

City of South St. Paul

COUNCIL AGENDA

Monday, August 15, 2016

7:15 p.m.

(If you use the hearing assistance PA system, please remove your hearing aid so it does not cause a feedback problem.)

1. CALL TO ORDER:

2. ROLL CALL:

3. INVOCATION:

4. PLEDGE OF ALLEGIANCE:

5. PRESENTATIONS:

6. CITIZEN'S COMMENTS *(Comments are limited to 3 minutes in length.)*

7. AGENDA:

A. Approval of Agenda

Action – Motion to Approve

Action – Motion to Approve as Amended

8. CONSENT AGENDA:

All items listed on the Consent Agenda are items, which are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the consent agenda and considered at the end of the Consent Agenda.

- A. City Council Meeting Minutes of August 1, 2016
- B. Accounts Payable
- C. Approve bid from Protouch Painting, Inc. for painting of exterior and interior at Northview Pool building.
- D. Acceptance of Gifts to the Library by Tony Leitner of Level Up Games
- E. Acceptance of Gifts to the Library by The South-West Lioness Club
- F. Business Licenses
- G. Order to Secure 405 16th Avenue North

9. PUBLIC HEARINGS:

- A. Second Reading - Ordinance Opting Out of Legislation Requiring Cities to Permit Temporary Family Health Care Dwelling Units

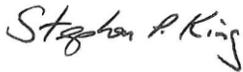
10. GENERAL BUSINESS:

- A. Second Reading – Ordinance Amending Chapter 15 Regarding Animals (Miniature Pigs)
- B. Olson Garage Height Variance – 1035 15th Ave. N
- C. Concord/Mattie’s Lanes Sign Variances – 365 Concord St. N.

11. MAYOR AND COUNCIL COMMUNICATIONS:

12. ADJOURNMENT:

Respectfully Submitted,



Stephen P. King, City Administrator

**SOUTH ST. PAUL CITY COUNCIL
MINUTES OF AUGUST 1, 2016**

The regular meeting of the City Council was called to order by Mayor Beth Baumann at 7:15 P.M. on Monday, August 1, 2016.

ROLL CALL:

Present,	Mayor Baumann Councilmembers Flatley, Hansen, Niederkorn, Podgorski, Rothecker, Seaberg
Absent,	None
Also Present,	City Administrator, Steve King City Attorney, Kori Land City Engineer, Chris Hartzell City Clerk, Christy Wilcox City Planner, Peter Hellegers

5) Presentations

- The South St. Paul Jaycees presented the City with a donation to be used for parks and recreation youth fee assistance.
- Deb Griffith presented the 2016 Fill the Backpack Campaign and acknowledge the donation by Hopie Nelson.

6) Citizens' Comments

- David Wojnar presented a petition relating to the issues at the rental property located at 337 11th Avenue South.
- Representatives of St. Mary's Coptic Orthodox Church invited all residents to attend their 11th Annual Church Festival to be held on August 27th & 28th.
- Camila Carroll appeared to complain about the City's website as well as to address her complaints on customer service when trying to resolve issues with her Time-Of-Sale inspection.
- Bernie Beermann discussed the issue of sidewalks on Concord Street North.

7) Agenda

Moved by Seaberg/Flatley

MOVED: To approve the agenda.

Motion carried 7 ayes/0 nays

8) Consent Agenda

Moved by Niederkorn/Hansen

Resolved, that the South St. Paul City Council does hereby approve the following:

1. City Council meeting minutes of July 25, 2016
2. Resolution No. 2016-145, approving accounts payable
3. Resolution No. 2016-130, accept donation from Maple Tree Day School
4. Resolution No. 2016-136, accepting the year ended 12/31/2015 Audited Financial Reports
5. Accept letter of resignation from Vicki Albu, Office Specialist I with the South St. Paul Police Department effective August 5, 2016, and authorize staff to begin hiring process for a replacement
6. Resolution No. 2016-137, approving assignment of lease at the Fleming Field Airport to Freedom Airshows SBC
7. Resolution No. 2016-138, approving land lease at Fleming Field with Thomas J. Biros and David C. Wolking
8. Resolution No. 2016-139, approving an amendment to the Right of First Refusal with Boyd Johnson for Lot 7, Block 3, Airport Rearrangement 4th Addition
9. Resolution No. 2016-141, accepting funds for the South St. Paul Mayor's Youth Task Force from Union Pacific Railroad
10. Resolution No. 2016-142, accepting funds for the Fill the Backpack Campaign donated by Boy Scout of America Troup 99
11. Resolution No. 2016-143, accepting funds for the South St. Paul Mayor's Youth Task Force and the South St. Paul Farmer's Market donated by Youth Service America
12. Resolution No. 2016-144, accepting funds for the Fill the Backpack Campaign donated by Mizpah Lodge #191 and Minnesota Masonic Charities

Motion carried

7 ayes/0 nays

10a) Grant Amendment #4 for Flood Hazard Mitigation Measures/Levee Upgrades

Moved by Seaberg/Flatley

MOVED: To adopt Resolution No. 2016-131, approving Amendment #4 to Grant Agreement between the City and State of Minnesota.

Motion carried

7 ayes/0 nays

10b) First Reading – Miniature Pigs

Councilmember Rothecker introduced the following proposed ordinance for its first reading:

An Ordinance Amending Chapter 15 Regarding Animals (Miniature Pigs)



CITY COUNCIL AGENDA REPORT

DATE: AUGUST 15, 2016

DEPARTMENT: Finance

ADMINISTRATOR: SPK

8-B

AGENDA ITEM: Accounts Payable

ACTION TO BE CONSIDERED:

Motion to adopt Resolution 2016-152 approving accounts payable.

OVERVIEW:

The City Council approves all payments of claims. Approval of audited claims is required before issuance of payment.

SOURCE OF FUNDS:

N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-152

RESOLUTION APPROVING ACCOUNTS PAYABLE

WHEREAS, the City Council is required to approve payment of claims;

NOW, THEREFORE, BE IT RESOLVED that the audited claims listed in the check register attachment are hereby approved for payment:

Check and wires:	
123531-123682	\$ 516,583.78
2016251-2016261	<u>\$ 151,815.60</u>
Total	\$ 668,399.38

Adopted this 15th day of August, 2016.

Christy Wilcox, City Clerk

Council Check Register by GL
Council Check Register and Summary

8/2/2016 -- 8/15/2016

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
123531	8/5/2016		5739 4 ACE PRODUCTIONS							
		395.00	PRESENTER FOR SAFETY CAMP		41063	4/22/2016	10529.6210		OPERATING SUPPLIES	RECREATIONAL PROGRAMS
		395.00								
123532	8/5/2016		3739 ACCOUNTEMPS							
		3,120.00	WEEK ENDED 7/22/2016 ANDERSON		41098	46289150	20260.6302		PROFESSIONAL SERVICES	HOUSING GENERAL
		3,120.00								
123533	8/5/2016		1019 ADVANTAGE							
		2,650.00	CLEANING SERVICES-CITY HALL		41172	011008012016	10330.6371		REPAIRS & MAINT CONTRACTUAL	BUILDINGS
		287.55	CLEANING SERVICES-PUBLIC WORKS		41173	016308012016	10320.6371		REPAIRS & MAINT CONTRACTUAL	PUBLIC WORKS
		2,937.55								
123534	8/5/2016		2134 AMERICAN MAILING MACHINES							
		1,595.00	AUTO LETTER OPENER		41040	IN67748	50600.6240		MINOR EQUIPMENT AND FURNITURE	UTILITY ADMINISTRATION
		1,595.00								
123535	8/5/2016		3623 ANDERSON, SHELLY							
		105.30	1/14 - 7/26/2016		41041	7/26/2016	10125.6331		CONFERENCES, TRAINING, TRAVEL	HUMAN RESOURCES
		105.30								
123536	8/5/2016		1065 ASSOCIATION OF TRAINING OFFICERS OF MN							
		150.00	SILDA		41099	7/12/2016	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		150.00	SALMEY		41099	7/12/2016	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		300.00								
123537	8/5/2016		5978 BAUER SERVICES							
		6,451.00	405 4TH AVE SO		41042	97	50605.6371		REPAIRS & MAINT CONTRACTUAL	WATER UTILITY
		7,550.00	NEW POOL PUMP		41043	98	10528.6220		REPAIR & MAINTENANCE SUPPLIES	NORTHVIEW POOL
		1,650.00	LABOR		41043	98	10528.6371		REPAIRS & MAINT CONTRACTUAL	NORTHVIEW POOL
		15,651.00								
123538	8/5/2016		1141 BROCK WHITE COMPANY, LLC							
		2,400.00	RENTAL OF CRACKSEALER		41044	12685090-00	10320.6221	201602	SEAL COATING & TREE MAIN	PUBLIC WORKS
		2,400.00								
123539	8/5/2016		3615 CAMPBELL KNUTSON, P.A.							
		13,225.09	PROSECUTION FEES		41100	3168G 6/30/2016	10130.6304		PROFESSIONAL SVCS-CRIMINAL	CITY ATTORNEY
		13,225.09								
123540	8/5/2016		1177 CENTRAL TURF & IRRIGATION SUPPLY, INC.							

Council Check Register and Summary

8/2/2016 -- 8/15/2016

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
123540	8/5/2016		1177 CENTRAL TURF & IRRIGATION SUPPLY, INC.						Continued...	
		90.28	6TH ST HILL & CONCORD		41045	5069694-00	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		124.38	6TH ST HILL & CONCORD		41046	5069756-00	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		<u>214.66</u>								
123541	8/5/2016		1184 CINTAS CORPORATION #754							
		165.35	MATS		41047	754617418	10320.6210		OPERATING SUPPLIES	PUBLIC WORKS
		15.09	WORK SHIRTS		41048	754616624	10320.6245		CLOTHING ALLOWANCE	PUBLIC WORKS
		17.92	WORK SHIRTS		41048	754616624	10340.6245		CLOTHING ALLOWANCE	PARKS FACILITIES AND MTNCE
		6.72	WORK SHIRTS		41048	754616624	50605.6245		CLOTHING ALLOWANCE	WATER UTILITY
		6.72	WORK SHIRTS		41048	754616624	50606.6245		CLOTHING ALLOWANCE	SEWER UTILITY
		32.20	WORK SHIRTS		41048	754616624	60703.6245		CLOTHING ALLOWANCE	CENTRAL GARAGE FUND
		15.09	WORK SHIRTS		41049	754614106	10320.6245		CLOTHING ALLOWANCE	PUBLIC WORKS
		17.92	WORK SHIRTS		41049	754614106	10340.6245		CLOTHING ALLOWANCE	PARKS FACILITIES AND MTNCE
		6.72	WORK SHIRTS		41049	754614106	50606.6245		CLOTHING ALLOWANCE	SEWER UTILITY
		6.72	WORK SHIRTS		41049	754614106	50606.6245		CLOTHING ALLOWANCE	SEWER UTILITY
		64.20	WORK SHIRTS		41049	754614106	60703.6245		CLOTHING ALLOWANCE	CENTRAL GARAGE FUND
		15.09	WORK SHIRTS		41050	754619148	10320.6245		CLOTHING ALLOWANCE	PUBLIC WORKS
		17.92	WORK SHIRTS		41050	754619148	10340.6245		CLOTHING ALLOWANCE	PARKS FACILITIES AND MTNCE
		6.72	WORK SHIRTS		41050	754619148	50605.6245		CLOTHING ALLOWANCE	WATER UTILITY
		6.72	WORK SHIRTS		41050	754619148	50606.6245		CLOTHING ALLOWANCE	SEWER UTILITY
		32.20	WORK SHIRTS		41050	754619148	60703.6245		CLOTHING ALLOWANCE	CENTRAL GARAGE FUND
		<u>433.30</u>								
123542	8/5/2016		7272 CITY OF EAGAN							
		25.00	FIELD SOBRIETY TESTING		41101	7/28/2016	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		<u>25.00</u>								
123543	8/5/2016		1203 COMMERCIAL ASPHALT CO							
		279.30	SIDEWALK SVB & POT HOLES		41051	160715	10320.6220		REPAIR & MAINTENANCE SUPPLIES	PUBLIC WORKS
		1,367.28	WATERMAIN PATCHING		41051	160715	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		<u>1,646.58</u>								
123544	8/5/2016		5188 COOPER MECHANICAL LLC							
		600.00	PLUMBING AT NORTHVIEW POOL		41052	360	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
		1,100.00	INSTALL SOFT WATER		41053	359	20243.6371		REPAIRS & MAINT CONTRACTUAL	DOUG WOOG ARENA
		<u>1,700.00</u>								
123545	8/5/2016		1247 DAKOTA COUNTY FINANCIAL SERVICES							
		1,119.84	MAY RADIO FEES		41102	00021208	10210.6371		REPAIRS & MAINT CONTRACTUAL	POLICE PROTECTION
		1,119.84	JUNE RADIO FEES		41103	00021452	10210.6371		REPAIRS & MAINT CONTRACTUAL	POLICE PROTECTION

Council Check Register by GL
Council Check Register and Summary

8/2/2016 -- 8/15/2016

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
123554	8/5/2016		1400 FERGUSON WATERWORKS #2516						Continued...	
		464.77	STORM SEWER GRATE		41062	0204716	50606.6220		REPAIR & MAINTENANCE SUPPLIES	SEWER UTILITY
		<u>464.77</u>								
123555	8/5/2016		1440 FREEDOM SERVICES INC							
		577.55			41162	0802161617353	10101.2179		FLEXIBLE BENEFIT PLAN	GENERAL FUND
		<u>577.55</u>								
123556	8/5/2016		1443 FRIES, BOB							
		214.99	BOOT ALLOWANCE		41104	7/30/2016	10320.6245		CLOTHING ALLOWANCE	PUBLIC WORKS
		<u>214.99</u>								
123557	8/5/2016		1452 GALLS LLC							
		88.94	PANTS		41105	005695671	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		108.95	FLASHLIGHT HOLDER		41106	005708090	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		<u>197.89</u>								
123558	8/5/2016		1468 GENERAL REPAIR SERVICES							
		38.07	O-RING BUNA FOR NE LIFTSTATION		41064	60710	50606.6220		REPAIR & MAINTENANCE SUPPLIES	SEWER UTILITY
		<u>38.07</u>								
123559	8/5/2016		1473 GERTEN GREENHOUSES 2							
		104.85	MULCH		41065	401774/1	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		48.30	SAND FOR SIDEWALK ON SVB		41066	402229/1	10320.6220		REPAIR & MAINTENANCE SUPPLIES	PUBLIC WORKS
		229.95	BLADE FOR CHOP SAW		41067	402721/1	10320.6220		REPAIR & MAINTENANCE SUPPLIES	PUBLIC WORKS
		<u>383.10</u>								
123560	8/5/2016		1485 GLOBE PRINTING & OFFICE SUPPLIES INC							
		370.30	PLEASE EXCUSE CARDS		41068	70183D	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		38.00	BUSINESS CARDS/HUGHES		41107	70187D	10210.6201		OFFICE SUPPLIES	POLICE PROTECTION
		<u>408.30</u>								
123561	8/5/2016		1505 GRAINGER INC.							
		76.68	BULBS		41069	9169603207	10330.6220		REPAIR & MAINTENANCE SUPPLIES	BUILDINGS
		<u>76.68</u>								
123562	8/5/2016		4214 HEALTHPARTNERS GROUP HEALTH-WORKSITE							
		157.50	EAP JULY 2016		41070	W812934	10125.6302		PROFESSIONAL SERVICES	HUMAN RESOURCES
		<u>157.50</u>								
123563	8/5/2016		7277 HORN, RAMONA							

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8/2/2016 -- 8/15/2016

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
123563	8/5/2016		7277 HORN, RAMONA						Continued...	
		162.34	TENANT REFUND / HORN		41108	080516	50677.1101		ACCOUNTS RECEIVABLE	NAN MCKAY APT BLDG
		162.34								
123564	8/5/2016		1655 INTEGRA TELECOM							
		642.04	PHONE LINES		41071	14026880	10330.6390		POSTAGE AND TELEPHONE	BUILDINGS
		642.04								
123565	8/5/2016		6869 IUOE LOCAL 70							
		147.75			41160	08021616173519	10101.2170		ACCRUED PAY DED PAYABLE	GENERAL FUND
		147.75								
123566	8/5/2016		6684 JIM MURR PLUMBING, INC							
		130.00	BUILDING MAINT/1ST FLOOR LEAK		41109	32221	50677.6375		OTHER CONTRACTED SERVICES	NAN MCKAY APT BLDG
		130.00								
123567	8/5/2016		1718 KAPOSIA CONVENIENCE CENTER CORP							
		26.00	CAR WASHES 6/2-6/27/2016		41110	6/30/2016	10210.6210		OPERATING SUPPLIES	POLICE PROTECTION
		26.00								
123568	8/5/2016		1719 KAPOSIA TREE SERVICE							
		300.00	REMOVAL OF LEANING TREE		41072	07112016	50605.6371		REPAIRS & MAINT CONTRACTUAL	WATER UTILITY
		750.00	600 BLOCK OF 17TH AVE NO		41073	07112016	10320.6221	201604	SEAL COATING & TREE MAIN	PUBLIC WORKS
		1,050.00								
123569	8/5/2016		1724 KEEPERS, INC.							
		75.68	PEERLESS CHAIN & SLING		41111	315447	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		75.68								
123570	8/5/2016		1803 LANGUAGE LINE SERVICES							
		51.75	OVER THE PHONE TRANSLATION		41112	3852156	10210.6390		POSTAGE AND TELEPHONE	POLICE PROTECTION
		51.75								
123571	8/5/2016		1818 LELS LOCAL 95							
		1,300.00			41163	0802161617354	10101.2170		ACCRUED PAY DED PAYABLE	GENERAL FUND
		1,300.00								
123572	8/5/2016		1826 LEXISNEXIS RISK SOLUTIONS							
		75.25	USAGE FEE		41113	1411215-2016063	10210.6375		OTHER CONTRACTED SERVICES	POLICE PROTECTION
		75.25								

Council Check Register by GL
Council Check Register and Summary

8/2/2016 -- 8/15/2016

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
123572	8/5/2016		1826 LEXISNEXIS RISK SOLUTIONS						Continued...	
123573	8/5/2016		1842 LOCAL 120							
		1,410.00			41164	0802161617355	10101.2170		ACCRUED PAY DED PAYABLE	GENERAL FUND
		1,410.00								
123574	8/5/2016		6681 MANN ENTERPRISES							
		220.50	WATER SOFTENER SALT		41074	071516	50677.6210		OPERATING SUPPLIES	NAN MCKAY APT BLDG
		220.50								
123575	8/5/2016		1926 METROPOLITAN COUNCIL ENVIRONMENT SVCS							
		213,632.20	AUG 2016 SEWER SERVICE		41169	0001057574	50606.6376		METRO WASTE CONTROL COMMISSION	SEWER UTILITY
		213,632.20								
123576	8/5/2016		6712 MIDWEST LIGHTING PRODUCTS							
		212.55	LED BULBS		41075	00064977	50678.6220		REPAIR & MAINTENANCE SUPPLIES	JOHN CARROLL APT BLDG
		212.55								
123577	8/5/2016		1969 MINNESOTA AFSCME, COUNCIL NO. 5							
		375.77			41165	0802161617356	10101.2170		ACCRUED PAY DED PAYABLE	GENERAL FUND
		375.77								
123578	8/5/2016		1973 MINNESOTA BENEFIT ASSOCIATION							
		195.63			41166	0802161617357	10101.2170		ACCRUED PAY DED PAYABLE	GENERAL FUND
		195.63								
123579	8/5/2016		1976 MINNESOTA CHIEFS OF POLICE ASSOCIATION							
		90.00	SILDA		41114	7/26/2016	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		90.00								
123580	8/5/2016		2009 MINNESOTA PIPE & EQUIPMENT							
		680.18	OAK PARK STREET PROJECT		41076	0358915	40432.6220	201608	REPAIR & MAINTENANCE SUPPLIES	2016 LOCAL IMPROVEMENTS
		10,600.00	HYDRANTS FOR OAK PARK PROJECT		41077	0358873	40432.6220	201608	REPAIR & MAINTENANCE SUPPLIES	2016 LOCAL IMPROVEMENTS
		107.18	VALVE LIFTER		41078	0359999	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		11,387.36								
123581	8/5/2016		2024 MINNESOTA VALLEY TESTING LABS							
		84.75	WATER TESTING		41079	817466	50605.6302		PROFESSIONAL SERVICES	WATER UTILITY
		84.75								
123582	8/5/2016		2096 NATIONWIDE RETIREMENT SOLUTIONS							

Council Check Register by GL
Council Check Register and Summary

8/2/2016 -- 8/15/2016

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
123582	8/5/2016		2096 NATIONWIDE RETIREMENT SOLUTIONS						Continued...	
		5,283.66			41153	08021616173512	10101.2175		OTHER RETIREMENT	GENERAL FUND
		<u>5,283.66</u>								
123583	8/5/2016		6764 OERTEL ARCHITECTS							
		6,100.00	CIP#POL-14-105/		41080	#1	40402.6371	201613	REPAIRS & MAINT CONTRACTUAL	CAPITAL PROGRAMS FUND
		<u>6,100.00</u>								
123584	8/5/2016		6662 OPTAGE HOME DELIVERED MEALS							
		1,596.00	JUNE MEALS FOR ILP		41081	38891	50671.6375		OTHER CONTRACTED SERVICES	CHSP PROGRAM
		535.46	JUNE MEALS FOR ILP		41081	38891	50671.6375		OTHER CONTRACTED SERVICES	CHSP PROGRAM
		<u>2,131.46</u>								
123585	8/5/2016		2236 PITNEY BOWES CORP							
		591.00	SLA EQUIP SERVICE AGREEMENT		41082	1001219803	20260.6381		OTHER RENTALS	HOUSING GENERAL
		183.00	METER RENTAL		41115	1001233893	20260.6381		OTHER RENTALS	HOUSING GENERAL
		<u>774.00</u>								
123586	8/5/2016		2243 POLICE FLOWER FUND							
		29.00			41155	08021616173514	10101.2170		ACCRUED PAY DED PAYABLE	GENERAL FUND
		<u>29.00</u>								
123587	8/5/2016		2253 POSTMASTER							
		93.40	SUMMER 2016 MEMBER NEWSLETTER		41083	8/1/2016	20250.6390		POSTAGE AND TELEPHONE	CENTRAL SQUARE
		<u>93.40</u>								
123588	8/5/2016		2277 PUSH PEDAL PULL							
		100.00	MAINTENANCE LOUD TREADMILL		41145	172457	20250.6371		REPAIRS & MAINT CONTRACTUAL	CENTRAL SQUARE
		<u>100.00</u>								
123589	8/5/2016		4681 RADOSEVISH, LACEY							
		81.00	DEA SCHOOL PARKING		41116	7/28/2016	10210.6331		CONFERENCES, TRAINING, TRAVEL	POLICE PROTECTION
		319.83	GAS REIMBURSEMENT		41116	7/28/2016	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
		<u>400.83</u>								
123590	8/5/2016		2319 REED'S SALES & SERVICE							
		119.72	BEARING/CAPSCREW/WELD BAIL		41084	145243	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		399.99	HEDGE TRIMMER		41146	145308	10340.6240		MINOR EQUIPMENT AND FURNITURE	PARKS FACILITIES AND MTNCE
		22.79	GASKETS/O-RINGS/SEAL OIL		41147	145391	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		171.69	GASKETS/CARBURETOR		41148	145392	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		173.94	MANUAL SPRAYER/SPEED FEED HEAD		41149	145393	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND

