



# City of Saint Paul

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

## City Council Meeting Minutes - Final

*Council President Kathy Lantry  
Councilmember Dan Bostrom  
Councilmember Amy Brendmoen  
Councilmember Nathaniel Khaliq  
Councilmember Russ Stark  
Councilmember Dave Thune  
Councilmember Chris Tolbert*

Wednesday, November 13, 2013

3:30 PM

Council Chambers - 3rd Floor

### ROLL CALL

*The meeting was called to order by Council President Lantry at 3:32 p.m.*

#### **Councilmembers Brendmoen and Tolbert excused**

- Present** 5 - Councilmember Dan Bostrom, Councilmember Nathaniel Khaliq, City Council President Kathy Lantry, Councilmember Russ Stark and Councilmember Dave Thune
- Absent** 2 - Councilmember Amy Brendmoen and Councilmember Chris Tolbert

### COMMUNICATIONS & RECEIVE/FILE

- 1     **AO 13-39**           Authorizing the Fire Department to pay for all costs incurred to hold a graduation ceremony for new firefighters on January 3, 2014 at the Paul and Sheila Wellstone Center.  
**Received and Filed**
  
- 2     **CO 13-27**           Letter from the Department of Safety and Inspections declaring 392 Arbor Street a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
**Received and Filed**

**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 (Items 3 - 15)**

*Items 3 and 11 were removed from the Consent Agenda for separate consideration.*

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

**Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 2 - Councilmember Brendmoen and Councilmember Tolbert

- 3 RES 13-1798** Canvassing the returns and declaring the results of the City General Election held November 5, 2013.

*Councilmember Lantry amended the resolution with election results. She expressed congratulations to Mayor Coleman and in-coming Ward 1 Council member, Dai Thao.*

*Councilmember Khaliq moved approval of the resolution as amended.*

**Adopted as amended**

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

**Nay:** 0

**Absent:** 2 - Councilmember Brendmoen and Councilmember Tolbert
- 4 RES 13-1734** Approving the Joint Powers Agreement with Ramsey County for Election System Replacement.

**Adopted**
- 5 RES 13-1748** Authorizing the City of Saint Paul to execute a grant contract amendment for a timeline extension with the State of Minnesota for the 2012 Urban Area Security Initiative (UASI) Grant.

**Adopted**
- 6 RES 13-1633** Authorizing the Fire Department to enter into an agreement with Inver Hills Community College for the use of two ambulances for the EMS Academy.

**Adopted**
- 7 RES 13-1744** Authorizing the Fire Department to enter into a joint powers agreement with the Oakdale Fire Department for the use of the Saint Paul Fire Department training facilities.

**Adopted**

- 8      **RES 13-1712**      Authorizing the Department of Human Rights and Equal Economic Opportunity to enter into a Master Grant Agreement with the State of Minnesota through DEED for funding for the EMS Academy.  
**Adopted**
- 9      **RES 13-1547**      Approving the Memorandum of Agreement (2013 - 2015) between the City of Saint Paul and the Saint Paul Police Federation; Fire Fighters, Local 21; Professional Employees Association; and Tri-Council: Laborers, Local 132; General Drivers, Local 120; and Operating Engineers, Local 49 for the purpose of continuing Council Resolution 04-1068 concerning military pay salary differential for City employees who are called to active service in the Reserve and National Guard.  
**Adopted**
- 10     **RES 13-1750**      Approving the Maintenance Labor Agreement (May 1, 2013 - April 30, 2016) between the City of Saint Paul and the United Association of Pipefitters, Local Union No. 455.  
**Laid over to November 20 for adoption**
- 11     **RES 13-1753**      Approving a partial waiver of the Sustainable Building Policy for a new operations storage structure and parking lot at 85 West Water Street, adjacent to Harriet Island Regional Park.  
*Councilmember Thune moved a three week layover to allow time for the Board of Zoning Appeals and District Council to review the matter and make a recommendation.*  
**Laid over to December 4**  
**Yea:** 5 - Councilmember Bostrom, Councilmember Khaliq, City Council President Lantry, Councilmember Stark and Councilmember Thune  
**Nay:** 0  
**Absent:** 2 - Councilmember Brendmoen and Councilmember Tolbert
- 12     **RES 13-1772**      Authorizing the Department of Parks and Recreation to enter into an agreement with the Minnesota State Fair for storage space, which includes a promise of indemnification.  
**Adopted**
- 13     **RES 13-1728**      Authorizing carryforward of unused private activity bond volume cap.  
**Adopted**
- 14     **RES 13-1782**      Memorializing City Council action taken on October 16, 2013 denying the appeal by David M. King to modify the conditions of a variance granted for property at 1075 Lombard Avenue.  
**Adopted**

- 15     **RES 13-1763**     Approving adverse action against the Cigarette/Tobacco license application submitted by Mohammed Sardar Khan, d/b/a Grand Hookah at 688 Snelling Avenue North.

**Adopted**

**FOR DISCUSSION**

- 16     **SR 13-79**     Presentation by the Saint Paul Advisory Committee on Aging regarding the Lifetime Communities Grant Project.

*Mary Livingston, staff liaison to the St. Paul Advisory Committee on Aging, introduced Committee Chair Kathleen Kelso. Ms. Kelso reviewed a consultant's report regarding the City's readiness to adopt a Lifetime Community Model.*

*Councilmember Thune asked whether specific problems were identified, and emphasized the need to address problems quickly.*

*Councilmember Stark thanked the committee for the work done so far, and echoed the importance of finding solutions to the problems identified.*

**Received and Filed**

- 17     **ABZA 13-8**     Public hearing to consider the appeal of Shaan Hamilton, on behalf of Saint Paul College, to a decision of the Board of Zoning Appeals (BZA) denying a variance request to allow a full color sign with the message changing every thirty seconds.

