



# City of Saint Paul

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

## Minutes - Final

### City Council

*Council President Kathy Lantry*  
*Councilmember Dan Bostrom*  
*Councilmember Melvin Carter III*  
*Councilmember Pat Harris*  
*Councilmember Lee Helgen*  
*Councilmember Russ Stark*  
*Councilmember Dave Thune*

---

Wednesday, May 4, 2011

3:30 PM

Council Chambers - 3rd Floor

---

### Public Hearings at 5:30 p.m.

#### ROLL CALL

*The meeting was called to order at 3:30 p.m. by Council President Lantry.*

**Present** 6 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

**Absent** 1 - Councilmember Pat Harris

#### CONSENT AGENDA

**Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.**

*Councilmember Thune moved approval of the Consent Agenda.*

#### Consent Agenda adopted

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 1     [RES 11-823](#)     Appointing Edward Dion to the Police Civilian Review Commission and Reappointing the current members Angela Burkhalter, Katherine Mary Cole, Robert McClain, Scott Swanson, and Lynn Wild to the Police Civilian Review Commission.

**Sponsors:**     Lantry

**Adopted**





**ORDINANCES**

An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.

**First Reading**

- 15     [Ord 11-32](#)     Amending Chapter 64 of the Zoning Code pertaining to signs.
- Sponsors:     Thune
- Laid over to May 11 for second reading**
- 16     [Ord 11-46](#)     Amending Legislative Code Chapter 74 by enacting a new section designating the Jacob Schmidt Brewing Company Historic District as a Saint Paul Heritage Preservation Site.
- Sponsors:     Thune
- Laid over to May 11 for second reading**
- Yea:** 6 -   Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris
- 17     [Ord 11-48](#)     Amending Chapter 38 of the Administrative Code by deleting Sec. 38.07(b) in its entirety for the purpose of allowing the City the option to negotiate when severance payments are made to employees who are represented by bargaining units and are due severance upon separation from the City.
- Sponsors:     Lantry
- Laid over to May 11 for second reading**

*The meeting was recessed at 3:33 p.m. and reconvened for public hearings at 5:30 p.m.*

**PUBLIC HEARINGS**

**Present** 6 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

**Absent** 1 - Councilmember Pat Harris

- 18     [Ord 11-40](#)     Amending Charter Section § 7.10 regarding the Canvass of Election Returns.

**Sponsors:**     Lantry

*No one appeared in opposition; Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0*

**Laid over to May 11 for final adoption**

- 19     [RES 11-790](#)     Approving the application of Metropolitan Council for a sound level variance in order to allow Central Corridor Light Rail construction between 7:00 a.m. and 10:00 p.m. from May 5, 2011 to December 31, 2011 along University Avenue and abutting side street intersections from Emerald Street to Syndicate Street.

**Sponsors:**     Carter III and Stark

*Councilmember Stark moved to introduce an amendment to Item 9 on the resolution. Yeas – 6 Nays – 0*

*Bill Gunther, Department of Safety and Inspections (DSI), appeared. DSI received eight letters and e-mails opposing the noise variance. Five of them he would characterize as from people who live close to University Avenue. Stark's amendment would help address their concerns. One person feels 7:00 a.m. is too early and that 8:00 would be better. Another person thought 10:00 p.m. was a little late, and another was leery about blanket noise variances.*

*Jon Schumacher, 2183 Commonwealth Avenue, St. Anthony Park Community Foundation, appeared. He said from speaking to people in the construction area, their concerns are the number of times this would happen. Not everyone is happy about the judgment on some of the issues and he would argue for more control rather than allowing it to be "whenever." There are over 1,000 residents in this area and it would be good to have a guarantee that it's not going to be weeks-long or repeated times, he said.*

