



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, December 18, 2013

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 5:30 p.m.

There will be no meeting the week of December 23.

The first meeting in January will be held on Thursday, January 2.

ROLL CALL

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

Council President Lantry excused

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen,
Councilmember Russ Stark, Councilmember Dai Thao, Councilmember
Dave Thune and Councilmember Chris Tolbert

Absent 1 - City Council President Kathy Lantry

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 13-46](#) Amending the 2013 Public Library Agency General Fund to transfer funds to supplement the 2013-2014 library materials budget.
Received and Filed
- 2 [AO 13-47](#) Amending the 2013 spending budget for the Office of Technology and Communications - Information Services.
Received and Filed
- 3 [AO 13-49](#) Amending the 2013 Fire Department Special Fund Budget.
Received and Filed
- 4 [AO 13-50](#) Transferring \$45,000 of capital maintenance contingency to the Police Department for the Griffin Building chilled water system modification.
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 5 - 30)

Councilmember Thune moved approval of the Consent Agenda.

Consent Agenda adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

- 5 [RES 13-1909](#) Approving the City's cost of providing Demolition Services during October 2013, and setting date of Legislative Hearing for January 21, 2014 and City Council Public Hearing for March 5, 2014 to consider and levy the assessments against individual properties. (File No. J1406C, Assessment No. 142005)

Adopted

- 6 [RES 13-1910](#) Approving the City's cost of providing Demolition Services during October 2013 at 215 Sherburne Avenue, and setting date of Legislative Hearing for January 21, 2014 and City Council Public Hearing for March 5, 2014 to consider and levy the assessments. (File No. J1407C, Assessment No. 142006)

Adopted

- 7 [RES 13-1911](#) Approving the City's cost of providing Boarding and/or Securing Services during October 2013, and setting date of Legislative Hearing for January 21, 2014 and City Council Public Hearing for March 5, 2014 to consider and levy the assessments against individual properties. (File No. J1404B, Assessment No. 148103)

Adopted

- 8 [RES 13-1912](#) Approving the City's cost of providing Collection of Certificate of Occupancy Fees billed September 16 to October 4, 2013, and setting date of Legislative Hearing for January 21, 2014 and City Council Public Hearing for March 5, 2014 to consider and levy the assessments against individual properties. (File No. CRT1405, Assessment No. 148204)

Adopted

- 9 [RES 13-1937](#) Preliminary Order setting the date of Public Hearing for January 15, 2014 to consider approval of the alley improvements in Hazel Park Plat A, Block 2, Lots 1-4 (bounded by Rose, Maryland, White Bear and Van Dyke). (File No. 19156, Assessment No. 145000)
Adopted
- 10 [RES 13-1981](#) Preliminary Order setting the date of public hearing for January 15, 2014 for the 2014 Residential Street Vitality Project (2014 RSVP).
Adopted
- 11 [RES 13-2032](#) Authorizing the City of Saint Paul to enter into an Investment Agreement and Security Agreement with the Friends of the Saint Paul Public Libraries and authorizing an Internal Loan for the Highland and Sun Ray Library Renovation project.
Adopted
- 12 [RES 13-1980](#) Authorizing the Fire Department to accept the donation of 18 flight helmets from the Firehouse Subs Public Safety Foundation.
Adopted
- 13 [RES 13-1976](#) Approving the Labor Agreement (January 1, 2013 - December 31, 2015) between the City of Saint Paul and The Saint Paul Manual & Maintenance Supervisors Association.
Adopted
- 14 [RES 13-1977](#) Approving the Memorandum of Agreement (2013 Wage and Fringe Adjustment) between the City of Saint Paul and the Operative Plasterers and Cement Masons International Association, Local 633.
Adopted
- 15 [RES 13-1983](#) Approving the Labor Agreement (May 1, 2013 - April 30, 2016) between the City of Saint Paul and the North Central States Regional Council of Carpenters.
Adopted
- 16 [RES 13-2019](#) Approving the 2014 Performance Agreement between the City of Saint Paul and the Saint Paul Neighborhood Network.
Adopted
- 17 [RES 13-1861](#) Authorizing the Department of Parks and Recreation and North Dale Recreation Center to accept a donation in the amount of \$2,750 from the Midway Men's Club for summer transportation costs.
Adopted