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123590	8/5/2016	888.13	2319 REED'S SALES & SERVICE						Continued...	
123591	8/5/2016	209.50 209.50	1636 RICOH USA, INC. COPY CHARGES		41117	5043498470	10210.6378		COPIER MAINTENANCE AGREEMENT	POLICE PROTECTION
123592	8/5/2016	110.00 110.00	2380 S & S TREE SPECIALISTS 4 LINDEN TREES/VETS FIELD		41087	910325691	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE
123593	8/5/2016	711.64 690.18 1,401.82	2408 SCHINDLER ELEVATOR CORPORATION JULY 2016 PREVENTIVE MAINT JULY 2016 PREVENTIVE MAINT		41088 41089	8104319537 8104319700	50678.6371 50677.6371		REPAIRS & MAINT CONTRACTUAL REPAIRS & MAINT CONTRACTUAL	JOHN CARROLL APT BLDG NAN MCKAY APT BLDG
123594	8/5/2016	2,669.00 2,669.00	2451 SEXTON PRINTING, INC CITY NEWSLETTER/QUARTER 3		41091	268359	10120.6344		NEWSLETTER/BROCHURE	CITY ADMINISTRATION
123595	8/5/2016	2,048.73 2,048.73	2464 SHORT ELLIOTT HENDRICKSON INC 2016 ODOR SUPPORT		41090	317328	10420.6302		PROFESSIONAL SERVICES	LICENSING & CODE ENFORCEMENT
123596	8/5/2016	7,479.55 7,479.55	6327 SIR LINES-A-LOT STREET STRIPING		41174	4892	10320.6371		REPAIRS & MAINT CONTRACTUAL	PUBLIC WORKS
123597	8/5/2016	95.00 95.00	2505 SOUTH EAST TOWING INC TOW CHARGE		41118	201034	10210.6371		REPAIRS & MAINT CONTRACTUAL	POLICE PROTECTION
123598	8/5/2016	121.73 244.23 365.96	2558 STATE INDUSTRIAL PRODUCTS NAN MCKAY HIGHRISE JOHN CARROLL HIGHRISE		41092 41093	4656 97885084	50677.6375 50678.6375		OTHER CONTRACTED SERVICES OTHER CONTRACTED SERVICES	NAN MCKAY APT BLDG JOHN CARROLL APT BLDG
123599	8/5/2016	142.00 142.00	2585 STREICHER'S, INC. PANTS		41119	11216621	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION

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123606	8/5/2016		4656 WESTMOR FLUID SOLUTIONS, LLC						Continued...	
123607	8/5/2016		2849 XCEL ENERGY							
		442.64	820 SOUTHVIEW		41096	509968192	20284.6385	229050	UTILITY SERVICE	DEVELOPMENT
		31.57	127 7TH AVE N APT 2		41097	509795788	20289.6430		MISCELLANEOUS	SPECIAL-GRANTS
		10,830.90	WOOG ARENA ELEC & GAS		41130	509797410	20245.6385		UTILITY SERVICE	AIRPORT
		39.90	LIGHT IN LORRAINE PARK		41131	510076720	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		201.84	KAPOSIA LANDING		41132	529969685	10340.6385		UTILITY SERVICE	PARKS FACILITIES AND MTNCE
		141.55	PEDESTRIAN WALKWAY LIGHT		41133	509857134	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		85.70	LIGHT ON TRAIL/WAKOTA BRIDGE		41134	509748713	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		66.62	LIGHT ON 19TH AVE N BY TUNNEL		41135	509752346	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		56.08	LIGHT/WENTWORTH BY ROUNDABOUT		41136	509928516	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		39.30	LIGHT ON 7TH AVE SO & 494		41137	509753184	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		38.14	LIGHT ON 7TH AVE SO & 494		41138	509754486	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		12.48	LIGHT AT 910 CONCORD ST SO		41139	509660422	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		469.50	ELEC CHARGES - 681 VERDEROSA		41140	509768179	50610.6385		UTILITY SERVICE	STORM WATER UTILITY
		27.00	GAS CHARGES - 681 VERDEROSA		41141	509770291	50610.6385		UTILITY SERVICE	STORM WATER UTILITY
		12.84	LIGHT AT 701 HARDMAN AVE SO		41142	509939836	50610.6385		UTILITY SERVICE	STORM WATER UTILITY
		57.64	LIGHT AT 228 HARDMAN AVE NO		41143	509804087	50606.6385		UTILITY SERVICE	SEWER UTILITY
		9.58	LIGHT AT BROMLEY RINK		41144	509726647	10340.6385		UTILITY SERVICE	PARKS FACILITIES AND MTNCE
		1,016.34	PUBLIC WORKS - JUNE		41176	510044672	10320.6385		UTILITY SERVICE	PUBLIC WORKS
		707.84	STORMWATER UTILITY FUND		41176	510044672	50610.6385		UTILITY SERVICE	STORM WATER UTILITY
		666.41	STREET LIGHT UTILITY FUND		41176	510044672	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		145.43	LIGHT/HARDMAN AV& BRIDGEPOINT		41177	510276776	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		15,099.30								
123608	8/15/2016		3739 ACCOUNTEMP							
		3,120.00	WEEK ENDED 7/22/2016 ANDERSON		41236	46340284	20260.6302		PROFESSIONAL SERVICES	HOUSING GENERAL
		3,120.00								
123609	8/15/2016		1016 ACE HARDWARE & PAINT							
		38.95	ELBOW/BUSHING/COUPLING		41178	528846/5	50605.6220		REPAIR & MAINTENANCE SUPPLIES	WATER UTILITY
		19.99	PARTS/SINK REPAIR WATEROUS		41179	528894/5	50606.6220		REPAIR & MAINTENANCE SUPPLIES	SEWER UTILITY
		58.94								
123610	8/15/2016		6677 ADVANCED DISPOSAL							
		402.96	AUGUST 2016 TRASH SERVICE		41237	G50004825599	50677.6371.010		MTNCE-GARBAGE/TRASH/RECYCLING NAN MCKAY APT BLDG	
		261.38	AUGUST 2016 TRASH SERVICE		41237	G50004825599	50678.6371.010		MTNCE-GARBAGE/TRASH/RECYCLING JOHN CARROLLAPT BLDG	
		664.34								
123611	8/15/2016		1018 ADVANCED GRAPHIX, INC.							

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123646	8/15/2016		6680 LANDRUM DOBBINS LLC						Continued...	
123647	8/15/2016		1811 LAWSON PRODUCTS INC.							
		314.54	HEX CAP SCREW/NUT/WASHER		41204	9304245574	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		314.54								
123648	8/15/2016		1911 MENARDS, INC-WEST ST PAUL							
		27.35	BROOM/J-HOOK		41205	15985	50606.6220		REPAIR & MAINTENANCE SUPPLIES	SEWER UTILITY
		19.85	PHOTO EYE CONTROL WIRED		41206	16408	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		59.99	FAN / NV POOL CONTROL ROOM		41207	16412	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		19.94	BROOM / FOGGER		41208	16416	50606.6220		REPAIR & MAINTENANCE SUPPLIES	SEWER UTILITY
		36.95	GRANDVIEW PARK		41209	16523	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		14.66	NUTS AND BOLTS		41276	13854	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		12.09	POLYPRO & VALVE STEM KEY		41277	14178	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		190.83								
123649	8/15/2016		6757 METRO SEWER & DRAIN CLEANING							
		115.00	CLEAN KITCHEN DRAIN/NAN MCKAY		41303	4171	50677.6371.080		MTNCE-PLUMBING	NAN MCKAY APT BLDG
		115.00	CLEAN KITCHEN DRAIN/JOHN CARRO		41303	4171	50678.6371.080		MTNCE-PLUMBING	JOHN CARROLL APT BLDG
		230.00								
123650	8/15/2016		1939 MIDWAY FORD CO.							
		10.30	PART FOR POLICE SQUAD #2156		41274	268400	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		20.60	BULB		41275	268543	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		202.44	PART FOR AMBULANCE #1		41308	266508	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		233.34								
123651	8/15/2016		1949 MIDWEST TAPE							
		9.99	REPLACEMENT CD		41260	94158447	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		89.98	BOOKS ON CD		41261	94164308	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		58.98	BOOKS ON CD		41262	94164309	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		184.95	BOOKS ON CD		41263	94182291	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		29.98	DVDs		41264	94158445	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		22.99	DVD		41265	94167974	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		32.98	DVDs		41266	94179265	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		14.99	BOOK ON CD		41267	94164307	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		444.84								
123652	8/15/2016		6641 MINNESOTA PREMIER PUBLICATIONS							
		122.50	ADVERTISING		41268	168764	50677.6341		ADVERTISING	NAN MCKAY APT BLDG
		122.50	ADVERTISING		41268	168764	50678.6341		ADVERTISING	JOHN CARROLL APT BLDG

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123652	8/15/2016	245.00	6641 MINNESOTA PREMIER PUBLICATIONS						Continued...	
123653	8/15/2016	10.00	2044 MONEY							
		10.00	1 YR SUBSCRIPTION RENEWAL		41269	8/1/2016	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
123654	8/15/2016	90.00	2062 MRPA							
		90.00	ESSER/YOUNG/KELLAS		41259	8/6/2016	10520.6331		CONFERENCES, TRAINING, TRAVEL	PARKS ADMINISTRATION
123655	8/15/2016	1,000.00	7292 NILLES BUILDERS							
		1,000.00	358 6TH AVE SOUTH		41305	SS021254	40410.2205		DEPOSITS	LOCAL IMPROVEMENT CONST
123656	8/15/2016	296.79	2149 OFFICE OF MN IT SERVICES							
		150.85	PHONELINES FOR ST OF MN		41210	W16060678	10330.6390		POSTAGE AND TELEPHONE	BUILDINGS
		447.64	PHONELINES FOR ST OF MN		41210	W16060678	20245.6390		POSTAGE AND TELEPHONE	AIRPORT
123657	8/15/2016	1,050.00	4218 OWENS COMPANIES INC							
		1,050.00	BACKUP CONTROLLER		41270	68667	10330.6240		MINOR EQUIPMENT AND FURNITURE	BUILDINGS
123658	8/15/2016	56.25	4979 PENGUIN RANDOM HOUSE LLC							
		30.00	BOOKS ON CD		41278	1087930463	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		22.50	BOOK ON CD		41279	1087995873	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		30.00	BOOK ON CD		41280	1088047698	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		138.75	BOOK ON CD		41281	1088061121	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
123659	8/15/2016	1,240.22	2245 POMP'S TIRE SERVICE, INC.							
		140.00	NEW TIRES & BALANCE TIRES #335		41282	980029028	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		459.76	LABOR		41282	980029028	60703.6371		REPAIRS & MAINT CONTRACTUAL	CENTRAL GARAGE FUND
		311.38	TIRES FOR INSPECTION TRUCK#201		41283	980030729	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
		2,151.36	TIRES FOR #338		41284	980030775	60703.6220		REPAIR & MAINTENANCE SUPPLIES	CENTRAL GARAGE FUND
123660	8/15/2016	368.08	5735 PROFESSIONAL OFFICE SERVICES, INC							
		368.08	SSP BURGUNDY LABELS		41286	002518769	20230.6342		PRINTING AND BINDING	LIBRARY

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123660	8/15/2016		5735 PROFESSIONAL OFFICE SERVICES, INC						Continued...	
123661	8/15/2016		2286 QUILL CORP							
		6.29	FACIAL TISSUE		41287	6886470	20230.6210		OPERATING SUPPLIES	LIBRARY
		12.28	HAND SOAP		41288	7335214	20230.6210		OPERATING SUPPLIES	LIBRARY
		52.74	CLEANERS/PENS/CARTRIDGES		41289	7353820	20230.6201		OFFICE SUPPLIES	LIBRARY
		86.16	HAND TOWELS		41289	7353820	20230.6210		OPERATING SUPPLIES	LIBRARY
		157.47								
123662	8/15/2016		2752 RDO TRUST #80-5800							
		47.95	REPLACEMENT BLADE FOR POLE SAW		41211	P10723	10320.6220		REPAIR & MAINTENANCE SUPPLIES	PUBLIC WORKS
		47.95	REPLACEMENT BLADE FOR POLE SAW		41211	P10723	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		95.90								
123663	8/15/2016		1634 RICOH USA, INC.							
		31.50	WAKOTA		41291	97233847	40407.6580		OTHER EQUIPMENT	EQUIPMENT ACQUISITION F
		488.92	PRINCIPLE		41291	97233847	40407.6603		CAPITAL LEASE-PRINCIPAL	EQUIPMENT ACQUISITION F
		29.58	INTEREST		41291	97233847	40407.6613		CAPITAL LEASE-INTEREST	EQUIPMENT ACQUISITION F
		550.00								
123664	8/15/2016		1636 RICOH USA, INC.							
		39.07	B&WAND COLOR COPIES		41290	5043460511	20230.6378		COPIER MAINTENANCE AGREEMENT	LIBRARY
		39.07								
123665	8/15/2016		2344 RIVER COUNTRY COOPERATIVE							
		826.50	DIESEL FUEL		41292	141373	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
						7/31/2016				
		370.10	FUEL ENGINEERING JULY		41293	141384	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
						7/31/2016				
		3,432.00	FUEL PUBLIC WORKS JULY		41294	141382	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
						7/31/2016				
		4,031.73	FUEL POLICE JULY		41295	141383	60703.6210		OPERATING SUPPLIES	CENTRAL GARAGE FUND
						7/31/2016				
		8,660.33								
123666	8/15/2016		2374 RUNNING, MIKE							
		105.50	SAMMY BASEBALL CARDS		41296	913	10210.6430		MISCELLANEOUS	POLICE PROTECTION
		105.50								
123667	8/15/2016		2380 S & S TREE SPECIALISTS							
		135.00	FOR JAPANESE BEETLES		41219	910348502	10340.6371		REPAIRS & MAINT CONTRACTUAL	PARKS FACILITIES AND MTNCE

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123667	8/15/2016		2380 S & S TREE SPECIALISTS						Continued..	
		135.00								
123668	8/15/2016		2389 SAINT PAUL PUBLISHING COMPANY							
		25.00	SPONSORSHIP LISTING SSP VOICE		41220	24577	20250.6341		ADVERTISING	CENTRAL SQUARE
		25.00								
123669	8/15/2016		2415 SCHMIDTY'S LAWN, SNOW AND TREE							
		160.00	CUT LONG GRASS AND WEEDS		41212	3671	10420.6371		REPAIRS & MAINT CONTRACTUAL	LICENSING & CODE ENFORCEMEN
		245.00	715 22ND AVE N		41213	3672	10420.6371		REPAIRS & MAINT CONTRACTUAL	LICENSING & CODE ENFORCEMEN
		150.00	212 11TH AVE S		41214	3674	10420.6371		REPAIRS & MAINT CONTRACTUAL	LICENSING & CODE ENFORCEMEN
		40.00	923 7TH AVE S		41215	3681	10420.6371		REPAIRS & MAINT CONTRACTUAL	LICENSING & CODE ENFORCEMEN
		80.00	1708 HAWLEY AVE		41216	3682	10420.6371		REPAIRS & MAINT CONTRACTUAL	LICENSING & CODE ENFORCEMEN
		500.00	1567 NORTH CONCORD ST		41217	2415	10420.6371		REPAIRS & MAINT CONTRACTUAL	LICENSING & CODE ENFORCEMEN
		1,175.00								
123670	8/15/2016		2016 SHRED-IT USA LLC							
		36.60	MONTHLY SHREDDING		41218	9411619123	10150.6375		OTHER CONTRACTED SERVICES	FINANCE
		36.60								
123671	8/15/2016		1069 THE ATLANTIC							
		29.95	1 YR SUBSCRIPTION RENEWAL		41240	8/1/2016	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		29.95								
123672	8/15/2016		2692 TWIN CITY HARDWARE							
		403.22	DOOR HARDWARE FOR POLICE		41221	796101	10330.6220		REPAIR & MAINTENANCE SUPPLIES	BUILDINGS
		40.38-	RETURN OF DOOR HARDWARE		41222	PSC02181	10330.6220		REPAIR & MAINTENANCE SUPPLIES	BUILDINGS
		274.27-	RETURN OF DOOR HARDWARE		41223	PSC02185	10330.6220		REPAIR & MAINTENANCE SUPPLIES	BUILDINGS
		88.57								
123673	8/15/2016		2693 TWIN CITY JANITOR SUPPLY, INC.							
		664.08	TISSUE/TRASH LINERS/BLEACH		41224	159241	10340.6220		REPAIR & MAINTENANCE SUPPLIES	PARKS FACILITIES AND MTNCE
		191.75	TISSUE/TRASH LINERS/BLEACH		41224	159241	10527.6220		REPAIR & MAINTENANCE SUPPLIES	SPLASH POOL
		191.75	TISSUE/TRASH LINERS/BLEACH		41224	159241	10528.6220		REPAIR & MAINTENANCE SUPPLIES	NORTHVIEW POOL
		25.95	TISSUE/TRASH LINERS/BLEACH		41224	159241	10320.6210		OPERATING SUPPLIES	PUBLIC WORKS
		1,073.53								
123674	8/15/2016		2705 UNIFORMS UNLIMITED							
		215.97	4 POCKET PANT		41229	36600-1	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		101.98	GARRISON AND BELT		41230	36341.1	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		501.82	START UP UNIFORM/CHU		41231	36758-1	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION

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123674	8/15/2016		2705 UNIFORMS UNLIMITED						Continued...	
		43.99	PDL RH GLOCK		41232	36762-1	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		513.88	PATCHES		41233	37072-1	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		51.98	MACE / MACE HOLDER		41234	37078-1	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		48.98	RETURN MACE HOLDER / MACE		41235	37079-1	10210.6245		CLOTHING ALLOWANCE	POLICE PROTECTION
		<u>1,380.64</u>								
123675	8/15/2016		6710 USA SECURITY							
		712.50	REPAIR CAMERA POWER SUPPLY		41297	12373606	50677.6375.3		OTHER CONTR SVCS-SECURITY	NAN MCKAY APT BLDG
		<u>712.50</u>								
123676	8/15/2016		2746 VANITY FAIR SUBSCRIPTION							
		29.95	1 YR SUBSCRIPTION RENEWAL		41298	8/1/2016	20230.6230		BOOKS, MATERIALS & PERIODICALS	LIBRARY
		<u>29.95</u>								
123677	8/15/2016		2751 VERIZON WIRELESS							
		26.02	AIR CARD		41299	9769498026	50605.6390		POSTAGE AND TELEPHONE	WATER UTILITY
		<u>26.02</u>								
123678	8/15/2016		2788 WATSON COMPANY INC							
		599.94	CONCESSIONS JULY		41225	866785	10528.6250		MERCHANDISE FOR RESALE	NORTHVIEW POOL
		410.57	CONCESSIONS JULY		41226	866786	10527.6250		MERCHANDISE FOR RESALE	SPLASH POOL
		<u>1,010.51</u>								
123679	8/15/2016		2790 WAUSAU TILE INC.							
		98.83	BRICKS FOR MEMORIAL PATH		41227	506880	20215.6210	227588	OPERATING SUPPLIES	GRANTS/DONATIONS PARK AND RE
		<u>98.83</u>								
123680	8/15/2016		4316 WOODS, PRESTON							
		260.00	JULY 20&27 & AUG 3&10		41285	8/10/2016	20216.6210	227573	OPERATING SUPPLIES	GRANTS/DONATIONS COMM AFFAIR
		<u>260.00</u>								
123681	8/15/2016		2844 WSB & ASSOC INC							
		3,750.00	JUNE 2016 CODE ENFORCEMENT		41228	30	10420.6302		PROFESSIONAL SERVICES	LICENSING & CODE ENFORCEMEN
		<u>3,750.00</u>								
123682	8/15/2016		2849 XCEL ENERGY							
		17,200.47	WATER JULY		41300	511122209	50605.6385		UTILITY SERVICE	WATER UTILITY
		30.17	STREET LIGHT UTILITY FUND		41300	511122209	50615.6385		UTILITY SERVICE	STREET LIGHT UTILITY
		59.30	GAS		41301	510034763	20230.6385		UTILITY SERVICE	LIBRARY
		1,131.39	ELECTRIC		41301	510034763	20230.6385		UTILITY SERVICE	LIBRARY

Council Check Register by GL
Council Check Register and Summary

8/2/2016 -- 8/15/2016

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
2016258	8/5/2016		2018 MINNESOTA STATE RETIREMENT SYSTEM (EFT)						Continued...	
2016259	8/5/2016		1559 HEALTHPARTNERS							
		47.00	HRA REIMBURSEMENT		41309	07/27-08/02/2016	70805.6131		EMPLOYEE HRA REIMBURSEMENT	EMPLOYEE HEALTH REIMBUR
		<u>47.00</u>								
2016260	8/8/2016		6537 FDGL LEASE PAYMENT							
		30.00	CC MACHINE LEASE		41310	160807	10315.6412		CREDIT CARD/ACH/BANK FEE	ENGINEERING
		20.00	CC MACHINE LEASE		41310	160807	10520.6412		CREDIT CARD/ACH/BANK FEE	PARKS ADMINISTRATION
		60.00	CC MACHINE LEASE		41310	160807	20243.6412		CREDIT CARD/ACH/BANK FEE	DOUG WOOG ARENA
		10.00	CC MACHINE LEASE		41310	160807	20250.6412		CREDIT CARD/ACH/BANK FEE	CENTRAL SQUARE
		<u>30.00</u>	CC MACHINE LEASE		41310	160807	50600.6412		CREDIT CARD/ACH/BANK FEE	UTILITY ADMINISTRATION
		150.00								
2016261	8/8/2016		6037 HEALTHPARTNERS-DENTAL							
		993.15	DENTAL CLAIMS PAID		41311	07/28-08/03/2016	60709.6132		DENTAL CLAIMS PAID	SELF-INSURED DENTAL
		<u>993.15</u>								
		<u>668,399.38</u>	Grand Total							
									<u>Payment Instrument Totals</u>	
								Checks	516,583.78	
								EFT Payments	<u>151,815.60</u>	
								Total Payments	668,399.38	



CITY COUNCIL AGENDA REPORT

DATE: Aug 15, 2016

DEPARTMENT: Public Works

ADMINISTRATOR: *J. V. [Signature]*

8-C

AGENDA ITEM: Approve bid from Protouch Painting, Inc. for exterior and interior building painting of Northview Pool.

ACTION TO BE CONSIDERED:

Motion to approve the bid form Protouch Painting, Inc. for the exterior and interior building painting at Northview Pool in the amount of \$6,950.

OVERVIEW:

The 2016 capital improvement program has \$15,000 ear marked for painting the Northview Pool building exterior. The building exterior has faded over time and the current paint has reached the end of its useful life. Painting is needed in order to protect the structure from the elements as well as present an aesthetically pleasing building for the community. Staff received three bids for labor, power washing, caulking, and painting of the exterior building. Staff also requested alternate bids to add in the same work for painting the interior walls.

- Protouch Painting, Inc. – Exterior \$3,750 - Exterior and Interior \$6,950
- Mach 1 Taping & Painting, LLC – Exterior \$4,225 - Exterior and Interior \$9,805
- Arehart Painting, Inc. – Exterior \$9,000 - Exterior and Interior \$23,000

Staff is recommending the bid be awarded to the low bidder Protouch Painting, Inc. in the amount of \$6,950 for painting the exterior and interior of Northview Pool building.

Staff is also requesting to use the remaining \$8,050 to paint the McMorrow Field Concession building.

SOURCE OF FUNDS:

2016 Capital Improvement Plan (CIP)



139 S. Concord Exchange St.



South St. Paul, MN 55075



651.457-5628 phone



651.457-5991 fax



website:
www.protouchpainting.com



August 5, 2016

City of South St. Paul
ATTN: Pat Dunn, Public Works Director
400 E. Richmond Street
So. St. Paul MN 55075

RE: Northview Pool
635 18th Ave N
So St Paul MN

- *Power wash exterior of pool building along with the block privacy wall.
- *Repaint building and accent bands.
- *Prep and repaint 10 HM doors & frames.
- *Repaint lettering.

BASE BID: \$3,750.00

- *Prepare interior walls.
- *Repaint walls with waterborne epoxy paint.

BASE BID: \$2,190.00

- *Paint wood ceilings.
- *Paint 2 doors & 4 window frames.

ADD: \$ 780.00

ADD: \$ 200.00

Jim Hoffman
Sr. Project Manager
jim@protouchpainting.com
651-313-7700 (direct)

JH/gh

Terms: In full/Net 30 days invoice. **Please sign and return one copy upon acceptance.**
There will be a finance charge added to all invoices over 30 days.

NOTE: We may withdraw this bid if not accepted within 30 days. Work to be performed during normal business hours, Monday-Friday, or additional charges will apply. Protouch assumes no responsibility for work done by others and shall not be liable for damages to completed work. Should we incur expenses due to repair of finished work, those expenses will be additional.

