



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 Amy Brendmoen
Councilmember Russ Stark
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, August 27, 2014

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

The meeting was called to order by Council President Lantry at 3:31 p.m.

Councilmember Brendmoen excused

Present 6 - Councilmember Dan Bostrom, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

Absent 1 - Councilmember Amy Brendmoen

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 1 - 9)

Item 6 was withdrawn. Item 2 was removed from the Consent Agenda for separate consideration.

Councilmember Thune moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 1 [RES 14-1388](#) Approving the Settlement Agreement and Release between the City of St. Paul and Warajor Ojulu and his attorneys.

Adopted

- 3 [RES 14-1338](#) Preliminary Order setting the date of Public Hearing for September 17, 2014 to consider approval of the safety improvement of the sidewalk at 9 Seventh Place West (Wild Tymes Café) by filling in the areaway. (Project No. S1501, Assessment No. 155301)
- Adopted**
- 4 [RES 14-1401](#) Preliminary Order setting the date of City Council Public Hearing for September 17, 2014 to consider approval for a sidewalk reconstruction improvement along the south side of East Sixth Street from Wall Street to Broadway Street, and along Broadway Street from Sixth Street to 100 feet south of Sixth Street. (File No. S1404, Assessment No. 145304)
- Adopted**
- 5 [RES 14-1326](#) Authorizing the Fire Department to accept the donation of physical fitness equipment and rubber flooring from the Saint Paul Fire Foundation for three fire stations.
- Adopted**
- 6 [RES 14-1441](#) Approving adverse action against the Cigarette/Tobacco license held by Super KM 99 Cents Plus, Inc., d/b/a Dragon Dollar Plus at 315 University Avenue West, Unit C. (To be withdrawn.)
- Adopted**
- 7 [RES 14-1446](#) Approving adverse action against the Auto Repair Garage license held by Superior Auto Repair at 1324 Arcade Street.
- Adopted**
- 8 [RES 14-1442](#) Approving adverse action against the Auto Body Repair/Painting Shop license held by Duqueiro Cano, d/b/a Duke's Cars & Towing at 323 Maria Avenue.
- Adopted**
- 9 [RES 14-1443](#) Approving adverse action against the Cigarette/Tobacco license held by Walgreens #06995 at 1788 Old Hudson Road.
- Adopted**

FOR DISCUSSION

- 2 [RES 14-1475](#) Approving the Settlement Agreement and Release between the City of St. Paul and Black Bear Crossings on the Lake, Inc., David Glass and Pamela Glass and their attorney Ryan W. Marth.

Bostrom said that he is upset about this issue. Something of this magnitude needs a full discussion. He requests a staff report.

Lantry asked did he ask Sara Grewing (City Attorney's Office) to come. Bostrom responded no.

Lantry said she will ask Ellen Biales (Lantry's Legislative Aide) to get Grewing.

(The Council discussed Item 10, then came back to Item 2.)

(Sara Grewing arrived.)

Bostrom asked how the City came up to this resolution.

Grewing said she told the council members in separate conversations that it is in the City's best legal interest to resolve this case at this time.

Bostrom said he does not find this acceptable when talking about \$800,000 of the taxpayers' money. The City is currently looking at a request from the administration for a \$2.4 million tax increase. This settlement represents 1/3 of that increase. When reading the stories in the newspaper of how we got to this situation, it is unacceptable to pay out this kind of money on something like this with the citizens being in the dark of how we got there. He cannot accept this nor vote for it. One of the stories in the newspaper is that our colleague said she would not have to recuse herself unless the issues involves personal financial gain. Bostrom feels that she should be here to vote for it. For the Director of Parks and Recreation to get us involved in something like this is unacceptable. In all his years, he has not seen anything like this: council members getting involved in talking to vendors and the council members are supposed to vote and not say anything. He does not find this acceptable and cannot support it.

Thune moved approval.

Tolbert said he is voting yes on this. He agrees with some of the things Bostrom said. Because of some avoidable bad decisions made over the last year, the Council has been put in a bad situation. Because we breached a contract, we can settle this now or go forward. Despite what it looks like, the most fiscally responsible thing for the Council to do is to close this case and move on. He is not happy about it, does not like the results, and is disgusted by the facts. Bad decisions were made, and it could have been avoided. We cannot vote on this today, move on, and forget about it. He has met with the City Attorney's Office and the Administration numerous times and expressed his frustrations and disgust on how we got in this situation. We need a full review of what happened, how we got here, why we got here, and who is responsible. The most frustrating thing about this settlement is accountability; there needs to be accountability on how we got here. We need to put in new protocols, contract training, litigation training, and checks and balances to ensure it does not happen again. There needs to be transparency to the public and the Council if any situation gets this way again. That is the minimum of what the taxpayers deserve. He is disappointed and frustrated. He has asked a lot of questions and asked for a lot of review. Based on those questions, his thoughts, and reading the cases, this is the best choice we have available today. We need to ensure this never happens again. He will vote yes with great hesitation.

Thao said there are certain things we are in control of or have impact on; then there are events we have no control over. The breach of the contract is a bonehead action. We need to be accountable to that and figure out what the incompetency is. We need to make sure we are working for the community and the public. We should do what we can to eliminate that. He is unhappy about where we are today, but he will work for what is best for the City and the taxpayer going forward.

Bostrom said he can count and understands where this vote is going. There are no consequences for any of the actors involved in this. The people around this table have nothing to do with this settlement, are taking responsibility for paying \$800,000, and the folks that got us into this are not even here. He is disgusted with the way it happened. Nobody has taken responsibility for this except us sitting here.

Adopted

Yea: 5 - City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 1 - Councilmember Bostrom

Absent: 1 - Councilmember Brendmoen

10 [RES 14-1254](#)

Adopting and approving the Saint Paul Residential Construction Management Acknowledgement Form. (Laid over from August 6)

Councilmember Tolbert said that he has worked on this for almost a year with DSI (Department of Safety and Inspection) to take care of some of the less responsible contractors in the neighbor and bring some organization to them. This resolution is supported by the contractors and neighbors he has talked to. He moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Brendmoen

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

11 [Ord 14-31](#)

Amending Chapter 357 of the Saint Paul Legislative Code pertaining to construction debris, haulers and related hazardous materials.

Councilmember Tolbert moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Brendmoen

12 [Ord 14-32](#)

Amending Chapter 33 of the Saint Paul Legislative Code creating a Residential Construction Management Acknowledgment Form and outlining the responsibilities associated with it.

Councilmember Tolbert moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Brendmoen

13 [Ord 14-33](#)

Amending Chapter 310 of the Saint Paul Legislative Code to add a Microdistillery Cocktail Room license fee.

Councilmember Thune moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Brendmoen

14 [Ord 14-34](#)

Amending Chapter 324 of the Saint Paul Legislative Code pertaining to single cigar packaging regulation.

Councilmember Thao moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Brendmoen

ADJOURNMENT

Councilmember Thune moved adjournment.

The meeting was adjourned at 3:43 p.m.

Yea: 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Brendmoen

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