



# 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*

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Wednesday, March 2, 2011

3:30 PM

Council Chambers - 3rd Floor

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**Public Hearings will begin at 5:30 p.m.**

#### ROLL CALL

*Council President Lantry called the meeting to order at 3:30 p.m.*

**Present** 7 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

#### COMMUNICATIONS & RECEIVE/FILE

- 1      **CO 11-3**      Letters from the Department of Safety and Inspections declaring 600 Hatch Avenue, 604 Hatch Avenue, 1002 Conway Street and 1407-1415 Marshall Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
  
**Sponsors:**      Carter III, Helgen and Lantry  
  
**Received and Filed**
  
- 2      **CO 11-4**      Letters from the Department of Safety and Inspections declaring 763 4th Street E and 845 Agate Street as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
  
**Sponsors:**      Helgen and Lantry  
  
**Received and Filed**
  
- 3      **CO 11-5**      Letters from the Department of Safety and Inspections declaring 613 Minnehaha Ave E, 984 Minnehaha Ave E and 361 Jenks Ave as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
  
**Sponsors:**      Bostrom, Helgen and Lantry  
  
**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 and considered separately.**

*Councilmember Harris moved approval of the Consent Agenda.*

**Consent Agenda Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 4 RES 11-275** Authorizing the Police Department to enter into the a joint powers agreement with the Dakota County Criminal Justice Information Integration Network.

**Sponsors:** Lantry

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 5 RES 11-383** Approving the agreement for outside counsel services between the Public Works Department and Kennedy and Graven.

**Sponsors:** Lantry

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 6 RES 11-391** Authorizing the acceptance of three customized vehicle wrap purchases from Xcel Energy not to exceed \$7,500.

**Sponsors:** Lantry

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 7      **RES 11-410**      Authorizing the Police Department to enter into a joint powers agreement with the State of Minnesota allowing the Saint Paul Impound Lot to collect snow emergency parking violation citation fines on behalf of 2nd Judicial District Court.

**Sponsors:**      Lantry

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 8      **RES 11-430**      Approving the use of Neighborhood STAR Year-Round Program Funds to Capitol Guitars in Ward 2.

**Sponsors:**      Thune

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**FOR DISCUSSION**

- 9      **RES 10-532**      Ordering the owner to remove or repair the building(s) at 694-696 FOURTH STREET EAST within fifteen (15) days from adoption of resolution.

**Sponsors:**      Lantry

*Council President Lantry moved to lay over three months.*

**Laid over to June 1**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**SUSPENSION ITEM**

- Ord 11-26**      Amending the Legislative Code, Chapter 65, land use definitions and development standards, and Chapter 66, zoning district uses, pertaining to tobacco shops.

**Sponsors:**      Stark

*Councilmember Stark stated this is a first reading of an ordinance on the follow-up work to the tobacco shop moratorium that was put in place to look at some of the issues regarding the zoning definitions. It is staff recommendations on the creation of the definition of tobacco shops. It will be at the Planning Commission on March 4.*

**Laid Over to March 9 for second reading**

**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**

- 10      **Ord 11-12**      Amending Charter Section 7.04 regarding elections.

**Sponsors:**      Lantry

*Councilmember Helgen said this ordinance sets the filing date and changes the filing fee. He has concerns about both of these when election signs go up. If there is not a primary, some of the pre-primary work should be closer to the general election and that could be resolved through a later ordinance. As for the issue of the filing fee, he has deference to the work from Elections and the Charter Commission. They should make it easier for people to want to run instead of making it a barrier.*

*Councilmember Helgen moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 11      **Ord 11-13**      Amending Charter Section 2.05 regarding elected officials.

**Sponsors:**      Lantry

*Councilmember Stark moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 12      **Ord 11-14**      Amending Charter Section 4.01.3 regarding decennial redistricting.