Accepted by: _____

Date: _____

Job #/PO #: _____



SMALL BUSINESS OF THE YEAR 2002

AA/EEO

Mach 1 Taping & Painting, LLC

Estimate

Date	Estimate #
7/25/2016	386

10449 Barnes Way
 Inver Grove Heights, MN 55077
 Cell (651) 248 - 5212
 Fax (651) 306 - 1435
 Email rassnick@hotmail.com

Name / Address

Pat Dunn NorthView Pool South Saint Paul, MN 55075
--

Project

Description	Qty	Rate	Total
EXTERIOR OF BUILDING - POWER WASH PAINT 2 COATS OF SHERWIN WILLIAMS SUPER PAINT MAROON STRIPE PAINT 8 ENTRY DOORS INSIDE AND OUT WITH FRAMES		4,225.00	4,225.00
INTERIOR OF BUILDING - POWER WASH PAINT WOMEN'S & MEN'S LOCKER ROOM WALLS & CEILING WITH STRIPE BATHROOM STALLS DIVIDERS OFFICE FRONT ENTRY WITH STRIPE CONCESSION AREA & STORAGE AREA 3 INTERIOR DOORS 2 COATS OF SHERWIN WILLIAMS SUPER PAINT ON ALL SURFACES		5,580.00	5,580.00

Total	\$9,805.00
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Arehart Painting Inc
1305 Kendon Lane
Mendota Heights MN 55120
651-248-3647
arehartjohn@gmail.com

To: City of South Saint Paul
Pat Dunn

Bid/ Estimate

Location: Northview Swimming Pool

Scope of Job: Paint interior and exterior of the building.

Specifications: Building exterior powerwashed, scraped, and caulked. Accent line and new color scheme added. Body SW Superpaint; Trim: SW Industrial Acrylic. Interior Body SW Superpaint, SW Industrial Acrylic in Shower area; Trim SW Industrial Acrylic.

Sequence: Start date provided by South Saint Paul

Terms: Net seven days

Exterior Material and Labor \$ 9000

Interior Material and Labor \$ 14000



CITY COUNCIL AGENDA REPORT

DATE: August 15, 2016

DEPARTMENT: Library

ADMINISTRATOR: *JDK*

8-D

AGENDA ITEM: Acceptance of Gifts and Grants to the Library from Tony Leitner of Level Up Games

ACTION TO BE CONSIDERED:

Adopt Resolution No. 2016-147 accepting Gifts and Grants from Tony Leitner of Level Up Games to enhance the library's summer reading programs.

OVERVIEW:

The City Council is required by State Law to vote to accept any gift or grant to the City of South St. Paul. Mr. Leitner, owner of Level Up Games, has partnered with the library in the past and recently generously donated 1) two bicycles as grand prizes for children present at the children's Summer Reading Club Party; 2) \$150 worth of Level Up Games gift cards to be used as prizes during summer reading club events; and 3) 15 board games to be used in the teen area of the library.

SOURCE OF FUNDS:

N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-147

RESOLUTION ACCEPTING GRANTS AND GIFTS

WHEREAS, the City Council is required by Minnesota State Law to vote to accept any donation to the City; and

WHEREAS, the City Council has determined that the gift listed below is of benefit to the citizens of South St. Paul; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota, that the donation listed below is accepted for the purpose desired by the donor set forth opposite the gift.

<u>Donor/Grantor</u>	<u>Donation</u>	<u>Purpose(s)</u>
Level Up Games – Tony Leitner	\$150.00 Two bicycles 15 board games	SRC gift certificate prizes SRC party prizes For teen area of library

Adopted this 15th day of August, 2016

City Clerk

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-148

RESOLUTION ACCEPTING GRANTS AND GIFTS

WHEREAS, the City Council is required by Minnesota State Law to vote to accept any donation to the City; and

WHEREAS, the City Council has determined that the gift listed below is of benefit to the citizens of South St. Paul; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota, that the donation listed below is accepted for the purpose desired by the donor set forth opposite the gift.

<u>Donor/Grantor</u>	<u>Donation</u>	<u>Purpose(s)</u>
The South-West Lioness Club	\$100.00	To purchase audiobooks

Adopted this 15th day of August, 2016

City Clerk



CITY COUNCIL AGENDA REPORT
DATE: AUGUST 15, 2016
DEPARTMENT: Licensing & Code Enforcement Division
ADMINISTRATOR: SPK

8-F

AGENDA ITEM: Business Licenses

ACTION TO BE CONSIDERED:

Motion to adopt attached list, approving Business Licenses.

OVERVIEW:

Municipal code requires that a license be obtained prior to engaging in any trade, profession or business in the city. All City licenses are annual running April 1st to May 31st. Municipal Code requires that all licenses be approved by the City Council and subject to filing of insurance certificates, background investigations, and submittal of all required forms and documents prior to issuance.

The following new applications are also listed on the attachment:

<u>License Type</u>	<u>Name of Applicant</u>	<u>Address</u>	<u>License No.</u>
1) Rental Housing	Donald Geng	344 7 th Ave S	00005505

Both the Police Department and Zoning Official recommend approval of this license.

SOURCE OF FUNDS:

N/A

**CITY OF SOUTH ST. PAUL
CITY COUNCIL REPORT, AUGUST 15, 2016**

Acct. No.	Company/Applicant	License No.	License Type	Status	Expires	Address	Detail
14310	Raymond Grosberg	00004752	Rental Housing	A	05/31/2017	127 7th Ave S	
14925	Donald Geng	00005505	Rental Housing	A	05/31/2017	344 7th Ave S	
13983	Flinstone Properties, LLC	00004799	Rental Housing	A	05/31/2017	1218-1220 8th Ave S	
14237	Alicia Mason	00004451	Rental Housing	A	05/31/2017	247 11th Ave N	
14426	Scott Hinshaw	00004858	Rental Housing	A	05/31/2017	2012 Butler Ave	



CITY COUNCIL AGENDA REPORT

DATE: August 15, 2016

DEPARTMENT: Licensing/Code Enforcement Division

ADMINISTRATOR: 

8-G

AGENDA ITEM: Order to Secure 405 16th Avenue North

ACTION TO BE CONSIDERED:

Adopt Resolution No. 2016-149, ordering the property owner of 405 16th Avenue North to secure the property in accordance with Minnesota Statutes, Section 463.251.

OVERVIEW:

Minnesota Statutes Section 463.251 provides the City with the power to order a property owner to secure his/her property.

The house at 405 16th Avenue North is vacant. This property was previously a rental property owned by William Bernier and on August 2, 2016, a foreclosure sale was held. On Tuesday, August 9th, the property was inspected by the Code Enforcement Officer. The side door of the house is open and does not close. Staff was able to see inside the house and it was completely trashed with several windows open. There is a concern that if the property is not properly secured, people may cause further property damage, health concerns, and safety issues. The neighbors have indicated that have seen activity at the home in the evening.

The owner of the property, Bank of America, National Association was sent a letter on August 10, 2016, giving them until August 18, 2016, to secure the property. If this timeline is not met, Staff will proceed to secure the building and charge it against the property as a lien pursuant to Minnesota Statutes, Section 463.25.

SOURCE OF FUNDS:

If the City finds it necessary to secure the building, Staff proposes to record the expense to the property owner.

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-149

**RESOLUTION ORDERING THE PROPERTY OWNER OF 405 16TH AVENUE NORTH
TO SECURE THE PROPERTY IN ACCORDANCE WITH
MINNESOTA STATUTES, SECTION 463.251**

WHEREAS, the City of South St. Paul, (“the City”) is aware that the structure located at 405 16th Avenue North is vacant and unoccupied; and

WHEREAS, the City has deemed the property hazardous due to the fact that the building is open to trespass and has not been secured; and

WHEREAS, the building could be made safe by being secured; and

WHEREAS, any costs incurred by the City to secure the hazardous property, if the owner fails to do so, may be assessed again the property by lien; and

WHEREAS, the City understands that the owner may request a hearing on this order within six days after the order is served; and

WHEREAS, Minnesota Statutes, Section 463.251 provides the City with a means to address this circumstance by ordering a property owner to secure the property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of South St. Paul hereby orders the property owner of 405 16th Avenue North to immediately secure the property or immediately present a reasonable plan to the City to secure the property.

Adopted this 15th day of August, 2016.

City Clerk



City of South St. Paul

125 Third Avenue North
South St. Paul, MN 55075
www.southstpaul.org

Licensing/Code Enforcement Division Manager

August 10, 2016

Bank of America, National Association
150 N. College Street; NC1-028-17-06
Charlotte, NC 28202-2271

Re: Securing vacant property – 405 16th Avenue North, South St. Paul, Minnesota

You have been identified as the owners, taxpayers and holders of the mortgage for the property located at 405 16th Avenue North, property identification number 36-48700-16-030.

Upon inspection by South St. Paul staff, the City has determined that the residence is vacant or unoccupied and has been deemed hazardous due to the fact that the residence is open to trespass and is not secured. Further, the residence could be made safe by securing the building. Specifically, the side door is open and accessible. Neighbors have indicated that the residence has been vacant for some time.

You are hereby notified that you must properly secure the building or request a hearing by Thursday, August 18, 2016.

Please be advised that the South St. Paul City Council is scheduled to meet regarding the securing of this property at its next Council meeting scheduled for August 15, 2015. Should you fail to comply with this letter, the City shall cause the building to be properly secured after August 19, 2016, and the costs will be assessed against the property pursuant to Minn. Stat. 463.251

If you wish to request a hearing or have any questions, you may contact me at (651) 554-3204.

Sincerely,

Christy Wilcox
Licensing/Code Enforcement Division Manager

c.c. Addison Lewis, Code Enforcement Officer
Registered Agent - CT Corporation
150 Fayetteville St., Box 1011
Raleigh, NC 27601-2957



CITY COUNCIL AGENDA REPORT

DATE: AUGUST 15, 2016

DEPARTMENT: COMMUNITY DEVELOPMENT-PLANNING

ADMINISTRATOR: SPK

9-A

AGENDA ITEM: Ordinance Opting Out of the Requirements of Minnesota Statute, Section 462.3593 – Requiring Cities to Permit Temporary Family Health Care Dwelling Units

ACTIONS TO BE CONSIDERED:

1. Hold a public hearing on Ordinance opting out of the requirements of Minnesota Statutes, Section 462.3593
2. Consider adopting Ordinance No. 1307, opting out of the requirements of Minnesota Statutes, Section 462.3593

OVERVIEW:

In May of this year the State of Minnesota approved legislation requiring cities to permit Temporary Family Health Care Dwelling Units (also referred to as “Drop Homes”) per the terms of the legislation or to adopt an ordinance to opt out of the legislation by September 1, 2016. Under the legislation cities have little review or enforcement authority, the temporary dwelling units are allowed to circumvent most zoning regulations, information required for the permits would be private data and there are HIPPA data handling concerns, the city can only charge a \$100 initial permit fee (\$50 renewal) and the burden of determining whether the proposed temporary dwelling is in compliance with the legislation would be borne by the City. The temporary units have potential impacts on neighborhoods by allowing higher densities than allowed under zoning. This could result in more dwelling units on the already crowded 40-foot wide lots.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the ordinance at their August 3, 2016 meeting and recommended opting out of the requirements of Minnesota Statutes, Section 462.3593 (4-2). Some commissioners voting against the motion noted that South St. Paul is a family oriented community and the regulations were an opportunity to demonstrate that family oriented culture by allowing more opportunities for families to provide temporary care for their family members. Commissioners voting for the motion to opt out noted that there were a number of concerns with the proposed requirements. Commissioners also noted that even if the City opted out of the language outlined in Minnesota Statutes the City could adopt its own standards for temporary family health care dwelling units.

STAFF RECOMMENDATION:

Staff recommends adoption of Ordinance 1307 which would have the City opt out of the requirements of Minnesota Statutes, Section 462.3593.

60-DAY REVIEW DEADLINE: N/A

SOURCE OF FUNDS: N/A

ORDINANCE NO. 1307
CITY OF SOUTH ST. PAUL
AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF SOUTH ST. PAUL, ORDAINS as follows:

SECTION 1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of South St. Paul opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this _____ day of _____, 2016, by the City Council of the City of South St. Paul.

CITY OF SOUTH ST. PAUL

By: _____
Beth Baumann, Mayor

ATTEST:

Christy Wilcox, City Clerk

2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 111--S.F.No. 2555

An act relating to local government; regulating zoning of temporary family health care dwellings; establishing temporary dwelling permits; amending Minnesota Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 394; 462.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

Subd. 4. Housing with services establishment or establishment. (a) "Housing with services establishment" or "establishment" means:

(1) an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or

(2) an establishment that registers under section 144D.025.

(b) Housing with services establishment does not include:

(1) a nursing home licensed under chapter 144A;

(2) a hospital, certified boarding care home, or supervised living facility licensed under sections 144.50 to 144.56;

(3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under chapter 245D;

(4) a board and lodging establishment which serves as a shelter for battered women or other similar purpose;

(5) a family adult foster care home licensed by the Department of Human Services;

(6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;

(7) residential settings for persons with developmental disabilities in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable successor rules or laws;

(8) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;

(9) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; or

(10) services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until January 1, 1998, or under chapter 245D; or

(11) a temporary family health care dwelling as defined in sections 394.307 and 462.3593.

Sec. 2. **394.307** **TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. Temporary family health care dwelling. A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit; application. (a) Unless the county has designated temporary family health care dwellings as permitted uses, a temporary family

health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the county. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law and local ordinances.

Subd. 4. Initial permit term; renewal. The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. Inspection. The county may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The county may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. Revocation of permit. The county may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the county revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise specified by an action of the county board, the county may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A county may by resolution opt-out of the requirements of this section.

Sec. 3. **[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit; application. (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.** This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

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CITY COUNCIL AGENDA REPORT

DATE: August 15, 2016

DEPARTMENT: Licensing/Code Enforcement Division

ADMINISTRATOR: SPKsa

10-A

AGENDA ITEM: Second Reading - Miniature Pigs

ACTION TO BE CONSIDERED:

Motion to adopt Ordinance No. 1308 0 *An Ordinance Amending Chapter 15 Regarding Animals (Miniature Pigs)* and authorize its publication.

OVERVIEW:

The City has received a request from a citizen that plans to move into South St. Paul and currently owns a miniature pig. Section 15-1 of the City Code defines domestic animals and farm animals as:

- **Domestic animals** mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, dove, pigeons, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians, and other similar animals.
- **Farm animals** means those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chicken, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

Section 15-3 of the City Code states that it shall be illegal for any person to own, possess, harbor, or offer for sale any farm animals within the city limits.

Mini-Pigs Background Information

- Miniature Pigs are a miniature size of pig as recognized and registered by the American Mini Pig Association. These pigs are usually mixed with several breeds. It is very rare to find a purebred Vietnamese potbellied pig. Instead, today's pet pigs are mixed breeds or "mutts" often referred to as American Miniature Pigs. Miniature Pigs average in height from 12 to 18 inches and 50 to 150 pounds at maturity when they are 5 years old. Miniature Pigs are bred and sold as pets. Breeders focus on temperament, personality, size, and structural soundness avoiding genetic faults or aggression. These pigs are often used as Therapy Animals in hospitals, nursing homes and schools as Emotional Support Animals (ESA) due to their intelligence and bonds with their owners/families.
- Pigs are animals and do make noise as they communicate, just as all animals do. A well cared for pet pig should not cause any disruption to the neighborhood. High volume obnoxious sounds are more connected to commercial farm settings with many large

animals similar to a dog kennel or shelter. The noise of a pig can be compared to the noise of a dog, in that typically they are very quiet, but can raise their voice when they are hurt or scared and each is an individual with its own personality. A pig's most extreme squeal can reach 110 decibels, which is a very short burst of panic noise. Similarly, a dog kennel of barking dogs can reach 100-108 decibels of nonstop barking. Some things commonly heard in a neighborhood that are louder than a pig's brief squeal are a circular saw, chain saw, and firecrackers.

- Miniature Pigs have no body odor when they are spayed and neutered. They have very few functioning sweat glands, instead relying on water or mud to cool them off. The American Mini Pig Association recommends all pet pigs be spayed or neutered before 6 months of age.
- Pigs are affectionate, intelligent, excellent communicators, and very much loved as family pets across the world. These small pigs are very similar in size to a bulldog. Statistics vary by locality, but residents are far more likely to be bitten by a dog or cat in the neighborhood than a pet pig.
- Miniature Pigs are considered family pets with all the comforts and care that other family pets are given, including top notch nutrition and sanitary care. Companies have formulated a complete pelleted diet to meet the specific needs of Miniature Pigs. In addition to their pellets, Miniature Pigs often enjoy a daily salad of fruits and vegetables along with a few healthy snacks or treats such as popcorn or raisins. Miniature Pigs should never be fed garbage or waste scraps.

The proposed ordinance includes those items that were discussed at a recent City Council Worksession:

- Definition of a miniature pig which includes that at maturity the miniature pig is less than 20 inches in height and weighs less than 150 pounds
- A license will be required and proof of rabies vaccination at time of application
- All structures, pens, or yards must be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors and animal waste.
- Running at-large prohibited
- Unlawful for an owner to: permit habitual barking or crying
- As with dogs, no more than one miniature pig, six months of age or older for each 2,500 square feet of lot area
- Shall be spayed or neutered
- The property has a fence
- Owner provides proof that a microchip has been implanted for identification
- The slaughtering of miniature pigs on residential property is prohibited

The ordinance was introduced for its first reading on August 1, 2016, and staff is recommending adoption of Ordinance No. 1308.

City of South St. Paul
Dakota County, Minnesota
Ordinance No. 1308 _____

AN ORDINANCE AMENDING CHAPTER 15
REGARDING ANIMALS

WHEREAS, The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Chapter 15, Sections 15-1 – 15-8 is hereby amended as follows:

Chapter 15 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 15-1. - Definitions.

For the purposes of this chapter, the terms defined in this section shall have the meanings given them:

Animal means any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

- (1) *Domestic animals* means those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, dove, pigeons, gerbils, hamsters, guinea pigs, **miniature pigs** domesticated rabbits, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians, and other similar animals. **Domestic animals does not include farm animals.**
- (2) *Nondomestic animals* means those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - a. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 - b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

- c. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - d. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - f. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.
- (3) *Farm animals* means those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chicken, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

At large means off the premises of the owner and not under custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

Bodily harm, pursuant to Minn. Stats. § 609.02 subd. 7, means physical pain or injury, illness, or any impairment of physical condition.

Cat means both the male and female of the felidae species commonly accepted as domesticated household pets, including ferrets.

Dangerous dog means a dog that:

- (1) Has when unprovoked, inflicted substantial bodily harm on a human being on public or private property;
- (2) Has killed a domestic animal without provocation while off the owner's property;
- (3) Has attacked one or more persons on two or more occasions; or
- (4) Has been found to be potentially dangerous and after the owner has personal knowledge of the same, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Dog means both the male and female of the canine species, commonly accepted as domesticated household pets.

Owner means any person or persons, firm, organization, department, association or corporation owning, possessing, keeping, having an interest in, harboring or having care, custody or control of an animal.

Maintenance costs means any costs incurred as a result of seizing an animal for impoundment, including but not limited to the capturing, impounding, keeping, treating, examining, securing, confining, feeding, boarding or maintaining seized animals, whether these services are provided by the city or the pound.

Miniature pig, also known as a mini pig, micro pig or tea cup pig, means a domesticated pig that at maturity is less than 20 inches in height and weighs less than 150 pounds.

Potentially dangerous dog means a dog that:

- (1) Has when unprovoked, inflicted a bite on a human or domestic animal on public or private property;
- (2) Has when unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the owner's property, in an apparent attitude of attack; or
- (3) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel for a dangerous dog shall meet the following minimum specifications:

- (1) A minimum overall floor size of 32 square feet.
- (2) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-fourth inch or larger steel pipe. The entire perimeter must have concrete footings one foot in depth and the support posts must be placed within the footings.
- (3) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.
- (4) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the dog is in the pen or kennel.

Provocation means an act that an adult could reasonable expect may cause an animal to attack or bite.

Substantial bodily harm, pursuant to Minn. Stats. § 609.02 subd. 7a, means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ or that causes a fracture of any bodily member.

Unprovoked means the condition in which an animal is not purposely excited, stimulated, agitated or disturbed.

Sec. 15-2. - Nondomestic animals.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any nondomestic animal within the city limits. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinary clinic, scientific research laboratory, or a licensed show or exhibition.

Sec. 15-3. - Farm animals.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any farm animals within the city limits, except temporarily in the general business district east of Trunk Highway No. 56 in a stockyard or farm produce establishment awaiting slaughter or transportation, or except as brought into the city as part of an operating zoo, veterinary clinic, scientific research laboratory, or a licensed show or exhibition, or as may be allowed under urban chicken regulations found in section 15-9.

Sec. 15-4. - Basic care.

All animals shall receive from their owners kind treatment, sufficient shelter, and sufficient food and water for their comfort.

- (a) *Proximity to certain uses.* A dove cote, dog kennel, rabbit warren, pigeon loft or other yard or establishment where small animals or fowl are kept must not be maintained closer than 50 feet from any apartment, hotel, restaurant, retail food store, building used for school, religious or hospital purposes, or residence other than occupied by the owner or occupant of the premises where the animals are kept. Except as may be allowed under backyard chicken regulations found in section 15-9.
- (b) *Keeping at residence.* A person may keep up to two rabbits, guinea pigs, dove, or pigeons that are more than four months old on any residential premises less than five acres within the city.
- (c) *Permit.* The city council may grant a special animal permit for more than the number of animals allowed pursuant to subsection 15-4(b) if:
 - (1) The person undergoes an inspection of the premises by the animal control officer;
 - (2) The person provides the city clerk with the names and addresses of all property owners within 75 feet of applicant's property so that they may be sent notice of the hearing, or provides the city clerk with a signed acknowledgement of the property

owners within 75 feet of the applicant's property stating that they have been informed of the council hearing date for such permit and that they have no objection to the granting of the special animal permit;

(3) After a hearing, the city council finds that no nuisance will be created and granting the special animal will not be detrimental to the health, safety and welfare of the public.

(d) *Cleaning animal shelters.* All structures, pens, or yards where animals or fowl are kept or permitted to be must be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors and animal waste. The interior walls, ceiling, floors, partitions, appurtenances of all the structures must be properly maintained. The city, upon the complaint of any individual, will inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this section.

Sec. 15-5. - Pound.

The city council shall designate an official city pound to which animals found in violation of this chapter shall be taken for safe treatment, boarding, confinement, and if necessary, for destruction.

Sec. 15-6. - Interference with officers.

No person shall in any manner hinder or interfere with any person authorized by the city council to discharge his or her duties under this section.

Sec. 15-7. - Number of dogs **and miniature pigs** limited.

There can be no more than one dog **or one miniature pig**, six months of age or older, for each 2,500 square feet of lot area ~~comprising the premises for the dog~~.

Sec. 15-8. - Number of cats limited.

There can be no more than four cats, six months of age or older on any residential premises within the city.

SECTION 2. ENACTMENT. South St. Paul City Code Chapter 15, Section 15-10 is hereby enacted as follows:

Sec. 15-10. – Miniature pig regulations

(a) *Keeping of miniature pigs on urban residential lots*

(1) *License required.* No person shall keep miniature pigs on any residentially zoned property within the city without first obtaining a license from the city pursuant to Chapter 15 Article II. The keeping of miniature pigs is limited to single family lots.

(2) *Conditions of a license.* No person shall keep or harbor a miniature pig without a license and no license will be issued or renewed unless the following conditions are met:

- a. The miniature pig shall be spayed or neutered and verification from a veterinarian licensed by the State of Minnesota or another state within the United States shall be provided.
- b. The property has a fence that will contain the miniature pig on the owner's property that is no less than 4 feet in height, with an enclosed area of no less than 250 sq. ft, in accordance with all zoning regulations.
- c. The owner provides proof that a microchip has been implanted in the miniature pig for identification. The name of the microchip manufacturer and identification number of the microchip must be provided to the city.
- d. The miniature pig is no greater than 20 inches in height or 150 pounds.

(b) *Slaughtering of miniature pigs prohibited.* The slaughtering of miniature pigs on residential property is prohibited.

Secs. 15-~~10~~11—15-20. - Reserved.

SECTION 3. AMENDMENT. South St. Paul City Code Chapter 15, Sections 15-21 – 15-23 is hereby amended as follows:

ARTICLE II. - LICENSING OF DOGS, ~~AND~~ CATS AND MINIATURE PIGS

Sec. 15-21. - License required.

It is unlawful for a person to own, harbor or keep a dog, ~~or~~ cat or miniature pig over the age of six months within the city unless the person has obtained a license for the dog or cat or miniature pig. An owner has 30 days after becoming a city resident to secure a license. In addition to these requirements, an owner of a dangerous dog shall comply with sections 15-61 through 15-69.