- 18 [RES 13-2030](#) Authorizing the City of Saint Paul to enter into a General Fund Grant Agreement, Annual Appropriation Grant for the City of Saint Paul Sports Facilities Project.
Adopted
- 19 [RES 13-2031](#) Approving and authorizing the seventh amendment to promissory notes, loan agreements and mortgages with Frogtown Entrepreneur Center, LLC and subordination of mortgages to Twin Cities Community Land Bank, Ward 1, District 7.
Adopted
- 20 [RES 13-1634](#) Approving the 2013 Cultural STAR Round 2 projects.
Adopted
- 21 [RES 13-2002](#) Authorizing the Police Department to enter into an agreement with the United States Secret Service (USSS) which establishes procedures for participation in the USSS Financial Crimes Task Force.
Adopted
- 22 [RES 13-2014](#) Approving Trunk Highway Routine Maintenance Agreement Number 04253 between the City of Saint Paul and the State of Minnesota, effective July 1, 2013 to June 30, 2015.
Adopted
- 23 [RES 13-2003](#) Approving the application, with conditions, for an Entertainment B license for RAS Ethiopian Bar & Restaurant, LLC, d/b/a RAS Restaurant & Lounge (License ID #20100000062) at 2516 Seventh Street West.
Adopted
- 24 [RES 13-1928](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Gas Station and Cigarette/Tobacco licenses for D & L Food And Gas Inc. (I.D. # 20130003588), 626 Larpenteur Avenue West. (This is for a change in the corporate name of the business; the ownership of the establishment will remain the same.)
Adopted
- 25 [RES 13-2034](#) Approving adverse action against all licenses held by Cinema Saint Paul, LLC, d/b/a Palumbo's Pizzeria at 454 Snelling Avenue South.
Adopted

- 26 [RES 13-2013](#) Approving adverse action against the Tanning Facility license held by Mai L. Xiong, d/b/a Got Tan at 1087 Arcade Street.

Adopted

- 27 [RES 13-2011](#) Approving adverse action against the Taxicab Driver* license application submitted by Abdifatah Hassan Arab.

Adopted

- 28 [RES 13-2012](#) Approving adverse against the City Contractor-Carpentry license held by Jim Cederstrom, LLC, d/b/a Cederstrom Window & Door.

Adopted

- 29 [RES 13-2033](#) Approving adverse action against the Tree Trimmer & 1 Vehicle license application submitted by EB Property Service, LLC.

Adopted

- 30 [RES 13-2035](#) Approving adverse action against all licenses held by SPC Enterprises, Inc., d/b/a Station 4 at 201 Fourth Street East.

Adopted

FOR DISCUSSION

- 31 [RES PH 13-303](#) Approving the application of Kami Blackwell-Kinney, President, TCGIS-PTO, for a sound level variance in order to provide a DJ booth and sound system during the Twin Cities German Immersion School-PTO Annual Fundraising Event from 7:00 p.m. until 12:00 midnight on February 22, 2014 at 1031 Como Avenue. (Public hearing held December 4)

Councilmember Brendmoen said the District Council supported the application. She moved approval of the resolution.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

- 32 [RLH RR 13-40](#) Ordering the rehabilitation or razing and removal of the structures at 676 WELLS STREET within fifteen (15) days after the September 18, 2013, City Council Public Hearing. (Public hearing held September 18 and October 2; laid over from October 16 and November 20)

Legislative Hearing Officer Marcia Moermond requested a layover to March 5. She said the scope of work for the rehabilitation had been received from Dayton's Bluff Neighborhood Housing Services and bids were being sought.

Councilmember Bostrom moved to lay the matter over to March 5, 2014.

Laid over to March 5, 2014

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

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.

Second Reading

- 33 [Ord 13-64](#) Memorializing City Council action granting the application of Steven L and Jennifer E Virkus to rezone property at 814 Grand Avenue from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held November 6, 2013)

Laid over to January 2, 2014 for third reading

First Reading

- 34 [Ord 13-68](#) Memorializing City Council action granting the application of O'Reilly Automotive Stores Inc. to rezone property at 1653, 1655 and 1659 Huron Street from VP Vehicular Parking to B2 Community Business District, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held December 4, 2013)

Laid over to January 2, 2014 for second reading

Council members shared information about upcoming events in their wards.

The Council recessed at 3:42 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:32 p.m.

Council President Lantry excused

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

Councilmember Brendmoen arrived after roll call.

- Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert
- Absent** 1 - City Council President Kathy Lantry

- 35** [RES PH 13-308](#) Approving the petition of Associated Bank to vacate the alley in Cardigan's Re-Arrangement near Snelling Avenue and Dayton Avenue.
- No one appeared in opposition; Councilmember Thao moved to close the public hearing and approve the resolution.*

Adopted

- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - City Council President Lantry

- 36** [PH 13-21](#) Public hearing to consider the application of Gracewood Assisted Living to rezone the property at 1388 Prior Avenue South on the corner of Norfolk Street, from R3 One-Family Residential to RM2 Multi-Family Residential.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*

Motion of intent - Application granted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

37 [RES PH 13-239](#) Adding 1455 Fulham Street to Residential Permit Parking Area 2.

Councilmember Stark introduced an amendment adding an additional segment of the east side of Fulham to the permit parking area. Yeas - 7 Nays - 0

In opposition:

Charlotte Osborn (1471 Fulham Street) requested clarification of the changes. Elizabeth Stiffler, Public Works, read from the amended ordinance. Ms. Osborn said it was her understanding that it would be one parking permit per unit and not one additional for a visitor.

Pat Duffy, property owner at 1455 Fulham and applicant for the additional permit parking area, said he thought it was one permit per unit plus a single visitor permit for himself, the owner. Ms. Osborn said they had wanted to leave the end of the street out of the permit area so the property owner could park there rather than having a visitor permit.

Councilmember Stark moved to table the item while staff and residents could discuss the item outside of the chambers.

Following Item 57, Councilmember Stark moved to recall Item 37. Yeas - 6 Nays - 0

Ms. Stiffler said the ordinance should be corrected to allow one permit per unit plus one for the owner. Councilmember Stark moved that amendment. Yeas - 6 Nays - 0

No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution as amended.

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

38 [RES PH 13-307](#) Deeding land at Baker Community Center and Highwood Hills to the Saint Paul School District in exchange for land at the Rice/Wellstone School site.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

39 [RES PH 13-304](#) Approving the Energy Park Utility Company Schedule A.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

40 [RES PH 13-305](#) Approving year-end adjustments to the 2013 budget.

No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

41 [RES PH 13-309](#) Amending financing and spending plans in the Capital Improvement Budget to correct multiple capital project budgets.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 57 [RLH VO 13-67](#) Appeal of Jonah Ogiamien to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 506 SNELLING AVENUE NORTH. (Public hearing held December 18)

Legislative Hearing Officer Marcia Moermond said the revocation was due to long term noncompliance of orders. She said the property owner had indicated that the restaurant which was the major tenant was responsible for the repairs and was not making them. She recommended revocation of the Certificate of Occupancy.

In opposition:

Property owner Jonah Ogiamien (506-508 Snelling Avenue N.) said there were four businesses at the property and the only one he had a problem with was the restaurant. He said he was going to give them notice, and he asked that the Council give him more time to deal with the tenant. He said the building was better than others on the street, and wasn't being used for assembly at the moment.

Councilmember Stark asked Mr. Ogiamien whether he intended to make the corrections. Mr. Ogiamien said he did not use the space for assembly in 2011 or 2012, so he didn't need to fix the door. He said that there had been no problems before restaurant came.

Councilmember Stark said the issue was that, as the building owner, Mr. Ogiamien was responsible for bringing the building into compliance. Mr. Ogiamien said the lease listed items that needed to be addressed by the tenant, but the tenant was not doing them. He said he was going to evict the tenant.

Councilmember Stark asked Ms. Moermond whether there was a way to ensure the work got done. Ms. Moermond said her concern was that the repairs were not being done by the owner and wouldn't be made until after the tenant was evicted or the lease expired, which would be a long time. She asked that the work be done in the next couple of weeks or the occupants be ordered to vacate.

Councilmember Stark moved to close the public hearing and lay the matter over for two weeks to see whether there was a way to get something worked out with the tenant.

Public hearing held and closed; laid over to January 2, 2014

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

- 55 [RLH CO 13-34](#) Appeal of Robin Magee to a Correction Notice at 466 MARSHALL AVENUE.
- Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on January 7, 2014, and the Council public hearing be continued to January 15, 2014.*
- No one appeared in opposition; Councilmember Thao moved to continue the public hearing to January 15.*
- Referred to Legislative Hearings on January 7, 2014; Council public hearing continued to January 15, 2014**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - City Council President Lantry and Councilmember Thune

LEGISLATIVE HEARING CONSENT AGENDA

Note: Items listed under the Consent Agenda will receive a combined public hearing and be enacted by one motion with no separate discussion. Items may be removed from the Consent Agenda for a separate public hearing and discussion if desired.

