



Legislation Text

File #: RES 17-1948, **Version:** 1

Memorializing the Port Authority's need to continue using its Southport facility as a dredge disposal area.

WHEREAS, on September 19, 2008, the Council of the City of Saint Paul, under Council File No. 08-1033, duly adopted a Resolution in which the Council denied combined appeals relating to zoning decisions by the Board of Zoning Appeals ("BZA") [BZA File No. 08-032022] and the Planning Commission ("Commission") [PC File No. 08-072-743] which, respectively, had approved applications for slope variances and a site plan approval as applied for by the Port Authority of Saint Paul ("Port") for the purpose of developing certain lands owned by the Port and commonly known as 637 Barge Channel Road for use as a barge service and cleaning operation; and

WHEREAS, acting with the capacity of the BZA and the Commission pursuant to Leg. Code 61.704 in upholding the BZA and Commission decisions and denying the combined appeals, the Council added additional conditions to those which had been imposed by the BZA and the Commission including the following condition, set forth in Council File No. 08-1033 as follows at Lines 347-353:

"3. In furtherance of wetlands restoration, when the Army Corps' dredge disposal agreement with the Port Authority ends on December 31, 2017, the Port Authority agrees to submit to the Saint Paul City Council the issue as to whether it is necessary for Southport to continue as an Army Corps dredge disposal site. If the determination by the City is that Southport is no longer necessary for this use, then the Port Authority agrees to cease using Southport for the Army Corps' dredge disposal and furthermore, agrees to then convert the area used for the Army Corps' dredge disposal to wetlands as reasonably soon thereafter as possible."

AND, WHEREAS, the Council added a further condition set forth in Council File No. 08-1033 at Lines 369-376 as follows:

"BE IT FURTHER RESOLVED, in the event the Port, or any successor(s) to it in interest regarding the subject lands and the conditions of approval imposed under this Resolution, should fail to abide by any or all of the conditions imposed under this Resolution, and upon notice to the Council pursuant to Leg. Code § 61.108, the Council hereby deems the Port or any successor(s) as the case may be, to be in violation of the this Resolution and the violation shall be set on for a public hearing before the City Council following the process set forth under Leg. Code § 61.108, the Council shall act as the Planning Commission for the purpose of considering whether to revoke the approvals under this Resolution or to take such other action as deemed appropriate as provided under Leg. Code § 61.108."

AND, WHEREAS, on November 14, 2017, staff of the Port's Credit Committee prepared a Memorandum a copy of which is attached hereto, which advised that the Port had received a Record of Necessity submitted by United States Army Corps of Engineers ("USACE"), a copy of which is attached hereto stating that the dredge disposal area in question in C.F. 08-1033 is still necessary in 2017 as "there is no other location for dredge disposal in the Saint Paul river corridor for the [USACE] to fulfill its mission of maintaining a 9-foot navigation channel in the Mississippi River." The Report goes on to state certain monetary and cultural benefits which accrue to the City and the Port through the use of the Southport site for placement of materials dredged from the Mississippi River. The Report concludes with a recommendation by Port Staff that "the [Port] renew its agreement with the [USACE] to permit the placement of dredged materials on [Port] property located in the Southport Terminal . . . for [another] period of 20 years;" and

WHEREAS, on November 28, 2017 and based upon the November 14, 2017 the Port's staff report, the Port adopted Port Resolution No. 4618, a copy of which is attached hereto, indicating the Port's approval of another twenty (20) year lease giving permission to the USACE to place dredge materials on the Port's Southport Terminal property and further directing that the Port appear before the Council to "establish the necessity of the Southport Terminal to continue to serve as an [USACE] dredge material management site;" and

WHEREAS, pursuant to Port Resolution No. 4618, the Port subsequently submitted to the City the materials noted above which were delivered to the City's Planning and the Zoning Administrator's for the purpose of reviewing them for compliance with the Council's conditions and the directives set forth under Council File No. 08-1033; and

WHEREAS, based upon their review, the Planning and the Zoning Administrators have determined that the Port submissions provide sufficient information to reasonably establish, as required under Council File No. 08-1033 at Lines 347-353, that it is necessary that the Southport Terminal continue to serve as a USACE dredge material management site; and

WHEREAS, the Planning and the Zoning Administrators, based upon the foregoing, hereby recommend that the Council find that it is necessary that the Southport Terminal continue to serve as a USACE dredge material management site; NOW,

THEREFORE, BE IT RESOLVED, based upon the materials submitted by the Port, the review of those materials by the Planning and Zoning Administrators and their recommendation, the Council of the City of Saint Paul hereby finds and determines that the Port's Southport Terminal continue to serve as a USACE dredge material management site: AND

BE IT FURTHER RESOLVED, based upon the preceding finding, the Council further finds that the Port is in compliance with Condition B.3 of Council File No. 08-1033 at Lines 347-353; AND

BE IT FINALLY RESOLVED, that the other conditions and requirements of Council File No. 08-1033 remain in full force and effect and in furtherance thereof, the Council directs the Planning and Zoning Administrators to prepare and provide to the Council President within sixty (60) of the approval of this Resolution, a written report advising on the status of the Port's compliance with the other conditions contained in Council File No. 08-1033.