



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
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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, November 19, 2014 3:30 PM Council Chambers - 3rd Floor

ROLL CALL

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

Council members Brendmoen, Thao, and Thune excused.

Present 4 - Councilmember Dan Bostrom, City Council President Kathy Lantry, Councilmember Russ Stark and Councilmember Chris Tolbert
Absent 3 - Councilmember Amy Brendmoen, Councilmember Dai Thao and Councilmember Dave Thune

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 14-66** Amending the 2014 budget of the CDBG Federal Grants Fund.

 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 2 - 11)

Councilmember Tolbert moved approval of the Consent Agenda.

Consent Agenda adopted

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

- 2 **RES 14-1984** Approving application to the United States Department of Housing and Urban Development for designation of a portion of the East Side as an Urban Promise Zone.
Adopted
- 3 **RES 14-1919** Deleting the assessment for Replacement of Lead Water Service Line on Private Property from April to June 2014 at 1146 Seventh Street East. (File No. 1403LDSRP, Assessment No. 144002)
Adopted
- 4 **RES 14-1923** Approving the City's cost of providing Collection of Certificate of Occupancy Fees billed July 14 to August 15, 2014, and setting date of Legislative Hearing for December 16, 2014 and City Council Public Hearing for February 4, 2015 to consider and levy the assessments against individual properties. (File No. CRT1504, Assessment No. 158203)
Adopted
- 5 **RES 14-1924** Approving the City's cost of providing Graffiti Removal services from August 13 to September 6, 2014, and setting date of Legislative Hearing for December 16, 2014 and City Council Public Hearing for February 4, 2015 to consider and levy the assessments against individual properties. (File No. J1502P, Assessment No. 158401)
Adopted
- 6 **RES 14-1925** Approving the City's cost of providing Boarding and/or Securing services during September 2014, and setting date of Legislative Hearing for December 16, 2014 and City Council Public Hearing for February 4, 2015 to consider and levy the assessments against individual properties. (File No. J1503B, Assessment No. 158102)
Adopted
- 7 **RES 14-1926** Approving the City's cost of providing Excessive Use of Inspection services billed June 21 to September 3, 2014, and setting date of Legislative Hearing for December 16, 2014 and City Council Public Hearing for February 4, 2015 to consider and levy the assessments against individual properties. (File No. J1503E, Assessment No. 158302)
Adopted
- 8 **RES 14-1981** Amending the 2014 Right-of-Way Maintenance Assessments to reduce the assessments for properties along brick alleys in select areas.
Adopted

9 **RES 14-1868** Authorizing the Fire Department to enter into a joint powers agreement with the City of Saint Anthony Village for the use of the Saint Paul Fire Department training facilities.

Adopted

10 **RES 14-1979** Creating the new classification of DSI Fire Safety Manager, occ code 510B, in EG 09, Grade 024.

Adopted

11 **RES 14-1961** Authorizing the City to enter into MnDOT Agreement No. 06386 with State of Minnesota, Department of Transportation for the reconstruction of 4th Street.

Adopted

FOR DISCUSSION

No items

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.

No items

SUSPENSION ITEM

Councilmember Stark moved suspension of the rules.

Rules suspended

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

Reconsideration

RES 14-1927 Memorializing a decision of the City Council granting the appeal of George and Wendy Caucutt of a decision of the Heritage Preservation Commission denying a building permit to replace front porch windows at 1621 Summit Avenue, which is located in the Summit Avenue West Heritage Preservation District.

Councilmember Stark said some technical changes had to be made to the resolution. He moved approval of the resolution as amended.

Adopted as amended

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

Councilmember Bostrom shared Thanksgiving wishes with the other Council members and with citizens.

Council members shared information about upcoming events in their wards.

The Council recessed at 3:33 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:31 p.m.

Council members Brendmoen, Thao, and Thune excused.

Present 4 - Councilmember Dan Bostrom, City Council President Kathy Lantry, Councilmember Russ Stark and Councilmember Chris Tolbert

Absent 3 - Councilmember Amy Brendmoen, Councilmember Dai Thao and Councilmember Dave Thune

12 Ord 14-39

Creating Chapter 373 of the Saint Paul Legislative Code pertaining to Transportation Network Companies.

Council President Lantry said the Department of Safety and Inspections (DSI) had been working very hard on the item and she thanked them for their work. She said the intent was to continue the public hearing until December 3 for a few additional changes.

Geoffrey Karls, Assistant City Attorney representing DSI, reviewed the amendments. Councilmember Tolbert moved the amendments. Yeas - 4 Nays - 0

In opposition:

Joel Carlson, representing Uber Technologies, said they would like further work on the section relating to data practices. He said they didn't feel the Data Practices Act provided adequate protection for trade secrets, and they would like time to try and resolve that issue.

David Dermer (390 Beacon Avenue) spoke on behalf of Citywide Taxi. He said all drivers should be subject to the same background checks, licensing criteria, and oversight. He said he felt insurance should be based on experience. He spoke about the importance of cab stands to the taxi industry.

