



# 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 Russ Stark  
Councilmember Dai Thao  
Councilmember Dave Thune  
Councilmember Chris Tolbert*

Wednesday, December 4, 2013

3:30 PM

Council Chambers - 3rd Floor

### ROLL CALL

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

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

**Absent** 1 - Councilmember Dan Bostrom

### COMMUNICATIONS & RECEIVE/FILE

- 1     **CO 13-29**     Letter from the Department of Safety and Inspections declaring 349 Curtice Street East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

**Received and Filed**

**CONSENT AGENDA (Items 2 - 18)**

**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 2 - 18)**

*Item 12 was removed from the Consent Agenda and amended to add an indemnification clause.*

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

**Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 2      **RES 13-1908**      Approving the Mayor's appointment of Madonna McDermott to the Saint Paul - Ramsey County Joint Community Health Services Advisory Committee.  
**Adopted**
- 3      **RES 13-1921**      Authorizing the Mayor to execute a Joint Powers Agreement with the State of Minnesota to engage assistance as deemed necessary to complete an Entertainment Facilities Coordination Study and Report, and authorizing the acceptance of a contribution from the Minnesota Wild of \$25,000 toward the Entertainment Facilities Coordination Study.  
**Adopted**
- 4      **RES 13-1812**      Approving the City's cost of providing Collection of Vacant Building Fees billed September 10, 2012 to August 21, 2013, and setting date of Legislative Hearing for January 7, 2014 and City Council Public Hearing for February 19, 2014 to consider and levy the assessments against individual properties. (File No. VB1404, Assessment No. 148803)  
**Adopted**
- 5      **RES 13-1815**      Approving the City's cost of providing Property Clean Up Services from October 2 to 31, 2013, and setting date of Legislative Hearing for January 7, 2014 and City Council Public Hearing for February 19, 2014 to consider and levy the assessments against individual properties. (File No. J1404A, Assessment No. 148503)  
**Adopted**

- 6      **RES 13-1816**      Approving the City's cost of providing Trash Hauling Services from October 3 to 30, 2013, and setting date of Legislative Hearing for January 7, 2014 and City Council Public Hearing for February 19, 2014 to consider and levy the assessments against individual properties. (File No. J1404G, Assessment No. 148703)  
**Adopted**
- 7      **RES 13-1817**      Approving the City's cost of providing Graffiti Removal Services from October 8 to 12, 2013, and setting date of Legislative Hearing for January 7, 2014 and City Council Public Hearing for February 19, 2014 to consider and levy the assessments against individual properties. (File No. J1404P, Assessment No. 148403)  
**Adopted**
- 8      **RES 13-1842**      Authorizing the Fire Department to accept the donation of physical fitness equipment from the Saint Paul Fire Foundation for three fire stations.  
**Adopted**
- 9      **RES 13-1883**      Authorizing the Department of Parks and Recreation to expend an amount not to exceed \$15,000 for the purpose of providing refreshments, marketing materials, and other incentives for various activities, programs and events throughout 2014.  
**Adopted**
- 10     **RES 13-1906**      Initiating a study of zoning regulations pertaining to source-separated organics.  
**Adopted**
- 11     **RES 13-1841**      Approving the 2013-2014 Emergency Solutions Grant fund recipients.  
**Adopted**
- 12     **RES 13-1856**      Authorizing the Police Department to accept donated professional services time for Colby Reineke to produce an on-line version of the Police Department policy manual.  
**Adopted as amended (indemnification clause added)**  
**Yea:** 6 - Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert  
**Nay:** 0  
**Absent:** 1 - Councilmember Bostrom

13     **RES 13-1858**     Authorizing the Police Department to enter into a license agreement, which includes an indemnification clause, with Applied Simulation Technologies, Inc. for licenses to access EVOC-101 web based law enforcement training.

**Adopted**

14     **RES 13-1823**     Authorizing the Saint Paul Port Authority to submit a Minnesota Investment Fund application on behalf of Pearson Candy Company.

**Adopted**

15     **RES 13-1862**     Authorizing the proper City Officials to enter into agreement No. 14-1389 between the Department of Public Works and three individual property owners relating to the design, construction, and cost participation of the capital improvements to be made on Cayuga Street between Phalen Boulevard and Westminster Street.

**Adopted**

16     **RES 13-1891**     Approving adverse action against the Cigarette/Tobacco license held by Richard A. Stai, d/b/a 5th Street Convenience at 55 Fifth Street East.

