for the minority of times there might be problems

CC comments

CBr comment

CS withdraw, let's talk about the second one 62.106H

PJ - deals with nonconforming uses, specifically when discontinued for more than a year, current policy is..., planning commission proposal for residential units only is..., planning commission has never denied under current process

CS - those are the two points...

CPL - outline procedures for confirming old use

CTh - appeal process for District Council or neighbors if they disagree with zoning administrator

CPL - they can now, but with new system? neighbors won't know

CPL - ENS might work?

Discussion of ENS scheduling and notification requirements, not sure if zoning administrator decision is included but it can be added

CS amendments 7-0

30

[Ord 12-78](#)

Amending Section 32.01(d) of the Saint Paul Administrative Code pertaining to compensation of the City Council in accordance with the applicable provisions of State Law and the City Charter.

Second Reading

- 31 [Ord 12-79](#) Memorializing City Council action granting the application of Amherst H. Wilder Foundation for the rezoning of 941 Lafond Avenue between Victoria and Chatsworth from RT1 & RM2 Residential to T1 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held October 17, 2012)
- 32 [Ord 12-80](#) Enacting Section 99.01 of the Saint Paul Administrative Code pertaining to the availability of the Lowertown Regional Ballpark facility for Saint Paul high school varsity baseball, varsity softball, and adaptive softball games.
- 33 [Ord 12-81](#) Granting authority to the Port Authority to issue and sell bonds in the aggregate principal amount of approximately \$17,500,000 and to use the proceeds derived from the sale of such bonds for the costs and expenses incurred by the Port Authority for the acquisition, remediation and improvement of blighted and marginal lands located in the City; and to refund the Series 2003-8 Bonds previously issued by the Port Authority for similar purposes, pursuant to the provisions and by authority of Minnesota Statutes 1992, Chapter 469, as amended; and prescribing the amount and form of such bonds and the manner for establishing the rate of interest.
Attachments: [City Council Financial Analysis for G.O. Bonds.xls](#)
 [Port Authority Board G.O. Bond Memo.pdf](#)
- 34 [Ord 12-82](#) Amending Chapter 14 of the Saint Paul Legislative Code pertaining to the disposal of abandoned and unclaimed property.

First Reading

- 35 [Ord 12-83](#) Amending Chapter 310 of the Saint Paul Legislative Code pertaining to the addition of license fees for Animal Day Care and Animal Boarding.
Attachments: [Section 310.18 \(a\) Animal Day Care & Animal Boarding license fee schedule.pdf](#)

SUSPENSION ITEMS**[RES PH
12-334](#)**

Approving the petition of 180 Degrees Inc. to vacate a portion of English Street and the adjacent alley abutting its property at 1291 and 1301 Seventh Street East. (Public hearing held December 5)

Attachments: [Exhibit A - Vacation Area.pdf](#)

[Exhibit B - Easement Dedication Area.pdf](#)

[Elfstrand letter re English St vacation](#)

[Ritter letter re English St vacation](#)

**[RES
12-2288](#)**

Approving the use of grant funds through the neighborhood STAR year-round program for security cameras at Forest and Case Streets.

ADJOURNMENT**Council Meeting Information**

The City Council is paperless which saves the environment and reduces expenses. The agendas and Council files are all available on the Web (see below). Councilmembers use iPads to review the files during the meeting. Using the iPad greatly reduces costs since most agendas, including the documents attached to files, are over 1000 pages when printed.

Web

Meetings are available on the Council's website. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit www.stpaul.gov/council for meeting videos and updated copies of the Agendas, Minutes and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)