Sec. 15-22. - Application process.

(a) *Application.* Application for a separate license for each dog, ~~or~~ cat or miniature pig shall be made to the city clerk. The application must contain the following information:

- (1) Owner's name;
- (2) Owner's address;
- (3) Owner's phone number;
- (4) Name of ~~dog or cat~~ animal;
- (5) Breed of dog or cat;
- (6) Color of dog or cat;

- (7) Gender of ~~dog or cat~~ animal.
- (8) Whether dog or cat is spayed or neutered.
- (b) *License fee.* No license may be issued for a dog or cat unless the owner pays the license fee, as established by the city council.
- (c) *Vaccination.* All dogs, ~~and cats~~ **and miniature pigs** kept, harbored, or maintained within the city shall be vaccinated by a licensed veterinarian for rabies, with a live modified vaccine and distemper. The owner must keep a certificate of vaccination ~~for the dog or cat~~ valid for the license term. Upon demand made by the city clerk, animal control officer or police officer, the owner shall present the required certificate of vaccination ~~for the dog or cat~~. In cases where certificates are not presented, the owner ~~of the dog or cat~~ shall have seven days in which to present the certificate to the city clerk, animal control officer or police officer.
- (d) *License term.* Except for dangerous dogs licenses, which are issued for a one-year term, all other dog, ~~and cat~~ **and miniature pig** licenses, including potentially dangerous dogs, are issued for a two-year term, beginning on January 1. There shall be no proration of the license fee if the application for a license is made after January 1.
- (e) *Tag description and duplicate fee.* Upon completion of a license application, submission of a certification of vaccination valid for the license term, and payment of the license fee, the city clerk shall issue a metallic tag, stamped with a number and expiration year of the license. Duplicate tags are available for a fee, as established by the city council.
 - (1) *Tag to be worn.* Tags must be valid and securely fastened to the dog's or cat's chain or collar **or harness, in the case of a miniature pig**, at all times.
 - (2) *Nontransferable.* Licenses and tags are not transferable from one dog, ~~or cat~~ **or miniature pig** to another or from one owner to another.
 - (3) *Dangerous dog tags.* Dangerous dogs shall wear tags that comply with section 15-65.
- (f) *Refunds.* No refunds are available on a ~~dog or cat~~ license fee or tag for any reason, including but not limited to death of ~~a dog or cat~~ **the animal** or if the ~~dog or cat~~ **animal** moves from the city before expiration of the license term.

Sec. 15-23. - Exceptions.

The licensing provisions of this section shall not apply to dogs, ~~or cats~~ **or miniature pigs** whose owners are nonresidents temporarily within the city, ~~nor to dogs or cats who are~~ brought into the city for the purpose of participating in any ~~dog or cat~~ show, ~~nor to dogs or cats properly trained to assist the handicapped or disabled~~, nor to hospitals, clinics and other premises operated by licensed veterinarians exclusively for the care and treatment of animals.

Secs. 15-24—15-34. - Reserved.

SECTION 4. AMENDMENT. South St. Paul City Code Chapter 15, Section 15-35 is hereby amended as follows:

ARTICLE III. - NUISANCES

Sec. 15-35. - Nuisances.

- (a) *Habitual barking or crying.* It shall be unlawful for any owner to keep an animal in the city that habitually barks or cries. Habitual barking shall be defined as barking or crying for repeated intervals of at least three minutes with less than one minute of interruption. Barking or crying must be audible off of the owner's premises.
- (b) *Damage to property.* It shall be unlawful for any owner's animal to damage any lawn, garden, or other property of another, whether or not the owner has knowledge of the damage.
- (c) *Sanitation.* The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on the owner's property, on the property of others or on public property.
- (d) *At large.* Except within the designated area at the city's off-leash dog park, it shall be unlawful for any dog, ~~or~~ cat ~~or~~ miniature pig to be at large, whether or not the owner is present. Dogs, ~~or~~ cats ~~or~~ miniature pigs must be continuously under restraint on a leash ~~or~~ harness not exceeding eight feet in length, and accompanied by a responsible person so as to be effectively restrained by such leash. Dogs, ~~or~~ cats ~~or~~ miniature pigs controlled by a leash ~~or~~ harness shall be permitted outside of the owner's property or on public land unless the city has posted an area with signs stating that ~~dogs and eat~~ such animals are prohibited.
- (e) *Attacks.* Unless exempted by section 15-73, it shall be unlawful for any owner's animal to inflict or attempt to inflict bodily harm or substantial bodily harm to any person or other animal whether or not the owner is present.
- (f) *Animals presenting an imminent danger to health and safety of city.* If, in the reasonable belief of the animal control officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may immediately destroy the animal in a proper and humane manner. In the alternative, the officer may seize the animal and deliver it to the pound for confinement under section 15-46. If the animal is destroyed, a fee, as established by city council, shall be charged to the animal's owner. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner in accordance with subsection 15-49(b).
- (g) *Diseased animals.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to be at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city, even though the animal is properly licensed under this section.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance establishes procedures for a resident to have miniature pigs within the city.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

Christy Wilcox, City Clerk



CITY COUNCIL AGENDA REPORT

DATE: AUGUST 15, 2016

DEPARTMENT: COMMUNITY DEVELOPMENT-PLANNING

ADMINISTRATOR: _____

10-B

SPK

AGENDA ITEM: Olson Garage Variance – 1035 15th Avenue North

ACTION TO BE CONSIDERED:

Adopt Resolution 2016-150 denying a 1.5-foot garage height variance for the property at 1035 15th Avenue North.

REQUEST AND BACKGROUND:

The applicant has requested a variance of 1.5 feet for the height of a garage.

The subject property is located at 1035 15th Avenue North and about the rear 1/3 of the lot has a drop in elevation below the level of the homes from 15th Avenue and 16th Avenue. The applicant is proposing to build a detached garage approximately 11.5 feet behind the house which would be in the front 2/3 of the property. The new garage would be accessed via a shared driveway that runs along on the north side of the lot.

PUBLIC HEARING:

A public hearing for the proposed variance was held at the August 3, 2016 Planning Commission meeting. A neighboring property owner, B. Kessel, spoke in opposition to the proposed variance at the public hearing and had previously submitted a letter in opposition to the variance. One other property owner, S. and C. Oestrich, submitted a letter in opposition to the variance. In addition to the applicant, the contractor, M. Frankot, spoke in favor of the variance and stated the old garage couldn't be repaired so he had been working with the applicant on replacing the garage in a location away from the rear property line (and away from the private alley).

Subsequent to the Planning Commission meeting the applicant submitted a letter dated August 5, 2016 which has been included with this item. All of the aforementioned letters for or against the variance application have been included with this packet.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the case at their August 3, 2016 meeting and at the conclusion of the meeting the Commissioners voted to recommend denial of the requested variance (6-0).

STAFF RECOMMENDATION:

The staff recommendation is to deny the variance for the reasons noted in Resolution 2016-150.

60-DAY REVIEW DEADLINE: ~~August 13, 2016~~
Extended to August 31, 2016

SOURCE OF FUNDS: N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-150

**A RESOLUTION DENYING A 1.5 FOOT GARAGE HEIGHT VARIANCE
FOR 1035 15TH AVENUE NORTH**

Section 1
Recitals

- A. The City received an application from Jeremiah Olson for a variance of 1.5 feet for the height of a garage for the property located at 1035 15th Avenue North and legally described as follows:

The Easterly 13 Feet of Lot Eight (8) and the Easterly 13 Feet of the North 15 Feet of Lot Nine (9), Block Five (5), South Park 1st Division, said 13 foot strip being made up by the most Easterly 8 Feet, being the West One Half (W ½) of the vacated alley to which has been added an additional 5 Feet; and Lot Twenty – Five (25) and the North 15 Feet of Lot Twenty Four (24), Block Five (5), South Park 1st Division, Dakota County, Minnesota.

PID: 36-70200-05-250

- B. The Planning Commission held a public hearing on the application at their August 3, 2016 meeting, preceded by notice as required by law;
- C. The Planning Commission took action to recommend denial of the variance;
- D. The City Council has received and considered information from the Planning Commission, and the public record from the public hearing at the Planning Commission held on August 3, 2016 and held its own hearing on August 15, 2016, at which the applicant was afforded an opportunity to be heard.

Based on the information and other facts and circumstance the City Council deems relevant, the City council makes the following findings:

Section 2

Findings

- A. Minnesota Statute §462.357 subd. 6 and City Code §118-39 establish the findings that a city must consider to grant a variance, including that there are practical difficulties in complying with the ordinance (economic considerations alone do not constitute practical difficulties). Practical difficulties as used in connection with the granting of a variance means that:
- (1) The property owner proposes to utilize the property in a reasonable manner
 - (2) The plight of the property owner is due to circumstances unique to the property that were not created by the property owner, and
 - (3) The variance will not alter the essential character of the neighborhood.
- B. After review of the record and the information presented at the hearing, the Council determines that the property owner proposes to utilize the property in a reasonable manner. Construction of a detached garage on a residential property is utilizing the property in a reasonable manner.
- C. After review of the record and the information presented at the hearing, the Council determines that the plight of the property owner is not due to circumstances unique to the property and that the circumstances are created by the property owner. The location of the proposed garage is on a level surface behind the home. Construction of a new garage in this location is subject to the requirements of City Code, which allows a garage to be 16 feet in height. The situation is solely created by the property owner's desire to have additional storage space in the garage, not because the property is unique in any way.
- D. After review of the record and the information presented at the hearing, the Council determines that the variance would not alter the essential character of the neighborhood. The surrounding properties are all residential and there are both attached and detached garages; therefore, the structure would not change the character of the neighborhood.
- E. The applicant admits that he already purchased the trusses for the garage. Neither the City Code nor State Statute allows economic consideration alone to be taken into account to approve a variance.
- F. The City Code provides other options that would allow the property owner to construct a garage or other accessory structure on the property that comply with the City Code. These options include but are not limited to:

- (1) Constructing a 16-foot tall detached garage with the same size footprint as currently proposed.
- (2) Constructing a 16-foot tall detached garage with a larger footprint (to accommodate the additional storage desired by the applicant)
- (3) Constructing a 16-foot tall garage with the same size footprint as currently proposed and construct an additional accessory structure (to accommodate additional storage).
- (4) Constructing an addition to the house for an attached garage where the height of the garage would then only be limited to the height requirement for the house.

Section 3
Action

Based upon the foregoing, specifically that the plight of the property owner is not due to circumstances unique to the property and that the circumstances are created by the property owner, that economic considerations alone cannot be taken into account and that there are reasonable alternatives to accomplish the property owner's desires of additional storage space without the need for a variance,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of South St. Paul hereby DENIES the application for a height variance of 1.5 feet for a detached garage for the property at 1035 15th Avenue North.

Adopted this 15th day of August, 2016.

City Clerk

August 5, 2016

From: Jeremiah Olson

To: The Mayor and City Council of South St. Paul, MN.

RE: New Garage Height Variance

Honorable Mayor and City Council Members:

Our garage variance for 18 inches of roof height above 16 feet was not approved at the planning commission meeting on Wednesday, August 3, 2016. The commission invited us to return to the full city council on August 15, 2016. The commission invited us to bring additional information that would enable our garage to be approved.

We are now supplying that information and are outlining difficulties in our physical property and neighborhood which make our variance necessary for our finished construction. Our garage floor, blocks and foundation have been completed. The apron to the garage from the driveway is completed. The old, nonconforming, garage from the unimproved, and flooding alley, has been demolished and removed. The construction season is now considerably shortened and we desire to finish the construction of our new garage building at this time. The old garage building was deteriorating and needed repairs, but could not be easily repaired as it was a shared building. We purchased the building for the express purpose of demolishing and removing it and building a new, attractive, and well-built garage on the favorable land behind our house at 15th Avenue North.

The additional height variance of 18 inches for the upper loft space and finished roof replaces a portion of our storage space which was lost when the old garage was destroyed. The old garage had a pair of lofts measuring a total of 24 feet by 24 feet with a height of 10 feet, and up to 12 feet, at the ridge line. We owned half of that total space. It was a hardship to us to lose that considerable storage space. We will not gain that much storage now, with the new garage, but the proposed space will be helpful.

1. We have submitted all required paperwork. All plans, drawings, and photographs have been submitted to the city office.
2. We are requesting a variance of an additional 1.5 feet in height, for the purpose of providing adequate storage. Our yard and property are not suitable for a garage floor larger than our already constructed 24X24 foot site for the following reasons:
 - A. Peter Hellegers has said that we could build a wider garage. This is not practical due to the size of our yard and because we have a slope in our back yard. We would have to cover a much larger portion of our yard in cement, nearly half our yard, which would create much more run-off into the private alley. This is an untenable hardship.
 - B. Our newly re-cemented driveway is a shared driveway between two houses and there is a limitation on how much land we can use for ingress and egress. We are quite limited in our drive out apron space so anything larger than a two car garage space would not work.
3. Building the garage in the significant slope that would enter and exit the alley is not practical.
 - A. The unimproved private alley is subject to severe flooding during every rain. We could not choose to build a new garage on any of the sloped land at the rear, western, end of our property. We have planned our construction to not cause any flooding in the private alley.

We also constructed a new, solid, retaining wall to prevent any flooding from our property into the alley.

B. A garage in this area would increase water flow in the alley. We would also have the same problem that we currently have. Because of other construction in the alley, there is no place for water to flow as there is no city storm sewer in that portion of the alley. We would continue to have a flooded garage that would be unusable. A garage in our yard above the slope is the only remedy for this hardship.

4. Our proposed garage will end serious hardships which we have experienced every day, since 1991 when our neighbor's parking pad was installed and served as a dam to direct alley run-off into our garage. The city had approved that cement parking pad. A few years later, the city had also approved another neighbor's driveway apron to drain water directly into our garage.

The main reason we had to tear down our alley garage was that the city had approved an 18 foot high garage on the property at 1037 15th Ave. North, with cement apron with ingress and egress from the north into the private ally. This garage with a height variance was granted even though the city engineer testified that this garage would increase the water flow in our alley. Since 1991 we had experienced terrible flooding in our alley garage and since 2008, with the approval and construction of the new garage at 1037, our garage was rendered totally unusable. We could only use our upper loft which was reached by 4 steps to an entrance door which faced the east side of the upper portion of our property.

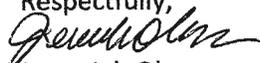
The city approval of the garage at 1037 15th Avenue North caused an overwhelming hardship to us which we could not overcome. Therefore we had to spend considerable funds to purchase both halves of the old alley garage and demolish it before we could build our new garage on level ground. Our new garage was a considerable expense to us. It will benefit the look of the neighborhood, be practical and serve to increase the tax base in our city. We should have a recognition by the city that the approval of the garage at 1037 15th Avenue North rendered our old garage totally unusable. The city created this hardship and now, ironically, the city wants to say that this hardship does not count as a reason for us to have a height variance for our new garage. This becomes a serious moral and ethical issue. In the interest of fairness, justice and simple common sense, our height variance for our garage should be approved.

5. The destruction of our old alley garage, the brick and cement form stairs from our yard to the alley and the terraces with rock had to be removed through that demolition project. This demolished area had to be refilled with earth. This ground is soft and will experience some settling over time.
6. This large fill area would be unsuitable for any new cement foundation, cement flooring or garage construction.
7. The rest of our back yard is devoted to trees, flower gardens, vegetable gardens and a necessary privacy fence with trees and plants put in on the new alley retaining wall.
8. Our proposed new garage would also provide adequate privacy for us. We have been subjected to serious hostility from a couple of our neighbors. Our fence, trees and new garage building will help ensure our privacy.

9. The extra 18 inches of roof space on our new garage will not be an eyesore. It will give us some additional loft storage space and as well as needed privacy from our neighbor's 2nd story view into our back yard. The garage building will still be considerably lower than our house. Our new garage will not be visible from the street.

10. The issue which has caused additional hardship for us has centered on the approval process from Peter Helleger and his office. The Planning Commission had some confused and inaccurate information presented to them from Peter Hellegers' office. We are correcting those inaccuracies in this letter:
 - A. We obtained agreement for the full garage building in the alley on March 1, 2016 through a formal mediation process with our south side neighbor. We accepted a purchase offer which he made. We paid the purchase price into a trust fund. The neighbor was fully paid before demolition began. The purchase required that we take possession of the alley garage in order to demolish and remove it from the alley. We completed this task. On March 2 or 3 I informed Peter Hellegers of our mediation result and told him we would build a 24X24 foot two car garage with walk-in loft storage space behind our house on our property. He was glad that this change was going to happen as the old garage was nonconforming and a grandfathered building which rested on three different properties. I asked Hellegers to keep me informed on what we needed to do to be approved and to complete this new garage project during the summer construction season.
 - B. Later, I spoke by phone to Ms. Woog at our city office desiring to learn what paper work I needed to do in order to complete this project. She told me there was nothing for me to do or fill out as our contractor would take care of those issues and pay the correct fees. I was satisfied that I had completed my tasks.
 - C. Our demolition proceeded on May 10, 2016. Our contractors obtained the permits for construction and submitted the appropriate paperwork. Once or twice Peter Helleger's office made the claim that all paperwork and files were lost. Our contractors resubmitted all needed documentation.
 - D. In June, after we learned that we needed a variance, Hellegers required me to fill out considerable paperwork for the garage variance. In March, prior to construction, I openly discussed the size and height of the garage building with him. He also phoned me and we had a very long and involved conversation. He raised no objection to the garage.
 - E. My overwhelming sense of this process was that Hellegers kept asking me the same questions over and over and I was supposed to guess at the right answer. Every answer I gave was somehow the wrong answer and no matter how many ways I answered the questions I was still wrong or inadequate. This was a highly frustrating process. It seemed to become an unsolvable mystery for a very simple issue. The garage was to have a loft and enable the upper space to be 6 feet high for convenience and safety for upper level storage. It was also made clear to Mr. Hellegers on many occasions by our contractors and myself that the total garage building would be 17.5 feet high. Our repeated paperwork always conveyed these facts. There was no attempt to conceal anything from Mr. Hellegers.

- F. At the August 3 Planning Commission meeting, Mr. Hellegers recommended that our height variance be denied. Our request was not approved at the planning commission meeting as they felt we did not meet the requirements of a serious hardship
 - G. Peter Hellegers failed to brief and prepare the planning commission on these relevant details. Instead, we were presented to the commission as people who were unprepared, who had failed in the preparation of our paperwork and as if we were trying to achieve a secret goal, a height variance, that would somehow slip by the planning commission. We answered all the questions and objections in a clear and reasonable manner. There was a sense that we were to be castigated and humiliated by the commission as if we were somehow unprepared.
 - H. Nothing could have been further from the truth. Our contractors had submitted all of our paperwork, and we had several inspections, with approvals. We were open about our height variation and the fact that we were going to build a new garage after the old one was demolished. Our contractor openly described the garage and height variation with one inspector who said that there should be no problem as the new garage would not be higher than our house.
 - I. At the planning commission meeting on August 3, 2016 Peter Hellegers openly misrepresented the truth, claiming that he thought we were only going to build and install a new parking pad. This had never been our intent and we never communicated any such thing to Peter Hellegers. Furthermore, our permit says "Garage Pad." One commissioner on the planning commission questioned Peter about these miscommunications and how this was not the first time this situation of obtaining a permit had happened. It had happened through Peter's office more than once in the past and had increased building costs and engendered delays.
11. The Olson family, and our contractors, made no secret of our intentions, plans or work. We welcomed inspectors and never attempted to prevent any information from coming to Peter Hellegers in neither any inadvertent nor nefarious manner.
12. There is no real reason to deny this variance to us. Due to the slope and topography of our lot and the consistent flooding of the private alley we have only a limited space for our garage and loft.
13. We are also attaching some photographs of the alley showing the flooding from the rain on the morning of August 4, 2016. The problem with water run-off into the alley is a great hardship and our proposed construction is designed to not add to that problem.

Respectfully,

Jeremiah Olson

1035 15th Avenue North
South St. Paul, MN 55075
651-503-8381
pastorolson@comcast.net

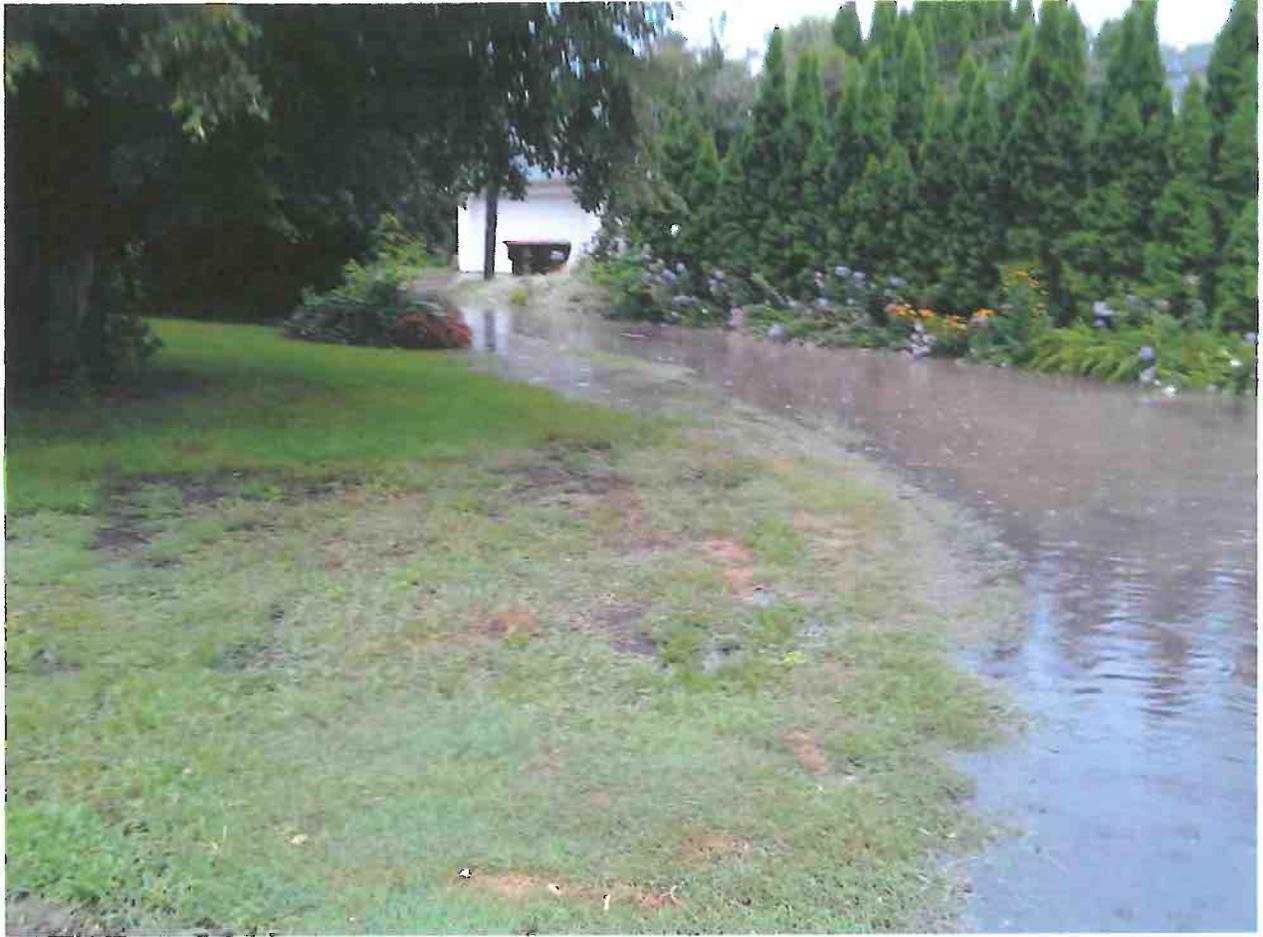
8/4/16



8/4/16



August 4, 2016



Peter Hellegers

From: Claudia Oestreich <ceosmo@gmail.com>
Sent: Tuesday, August 02, 2016 3:21 PM
To: Peter Hellegers
Subject: garage variance for jeremiah olson

Mr Hellegers

We are writing in response to the application for a garage variance requested by Jeremiah Olson.

We are against giving him the 1.5 foot variance, we see no need for it to be that high. The garage should blend in with the landscape and not be an eyesore.

Thank you for checking with the neighbors.