**Adopted**

17     **RES 13-1907**     Memorializing City Council action taken on November 13, 2013, denying Saint Paul College's request for variances to install a dynamic sign on the northeast portion of the Saint Paul College campus abutting Kellogg Boulevard.

**Adopted**

18     **RES 13-1920**     Approving grant funds through Wards 3 and 4 Neighborhood STAR Year-Round Program for the Groveland Recreation Center Warming Room.

**Adopted**

*Councilmember Bostrom joined the meeting.*

**Present** 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

#### **FOR DISCUSSION**

19     **RES 13-1890**     Recognizing Karin DuPaul for her many years of service to the Dayton's Bluff Neighborhood and the City of Saint Paul.

*Council President Lantry said Ms. DuPaul had been honored on the occasion of her retirement at an earlier event that she and Councilmember Bostrom had attended. She spoke about Ms. DuPaul's work for the Dayton's Bluff neighborhood, and urged*

*the other Council members to read the resolution in its entirety. She moved approval of the resolution.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**20 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 asked whether anyone from the West Side Community Organization (WSCO) was present and whether they had taken a position on the issue.*

*Mason Wells, WSCO, stated that they had taken a position against the parking lot but had not taken a position regarding the Sustainable Building Policy. He said there were concerns within the organization that the building was not in the spirit if the Sustainable Building Policy because it was a temporary structure.*

*Councilmember Thune moved approval. He said he had spoken with Parks and felt they were flexible on the layout.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**21 RES 13-1588**

Amending the 1985 Highland Village Special District Sign Plan.

*Councilmember Tolbert moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**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**

**22 Ord 13-39**

Amending Legislative Code Chapter 64.750 pertaining to the Highland Village Special Sign District.

*Councilmember Tolbert moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**23 Ord 13-57**

Amending Legislative Code Chapters 63, 65, and 66 pertaining to alcohol production uses.

*Council members Stark and Brendmoen moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**24 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.

*Councilmember Brendmoen moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**25 Ord 13-55**

Amending Chapter 90 of the Saint Paul Legislative Code pertaining to deposits and charges for hydrant use permits.

*Councilmember Brendmoen moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**26 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 Tolbert moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**27 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)

*Councilmember Thao moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

*Council President Lantry welcomed Councilmember Thao.*

**First Reading**

**28 Ord 13-62**

Amending Chapter 366 of the Saint Paul Legislative Code to require recycling at all community festivals.

*Councilmember Tolbert moved to lay the matter over to January 8 for second reading to allow time for interested parties to weigh in and offer amendments.*

**Laid over to January 8, 2014 for second reading**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**29 Ord 13-63**

Amending Chapter 366A of the Saint Paul Legislative Code to require recycling at all parades, races or assemblies.

*Councilmember Tolbert moved to lay the matter over to January 8, 2014 for second reading.*

**Laid over to January 8, 2014 for second reading**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

*Council members shared information about upcoming events in their wards.*

*The Council recessed at 3:47 p.m.*

## **PUBLIC HEARINGS**

*The Council reconvened for public hearings at 5:30 p.m.*

**Present** 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

- 30 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)

*In opposition:*

*Neighbor Kris Anderson (1029 Van Slyke Avenue) said the school was not in compliance with off-street parking requirements and visitors to the school jaywalked. She said the school was already causing problems with the neighborhood.*

*Councilmember Brendmoen noted that the event was indoors and the variance request was unusual for an indoor event. She said the event could still go on without the variance.*

*In support:*

*Kari Swedberg (456 Ohio Street), PTO member and event planner, described the event. She said it would be held indoors and they'd applied for the sound variance because it was listed as necessary for events with a dee-jay, and they were trying to be thorough.*

*Councilmember Brendmoen moved to close the public hearing. Yeas - 7 Nays - 0*

*Councilmember Brendmoen moved a two week layover to allow time for District 10 to weigh in. She said she appreciated Ms. Anderson's frustrations but they could be addressed separately.*

**Public hearing held and closed; laid over to December 18 at 3:30 p.m.**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

- 31 PH 13-18** Public hearing to consider the application of O'Reilly Automotive Stores Inc to rezone properties at 1653, 1655, and 1659 Huron Street from VP Vehicular Parking to B2 Community Business District.

*No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and grant the application.*

**Motion of Intent - Application granted**



**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**32 RES PH 13-291** Amending the 2008 Bruce Vento Regional Trail Master Plan.