*Councilmember Khaliq said the Council had been presented with a difficult decision. He acknowledged the hard work that had gone into the billboard regulations, but said there were issues that perhaps should be revisited. He said St. Paul College (SPC) was a nationally recognized institution with a student body that reflected the diversity of the city, and it would be unfortunate not to accommodate them. He said he felt the Xcel Energy center sign was a bigger hazard, and he noted St. Paul College's willingness to use their sign for public service messages. He acknowledged that voting to grant the variance might open the City to litigation, but he moved to support the appeal.*

*Council President Lantry said she understood Councilmember Khaliq's feelings, but she did not feel the Board of Zoning Appeals (BZA) had erred in their findings, and she would not be supporting the motion.*

*Councilmember Stark said SPC was a great institution and had already done a great job with new signage, but it was important to be consistent in decisions and policy, and he did not see that there was a reason to grant the variance. He said he would not support the motion.*

*Councilmember Bostrom said SPC was a great institution and the sign would be used to promote their programs. He said one reason cited by the BZA for denial was that the sign could cause a traffic problem. He said that was not well-defined or an adequate reason for denial, and therefore represented an error. He said he would support Councilmember Khaliq's motion.*

*Council President Lantry said it was a slippery slope to grant or deny an appeal based on whether the Council liked the applicant. She said the criteria was in the code.*

*Councilmember Thune said he felt the applicant over-reached on the size and rate of*

*dynamic changes, and he was not won over by the willingness to use the sign for public service messages.*

*Council President Lantry called for the vote on Councilmember Khaliq's motion. The motion failed.*

**Motion of Intent - Appeal denied**

**Yea:** 2 - Councilmember Bostrom and Councilmember Khaliq

**Nay:** 3 - City Council President Lantry, Councilmember Stark and Councilmember Thune

**Absent:** 2 - Councilmember Brendmoen and Councilmember Tolbert

**18 PH 13-16**

Public hearing to consider the application of Steven Virkus and Jennifer Virkus to rezone the property at 814 Grand Avenue, between Avon Street and Victoria Street, from B2 Community Business to T2 Traditional Neighborhood. (Public hearing held November 6)

*Councilmember Thune thanked the property owners for coming to the meeting and urged them to stay on top of resident behavior at the property. He moved to grant the application.*

**Motion of Intent - Application granted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Brendmoen and Councilmember Tolbert

**ORDINANCES**

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

**Final Adoption**

**19 Ord 13-51**

Amending Chapters 61, 65, and 66 of the Saint Paul Legislative Code pertaining to agricultural and farmers market uses.

*In response to questions from the previous week's public hearing, Councilmember Stark clarified that the rules would apply to temporary and permanent structures. He moved approval of the resolution and thanked everyone for their work.*

**Adopted**

**Yea:** 4 - Councilmember Khaliq, City Council President Lantry, Councilmember Stark and Councilmember Thune

**Nay:** 0

**Absent:** 3 - Councilmember Bostrom, Councilmember Brendmoen and Councilmember Tolbert

**Second Reading**

- 20    **Ord 13-39**            Amending Legislative Code Chapter 64.750 pertaining to the Highland Village Special Sign District.  
**Laid over to November 20 for third reading/public hearing**
- 21    **Ord 13-57**            Amending Legislative Code Chapters 63, 65, and 66 pertaining to alcohol production uses.  
**Laid over to November 20 for third reading/public hearing**
- 22    **Ord 13-54**            Amending Chapter 87 of the Saint Paul Legislative Code pertaining to categories that exclude one-inch street service connections from qualifying for schedule charge rates.  
**Laid over to November 20 for third reading/public hearing**
- 23    **Ord 13-55**            Amending Chapter 90 of the Saint Paul Legislative Code pertaining to deposits and charges for hydrant use permits.  
**Laid over to November 20 for third reading/public hearing**
- 24    **Ord 13-52**            Amending Chapter 40 of the Saint Paul Legislative Code pertaining to responsibility for management of the fire certificate of occupancy program, and updating language.  
*Councilmember Stark moved an amendment limiting the definition of "owner" to persons and not corporations.*  
**Amended and laid over to November 20 for third reading/public hearing**  
**Yea:** 5 - Councilmember Bostrom, Councilmember Khaliq, City Council President Lantry, Councilmember Stark and Councilmember Thune  
**Nay:** 0  
**Absent:** 2 - Councilmember Brendmoen and Councilmember Tolbert
- 25    **Ord 13-58**            Memorializing City Council action granting the application of Associated Bank et al to rezone property at 176 North Snelling Avenue et al, area bounded by Marshall, Snelling, Selby, and Saratoga, from B2 Community Business, B3 General Business, RM2 Medium-Density Multiple-Family Residential, VP Vehicular Parking, and I 1 Light Industrial, to T2 Traditional Neighborhood and T3 Traditional Neighborhood. (Public hearing held October 16, 2013)  
**Laid over to November 20 for third reading**

## ADJOURNMENT

*Councilmember Thune moved adjournment.*

**Meeting adjourned at 4:05 p.m.**

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

**Nay:** 0

**Absent:** 2 - Councilmember Brendmoen and Councilmember Tolbert

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