*Councilmember Stark moved to close the public hearing. Yeas – 6 Nays – 0*

*Stark said he appreciates the concern raised by Mr. Schumacher. He's satisfied that the process is set up so DSI will have the ability to use their judgment in determining whether or not the periods of time and locations for extended work are reasonable. He feels with the amendment they are in good shape for having a good amount of control. It would have been nice if the project office and the contractors would have had a better idea of exactly where and how long they were going to be doing construction but at this time they don't so given the circumstances and wanting to allow the project to keep moving and be on time, he felt they were in a good position.*

*Councilmember Stark moved approval as amended.*

**Adopted as Amended**

**Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Harris and Councilmember Helgen

**20**      [RES 11-838](#)

Approving the application of the Minnesota Children's Museum for a sound level variance in order to present amplified speakers, videos, and band music from 6:00 p.m. until 10:30 p.m. on June 25, 2011 in a tent at 10 Seventh Street West. (Public hearing continued from May 4.)

**Sponsors:**      Thune

*Shari Moore, City Clerk, announced that due to publication issues, the public hearing on this resolution would be continued to May 18, 2011.*

*No one appeared in opposition; Councilmember Thune moved to continue the public hearing to May 18.*

**Public hearing continued to May 18**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**21**      [RES 11-742](#)

Approving the use of assessment financing in accordance with City policy for installation of a fire protection system requested by August Ventures - Lowertown, LLC for 178 East 9th Street (File No. FP2010-05 Assmt. No. 115139).

**Sponsors:**      Thune

*No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**22**      [RES 11-516](#)

Ratifying assessment for installation of a fire protection system at 178 East 9th Street as requested by the property owners, August Ventures - Lowertown, LLC (File No. FP2010-05 Assessment No. 115139).

**Sponsors:**      Thune

*No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 23      [RES 11-514](#)      Ratifying assessments for Replacement of Lead Water Service Line on private property in August 2010 at 1756 WELLESLEY AVENUE (File No. 1101LDSRP1, Asmt. No. 114932).

**Sponsors:**      Lantry

*No one appeared in opposition; Councilmember Stark moved to close the public hearing and approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 24      [RES 11-603](#)      Final Order approving construction of a sidewalk improvement along the north side of St. Anthony Avenue from Syndicate to Griggs.

**Sponsors:**      Carter III

*Margaret Jones, 1181 Portland Avenue, Executive Director of the Lexington-Hamline Community Council, urged that construction begin as soon as possible because a lot of children play in that area and also because there are a lot of neighbors in the Lexington-Hamline area who use the pedestrian bridge to get to various areas in the Midway and would benefit from having a sidewalk along that stretch.*

*Councilmember Carter moved to close the public hearing and approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 25      [RES 11-604](#)      Final Order approving construction of a sidewalk improvement along the south side of Energy Park Drive from Raymond Avenue to Highway 280.

**Sponsors:**      Stark

*Ian McRoberts with McRoberts Real Estate, representing Fairview Health Services adjustments and occupied space at the McAfee Building on Energy Park Drive, said the request for sidewalks was a safety issue for their employees to gain access to public transportation at Raymond and Energy Park Drive. He said they appreciate the City working with them to get the sidewalks installed.*

*Councilmember Stark moved to close the public hearing and approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**LEGISLATIVE PUBLIC HEARING CONSENT AGENDA**

**Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.**

**Approval of the Consent Agenda**

*Marcia Moermond, Legislative Hearing Officer, requested the Council remove items 28, 41, 42 and 43 from the Consent Agenda for discussion.*

*Councilmember Helgen moved approval of the Consent Agenda as amended.*

**Consent Agenda Adopted as Amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**[RLH VO 11-8](#)**

Appeal of James Swartwood to a Condemnation and Order to Vacate 697 WESTERN AVENUE NORTH.

**Sponsors:** Carter III

**Adopted**

**27 [RLH SAO 11-6](#)**

Appeal of Emily Scholl to a Summary Abatement Order at 719 CHARLES AVENUE.

**Sponsors:** Carter III

**Adopted**

**29 [RLH SAO 11-7](#)**

Appeal of John Price to a Summary Abatement Order at 1265 JULIET AVENUE.