Approval of the Consent Agenda (Items 42 - 63)

No one appeared in opposition; Councilmember Thao moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

- 42 [RLH RR 13-57](#) Ordering the rehabilitation or razing and removal of the structures at 444 BEACON AVENUE within fifteen (15) days after the December 18, 2013 City Council Public Hearing. (Public hearing continued from December 18)
- Public hearing continued to January 2, 2014**
- 43 [RLH VBR 13-67](#) Appeal of David Barlage to a Vacant Building Registration Renewal Notice at 810 BUFFALO STREET.
- Adopted**
- 44 [RLH VBR 13-63](#) Appeal of Craig Cooper to a Vacant Building Registration Notice at 888 CONCORDIA AVENUE.
- Adopted**

- 45 [RLH VBR 13-68](#) Appeal of Mike O'Rourke to a Vacant Building Registration Fee at 1585 CONWAY STREET.
Adopted
- 46 [RLH RR 13-48](#) Ordering the razing and removal of the structures at 521 EDMUND AVENUE within fifteen (15) days after the December 4, 2013, City Council Public Hearing. (Public hearing continued from December 4 and December 18)
Public hearing continued to January 15, 2014
- 47 [RLH FCO 13-246](#) Appeal of Robyn Sykes to a Fire Inspection Correction Notice at 100 EMPIRE DRIVE.
Adopted
- 48 [RLH FCO 13-259](#) Appeal of Linda McInerney to a Daycare Inspection Correction Notice at 66 FLANDRAU PLACE.
Adopted
- 49 [RLH VBR 13-66](#) Appeal of Aychoeun Tea, on behalf of owner Oudam Tun Tea, to a Vacant Building Registration Renewal Notice at 873 GALTIER STREET.
Adopted
- 50 [RLH FCO 13-243](#) Appeal of Luke Bickford on behalf of Tareyton Condominium Association to a Fire Inspection Correction Notice at 383 GRAND AVENUE.
Adopted
- 51 [RLH VBR 13-71](#) Appeal of Scott and Beth Jutila to a Vacant Building Registration Notice at 977 HAZELWOOD STREET.
Adopted
- 52 [RLH TA 13-723](#) Amending Council File RLH AR 13-68 to delete the assessment for Graffiti Removal Services from April 2 to May 13, 2013 at 2197 HUDSON ROAD. (File No. J1310P, Assessment No. 138409)
Adopted
- 53 [RLH FCO 13-245](#) Appeal of Blake Lehane to a Fire Inspection Correction Notice at 92 MAGNOLIA AVENUE WEST.
Adopted

- 54 [RLH FCO 13-255](#) Appeal of Kathleen Bausch to a Fire Inspection Correction Notice at 868 MARGARET STREET.
Adopted
- 56 [RLH VO 13-70](#) Appeal of Thomas Homes, Inc. to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 215 SHERBURNE AVENUE.
Adopted
- 58 [RLH FCO 13-251](#) Appeal of Sean Dunn, on behalf of Reverend Duane Hanson, to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 562 SNELLING AVENUE SOUTH.
Adopted
- 59 [RLH VBR 13-64](#) Appeal of Ruzhao Cheng and Jun Xiao to a Fire Inspection Code Compliance Notice Registered Vacant Building - Category 2 at 568 - 570 SNELLING AVENUE / 1566 - 1574 EDMUND AVENUE. (Public hearing continued from December 18 and January 2)
Public hearing continued to January 2, 2014
- 60 [RLH FCO 13-247](#) Appeal of Greg Oppedard to a Fire Inspection Correction Notice - Rescheduled Appointment at 667 SURREY AVENUE.
Adopted
- 61 [RLH VBR 13-62](#) Appeal of Michael Schleisman for Bank of America to a Vacant Building Registration Renewal Notice at 219 WHITE BEAR AVENUE NORTH.
Adopted
- 62 [RLH VO 13-61](#) Appeal of Philip Tobey to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 220 WINIFRED STREET WEST.
Adopted
- 63 [RLH VO 13-62](#) Appeal of Diamonte Hickerson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 35 WINNIPEG AVENUE.
Adopted

ADJOURNMENT

Meeting adjourned at 6:01 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

Council Meeting Information

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