Stephen and Claudia Oestreich
1041 16th Avenue North
So St Paul MN 55075
651-451-7932

Planning Commission Meeting Date: Wednesday, August 3, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 3.A
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Project Name:	Olson Garage Variances	
Site Address:	1035 15 th Avenue North	PID: 36-70200-05-250
Applicant(s):	Jeremiah Olson	
Request:	Consider the request for a variance 1.5 feet for the height of the garage	
Proceeding:	Public Hearing / Planning Commission Recommendation	
Tentative City Council Meeting Date:	August 15, 2016	
Deadline:	August 13, 2016* <small>*The City must act on this request by this 60-day review period deadline unless the city provides the applicant with written reasons for why additional time, up to a maximum of 120 days, is required. The City may extend the review period beyond the 120 days but only with the applicant's consent.</small>	
Exhibits:	A. Location map B. Correspondence from neighboring property owners C. Materials submitted by the applicant	

REQUEST

The applicant is requesting a 1.5' variance for the height of a proposed 24' x 24' detached garage that would be located in the rear yard of the applicant's property.

BACKGROUND

The property located at 1035 15th Avenue North is an existing single family dwelling that is located in the R-1: Single Family Residential zoning district. Adjacent properties are all located in the R-1 zoning district as well. Dakota County records show that the property is approximately .24 acres (10,454 s.f.) and that the house was built in 1938. The property has a shared driveway that runs along the northern edge of the property between 1035 and 1037 15th Avenue North. The property also had a detached garage at the southwestern corner of the subject property and was located partially on the subject property and partially on the property to the south (1029 15th Ave. N.). The garage was located below downhill from the house and had an upper storage loft space above the garage. As the garage was located in a point of low elevation it was subject to standing water and the applicant has voiced concerns about development in the

neighborhood insofar as the potential impacts to the garage. The applicant reports that they acquired the entire garage and have since demolished the structure. There are no other garages on the property

EVALUATION OF THE REQUEST

A. VARIANCE

Following are standards from the City's Zoning Code that apply to specifically to the application.

1. Zoning – Accessory Building/Garage

The garage proposed in the variance application has a 24' by 24' footprint and would have a height of 17.5 feet where the maximum height under City Code is 16 feet from the floor of the garage to the peak of the roof.

The City Code provides the following options for someone looking to build a garage or storage shed in the community: a detached garage can be as large as 1,000 square feet and an additional 200 square feet can be used for another accessory building (shed). Garages have a maximum height of 16 feet from floor to peak and sheds had a maximum height of 12 feet. The applicant's property is limited to a total building coverage of 3,136 square feet and without the proposed garage on the lot there is currently 1,992 square feet of building coverage left within that standard. This would allow the applicant to build a detached garage and additional accessory structure (shed) up to the maximum sizes as listed above. Even with the footprint of the proposed garage there is still another 1,500 square feet that would have accommodated a larger garage footprint or space that could still be used for a shed.

A 2-car garage and 24' by 24' footprint would be considered a reasonable use of property and a building permit could be issued for such a structure provided the structure complied with other zoning standards such as the maximum height of the garage.

As the variance is for the 1.5 feet height difference between the 16 feet that is allowed and the proposed height of 17.5 feet the rationale for the variance should include a nexus between the requested variance and the issues specific to the site that granting the variance would alleviate.

The narrative notes that the previous garage was subject to flooding as it was downhill and had property line issues and, they concluded that rebuilding was the best option. Furthermore the narrative explains that the previous 24' by 24' garage had a second level loft space and thus the applicants are seeking additional storage space to accommodate storage on the property. However the proposed garage would be built in an entirely different portion of the property and the application does not address why the variance for the height

of the garage is required at the proposed location. The narrative also does not explain why other options available within City Code would not be viable.

One of the issues noted is that the garage kit has been ordered and the applicant already has the trusses which would cause the additional height (visible in the pictures provided). However this is an economic consideration and statute does not allow economic considerations to serve as the practical difficulty basis for granting a variance.

2. Variance Findings

In variance cases the City is required to make findings in regard to practical difficulties as used in connection with the granting of a variance as defined by State Statute 462.357, subd. 6 and in City Code Section 118-39. The City must make the following findings in considering approval of a variance:

- a. *The variance is in harmony with the general purpose and intent of the ordinance*
- b. *The terms of the variance are consistent with the Comprehensive Plan, and*
- c. *The applicant for the variance establishes that there are practical difficulties in complying with the ordinance. (Economic considerations alone do not constitute practical difficulties). Practical difficulties as used in connection with the granting of a variance means that:*
 - i. *The property owner proposes to utilize the property in a reasonable manner.*
 - ii. *The plight of the property owner is due to circumstances unique to the property that were not created by the property owner, and*
 - iii. *The variance will not alter the essential character of the neighborhood.*

3. Correspondence from Neighboring Property Owners

A neighboring property owner has submitted a letter with concerns regarding the proposed variance for garage height. A copy of the letter has been included as part of the correspondence section for this item.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed application:

- A. **Denial.** If the Planning Commission has reviewed the application and determined that the application is inconsistent with the Variance findings (see p.3-4 of this

report), then the application should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

- Denial of the 1.5 foot garage height **Variance** for the property located at 1035 15th Avenue North, for the following reasons:
 1. The application does not establish a practical difficulty for the construction of the proposed garage on the proposed site.
 - The plight of the property owner is not due to circumstances unique to the property. The location of the proposed garage is on a level surface behind the home. Construction of a new garage in this location is subject to the requirements of the City Code and those standards apply regardless of the size or height of the garage that was removed from a different location on the property.
 - The applicant notes that trusses which would lead to the garage being taller than allowed by code have already been built and paid for which would be an economic consideration and Statute does not allow that to constitute a practical difficulty.
 - The City Code provides other options that would allow the property owner to construct a garage on the property and which would not require variance. These options include but are not limited to:
 - constructing a 16-foot tall detached garage with a larger footprint (to accommodate the additional storage desired by the applicant)
 - constructing a 16-foot tall garage with the same size footprint as currently proposed and constructing another accessory structure (to accommodate additional storage).

Findings:

The Planning Commission has reviewed the proposal and determined that the use conforms to the general purpose of the Zoning Code and should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, has access to adequate utilities, and there is adequate ingress and egress for the property.

However, there are not practical difficulties in complying with the ordinance as the need for a variance could be remedied by reducing the height of the garage by 1.5 feet, and there is adequate space to have accommodated a much larger garage that would have provided more storage space that is noted in the narrative as the reason the variance is necessary. The plight of the property

owner is not due to circumstances unique to the property that were not created by the property owner.

B. **Approval.** If the Planning Commission has reviewed the application and determined that the application is consistent with the Variance findings (see p.3-4 of this report), then staff would recommend the following conditions for a *recommendation* for approval:

- Approval of the 1.5 foot garage height **Variance** for the property located at 1035 15th Avenue North, subject to the following findings and conditions:

Conditions of Approval:

- 1) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:

a) Application/background (Jeremiah Olson)	dated 06/15/2016
b) Plans / Elevations (Menards/M. Frankot)	dated 07/15/2016
c) Site Plans (M. Frankot)	dated 07/15/2016
(J. Novotny)	dated 05/18/2016
d) Pictures of the site (M. Frankot)	dated 07/11/2016
e) Survey (Loucks Assoc.)	dated 05/06/2008
- 2) **Building Permits Required.** Building Permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.
- 3) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.
- 4) **Termination of the Variance.** The variance will terminate if improvements have not substantially begun within 1-year from the date of approval of the variance. The violation of any condition of approval for the variance shall terminate the variance. The property must be continually operated for use specified in the Variance to remain valid. If the property is not used for the use listed in this Variance for a period of 1-year then the Variance shall terminate.

STAFF RECOMMENDATION

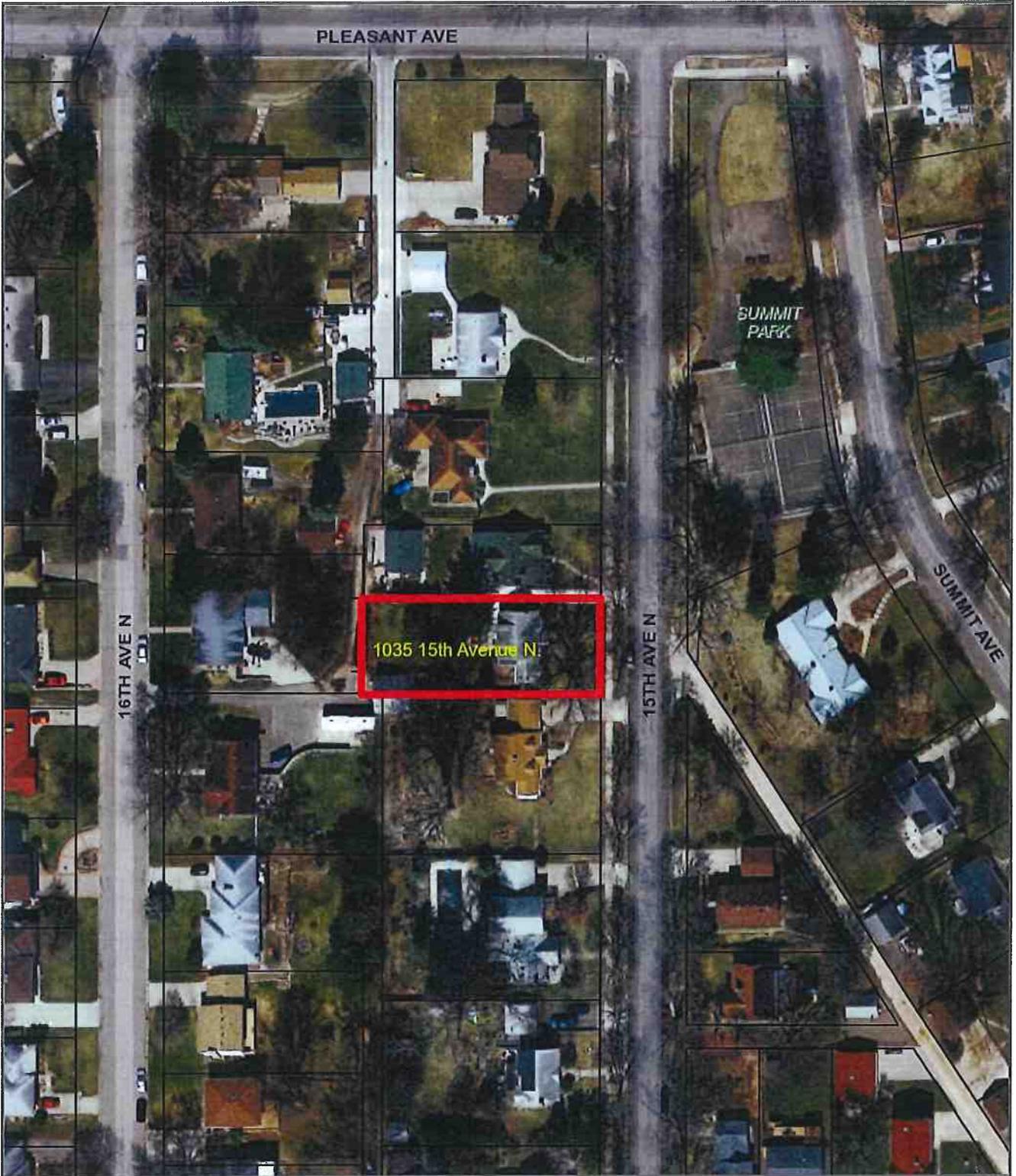
Staff recommends **denial** of the garage height variance for the property located at 1035 15th Avenue North, for the reasons listed in this report.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

1035 15th Avenue North



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
 1 inch = 100 feet
 7/12/2016



72

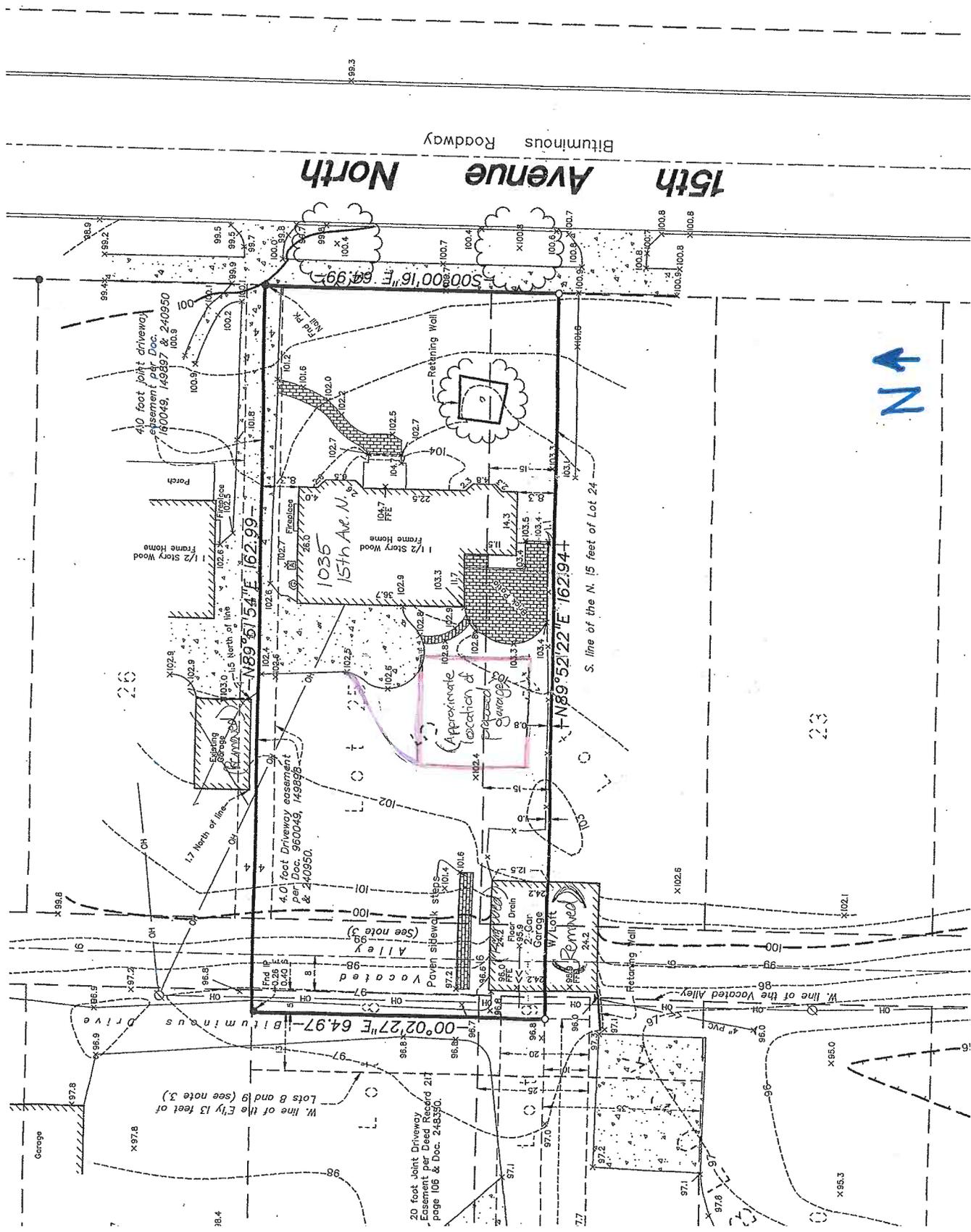
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DESCRIPTION OF PROPERTY
Per Doc. No. 960049

The Easterly 13 feet of Lot 9, Block 5, South foot strip being made up one-half of the vacated c and Lot 25, and the North Division".

NOTES:

1. This survey was performed
 2. We have shown easement title search. There may easements of which we
 3. The legal description (following reasons:
 - a. The easterly 13 feet description of the subject proper from the centerline description of the
 - b. The easterly half o description. We hav that the proper vacu accrual of the vacac not been provided
- We suggest legal counsel b revise the legal description.





South St Paul Planning Commission

August 3, 2016 Meeting

Jeremiah Olson, 1035 15th Ave North Variance Request

My name is Bruce Kessel and I live at 1029 15th Avenue North, the property immediately to the South of the Olson's. The Olson's proposed garage is immediately to and closely abutting the north property line of my property. It appears to be just west of the westerly footprint of my house.

As you may be aware, there previously was a garage located at the western edge of the Olson's and my property. The garage was a two stall garage with a wall dividing the stalls, with one half of the garage being located on each parcel, and thus the northerly half of the structure was owned by the Olson's and the southerly half was owned by myself. The floor of the garage was near or below the lowest grade in the immediate area and thus had water issues during spring thaws and rain events. The Olson's spent years attempting to have their neighbors and/or the City pay to alleviate this issue.

As you also may be aware, there was no public access to the garage, however, I had an easement with the neighbor behind me to cross their property to access the garage. It is unclear if the Olson's had any easement to access their garage.

The Olson's undertook several legal actions against me to gain control of the garage and the land under it. After considerable legal costs to me, I agreed to allow the Olson's to lease the lower half of my garage, only to have the Olson's renege on the agreement and again seek the legal system to gain control of a portion of my property. In an effort to put an end to this continued harassment of me and the surrounding neighbors, I agreed to allow the garage to be demolished, subject to several conditions. One was the Olson's were to landscape the area where the garage currently existed once it was torn down, which they are now refusing to do. The agreement also indicated that I would not oppose the Olson's building a new conforming garage. The City on several occasions over period that have owned the property (approximately 10 years) have indicated that there were height restrictions and no garage would be allowed to be built to a similar height as the then existing garage. The only reason I agreed to allow the garage to be demolished was directly related to the understanding that any new structure would comply with all existing codes.

It should also be noted that while the agreement with the Olson's indicated I would not oppose a new structure that conformed with all the applicable codes, they recently instructed their attorney to write to me and indicate that I could not oppose their construction of a garage (implying regardless of whether conformed with the existing city code or not) – an apparent attempt to intimidate me and minimize any opposition to their variance request.

In summary, I would like to voice my opposition to any height variance to the garage at 1035 15th Avenue North. The proposed garage is immediately north of my north property line in my back yard. The additional height will increase the visual impairment to my property. By demolishing the prior non-conforming garage, the neighborhood and City had one long standing problem resolved. It should not now allow a new non-conforming structure to be built that will likely be there for the next fifty to one hundred years. As such, please deny the variance for additional height to the proposed garage.

C,

June 14, 2016

Jeremiah Olson

1035 15th Avenue North

South St. Paul, MN 55075

Cell: 541-503-8381

pastorolson@comcast.net

JUN 15 2016

Dear Peter Hellegers,

Thank you for the input from your phone call today. We thank you for the application form.

We will complete the form.

I am attaching the longer answers in this document.

Jeremiah Olson

On page 1.

Planning and Zoning application completed.

Required application and escrow fees enclosed. See enclosed check.

A scaled site plan. Submitted with this application as obtained from Contractor: Novotny as prepared by Mike Frankot and Jared Novotny.

A narrative of the petitioner explaining the request.

- A. A replacement of our old two stall alley garage with complete 24X24 foot loft (with at least a 12 foot high loft ceiling). The old alley garage has already been torn down and removed from the property. We are replacing that with a new 24X24 foot garage on our lot to the SE of our rear house door. This will have a full loft which will be over 6 feet tall to accommodate storage. The loft will be smaller than the loft we gave up in our old garage.
- B. This request for variance is also a hardship request. Since 1991 additional construction in our alley between 15th and 16th Avenue North has increased the serious flooding in our old garage. Though I have worked with the neighbors and the city since 1991 to have a city alley and city storm sewer installed I have had no success. The massive flow of water from the city streets, alley and neighbors had rendered the state of the garage unusable.
- C. A new, replacement, garage on higher ground was our only realistic solution.

D. This is also a hardship case as the serious flooding could not be alleviated and we were forced to go to a considerable expense to tear down our old garage and construct a new building. We have already made a considerable expenditure to create a new garage slab, apron and driveway. We have already ordered our garage kit. Our trusses have already been ordered, created and paid for to the amount of \$2000. We cannot have a refund. Our contractor understood that our garage and variance had already been approved.

THIS SECOND NARRATIVE indicated the need for a Variance and satisfies the additional requirements.

- A. The variance is consistent with the normal use of a garage. It replaces, on a smaller scale, the storage we already enjoyed in our previous garage.
- B. This new garage, and variance, should be granted as it eliminates a non-conforming garage building in our neighborhood. The new garage also fully conforms to placement on our property. In the decades since the original garage was constructed there were several property sales which resulted in our alley garage being mostly on our property, but somewhat less than half on the Kessel property and slightly on the Jim Zerull property on 16th Avenue.
- C. This variance will resolve several property and flooding problems in a single act.
- D. We will utilize the garage and loft for the ordinary purposes that were used for the previous garage.
- E. The plight has come from many decades of flooding and resistance from the city and neighbors to have the installation of a city alley and a storm sewer system. We did not create any of these problems, but consistently tried to resolve these problems without success.

This variance will not affect the character of the neighborhood in any negative way. In fact, this will be a considerably improved insuring conformity, elimination of a building on three properties and allow the city to consider flooding issues without our involvement. We are tired of taking all of the neighborhood water in our old garage.

THIS IS NOT A NEW NEIGHBORHOOD SUBDIVISION.

