



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 Melvin Carter III
Councilmember Pat Harris
Councilmember Lee Helgen
Councilmember Russ Stark
Councilmember Dave Thune

Wednesday, May 4, 2011

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 5:30 p.m.

ROLL CALL

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

Present 6 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

Absent 1 - Councilmember Pat Harris

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.

Councilmember Thune moved approval of the Consent Agenda.

Consent Agenda adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

1 RES 11-823 Appointing Edward Dion to the Police Civilian Review Commission and Reappointing the current members Angela Burkhalter, Katherine Mary Cole, Robert McClain, Scott Swanson, and Lynn Wild to the Police Civilian Review Commission.

Sponsors: Lantry

Adopted

2 **RES 11-827** Accepting a \$1,000 grant from the Readers Digest "We Hear You America" Contest.

Sponsors: Lantry

Adopted

3 **RES 11-168** Authorizing the Department of Parks and Recreation to receive funding from a STAR Grant to financially support the Dunning Garage and Concession project at the Toni Stone Baseball Field in the Dunning Athletic Campus.

Sponsors: Carter III

Adopted

4 **RES 11-777** Authorizing the Department of Parks and Recreation to apply for and, if awarded, accept a grant from the Viking's Children Fund in the amount of \$25,000 to support and expand the 2011 summer meals programs for recreation centers and roaming recreation sites.

Sponsors: Lantry

Adopted

5 **RES 11-819** Authorizing the Department of Parks and Recreation to apply for and, if awarded, accept a grant in the amount of up to \$1400 offered by the Capital Region Watershed District for a Rain Barrel Building Workshop.

Sponsors: Lantry

Adopted

6 **RES 11-849** Authorizing the Fire Department to pay for all costs to host teacher training workshops for the Risk Watch injury prevention curriculum.

Sponsors: Lantry

Adopted

7 **RES 11-850** Authorizing the Fire Department to pay stipend costs for teachers attending a training workshop on the Risk Watch injury prevention curriculum.

Sponsors: Lantry

Adopted

8 **RES 11-810** Approving adverse action against the Massage Practitioner and Massage Practitioner-Additional Location licenses held by Stephen R. Parker d/b/a Stephen R. Parker located at 150 Cesar Chavez Street.

Sponsors: Thune

Adopted

9 RES 11-806 Approving adverse action against the Massage Practitioner license held by Christine J. Pitz d/b/a Christine J. Pitz for the premises located at 1600 University Avenue, Ste. 306.

Sponsors: Stark

Adopted

10 RES 11-809 Approving adverse action against the Cigarette/Tobacco license held by AM PM Gas d/b/a Marathon Market located at 719 Payne Avenue.

Sponsors: Bostrom

Adopted

11 RES 11-805 Approving adverse action against the Tree Trimmer & 1 Vehicle, and Tree Trimmer - Each Add'l Vehicle licenses held by A Tree Service and Landscape, Inc. d/b/a A Tree Service and Landscape, Inc. for the City of Saint Paul.

Sponsors: Lantry

Withdrawn

12 RES 11-807 Approving adverse action against the Food Vending Machine and Food Vending Machine Operator license applications submitted by The Vending Doctor, Inc. d/b/a Hospitality Vending for the City of Saint Paul.

Sponsors: Lantry

Adopted

13 RES 11-808 Approving adverse action against the Food Vehicle license held by Lunchtime d/b/a Lunchtime for the City of Saint Paul.

Sponsors: Lantry

Adopted

14 RES 11-824 Memorializing City Council action taken April 20, 2011 imposing adverse licensing action against Icon Recovery Corp. d/b/a Icon Auto Corp., and Icon Recovery Corp. d/b/a Icon Recovery Corp.

Sponsors: Stark

Adopted

FOR DISCUSSION

No discussion 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.

First Reading

15 Ord 11-32 Amending Chapter 64 of the Zoning Code pertaining to signs.

Sponsors: Thune

Laid over to May 11 for second reading

16 Ord 11-46 Amending Legislative Code Chapter 74 by enacting a new section designating the Jacob Schmidt Brewing Company Historic District as a Saint Paul Heritage Preservation Site.