Councilmember Tolbert moved to continue the public hearing to December 3.

Amended; Public Hearing continued to December 3

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

13 Ord 14-40

Amending Chapter 310 of the Saint Paul Legislative Code to add a license fee for Transportation Network Companies. (Public hearing continued from October 15 and November 19)

No one appeared in opposition; Councilmember Tolbert moved to continue the public hearing to December 3.

Public hearing continued to December 3

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

14 Ord 14-44

Amending Chapter 157 of the Saint Paul Legislative Code pertaining to parking requirements for larger vehicles.

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

Public hearing held and closed; laid over to December 3 for final adoption

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

15 Ord 14-45

Amending Chapter 161 of the Legislative Code to permit the Director of Public Works to declare a continuous winter parking restriction on non-snow emergency routes.

Councilmember Bostrom requested a brief staff report.

John Maczko, Public Works, said the ordinance gave the Director of Public Works the authority implement parking bans during winter months. He said the previous year the Mayor made a declaration of emergency and the council adopted a resolution to implement a parking ban, and this ordinance would allow the director of Public Works, after consultation, be able to implement parking bans if needed.

Councilmember Bostrom asked how much notice would be provided. Mr. Maczko said that would be set out within the declaration but it would be at least 48 hours.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing.

Public hearing held and closed; laid over to December 3 for final adoption

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

16 **Ord 14-46**

Amending Chapter 162 of the Legislative Code to permit the impounding of vehicles during a continuous winter parking restriction on non-snow emergency routes.

Councilmember Bostrom asked for a brief staff report. Council President Lantry stated that the ordinance allowed the impounding of vehicles parked on the wrong side of the street during a one-side parking ban. She said she had received a call from someone who was opposed to the Public Works Director having the authority to declare an emergency, and she noted that the decision would be made in consultation with others.

Public hearing held and closed; laid over to December 3 for final adoption

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

17 **RES PH 14-328**

Amending the financing and spending plans in the Fire Department in the amount of \$30,000 to accept a grant from the Jay and Rose Phillips Family Foundation of Minnesota for the Saint Paul EMS Academy.

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

Adopted

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

18 **RES PH 14-318**

Approving the use of Neighborhood STAR Year-round program funds including business subsidy requirements for renovations to the Highland and Grandview Theaters.

In opposition:

Amy Spong, Heritage Preservation Commission (HPC), noted an HPC resolution adopted on November 6 requesting additions or requirements to the resolution being considered. She reviewed the changes being sought.

Jeff Lotz (1845 St. Clair) expressed support for the HPC resolution, and presented a petition with 154 names of people in support of historic designation. He noted the City's investment in the theaters and encouraged the Council to seek protection for the theaters now rather than trying to avert a disaster later.

Rich Laffin (797 Lincoln Avenue) said the theaters were treasures in the neighborhood and he hoped the owners would use care in their renovations.

Steve Mann, one of the owners, said no architectural changes were planned and they were just making changes to make customers more comfortable. He said the changes already made to the front of the Grandview were the most tasteful and economical means of addressing a safety issue pointed out by the City.

Councilmember Tolbert moved to close the public hearing. Yeas - 4 Nays - 0

Councilmember Tolbert thanked everyone for their testimony and work. He said the Highland and Grandview were the last two operating movie theaters in the City of St. Paul. He said they had been in the Mann family for generations and he knew the Manns cared more about them than anyone else present and would do things tastefully and well. He moved approval.

Adopted

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

- 19 RES PH 14-321** Authorizing the Police Department to accept a grant in the amount of \$266,170 from the United States Department of Justice for the 2014 Edward Byrne Memorial Justice Assistance Grant.

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

Adopted

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

- 20 RES PH 14-323** Amending the 2014 financing and spending budgets for the Traffic Warehouse fund.

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

Adopted

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 30 RLH VO 14-59 Appeal of Delbert Moore to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 134 MARIA AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the Fire Certificate of Occupancy (CO) revocation resulting from noncompliance with a previous set of orders. She said the orders were issued in response to a complaint that the basement and garage were being rented illegally, and because of some police-related issues. She reviewed the violations found by the inspector. She said a CO was issued within the last year, and conditions had deteriorated since that certificate was issued. She recommended that the Council deny the appeal as no progress was made in the 10 days between the issuance of the orders and the deadline. She said she had little faith that the violations would be addressed. She said a separate appeal was coming forward related to the vacant building status. Council President Lantry confirmed that what was before the Council was the CO revocation and order to vacate.

In opposition:

Delbert Moore (1276 Macarthur, West St. Paul) said he had never insinuated to anyone that it was a triplex. He said someone had stayed in the basement one or two nights. He said he decided to tear the garage down rather than make the corrections and started the work without a permit, and now was unable to get a permit because of the vacant building situation. He said he couldn't ask tenants to leave without providing notice. He said he felt the inspector called out insignificant things. He showed a photo of a neighbor's garage and said others should be held to the same standards as he was. He spoke about one of the tenants who had been causing problems and said the sheriff had removed her.