Jeremiah Olson



Site Plan (submitted for variance)

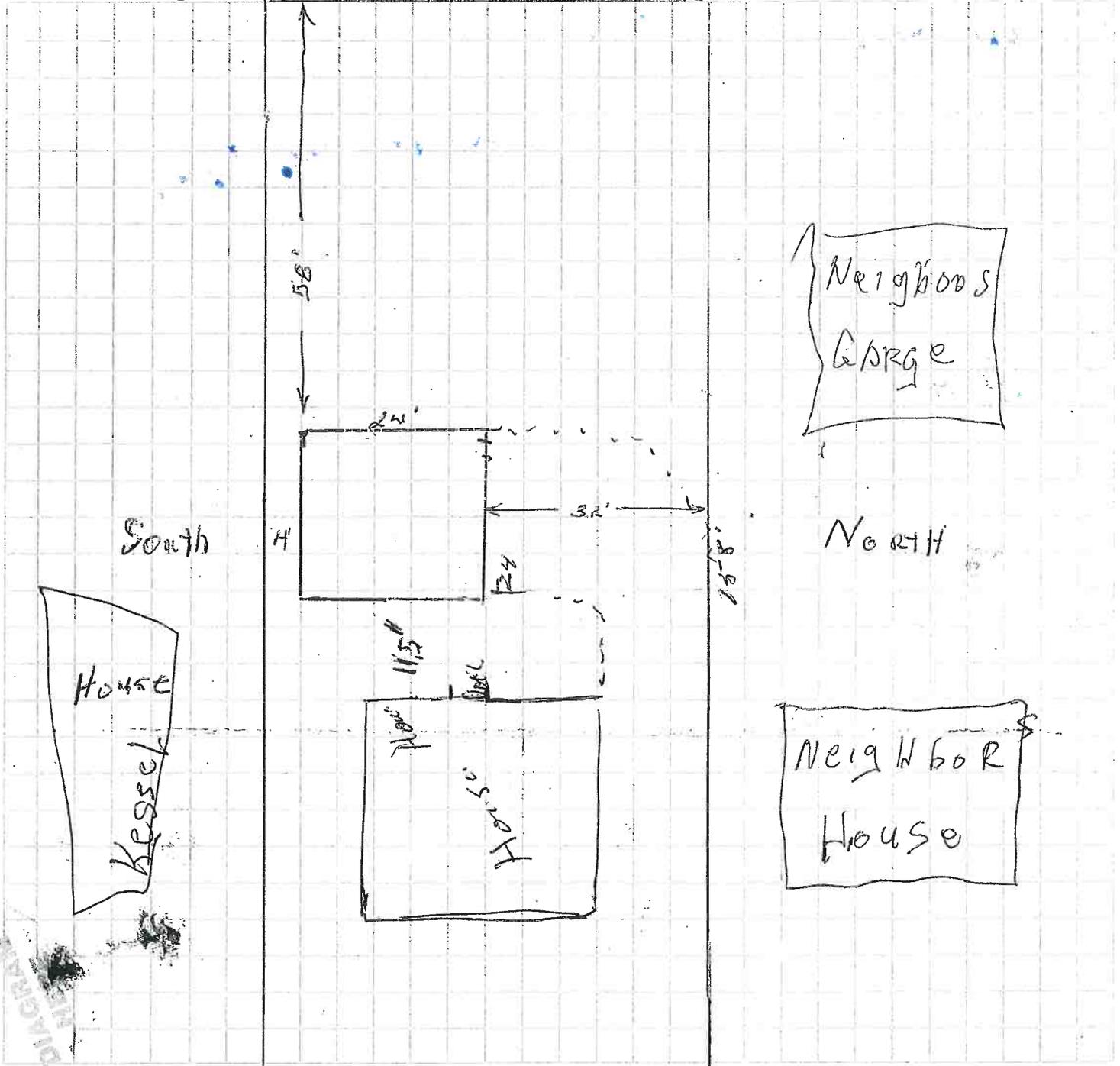
JUL 15 2016

C3

Jeanne Olson

WEST

ALLEY



South

North

House

Kessel

115'

124'

115'

124'

Neighbor

House

600

~~300~~
1035 15th Ave N

EAST

PRICE

ITEM OR PART DESCRIPTION

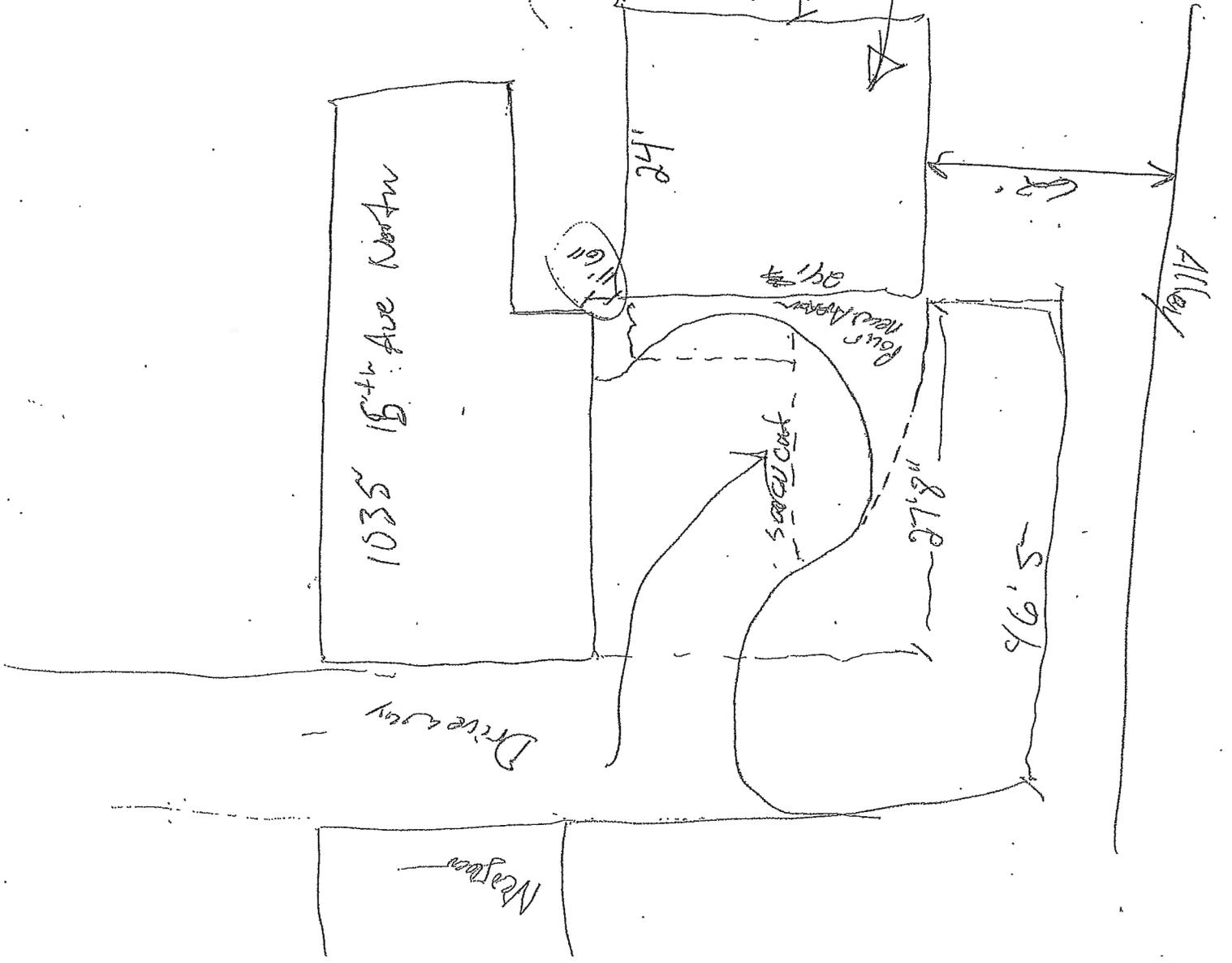
ADDITIONAL PARTS
(TO ADD IN ON OTHER SIDE)

1035 15th Ave N
021415

Concrete pad for garage

Site Plan (concrete permit) 5/18/16

C3.5



Driveway

Neighb

1035 15th Ave North

24'

18.18'

5.96'

Alley

Property Line

4x8

Post New Area

Needs to be set back 5'

garage to be or separate permit
check w/ Bodg. official on fire separation

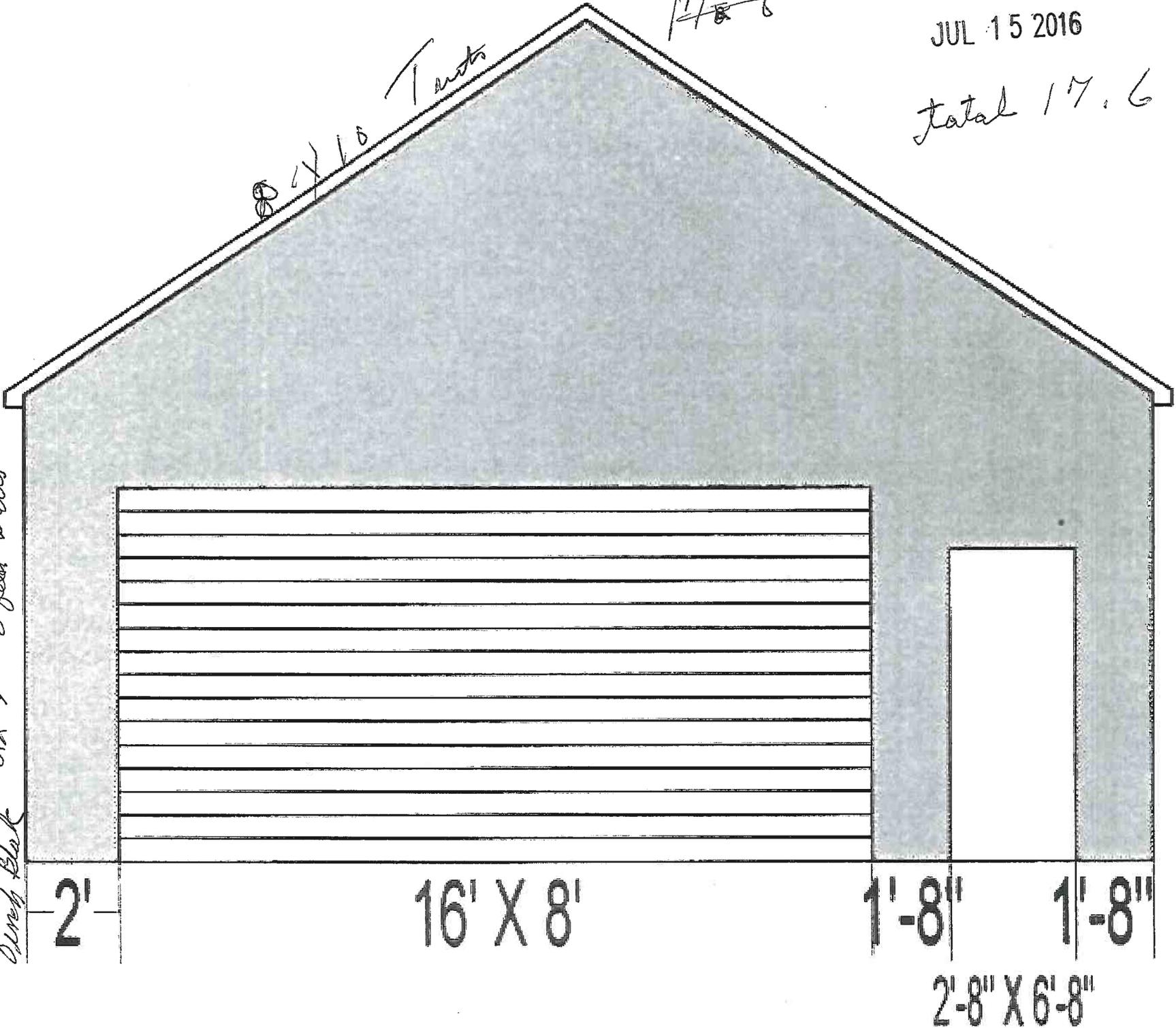
17.6

JUL 15 2016

Total 17.6

8 x 10 Truss

8 inch Black
2x4 - 8 inch Walls



CS

5

17.6 total

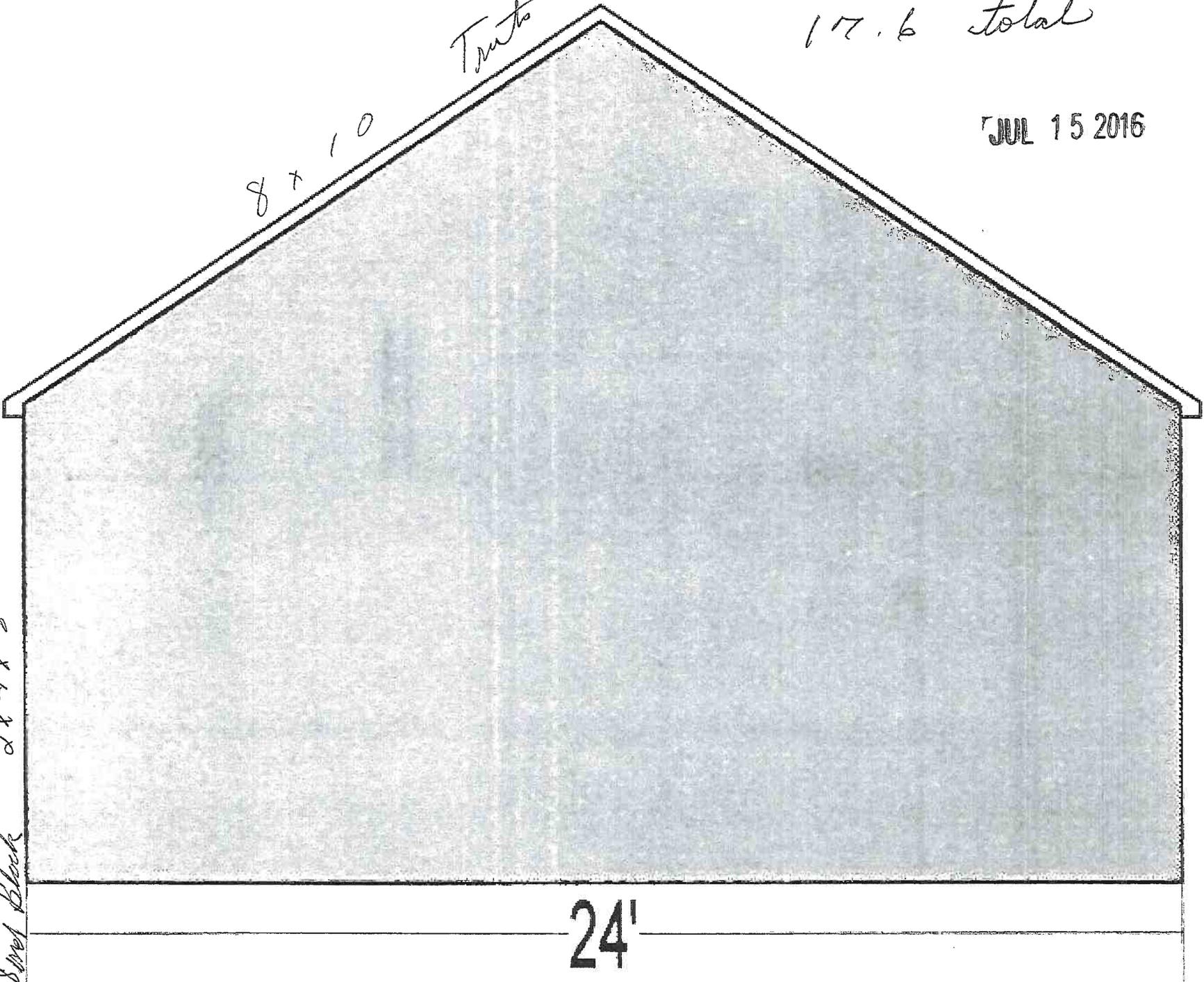
JUL 15 2016

8 x 10 Truss

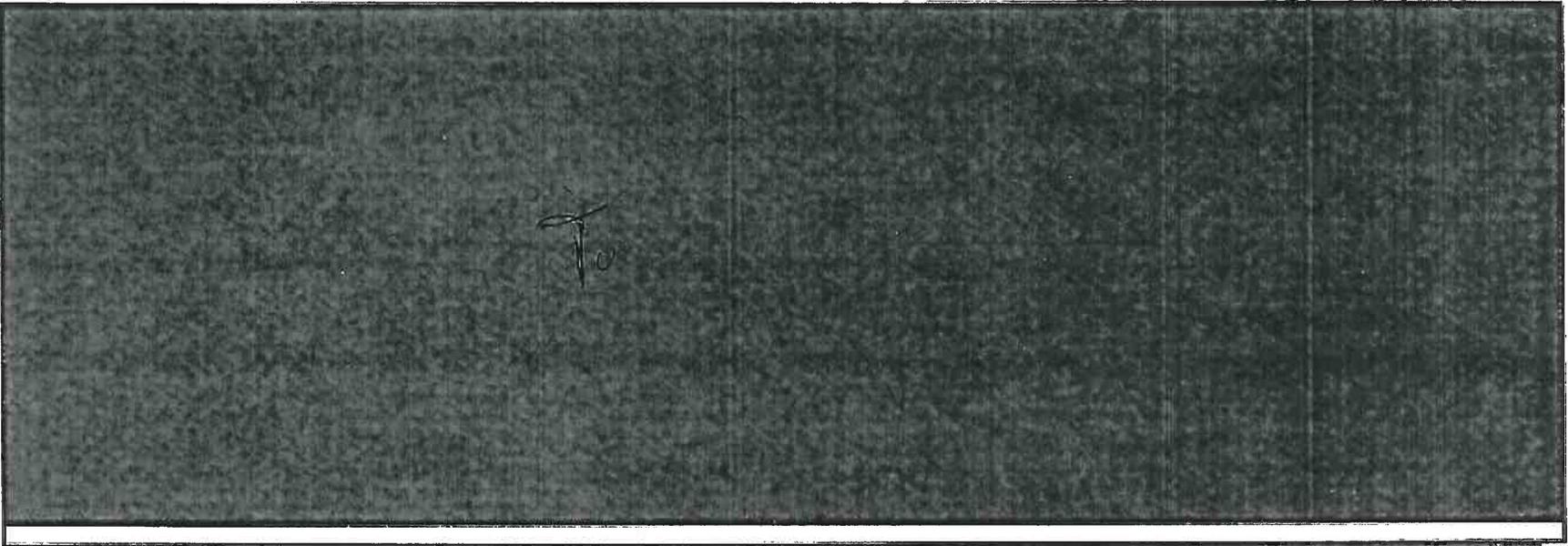
2 x 4 x 8

8 in Block

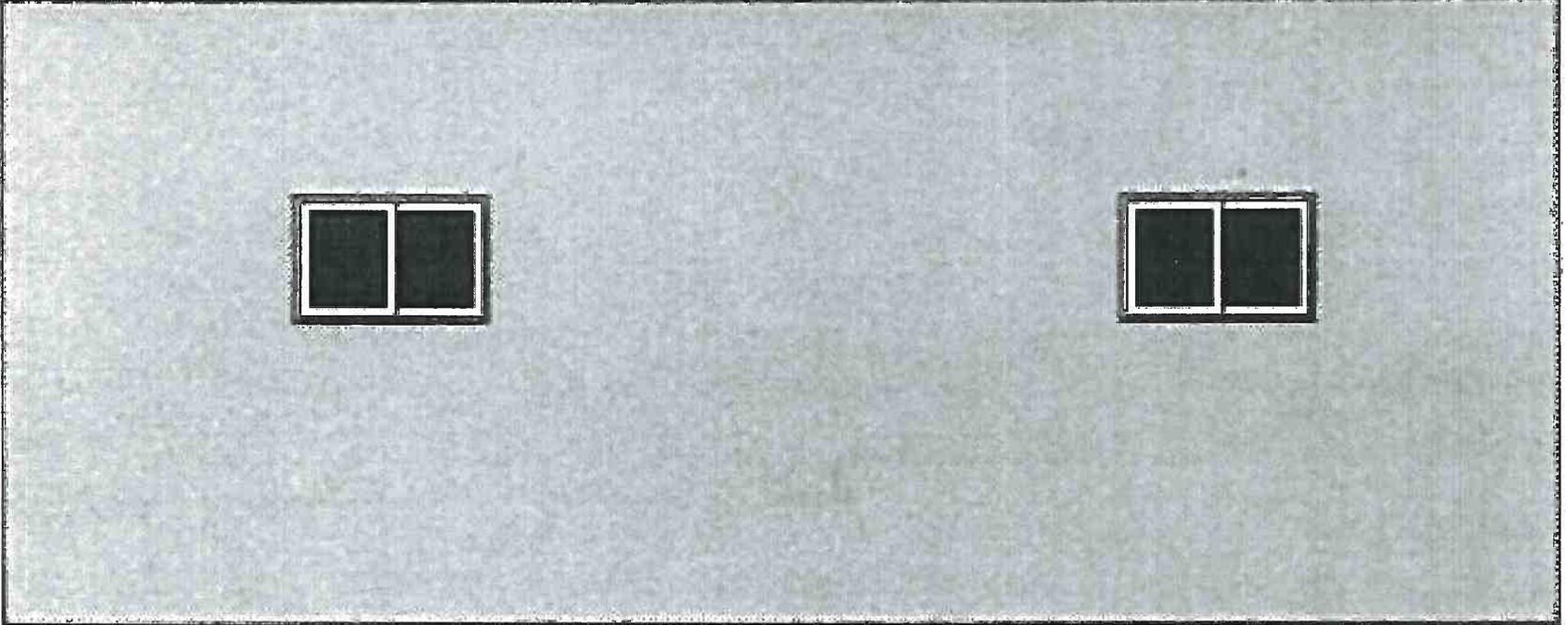
24'



8810 Inld



Block 2x4 - 8 Feet



4'-6"

3' X 2'

9'-9"

Total 17.6

3'-9"

67



Estimate Id: 65179

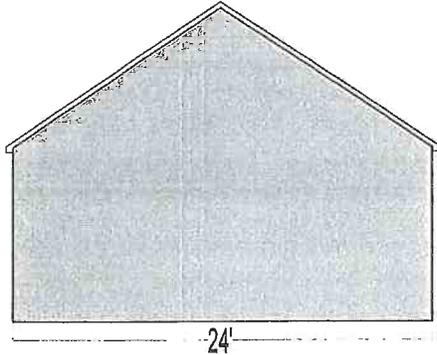


JUL 15 2018

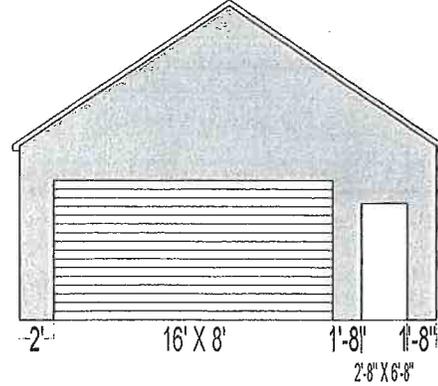
Page 2 of 3
7/5/2016

*** Here are the wall configurations for your design.

Illustration May Not Depict All Options Selected

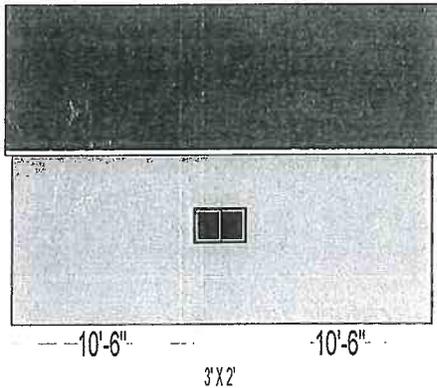


Gable Front View

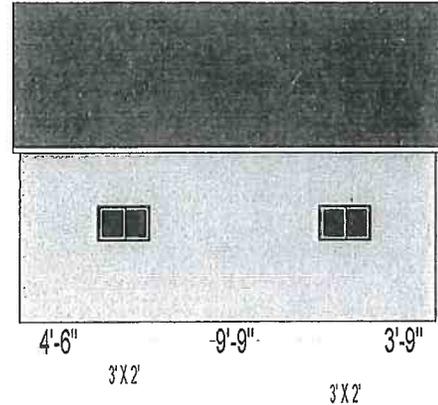


Gable Back View

(1) -
(1) -



Eave Front View
(1) -



Eave Back View
(2) -

Building Size: 24 feet wide X 24 feet long X 10 feet high
Approximate Peak Height: 18 feet 5 inches (221 inches)

NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.
Confirm the door requirements with your local zoning official before construction.