Sponsors: Thune

Laid over to May 11 for second reading

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

17 Ord 11-48 Amending Chapter 38 of the Administrative Code by deleting Sec. 38.07(b) in its entirety for the purpose of allowing the City the option to negotiate when severance payments are made to employees who are represented by bargaining units and are due severance upon separation from the City.

Sponsors: Lantry

Laid over to May 11 for second reading

The meeting was recessed at 3:33 p.m. and reconvened for public hearings at 5:30 p.m.

PUBLIC HEARINGS

Present 6 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

Absent 1 - Councilmember Pat Harris

18 **Ord 11-40** Amending Charter Section § 7.10 regarding the Canvass of Election Returns.

Sponsors: Lantry

No one appeared in opposition; Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0

Laid over to May 11 for final adoption

19 **RES 11-790** Approving the application of Metropolitan Council for a sound level variance in order to allow Central Corridor Light Rail construction between 7:00 a.m. and 10:00 p.m. from May 5, 2011 to December 31, 2011 along University Avenue and abutting side street intersections from Emerald Street to Syndicate Street.

Sponsors: Carter III and Stark

Councilmember Stark moved to introduce an amendment to Item 9 on the resolution. Yeas – 6 Nays – 0

Bill Gunther, Department of Safety and Inspections (DSI), appeared. DSI received eight letters and e-mails opposing the noise variance. Five of them he would characterize as from people who live close to University Avenue. Stark's amendment would help address their concerns. One person feels 7:00 a.m. is too early and that 8:00 would be better. Another person thought 10:00 p.m. was a little late, and another was leery about blanket noise variances.

Jon Schumacher, 2183 Commonwealth Avenue, St. Anthony Park Community Foundation, appeared. He said from speaking to people in the construction area, their concerns are the number of times this would happen. Not everyone is happy about the judgment on some of the issues and he would argue for more control rather than allowing it to be "whenever." There are over 1,000 residents in this area and it would be good to have a guarantee that it's not going to be weeks-long or repeated times, he said.

Councilmember Stark moved to close the public hearing. Yeas – 6 Nays – 0

Stark said he appreciates the concern raised by Mr. Schumacher. He's satisfied that the process is set up so DSI will have the ability to use their judgment in determining whether or not the periods of time and locations for extended work are reasonable. He feels with the amendment they are in good shape for having a good amount of control. It would have been nice if the project office and the contractors would have had a better idea of exactly where and how long they were going to be doing construction but at this time they don't so given the circumstances and wanting to allow the project to keep moving and be on time, he felt they were in a good position.

Councilmember Stark moved approval as amended.

Adopted as Amended

Yea: 5 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Harris and Councilmember Helgen

- 20 **RES 11-838** Approving the application of the Minnesota Children's Museum for a sound level variance in order to present amplified speakers, videos, and band music from 6:00 p.m. until 10:30 p.m. on June 25, 2011 in a tent at 10 Seventh Street West. (Public hearing continued from May 4.)

Sponsors: Thune

Shari Moore, City Clerk, announced that due to publication issues, the public hearing on this resolution would be continued to May 18, 2011.

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to May 18.

Public hearing continued to May 18

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

- 21 **RES 11-742** Approving the use of assessment financing in accordance with City policy for installation of a fire protection system requested by August Ventures - Lowertown, LLC for 178 East 9th Street (File No. FP2010-05 Assmt. No. 115139).

Sponsors: Thune

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

- 22 **RES 11-516** Ratifying assessment for installation of a fire protection system at 178 East 9th Street as requested by the property owners, August Ventures - Lowertown, LLC (File No. FP2010-05 Assessment No. 115139).

Sponsors: Thune

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

- 23 **RES 11-514** Ratifying assessments for Replacement of Lead Water Service Line on private property in August 2010 at 1756 WELLESLEY AVENUE (File No. 1101LDSRP1, Asmt. No. 114932).