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

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**33 RES PH 13-293** Authorizing the City of Saint Paul, Parks and Recreation Department, to enter into a grant agreement with and provide indemnification for the State of Minnesota, Department of Transportation, to accept a \$799,880 FHWA High Priority grant for the Bruce Vento Trail, and to amend the budget to include additional monies.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

**34 RES PH 13-301** Amending the financing and spending plans in the Department of Public Works in the amount of \$815,922.50 in additional revenues, \$55,000.00 for transfer of appropriations in order to cleanup and realign projects.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

## LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 37 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)
- No one appeared in opposition; Councilmember Thao moved to continue the public hearing to December 18.*
- Public hearing continued to December 18**
- Yea:** 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen
- 
- 39 RLH RR 13-47** Ordering the rehabilitation or razing and removal of the structures at 838-840 GOODRICH AVENUE within fifteen (15) days (amended to one hundred and eighty [180] days) after the November 6, 2013, City Council Public Hearing. (Public hearing continued from November 6)
- Legislative Hearing Officer Marcia Moermond noted the amendment from a 15 day remove or repair to 180 days. She said all of the required materials had been submitted and she felt the property owner would do a great job.*
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (180 days to remove or rehabilitate the property)**
- Yea:** 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen
- 
- 42 RLH VO 13-54** Appeal of Sean Caffie to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 535 SMITH AVENUE SOUTH.
- Legislative Hearing Officer Marcia Moermond said the tenant had found housing beginning January 1; she recommended extending the deadline for vacation to that date.*
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (extension granted to January 1, 2014)**
- Yea:** 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen

## 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 36 - 42)

*No one appeared in opposition; Councilmember Thune 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, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

- 36    **RLH FCO**            Appeal of Vik Karr to a Re-Inspection Fire Certificate of Occupancy  
13-240                    with Deficiencies at 314-332 CHESTER STREET.  
**Adopted**
- 38    **RLH FCO**            Appeal of Robert Johnson to a Fire Inspection Correction Notice at  
13-244                    276 EXCHANGE STREET SOUTH.  
**Adopted**
- 40    **RLH VO 13-60**        Appeal of Chris Dewberry to a Revocation of Fire Certificate of  
Occupancy and Order to Vacate at 1940 REANEY AVENUE EAST.  
**Adopted**
- 41    **RLH VO 13-49**        Appeal of Wendy Jansen to a Notice of Condemnation as Unfit for  
Human Habitation and Order to Vacate at 610 ST. ALBANS STREET  
NORTH.  
**Adopted**

*The Council recessed at 5:43 p.m.*

## TRUTH IN TAXATION PUBLIC HEARING

*The Council reconvened at 6:30 p.m.*

**Present** 5 - Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao and Councilmember Dave Thune

**Absent** 2 - Councilmember Dan Bostrom and Councilmember Chris Tolbert

*Council members Bostrom and Tolbert arrived after roll call.*

**Present** 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

**35 PH 13-20**

Final Hearing on the proposed 2014 Budget and Tax Levy, aka Truth in Taxation hearing.

*Scott Cordes, Office of Financial Services, gave an overview of the proposed budget and taxes.*

*Testimony:*

*St. Paul resident Rich Neumeister said he saw a trend of STAR funds going to large projects, and he encouraged support of neighborhood projects. He expressed concerns about additions of market-rate housing in downtown at the expense of low-income and affordable housing. He discouraged spending on streetcar development, and encouraged care and transparency in Comcast negotiations, especially with regards to SPNN. He stressed the importance of making government documents available on the internet as well as providing information access points for those who didn't have internet access. He encouraged care in maintaining the inventory of the now-closed Highland Library branch, and encouraged expansion of the St. Paul library collection.*

*Councilmember Brendmoen expressed appreciation for Mr. Neumeister's participation and depth of knowledge.*

*Robin Madsen (1425 Arlington Avenue E.) commended everyone for their hard work on the budget. She encouraged the Council to include community members in the process of golf course privatization, and she encouraged support of the libraries.*

**Received and Filed**

## **ADJOURNMENT**

*Councilmember Thune moved adjournment.*

**Meeting adjourned at 6:46 p.m.**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

## **Council Meeting Information**

**The City Council is paperless which saves the environment and reduces expenses.**

**The agendas and Council files are all available on the Web (see below).**

**Councilmembers use iPads to review the files during the meeting. Using the iPad greatly reduces costs since most agendas, including the documents attached to files, are over 1000 pages when printed.**

**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)