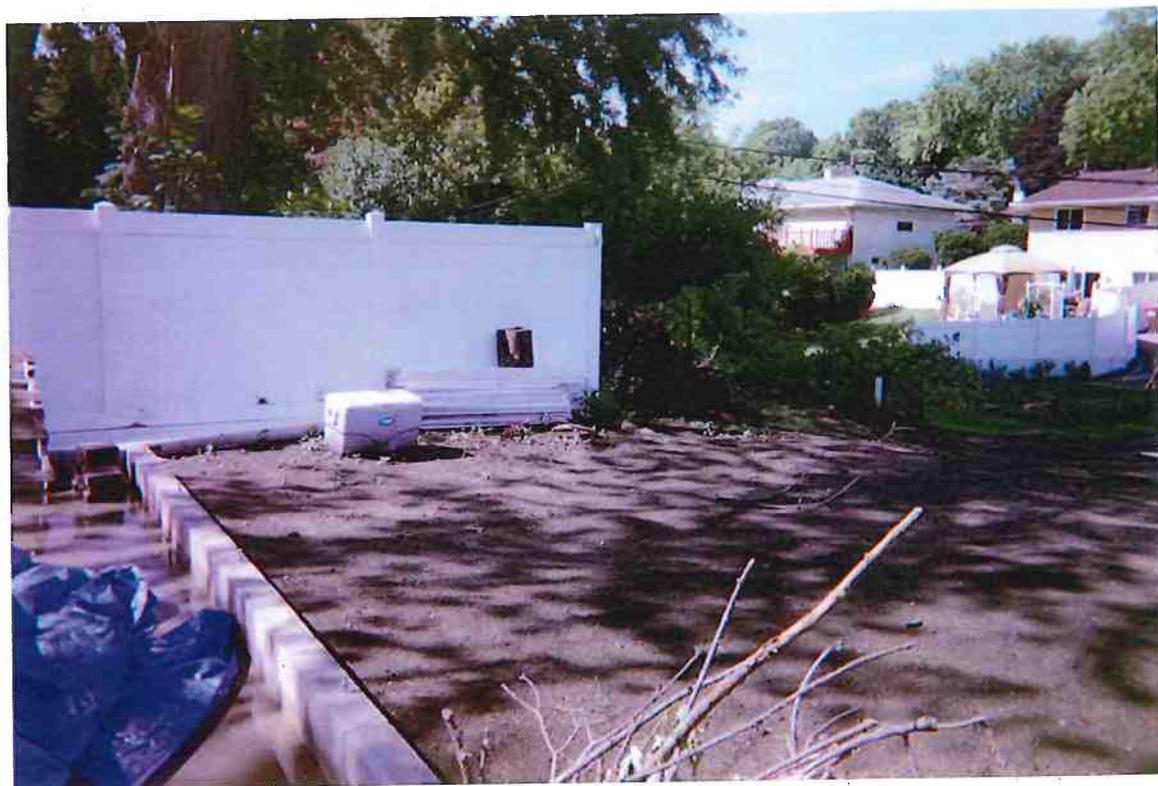
*8 inch Block 8 foot wall 8 feet 10
17, 6
Trush*

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

C9

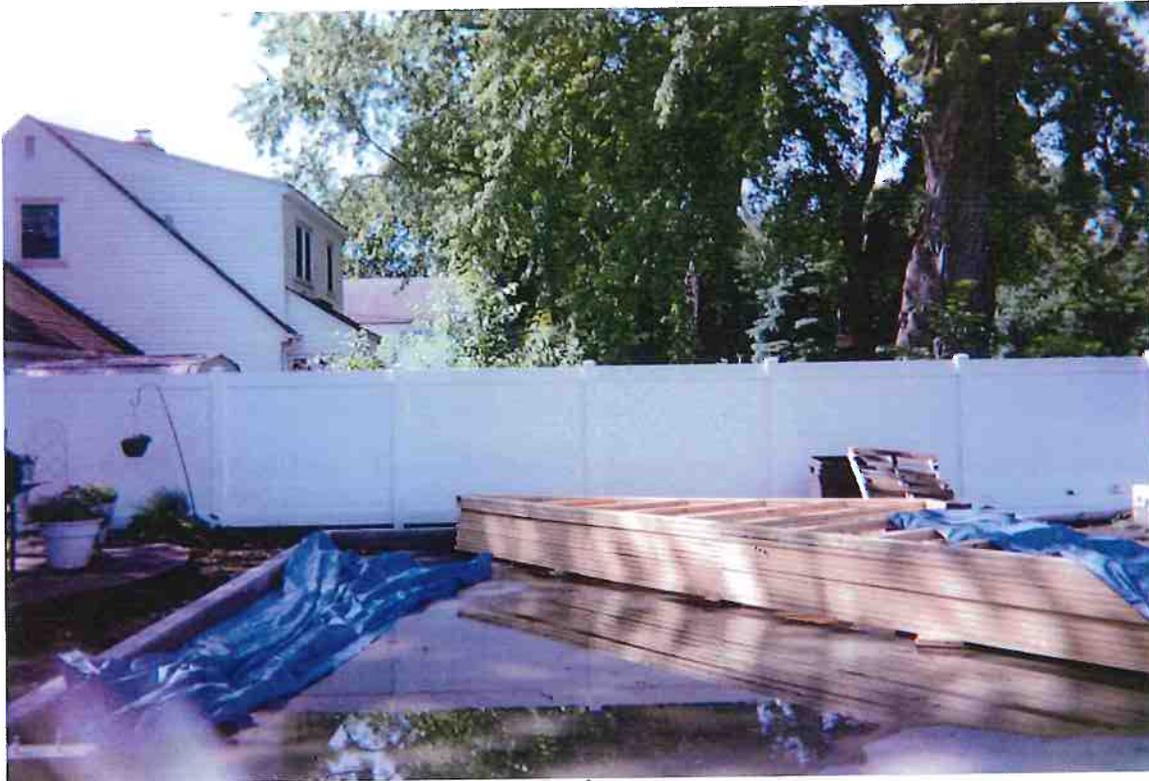


(A)



(B)

10



C11



E



F

C12



G



H

C13



I



J

-14



K

(Previous garage)



05/24/2007

CIS

Jeremiah Olson

A Proposal for a New Garage Variance at 1035 15th Ave. N.

July 31, 2016

1. Our new garage replaces a nonconforming garage. The proposed garage is smaller than our old garage, but provides upper storage space that we lost by demolishing the old garage. Our new loft storage space will still be much smaller than the space we lost by demolition.
2. We demolished our old garage because the city's actions caused, and considerably increased, the flooding. The city had approved a basketball court (1030 – 16th Ave. N.) that served as a flat dam and directed water toward our garage. The city approved a nonconforming, 18-foot high garage to the property north of us that caused increased flooding in the alley (1037 – 15th Ave. N.). At the time of the approval of that larger garage, at a public meeting, South St. Paul Engineer, John Sachi, noted that the new garage would increase the water flow in our alley. In addition, city attorney Corey Land, threatened to plug or block our small drain in our alley garage, as it was deemed to be illegal and not in conformance. This would have greatly increased flooding in the alley which still has no storm sewer. We faced a great hardship for 25 years as we tried to work with the city to solve that flooding problem. The city should recognize that we solved several nonconforming property issues and building issues by demolishing that alley garage. Our new garage will eliminate several problems and allow us to actually have a garage. Since 2008, when our north side neighbor's variance on their garage was approved, we were virtually unable to use our garage stall on the lower level. Our garage use was limited to our considerable storage loft which had a ridge line storage area of up to 12 feet in height. Our new garage will be half of that height and will give us some useful storage. Our new garage will enable us to enter and exit onto 15th Avenue North. I recall considerable discussions at public meeting, for years, about the tall garage on the property to the north of us. The city desired that the new garage have access only to 15th Avenue North. The city was aware that there was no storm sewer in the alley and that an exit there would cause increased flooding in a private alley. Our new garage will cause no flooding in any direction.
3. Currently there are at least three newer constructed non-conforming garages in a radius of less than a block of our home. These buildings are all considerably bigger than our proposed garage. We should be given at least the same level of approval these neighbors were granted for their variances.
4. The proposed garage will increase our property value and property values in the neighborhood. Our new garage will enable an increase in the tax base and be an improvement in the community. We intend to make it an attractive building of the highest quality. It will allow storage in one building, which will eliminate the need for an additional storage shed. Kessel, our neighbor to the north, has a storage shed that is approximately 15 years old. It is not in good condition. As Kessel stated in his letter, our garage could last for 50 to 100 years. It will be in good condition which will benefit the



CITY COUNCIL AGENDA REPORT

DATE: AUGUST 15, 2016

DEPARTMENT: Community Development - Planning

ADMINISTRATOR: SPK

10-C

AGENDA ITEM: Concord Lanes Signage/Materials Variances – 365 Concord St. N.

ACTION TO BE CONSIDERED:

Adopt Resolution 2016-151 approving Sign and Materials Variances.

OVERVIEW:

The applicants have requested variances to allow more signage on the property than allowed by City Code and to use a weathered wood panel on the exterior of the building.

The subject property is located at 365 Concord Street North in the NCMU (North Concord Mixed Use) Zoning District a bowling alley is allowed as a Conditional Use. The building was constructed in 1978 and was formerly known as “Wells Lanes” and most recently as “Mattie’s Lanes”. During the transition from Wells to Mattie’s the brown wood exterior that covered much of the building’s exterior was removed and the block walls were painted tan with a maroon band and the exterior remains that way today. Previously the building also had a large illuminated wall sign which was removed around the time of the transition to Mattie’s Lanes. The size of the property, distance from Concord Street and speed of traffic on Concord Street require larger signage in order to be functional for the commercial use occupying the space. The proposed sign variances would allow signage to cover about 10% of the overall visible wall frontage which is also consistent with precedent on other oversized buildings. The signage, painting and use of a weathered wood plank material are used on the building to break up the mass of the building. The NCMU district design standards which are based on new construction would allow wood as an accent material around windows and doors and where it is not prone to be as impacted by weathering and aging. The weathered planks are designed to have a weathered look and so the weather

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the case at their August 3, 2016 meeting and at the conclusion of the meeting the Commissioners voted to recommend approval of the proposed variances (6-0).

STAFF RECOMMENDATION:

Staff recommends approval of the proposed variances subject to the conditions of approval as noted in Resolution No. 2016-151.

60-DAY REVIEW DEADLINE: September 4, 2016

SOURCE OF FUNDS: N/A

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2016-151

**A RESOLUTION APPROVING SIGNAGE AND BUILDING EXTERIOR MATERIALS
VARIANCES FOR 365 CONCORD STREET NORTH**

WHEREAS, the City received an application from Mattie's Lanes, Inc. for a variance for the total amount of signage on the property, a variance from the location to place wall signage within a band of 10-15 feet from the ground, and a variance to allow weathered wood plank as a secondary exterior building material for the property at 365 Concord Street North and legally described as follows:

See attached Exhibit A

WHEREAS, the Planning Commission held a public hearing on the application at their August 3, 2016 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission took action to recommend approval of the variances at their August 3, 2016 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. Facts. The facts found by the Planning Commission as stated in the Planner's report regarding this matter are hereby adopted and included herein by reference.
2. Determination. The City Council determines that the proposed variances will not be detrimental to the health, safety, or general welfare of the community, nor will it cause serious traffic congestion or hazards, nor will it seriously depreciate surrounding property values, and it is in harmony with the general purpose and intent of the Zoning Code. Additionally, the request is in harmony with the purpose and intent of the ordinance, the terms were consistent with the Comprehensive Plan, the property owner proposed to utilize the property in a reasonable manner, the plight of the property owner is due to circumstances unique to the property, and that the variance would not alter the essential character of the neighborhood.
3. Variance. The proposed Variances of 370 square feet for the overall amount of signage on the property, variance to allow wall signage outside of the sign band (10-15 from the ground) and variance to use a weathered wood plank as a secondary exterior

building material for the property at 365 Concord Street North is hereby approved subject to the following conditions:

- A) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:
 - a) **Application/background (Mattie’s Lanes, Inc., Shea)** **dated 07/07/2016**
 - b) **Additional Narrative** **dated 07/29/2016**
 - e) ~~**Plans / Elevations (Shea, Inc.)**~~ ~~**dated 07/06/2016**~~
 - d) **Revised Plans / Elevations (Shea, Inc.)** **dated 08/03/2016**

- B) **Building Permits Required.** Building Permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.

- C) **Reasonable Maintenance for Wood Exterior Materials.** The applicant shall provide proper maintenance for the weathered wood plank exterior material to ensure that the materials remain in good condition and are not subject to substantive degradation from physical or environmental damage.

- D) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

- E) **Termination of the Variance.** The variance will terminate if improvements have not substantially begun within 1-year from the date of approval of the variance. The violation of any condition of approval for the variance shall terminate the variance. The property must be continually operated for use specified in the Variance to remain valid. If the property is not used for the use listed in this Variance for a period of 1-year then the Variance shall terminate.

Adopted this 15th day of August, 2016.

City Clerk



Mattie's Lanes Presentation Exteriors and Logos



PRESENTED TO ANDERSON CO.
August 3, 2016

Mattie's Lanes – 365 N. Concord Ave



Logo

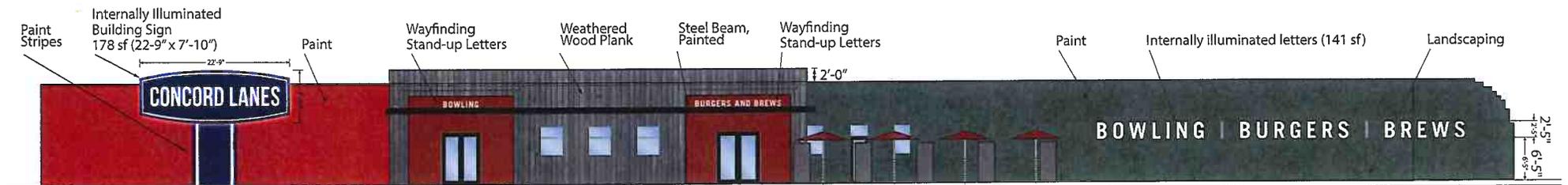


Exterior Elevations

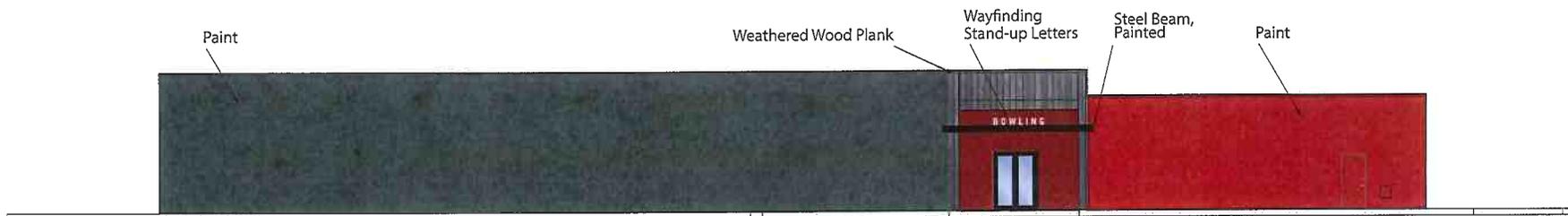
Existing Exterior



Total Facade SF:	3,450
Building Sign SF:	178
Wayfinding Signage SF:	22
Tagline Singage SF:	167
Total Signage SF:	367

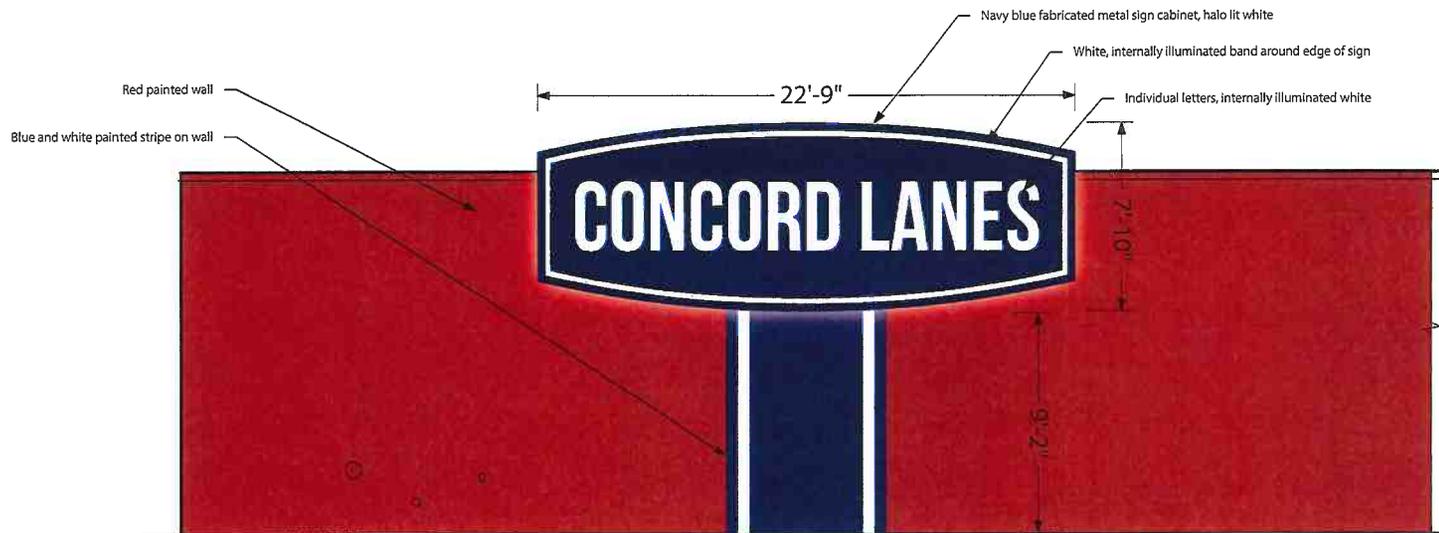


SD A210 EAST ELEVATION

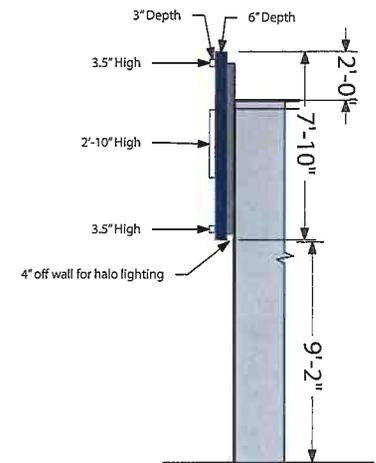


SB A210 SOUTH ELEVATION

Building Sign Details

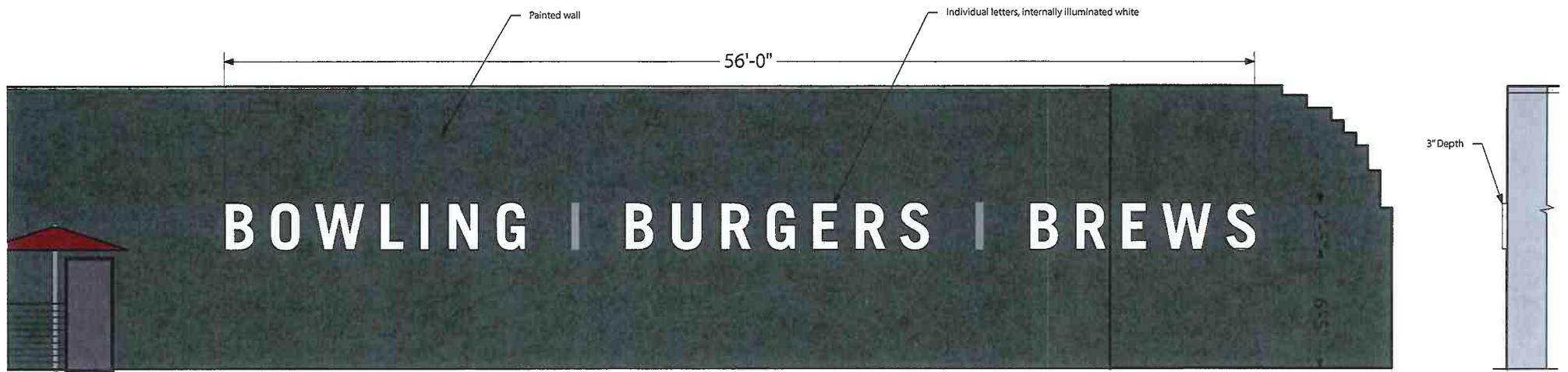


Elevation



Section

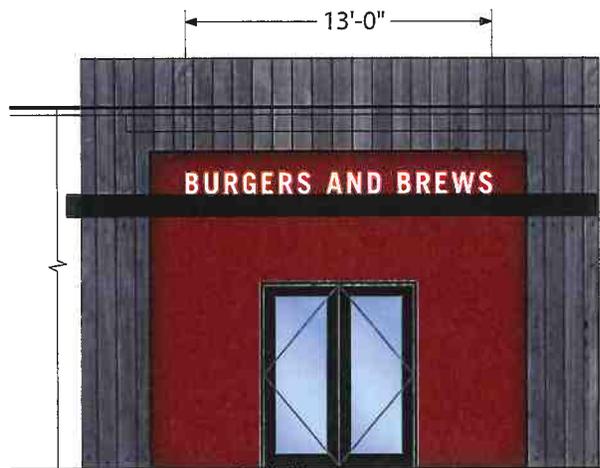
"Tagline" Sign Details



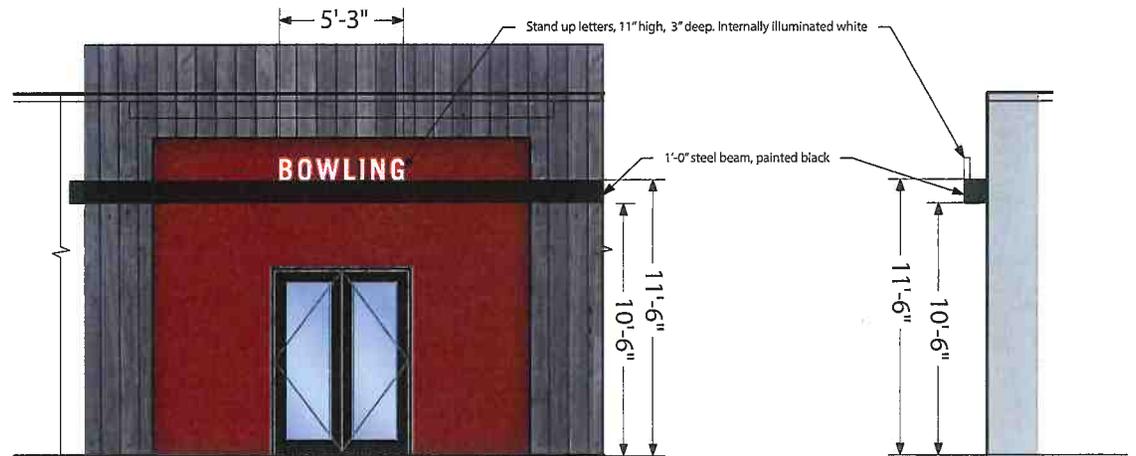
Elevation

Section

Wayfinding Sign Details



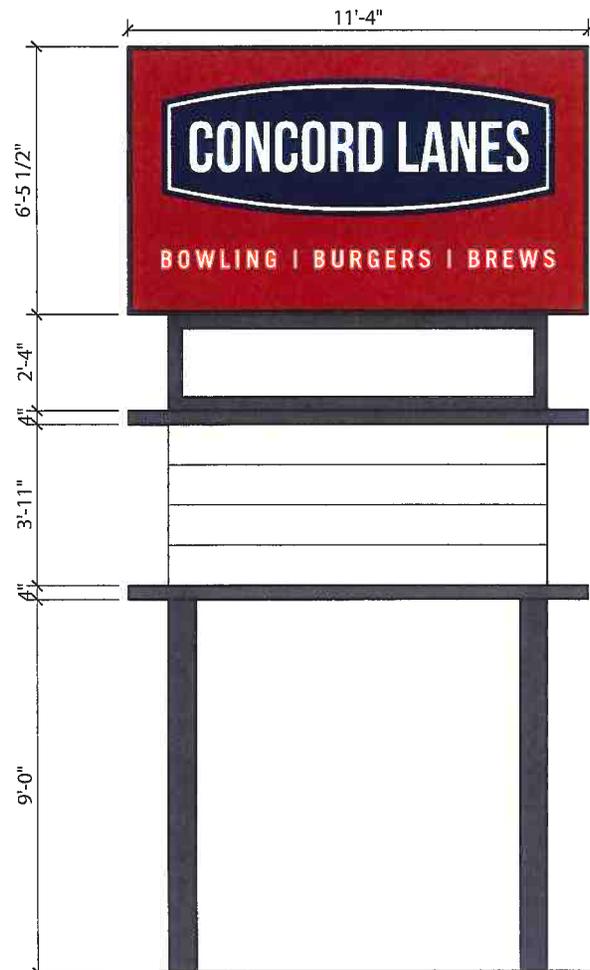
Elevation, Restaurant Entrance



Elevation, Bowling Entrance (2)

Section

Pylon Sign



Sign Face SF (per side):	70
Reader Board SF (per side):	37
Pylon SF (per side):	107
Total Pylon SF:	214



Existing Sign

Planning Commission Meeting Date: Wednesday, August 3, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 3.C
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Project Name:	Concord Lanes (Mattie's Lanes) Signage and Materials Variances	
Site Address:	365 Concord St. N.	PID: multiple
Applicant(s):	Mattie's Lanes, Inc.	
Request:	Consider the request for a variance of 370 square feet to accommodate additional signage on the property, a variance to allow the signage to not be outside of the sign band of 10-15 feet tall on the building, and a variance to allow a weathered wood exterior material.	
Proceeding:	Public Hearing / Planning Commission Recommendation	
Tentative City Council Meeting Date:	August 15, 2016	
Deadline:	September 4, 2016* <small>*The City must act on this request by this 60-day review period deadline unless the city provides the applicant with written reasons for why additional time, up to a maximum of 120 days, is required. The City may extend the review period beyond the 120 days but only with the applicant's consent.</small>	
Exhibits:	A. Location map B. Correspondence from neighboring property owners - (none) C. Materials submitted by the applicant	

REQUEST

The applicant is requesting variances for the total amount of signage on the property at 365 Concord Street North, location of the signage on the building, and variances for the use of exterior materials.

BACKGROUND

The property at 365 Concord Street North is located in the NCMU (North Concord Mixed Use) Zoning District a bowling alley is allowed as a Conditional Use. The building was constructed in 1978 and was formerly known as "Wells Lanes" and most recently as "Mattie's Lanes". During the transition from Wells to Mattie's the brown weathered wood exterior, that had covered much of the building's exterior, was removed and the block walls were painted tan with a maroon band and the exterior remains that way today.

EVALUATION OF THE REQUEST

A. VARIANCE

Following are standards from the City's Zoning Code that apply to specifically to the application.

1. Zoning

The zoning for the property is NCMU: North Concord Mixed Use District and is pedestrian-centric zoning that allows for a mixture of retail, office, and residential uses and typically contemplates retail uses occupying spaces of approximately 10,000 square foot spaces. The site is a 35,000 square foot bowling alley which is a conditional use in the district. The building was built in 1978 and the building and existing signage sizes predated the NCMU district. Previously the bowling alley site also had an illuminated wall sign for "Wells Lanes" that was removed around the time that the old brown wood paneling was removed from the exterior of the building.