Sponsors: Lantry

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

- 24 **RES 11-603** Final Order approving construction of a sidewalk improvement along the north side of St. Anthony Avenue from Syndicate to Griggs.

Sponsors: Carter III

Margaret Jones, 1181 Portland Avenue, Executive Director of the Lexington-Hamline Community Council, urged that construction begin as soon as possible because a lot of children play in that area and also because there are a lot of neighbors in the Lexington-Hamline area who use the pedestrian bridge to get to various areas in the Midway and would benefit from having a sidewalk along that stretch.

Councilmember Carter moved to close the public hearing and approval.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

- 25 **RES 11-604** Final Order approving construction of a sidewalk improvement along the south side of Energy Park Drive from Raymond Avenue to Highway 280.

Sponsors: Stark

Ian McRoberts with McRoberts Real Estate, representing Fairview Health Services adjustments and occupied space at the McAfee Building on Energy Park Drive, said the request for sidewalks was a safety issue for their employees to gain access to public transportation at Raymond and Energy Park Drive. He said they appreciate the City working with them to get the sidewalks installed.

Councilmember Stark moved to close the public hearing and approval.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

LEGISLATIVE PUBLIC HEARING 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

Marcia Moermond, Legislative Hearing Officer, requested the Council remove items 28, 41, 42 and 43 from the Consent Agenda for discussion.

Councilmember Helgen moved approval of the Consent Agenda as amended.

Consent Agenda Adopted as Amended

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

RLH VO 11-8 Appeal of James Swartwood to a Condemnation and Order to Vacate 697 WESTERN AVENUE NORTH.

Sponsors: Carter III

Adopted

27 RLH SAO 11-6 Appeal of Emily Scholl to a Summary Abatement Order at 719 CHARLES AVENUE.

Sponsors: Carter III

Adopted

29 RLH SAO 11-7 Appeal of John Price to a Summary Abatement Order at 1265 JULIET AVENUE.

Sponsors: Harris

Adopted

30 **RLH FCO 11-24** Appeal of Jason Oberhamer, Cities Home Rentals, to a Fire Inspection Correction Notice at 793 COOK AVENUE EAST.

Sponsors: Bostrom

Adopted

31 **RLH FCO 11-29** Appeal of Joseph Ward to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1627 DARLENE STREET.

Sponsors: Bostrom

Adopted

32 **ALH 11-467** Appeal of David Boyd to a Fire Inspection Correction Notice at 1655 CRAIG PLACE.

Sponsors: Bostrom

Denied

33 **RLH FCO 11-26** Appeal of James Swartwood to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 726 FOURTH STREET EAST.

Sponsors: Lantry

Adopted

34 **RLH SAO 11-10** Appeal of Christian Huseby to a Vehicle Abatement Order at 136 BATES AVENUE.

Sponsors: Lantry

Adopted

35 **RLH CO 11-1** Appeal of Thai Lee to a Correction Notice-Complaint Inspection at 930 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Adopted

36 **RLH FOW 11-19** Appeal of Travis and Lisa Jensen to a Fire Inspection Correction Notice at 851 ALGONQUIN AVENUE.

Sponsors: Lantry

Adopted

37 **RLH FCO 11-25** Appeal of Kaye Prokosch to a Fire Inspection Correction Notice at 2061 MANITOU AVENUE.