**Sponsors:**      Lantry

*Councilmember Stark moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

### Second Reading

- 13      **Ord 11-21**      Memorializing City Council action taken on December 15, 2010, approving a rezoning from B3 General Business to RM2 Medium-Density Multiple-Family Residential of 1870 Old Hudson Road; public hearing held December 15, 2010.
- Sponsors:      Lantry
- Laid over to March 9 for third reading (public hearing held December 15, 2010)**

*The meeting was recessed from 3:38 to 5:50 p.m.*

### PUBLIC HEARINGS

- Present** 6 - Councilmember Dan Bostrom, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark
- Absent** 1 - Councilmember Melvin Carter III

- 14      **RES 11-357**      Approving the application of Visit Saint Paul for a sound level variance in order to allow a sound system for a concert between 2:00 p.m. and 10:00 p.m. on April 9, 2011 on an outdoor stage at the intersection of Kellogg Boulevard and West 7th Street.

Sponsors:      Thune

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

#### **Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 15      **RES 11-364**      Approving the application of Shamrocks/Meefy Beat Inc. for a sound level variance in order to present amplified band music from 2:00 p.m. until 11:00 p.m. on March 17, and from 5:00 p.m. until 11:00 p.m. on March 18 & 19, 2011 at 995 Seventh Street W.

Sponsors:      Thune

*Councilmember Thune asked if contact will be maintained with the neighbors of Shamrocks pertaining to the music and the response was that they will. Councilmember Thune moved to close the public hearing and approval.*

#### **Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

**16 RES 11-378** Approving the application of McSup LLC, dba Wild Tymes for a sound level variance in order to present amplified music from 11:00 a.m. until 7:00 p.m. on March 17, 2011 at 33 Seventh Place West.

**Sponsors:** Thune

*Bill Gunther, Department of Safety and Inspections, reported two negative comments were received pertaining to the live music. One was from Fresh Energy in the Hamm Building who questioned if the music could start later in the afternoon so it wouldn't interfere with their business. Mr. Gunther said they normally authorize an 85 decibel level but Wild Tymes has agreed to 80 decibels. Last year it was 90 dcb so the 80 will be a significant difference.*

*Appearing in opposition was Erin Stojan Ruceolo with Fresh Energy. She presented a letter from the executive director suggesting the music start indoors and move outside from 3:00 to 7:00 p.m. as it is very loud for them.*

*John McDonough with Wild Tymes appeared and said they have been doing this event for ten years and if they move it inside, it defeats the purpose. The speakers are directed toward the ground which should reduce the noise even further.*

*Ed Coleman of the Spectacle Shop appeared in support saying it's Downtown St. Paul, it's St. Patrick's Day and people should be able to enjoy themselves.*

*Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0*

*Thune said he was comfortable with the lower decibel level and the direction of the speakers but he will check on the sound level himself. The surrounding businesses should be able to carry on phone conversations.*

*Mr. McDonough added that the music actually moves inside at 5:00 p.m.*

*Councilmember Thune moved approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 17      **RES 11-153**      Approving the assessment of benefits, cost and expenses for the installation of a fire protection system on the 3rd floor of the Lowry Hotel, located at 345 Wabasha Street.

File No. FP2010-02 Assessment No. 105131

**Sponsors:**      Thune

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 18      **RES 11-346**      Amending the financing and spending plans in the Saint Paul Regional Water Services 2010 Adopted Budget in the amount of \$668,300 in reimbursable spending for SPRWS work related to Metropolitan Councils Light Rail project, as recommended and requested by Board Resolution No. 7097.

**Sponsors:**      Harris

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 19      **RES 11-186**      Amending the financing and spending plans in the Fire Department in the amount of \$10,000.00 for the 2008 Metropolitan Medical Response System (MMRS) Grant.

**Sponsors:**      Lantry

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 20      **RES 11-218**      Amending the financing and spending plans in the 2005 Capital Improvement Projects - New Fire Station 8 and 2009 Capital Maintenance Program - Fire in the amount of \$20,000.00 for fire station window replacement.