The site has direct visibility to Concord Street with over 750 feet of frontage on a 4-lane street with higher speed limits. The proposed signage variances would only allow wall signage that is only 10 percent of the visible wall area with the majority of the signage facing Concord Street. The 10 percent threshold has been a standard that the City has used for dealing with signage variance requests particularly on large buildings (such as the Sportsman's Guide variances) so there is an established precedent. The total signage area for the property proposed in the variance also includes the allowable freestanding sign size in the NCMU district as the existing pylon sign is likely to be replaced in the near future.

The NCMU district includes standards that signage sit within a band of 10-15 tall on the wall of the building. In a traditional storefront scenario as contemplated in the NCMU district that could be accommodated with wall signage over the shop windows and door. However, the bowling alley does not fit that traditional storefront mold and allowing a variance from the sign band location allows balance for breaking up the longer blank wall spans. The signs that would be impacted by the variance for the sign band are the logo sign at the far left on the east elevation and the illuminated tag line sign at the right on the east elevation. The smaller signs serve a wayfinding purpose directing customers to the bowling center or the restaurant/bar portion of the facility.

Finally, the applicant has proposed a secondary exterior material of weathered wood plank that would help to break up the mass of the building with the change in material and relief. Changes in materials and relief is a concept used in the NCMU zoning district to limit blank wall spans and encourage buildings that are more visually interesting and contribute to the pedestrian oriented character of

the district. Given the larger size of the building the application of a secondary material is used to emphasize the entryways and break up the main wall elevation of the building. The weathered wood plank material would be limited to the entryways and the portion in between the two entryways on the east elevation. The building would also be painted as per the attached plans.

2. Variance Findings

In variance cases the City is required to make findings in regard to practical difficulties as used in connection with the granting of a variance as defined by State Statute 462.357, subd. 6 and in City Code Section 118-39. The City must make the following findings in considering approval of a variance:

- a. *The variance is in harmony with the general purpose and intent of the ordinance*
- b. *The terms of the variance are consistent with the Comprehensive Plan, and*
- c. *The applicant for the variance establishes that there are practical difficulties in complying with the ordinance. (Economic considerations alone do not constitute practical difficulties). Practical difficulties as used in connection with the granting of a variance means that:*
 - i. *The property owner proposes to utilize the property in a reasonable manner.*
 - ii. *The plight of the property owner is due to circumstances unique to the property that were not created by the property owner, and*
 - iii. *The variance will not alter the essential character of the neighborhood.*

3. Correspondence from Neighboring Property Owners

Staff was contacted by one property owner that had concerns about noise generated by events at the building. The property owner also wanted to know the type and location of the signage. Staff provided the property owner with a copy of the proposed signage for the building.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed application:

- A. **Approval.** If the Planning Commission has review the application and determined that the application is consistent with the Variance findings (see p.3-4 of this report), then staff would recommend the following conditions for a *recommendation* for approval:

- Approval of the **Variances** of 367 square feet for the total amount of signage on the property, signage to be located outside of the 10-15 foot tall “sign band” for the building, and a variance to allow a weathered wood secondary exterior material for the property located at 365 Concord Street North, subject to the following findings and conditions:

Findings:

The Planning Commission has reviewed the proposal and determined that the use conforms to the general purpose of the Zoning Code and should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, has access to adequate utilities, and there is adequate ingress and egress for the property.

Furthermore, there are practical difficulties in complying with the ordinance due to the size and location of the building which necessitates sign variances for proper visibility and identification, and the proposed secondary materials help to break up the mass of the building which is a one of the goals of the architectural standards for the district. The property owner proposes to utilize the property in a reasonable manner and the plight of the property owner is due to the unique circumstances of the property size and location which was not caused by the property owner. The proposed use and building would not alter the essential nature of the neighborhood.

Conditions of Approval:

- 1) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:

a) Application/background (Mattie’s Lanes, Inc., Shea)	dated 07/07/2016
b) Additional Narrative	dated 07/29/2016
c) Plans / Elevations (Shea, Inc.)	dated 07/06/2016
- 2) **Building Permits Required.** Building Permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.
- 3) **Reasonable Maintenance for Wood Exterior Materials.** The applicant shall provide proper maintenance for the weathered wood plank exterior material to ensure that the materials remain in good condition and are not subject to substantive degradation from physical or environmental damage.
- 4) **Compliance with Laws and Approvals.** The property must remain compliant

with all federal, state, and local laws and ordinances and all prior City approvals.

- 5) **Termination of the Variance.** The variance will terminate if improvements have not substantially begun within 1-year from the date of approval of the variance. The violation of any condition of approval for the variance shall terminate the variance. The property must be continually operated for use specified in the Variance to remain valid. If the property is not used for the use listed in this Variance for a period of 1-year then the Variance shall terminate.

B. **Denial.** If the Planning Commission does not favor the proposed application or portions thereof, the above requested should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

- Denial of the **Variations** of 367 square feet for the total amount of signage on the property, signage to be located outside of the 10-15 foot tall "sign band" for the building, and a variance to allow a weathered wood secondary exterior material for the property located at 365 Concord Street North, for the following reasons:

1. _____

STAFF ANALYSIS

The proposed variances appear to be in keeping with the type of use and the location along a busy commercial street. The proposed variances appear to be necessary based on the size of the building, location from the street and speed of the adjacent traffic. Signage proposed would be consistent with existing precedent for signage area variances in the City. The proposed weathered wood material will help to break up the mass of the building which is consistent with the concepts of the zoning district and is reasonably applied given the mass of the building.

STAFF RECOMMENDATION

Staff recommends **approval** of the variances property located at 365 Concord Street North, subject to the conditions listed in this report.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

365 N. Concord St.



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 200 feet
7/14/2016



10 South Eighth Street
Minneapolis MN 55402

t 612_339_2257
sheadesign.com



July 7, 2016

Peter Hellegers, AICP
Planning Division Manager
City of South St. Paul
125 Third Ave North
South St. Paul, MN 55705

Re: Mattie's Signage Variance Request
Shea project no.: 7399

Dear Mr. Hellegers:

Anderson Companies is the Owner of Mattie's Lanes located on 365 North Concord Avenue. On behalf of Anderson Companies Shea Inc. is submitting this narrative as part of the signage variance request to obtain an increase to the gross allowable site square footage from 150 SF to 367 SF.

Mattie's is an existing Bowling Center with a Bar and Restaurant located within the existing building footprint. A new name, logo and signage have been developed for the business, Concord Lanes. The commercial services as a bowling center with a bar and restaurant will remain as existing.

Adjacent properties include, parking lots on three sides owned by HRA of South St. Paul. Further south is a Liquor Store. Further north there is a gas station. Further east there is a residential development buffered by steep wooded landscape. Further west is another steep landscape sloping down to an industrial building next to the Mississippi River.

There are typically 28 to 30 employees during the winter season, and 20 employees during the summer months. At any one time the maximum number of anticipated customers is 425, but most likely would be 300, with an average of 200 during the busy winter months.

The hours of operation are:

Monday	11 am- 1 am (21 plus starts at 9 pm)
Tuesday	11 am-midnight
Wednesday	11 am-midnight
Thursday	11 am-midnight
Friday	11 am-1 am (cosmic starts at 9 pm)
Saturday	11 am-1 am (cosmic starts at 9 pm)
Sunday	11 am-11 pm

C2

2

project name/#: 365 N. Concord Ave
date: July 7, 2016

Thank you for the opportunity to present this variance application. If you have any questions about the application, please contact the applicant Mike Anderson at 651-578-3870 or mike@anderson-cos.com.

Sincerely,



Cecelia Dillon, NCARB, AIA
Project Architect

Shea, Inc.

From: Cecelia Dillon

Sent: Friday, July 29, 2016 12:46 PM

To: Peter Hellegers

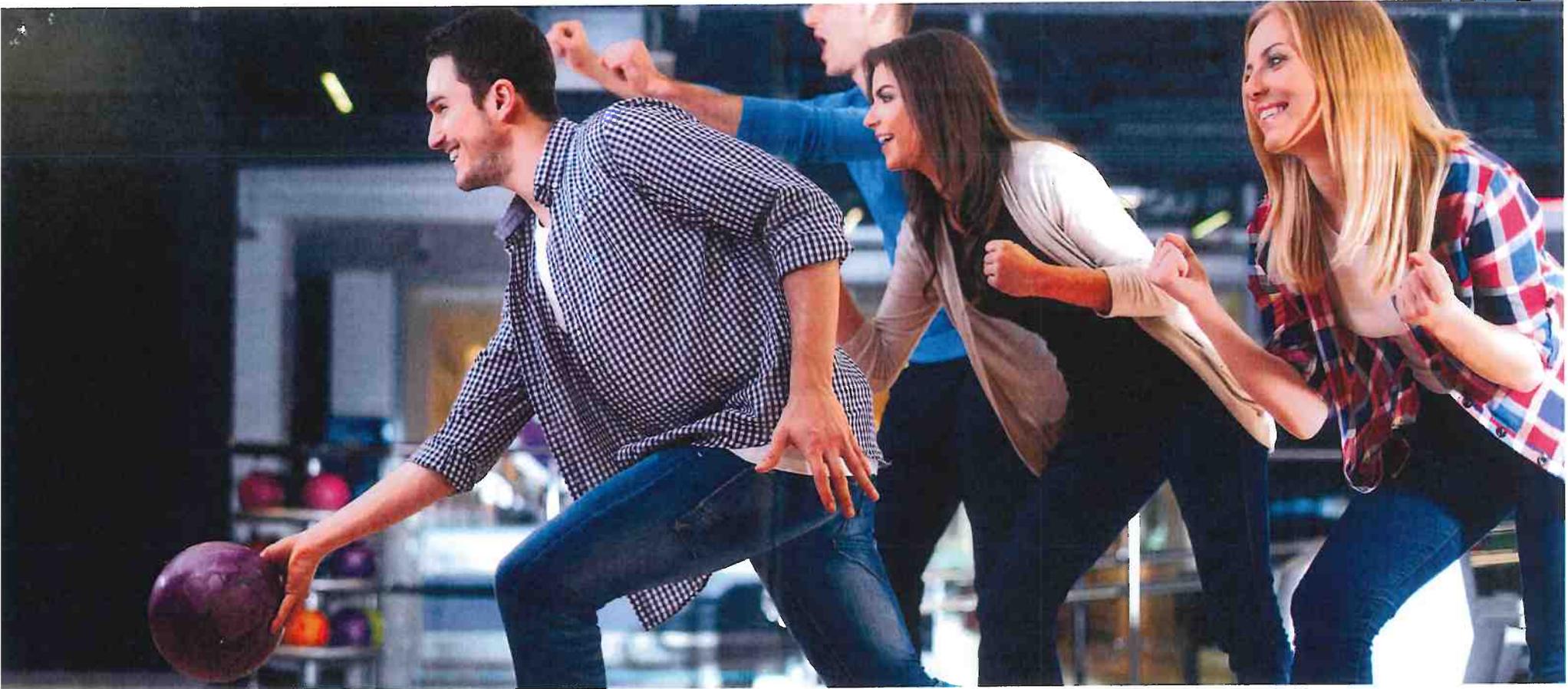
Subject: RE: Weathered wood exterior materials / existing signage - Mattie's/Concord Lanes

Peter:

The weathered wood material is proposed to be either a cedar or teak wood that will naturally weather over time. These species of wood hold up well and weather with a beautiful varied grey patina. The boards will be installed on a metal frame mounted to the existing brick structure. The boards will be fastened in such a way that they can be easily replaced. We look at the material choices being similar to an exterior wood deck. Sealers and stains have to be renewed every year. By going with a wood species that has a natural ability to weather and resist decay and insects, the owners will have an exterior that will be both maintainable and provide a natural appearance.

The site needs additional signage because its façade is only one story in height. The building is very long and not very tall. The existing signage gets lost on the long façade and is hardly noticeable. Signage square footage needs to be larger to make an impact to drivers when at such a low height. Additional square footage of signage will also correct the issue that the entrances are not well marked. With the additional square footage, we will be able to clearly show to people where the entrances are located for the bowling and bar areas. We will also be able to provide signage large enough to be clearly readable from Concord Avenue North.

Cecelia Dillon, NCARB, AIA
Project Architect
Shea Inc.
952-200-8987



Mattie's Lanes Presentation Exteriors and Logos



PRESENTED TO ANDERSON CO.
JULY 6, 2016



Mattie's Lanes – 365 N. Concord Ave



Logo

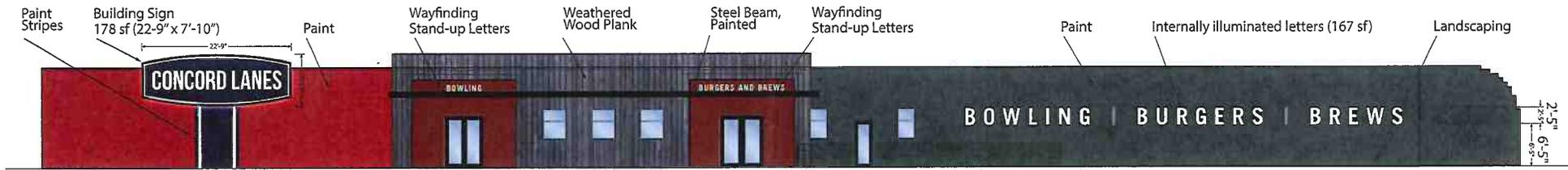


Exterior Elevations

Existing Exterior



Total Facade SF:	3,450
Building Sign SF:	178
Wayfinding Signage SF:	22
Tagline Singage SF:	167
Total Signage SF:	367

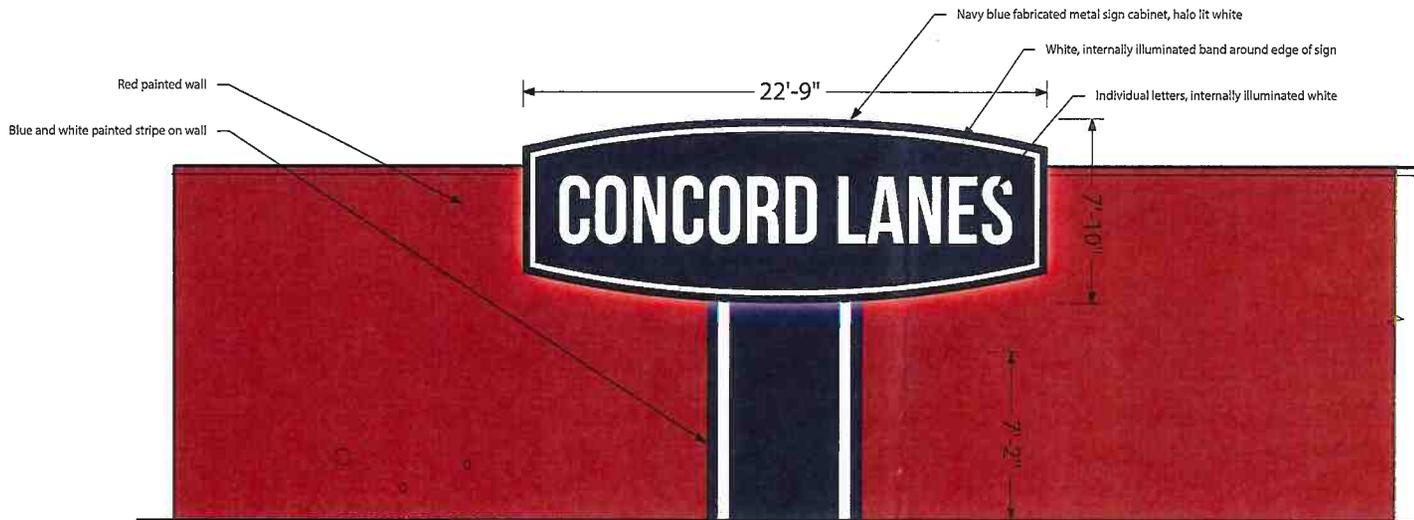


5D EAST ELEVATION
A210

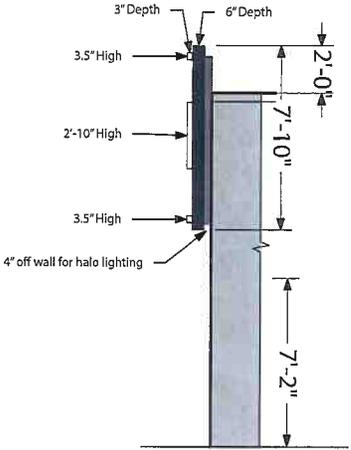


5E SOUTH ELEVATION
A210

Building Sign Details



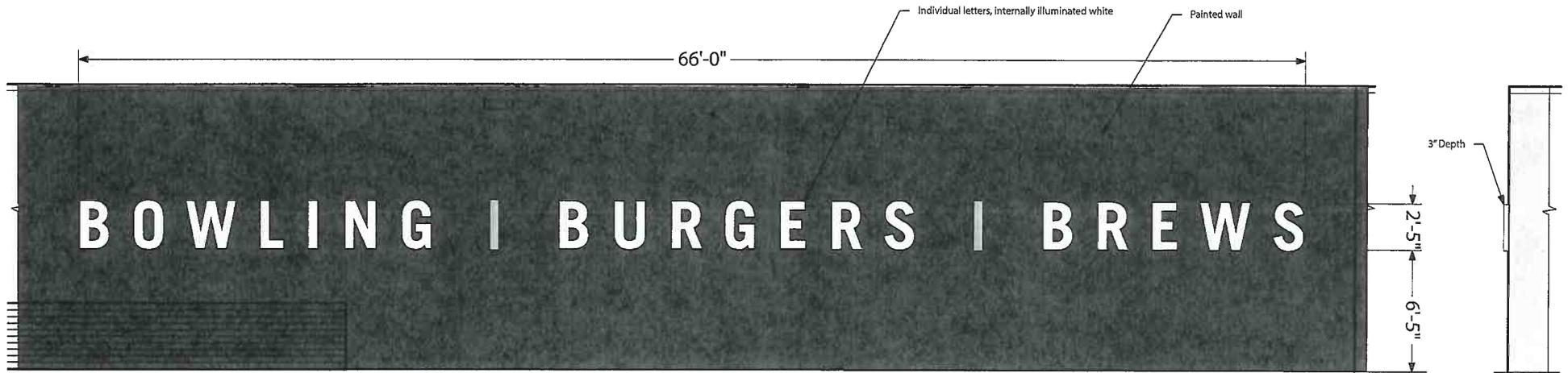
Elevation



Section

CG

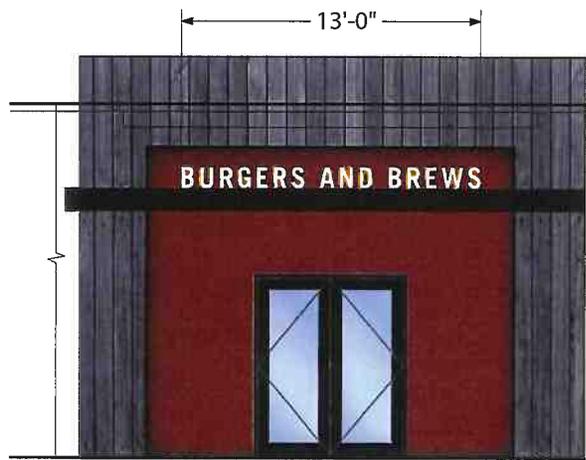
"Tagline" Sign Details



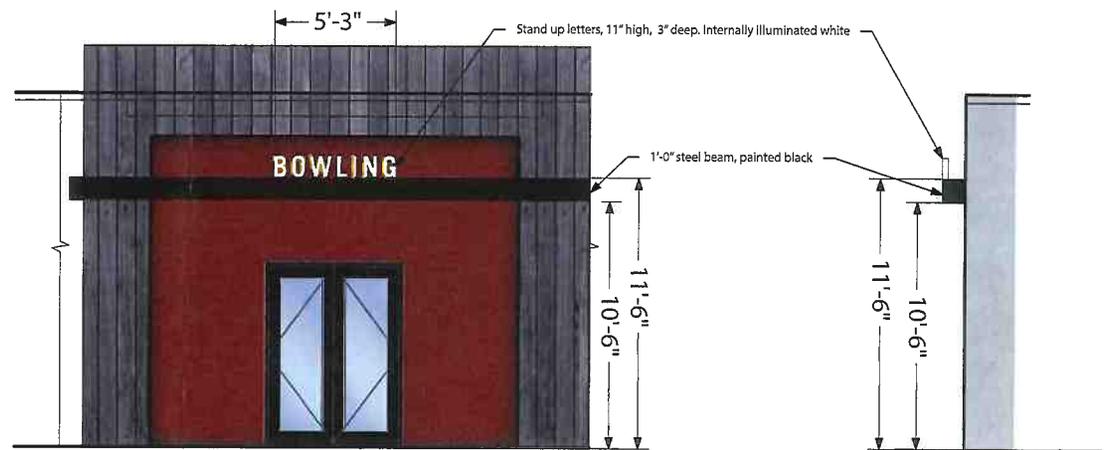
Elevation

Section

Wayfinding Sign Details



Elevation, Restaurant Entrance



Elevation, Bowling Entrance (2)

Section

Peter Hellegers

From: Michelle Lehmann <chris_michellelehmann@comcast.net>
Sent: Sunday, July 31, 2016 5:49 PM
To: Peter Hellegers
Subject: Re: Notice of Public Hearing

Hi Peter,

In relation to the Public Hearing on August 3rd regarding Mattie's Lanes and their request for variances, we would like to offer that we are opposed to any signs that rise above the building and/or are illuminated. We do not believe that Mattie's Lanes has been a responsible business owner. We are disappointed over recent events that occurred with this business when noise was an issue. When we called this business, they told us to call the police. The police visited more than once and the noise continued throughout the day at times getting worse. They, also, did not pull a permit with the city for the event. They held a similar event once more after this initial incident. It is difficult to support a business when they are not being a responsible neighbor.

I am sorry that I will be unable to appear at the hearing, but please let me know the outcome. Thank you for your time and consideration of my comments.

Michelle Lehmann
420 5th Ave. N.
SSP, MN 55075

From: "Peter Hellegers" <phellegers@southstpaul.org>
To: "Michelle Lehmann" <chris_michellelehmann@comcast.net>
Sent: Tuesday, July 26, 2016 11:54:42 AM
Subject: RE: Notice of Public Hearing

Hi Michelle,

The proposed signs are wall signs and most would be located on the east side of the building facing Concord Street, one would be over the southern door to the bowling alley facing the liquor store. The signs would include illumination, mostly backlit with the one logo sign having a halo lighting as well. Halo lighting is what they use on the signage for the Affinity Plus building at Plato/Highway 52. In addition to the signage variances they would be painting and making some upgrades to the exterior of the building. I have attached a copy of the elevation drawings that will help better explain the request.

Please feel free to contact me with any additional questions.

Sincerely,

Peter



Peter Hellegers, AICP | Planning Division Manager | City of South St. Paul
125 Third Avenue North | South St. Paul, MN 55075
p. 651.554.3217 | f. 651.554.3271 | www.southstpaul.org

From: Michelle Lehmann [mailto:chris_michellelehmann@comcast.net]
Sent: Tuesday, July 26, 2016 10:43 AM

To: Peter Hellegers <phellegers@southstpaul.org>

Subject: Re: Notice of Public Hearing

Hello,

Just checking back in on this email. I know that you just got back in the office yesterday, but the meeting is next week already.

Thanks,

Michelle Lehmann

From: "Michelle Lehmann" <chris_michellelehmann@comcast.net>

To: phellegers@sspmn.org

Sent: Tuesday, July 19, 2016 12:42:29 PM

Subject: Notice of Public Hearing

Hi Peter,

This is Michelle Lehmann and I am looking for more information about the Wed, Aug. 3rd hearing regarding Mattie's Lanes and the request for sign variances.

What types of signs are they talking about, where do they want to place them and how tall are they going to be?

I would like to understand this better before I send my comments/thoughts against such a request. I may not be able to attend the hearing on August 3rd due to another engagement at the same time that evening.

I am frustrated with this business after the last event that was held down there. It was a huge nuisance in our neighborhood for an entire Sunday afternoon, which only became worse once the police paid a visit down there. The noise was unbelievable.

Could you please share more information regarding what they are asking for?

Thank you,

Michelle Lehmann

612-419-6640