

**SOUTH ST. PAUL CITY COUNCIL  
MINUTES OF OCTOBER 17, 2016**

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The regular meeting of the City Council was called to order by Mayor Beth Baumann at 7:15 P.M. on Monday, October 17, 2016.

**ROLL CALL:**

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

**5) Presentations**

- Deb Griffith, Community Liaison and Kathy Halgren, Librarian discussed the 2016 Every Child Campaign.
- Steve Frame, Eagle Scout Candidate presented his project consisting of improvements to the plantings at some of the South St. Paul entrance monuments located at Wentworth Avenue, Concord Street, Southview Boulevard and Butler Avenue.
- Nicholas Kruger, Eagle Scout Candidate discussed his project which consisted of building three different games to be used at the Great Halloween Get-Together.

**6) Citizens' Comments**

- A resident of 300 Grand Avenue was concerned that there is no longer the presence of a police officer in their building. This was a change due to the reorganization of the HRA and City. This item was referred to a Worksession Meeting.

**7) Agenda**

Moved by Seaberg/Niederkorn

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 October 3, 2016

2. Resolution No. 2016-195, approving accounts payable
3. Approve the hiring of William Manthe as a Maintenance Worker in the Public Works Department contingent upon the successful completion of a background investigation and work physical
4. Salary scale adjustments for non-union staff members
5. Resolution No. 2016-189, submitting an application for 2017 Landfill Abatement Funds and approving amendments to the Agreement to Provide Recycling Coordinator Services
6. Award Project 2016-004, Tree Planting to Hoffman & McNamara, Co., in the amount of \$4,484.00
7. Authorize execution of an amended and extended lease to the benefit of the City and Quick-Serv License Center
8. Resolution No. 2016-194, adopting resolution of support for 2017-2021 Dakota County Capital Improvement Program

Motion carried 7 ayes/0 nays

**9a) Hearing on Tobacco Violation – Sam’s Tobacco**

Moved by Niederkorn/Podgorski

MOVED: To not impose an administrative for a tobacco violation at Sam’s Tobacco located at 211 13<sup>th</sup> Avenue South.

Motion carried 7 ayes/0 nays

**9b) Assessment Hearing – 2016 Mill & Overlay and Bituminous Removal & Replacement**

Moved by Niederkorn/Podgorski

MOVED: To adopt Resolution No. 2016-184, adopting the assessment roll for 2016-005 Mill & Overlay Projects and Resolution No. 2016-185, adopting the assessment roll for 2016-007 Bituminous Removal & Replacement Projects.

Motion carried 7 ayes/0 nays

**9c) Assessment Hearing – 2016-008 Oak Park Phase 3 Street Improvement**

Moved by Hansen/Flatley

MOVED: To adopt Resolution No. 2016-186, adopting the assessment roll for 2016-008 Oak Park Phase 3 Street Improvement Project.

Motion carried 7 ayes/0 nays

9d) **Assessment Hearing – 2015-013 BridgePoint Curve Project**

Moved by Rothecker/Hansen

MOVED: To adopt Resolution No. 2016-187, adopting the assessment roll for 2015-013 BridgePoint Court Project.

Motion carried 7 ayes/0 nays

10a) **Comprehensive Plan Amendment and Zoning Text Amendment for a 7-acre parcel of the NRDD Property**

Moved by Hansen/Seaberg

MOVED: To adopt Resolution No. 2016-190, denying a Comprehensive Plan Amendment and Zoning Text Amendment for the city owned vacant portion of the North Riverfront Development District (NRDD) property.

Moved by Podgorski/Rothecker

MOVED: To table consideration of the Comprehensive Plan Amendment and Zoning Text.

**Roll Call on Original Motion**

Motion carried 4 ayes (Flatley, Hansen, Seaberg, Baumann)  
3 nays (Nieder Korn, Podgorski, Rothecker)

10b) **Variances for Attached Garage at 1125 Summit Avenue**

Moved by Rothecker/Flatley

MOVED: To adopt Resolution No. 2016-191, approving setback Variances and a Variance for a second driveway for the property at 1125 Summit Avenue.

Motion carried 7 ayes/0 nays

10c) **MadFurther Car Show IUP**

Moved by Seaberg/Flatley

MOVED: To adopt Resolution No. 2016-192, approving an Interim Use Permit for a Car Show on the property at 1725 Henry Avenue.

Motion carried 7 ayes/0 nays

**10d) Revised Site Plan for 1315-1321 Southview Boulevard**

Moved by Flatley/Hansen

MOVED: To adopt Resolution No. 2016-193, approving amended plans for a previously issued Conditional Use Permit and Variance for a detached garage and parking lot serving the building at 1315-1321 Southview Boulevard.

Motion carried 7 ayes/0 nays

**10e) First Reading – Accessory Building Amendments**

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

AN ORDINANCE AMENDING SECTIONS 118-121 OF THE CITY CODE REGARDING THE SINGLE FAMILY RESIDENCE DISTRICT AND 118-208 OF THE CITY CODE REGARDING ACCESSORY BULDINGS.

**10f) Second Reading – Amendment to Ordinance for Right-of-Way Management**

Moved by Rothecker/Nieder Korn

MOVED: To adopt Ordinance No. 1311, enacting South St. Paul Code Chapter 54, Article VI regarding right of way management and authorize its publication.

Motion carried 7 ayes/0 nays

Mayor Baumann receive comments from Jake Sedlacek of Xcel Energy regarding the right-of-way management ordinance as follows:

Xcel Energy supports the concept of updating the right-of-way ordinance. We would be in support of the League of MN Cities Model Right of Way ordinance. However, Ordinance 1311 as presented varies in many ways from the model ordinance.

As a corporate citizen of South St. Paul, and significant user of municipal right-of-way, we have made multiple requests to meet with staff to discuss differences in our respective interpretation of state rules. We appreciate that city staff accepted feedback on the ordinance, and feel that a discussion between city staff and right-of-way users would result in a right-of-way ordinance which would better serve the community.

A discussion between city staff and impacted right-of-way users does not present a roadblock to passage, as we have the shared goal of implementing an effective ordinance.

**11) Adjournment**

Moved by Seaberg/Podgorski

MOVED: To adjourn the meeting at 9:02 p.m.

Motion carried 7 ayes/0 nays

Approved: November 7, 2016

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City Clerk