Robert Daniels, tenant, said this situation had been very difficult. He said he had Stage 4 terminal lung cancer. He spoke about disputes with other tenants/neighbors who had lied about him. He said he'd lived in the house for 29 months and paid his rent. He said he loved the neighborhood and apartment, and Mr. Moore took good care of the apartment and was trying to comply. He suggested bringing in a management company and giving Mr. Moore a chance to get some training.

Mr. Moore addressed some specific items on the deficiency list. He said none of the items were health or life-threatening. He said he would take care of the building in a proper manner. He said he wished he would been notified of the police calls.

In support:

Louann Ryan (128 Maria Avenue), neighbor, said other neighbors had sent emails and some were afraid to testify due to fears of retaliation. She said the property had been a problem property since she moved into the neighborhood in 2000. She said Mr. Moore had problems associated with other properties, and it wasn't about the tenants but about Mr. Moore and his inability to maintain the property. She said the neighbors were expected to maintain their properties.

Council President Lantry moved to close the public hearing. Yeas - 4 Nays - 0

Council President Lantry moved to adopt the recommendation of the Legislative Hearing Officer. She said it was a complicated situation but the photographs in the file told the story, and having someone live in the basement represented an unacceptable safety risk. She cited recent fires involving illegal basement sleeping rooms. She said she had spoken with Mr. Moore within the last two weeks about expectations, and she noted that the property was still occupied and receiving police calls even though the vacate date had passed.

Adopted

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

31 RLH VO 14-58 Appeal of George Holdgrafer to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 841 MARION STREET.

Legislative Hearing Officer Marcia Moermond gave a staff report on the on the condemnation and order to vacate due to a water shut-off. She said the water meter needed to be replaced, and the property owner needed time to remove a deceased family member's belongings from the home. She said the property owner had been living elsewhere. She recommended denying the appeal as water was a basic requirement for habitation.

In opposition:

Property owner George Holdgrafer said he was a retiree on Social Security, was taking classes and tutoring at St. Paul College, and was a personal assistant for a friend with health problems who had no one else to care for him. He asked for an extension to January 5. He said in mid-December there was a school break and his friend would be cared for by relatives for the holiday, and he would have an opportunity to remove the items that had belonged to his parents.

Councilmember Tolbert moved to close the public hearing. Yeas - 4 Nays - 0

Council President Lantry moved to adopt Ms. Moermond's recommendation. She said she understood that there were constraints, but she didn't believe the Council should allow someone to live in a house without water service.

Adopted

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao 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 21 - 33)

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

Legislative Hearing Consent Agenda adopted as amended

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

- 21 **RLH CO 14-15** Appeal of Dennis Peabody to a Correction Notice at 1751 BUSH AVENUE.
Adopted
- 22 **RLH VO 14-57** Appeal of Lyle Rambo to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 877 CHARLES AVENUE.
Adopted
- 23 **RLH TA 14-646** Amending Council Files RLH AR 11-114 and RLH TA 11-462 to delete the assessment for Collection of Vacant Building Fees Services from August 2011 at 394 CLIFTON STREET. (File No. VB1201, Assessment No. 128800)
Adopted
- 24 **RLH TA 14-645** Amending Council File RLH AR 13-100 to delete the assessment for Collection of Vacant Building Fees billed January 7 to June 21, 2013 at 648 EDMUND AVENUE. (File No. VB1402, Assessment No. 148801)
Adopted
- 25 **RLH OA 14-30** Appeal of William T. Dillon to a Public Works letter denying an encroachment permit for a fence at 1401 ELEANOR AVENUE.
Public hearing continued to December 3
- 26 **RLH FCO**
14-161 Appeal of Nicholas Dillon to a Fire Certificate of Occupancy Approval with Corrections at 940 IROQUOIS AVENUE.
Adopted
- 27 **RLH TA 14-643** Amending Council File RLH AR 14-66 to delete the assessment for Boarding and/or Securing Services during May 2014 at 2026 LARRY HO DRIVE. (File No. J1411B, Assessment No. 148110)
Adopted
- 28 **RLH RR 14-19** Ordering the razing and removal of the structures at 747 LAWSON AVENUE EAST within fifteen (15) days after the November 19, 2014, City Council Public Hearing.
Adopted
- 29 **RLH FCO**
14-155 Appeal of Kyle Dalton for Asbury Real Estate to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1958 MARGARET STREET.
Public hearing continued to December 17
- 32 **RLH SAO 14-40** Appeal of Juliann Geis to a Summary Abatement Order at 1126 SUMMIT AVENUE.
Adopted

- 33 **RLH SAO 14-41** Appeal of Todd Erickson to a Vehicle Abatement Order at 2274
UNIVERSITY AVENUE WEST.
Adopted

ADJOURNMENT

Councilmember Stark moved adjournment.

Meeting adjourned at 6:26 p.m.

Yea: 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Thune

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