**Sponsors:** Harris

**Adopted**

- 30     [RLH FCO 11-24](#)     Appeal of Jason Oberhamer, Cities Home Rentals, to a Fire Inspection Correction Notice at 793 COOK AVENUE EAST.  
***Sponsors:***         Bostrom  
**Adopted**
- 31     [RLH FCO 11-29](#)     Appeal of Joseph Ward to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1627 DARLENE STREET.  
***Sponsors:***         Bostrom  
**Adopted**
- 32     [ALH 11-467](#)         Appeal of David Boyd to a Fire Inspection Correction Notice at 1655 CRAIG PLACE.  
***Sponsors:***         Bostrom  
**Denied**
- 33     [RLH FCO 11-26](#)     Appeal of James Swartwood to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 726 FOURTH STREET EAST.  
***Sponsors:***         Lantry  
**Adopted**
- 34     [RLH SAO 11-10](#)     Appeal of Christian Huseby to a Vehicle Abatement Order at 136 BATES AVENUE.  
***Sponsors:***         Lantry  
**Adopted**
- 35     [RLH CO 11-1](#)         Appeal of Thai Lee to a Correction Notice-Complaint Inspection at 930 MINNEHAHA AVENUE EAST.  
***Sponsors:***         Lantry  
**Adopted**
- 36     [RLH FOW 11-19](#)     Appeal of Travis and Lisa Jensen to a Fire Inspection Correction Notice at 851 ALGONQUIN AVENUE.  
***Sponsors:***         Lantry  
**Adopted**
- 37     [RLH FCO 11-25](#)     Appeal of Kaye Prokosch to a Fire Inspection Correction Notice at 2061 MANITOU AVENUE.  
***Sponsors:***         Lantry  
**Adopted**



Councilmember Bostrom moved to close the public hearing. Yeas – 6 Nays – 0

Bostrom said putting in sliding windows reduces the opening by about half and said it would be easier getting in and out of an awning type.

Councilmember Bostrom moved to grant the appeal as amended.

**Appeal granted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 41 [RLH AR 11-10](#) Ratifying Assessments for Excessive Consumption of Inspection Services from December 16, 2010 to January 14, 2011 (File No. J1106E, Asmt No. 118051).

**Sponsors:** Lantry

*Marcia Moermond, Legislative Hearing Officer, asked the Council to delete the assessment for 852 Jenks which is contained in Version 3 of the resolution.*

*No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval as amended.*

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 42 [RLH AR 11-9](#) Ratifying assessments for Boarding and Securing services in November 2010 (File No. J1105B, Asmt No. 118045).

**Sponsors:** Lantry

*Marcia Moermond, Legislative Hearing Officer, stated no one was present to testify on this item. A letter was received the previous day regarding 1187 Edgerton Street pertaining to the boarding assessment in the amount of \$220.00. The owner noted there was a lock box on the door so the building was secure. The police report states that a neighbor called and was concerned because a window was broken open. When an officer went to the house, an additional window was found to be broken so the officer called a boarding contractor. Ms. Moermond recommended approval.*

*No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.*

*Ms. Moermond said this is embodied in Version 3 which has the new attachment but no changes in the resolution language.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 43 [RLH AR 11-12](#) Ratifying assessments for Removal of Diseased and/or Dangerous Trees on Private Properties in January 2011 (File No. 1106T, Asmt No. 119096).

**Sponsors:** Lantry

*Marcia Moermond, Legislative Hearing Officer, requested the Council delete the assessments for tree removal at 579 Bidwell and 127 Front. The change is in Resolution Version 3.*

*No one appeared in opposition; Council President Lantry moved to close the public hearing and approval as amended.*

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Harris

## ADJOURNMENT

*Councilmember Thune moved to adjourn the meeting at 5:58 p.m.*

## Council Meeting Information

### Web

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

### Cable

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