Sponsors: Lantry

Adopted

- 38 RLH AR 11-8** Ratifying assessments for Collection of Vacant Building Fees in October 2010 at 336 FULLER AVENUE (File No. VB1103A, Asmt. No. 118047). (Laid over from 02/16/2011)
- Sponsors:** Carter III
- Adopted**
- 39 RLH AR 11-13** Deleting the assessment for Graffiti Removal on Private Properties from November 03 to November 24, 2010 at 1065 OTTO AVENUE (RE Project # J1108P and Assessment #118014).
- Sponsors:** Harris
- Adopted**
- 40 RLH AR 11-20** Ratifying assessments for Towing of Abandoned Vehicles from August to December 2010 (File No. J1102V, Asmt No. 118044).
- Sponsors:** Lantry
- Adopted**

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 28 RLH FCO 11-15** Appeal of Jorge A. Leon to a Fire Inspection Correction Notice at 1399 EDGCUMBE ROAD.
- Sponsors:** Harris

Marcia Moermond, Legislative Hearing Officer, said this is a Fire Certificate of Occupancy home. Three items were appealed: 1) the size of the egress windows which exit from the first floor bedrooms; 2) the height of the sill of the egress windows; and 3) the front door. The size of the egress windows is 22 inches x 45-1/2 inches. Because they are awning windows, there is a problem with the 22 inches and awning windows not being acceptable under the Fire Code or the Building Code as an exit window. It would have to be replaced with one that is a legal exit window. The sill is 56 inches from the floor and the Code requires that it be no higher than 48 inches. In this case, it would be required that at least one step, and maybe two, be installed so a person could climb on the step to get out the window. The issue with the door is the ease of it opening and closing. It is a large, heavy door with the handle located in the middle of the door. The Fire Inspector was not satisfied with how it operated. It was agreed in the Legislative Hearing that a good carpenter may be able to adjust the swing of the door and how it fits in the frame without rebuilding the locking mechanism in the door.

Ms. Moermond's recommendation on the awning windows is that they need to be replaced. There isn't a problem with the dimension of the opening, and that a step be installed, a variance on the sill height. If the door is repaired so it closes easily, she would recommend the appeal be granted on the door.

Jorge Leon and Alexandra Polo, property owners, said the handle on the door has been moved from the center to the side and the hinges were fixed. They have put stools in every bedroom for access to the windows. They said putting in sliding windows would reduce the size. Mr. Leon added that only two of the rooms are being used as sleeping spaces.

Councilmember Bostrom moved to close the public hearing. Yeas – 6 Nays – 0

Bostrom said putting in sliding windows reduces the opening by about half and said it would be easier getting in and out of an awning type.

Councilmember Bostrom moved to grant the appeal as amended.

Appeal granted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

- 41 RLH AR 11-10** Ratifying Assessments for Excessive Consumption of Inspection Services from December 16, 2010 to January 14, 2011 (File No. J1106E, Asmt No. 118051).

Sponsors: Lantry

Marcia Moermond, Legislative Hearing Officer, asked the Council to delete the assessment for 852 Jenks which is contained in Version 3 of the resolution.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval as amended.

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

- 42 RLH AR 11-9** Ratifying assessments for Boarding and Securing services in November 2010 (File No. J1105B, Asmt No. 118045).

Sponsors: Lantry

Marcia Moermond, Legislative Hearing Officer, stated no one was present to testify on this item. A letter was received the previous day regarding 1187 Edgerton Street pertaining to the boarding assessment in the amount of \$220.00. The owner noted there was a lock box on the door so the building was secure. The police report states that a neighbor called and was concerned because a window was broken open. When an officer went to the house, an additional window was found to be broken so the officer called a boarding contractor. Ms. Moermond recommended approval.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.

Ms. Moermond said this is embodied in Version 3 which has the new attachment but no changes in the resolution language.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

- 43 RLH AR 11-12** Ratifying assessments for Removal of Diseased and/or Dangerous Trees on Private Properties in January 2011 (File No. 1106T, Asmt No. 119096).

Sponsors: Lantry

Marcia Moermond, Legislative Hearing Officer, requested the Council delete the assessments for tree removal at 579 Bidwell and 127 Front. The change is in Resolution Version 3.

No one appeared in opposition; Council President Lantry moved to close the public hearing and approval as amended.

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Harris

ADJOURNMENT

Councilmember Thune moved to adjourn the meeting at 5:58 p.m.

Council Meeting Information

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 for meeting videos and updated copies of the Agendas, Minutes and supporting documents.

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