**Sponsors:**      Lantry

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

**LEGISLATIVE PUBLIC HEARINGS**

- 21      **RES 11-80**      Ratifying Vacant Building fees re-invoiced in November 2010. (File No. VB1104 and Assessment #118003)

**Sponsors:**      Lantry

*Marcia Moermond, Legislative Hearing Officer, recommend the City Council delete the assessment for 2044 Reaney and said the amendment is drafted as a new version.*

*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 Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 22      **RES 11-81**      Ratifying Collection of Certificate of Occupancy Fees (Re-Invoiced) November, 2010. (File No. CRT1103)

**Sponsors:**      Lantry

*Marcia Moermond, Legislative Hearing Officer, recommended the Council delete the assessment for 255 E. 6th Street and said the amendment is in a new version of the resolution.*

*Councilmember Thune moved to close the public hearing and approval as amended.*

**Adopted as Amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark



**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 23 RES 11-82** Ratifying Trash Hauling assessments for work done on private property from November 3 to November 24, 2010 [RE Project #J1105G and Assessment #118013].

**Sponsors:** Lantry

*Marcia Moermond, Legislative Hearing Officer, recommended the City Council delete the assessment for 796 Concordia Avenue.*

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 24 RES 11-83** Ratifying Graffiti Removal assessments for work done on private properties from November 03 to November 24, 2010 (RE Project # J1108P and Assessment #118014)

**Sponsors:** Lantry

*Marcia Moermond, Legislative Hearing Officer, reported there were no changes to the resolution.*

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 25 RES 11-84** Ratifying Demolition of Vacant Building(s) in October 2010 (Non-CDBG Funds). [File No. J1105C]

**Sponsors:** Lantry

*Marcia Moermond, Legislative Hearing Officer, reported there were no changes to the resolution.*

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

**26 RES 11-93** Ratifying emergency boarding assessments for work done on private property in October 2010 [RE Project #J1104B and Assessment #118026].

**Sponsors:** Lantry

*Marcia Moermond, Legislative Hearing Officer, reported there were no changes to the resolution.*

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

**27 RES 11-125** Ratifying property clean-up assessments for work done on private property from August 31 to September 16, 2010. [J1104A] Laid over from January 19th

**Sponsors:** Thune

*Marcia Moermond, Legislative Hearing Officer, said changes were made to the resolution including the deletion of the assessment for 1152 Reaney Avenue.*

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 28      **RES 11-420**      Ratifying Emergency Boarding and Securing services on September 30, 2010 at 843 Edmund Ave. (File No. J1102B2, Asmt No. 118046) <Layover from 02/16/2011>

**Sponsors:**      Lantry

*Marcia Moermond, Legislative Hearing Officer, recommended the assessment be deleted.*

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

- 29      **RES 11-423**      Ratifying Property Clean Up services on Private Property on November 19, 2010 at 525-527 Charles Ave. (File No. J1108A1, Asmt No. 118049) <Layover from 02/16/2011>

**Sponsors:**      Lantry

*Marcia Moermond, Legislative Hearing Officer, reported there were no changes to the resolution.*

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

30 ALH 10-563 Appeal of Don Frable to a Fire Inspection Correction Notice at 1187 WOODBRIDGE AVENUE.

**Sponsors:** Helgen

*Marcia Moermond, Legislative Hearing Officer, said the majority of issues with this property have been taken care of but what remains is the ceiling height in the upper unit. The ceiling is not high enough to provide adequate headroom in case of an emergency. Reflective signage has been put up to make emergency personnel aware of the low ceiling. It would be very expensive to raise the ceiling, she said.*

*Councilmember Helgen said the property owner has been cooperative with cleaning up the property and there aren't a lot of other concerns. He moved to close the public hear. Yeas - 6 Nays - 0*

*Councilmember Helgen moved to grant the appeal and allow a variance on the ceiling.*

**Appeal Granted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

31 ALH 11-154 Appeal of Victoria Richie to a Fire Inspection Correction Notice at 1641 CONWAY STREET.

**Sponsors:** Lantry

*Marcia Moermond, Legislative Hearing Officer, said the egress windows in the bedrooms measure 15-1/2 inches high x 33 inches wide and the code requirement is 24 inches high x 20 inches wide so it's a significant shortfall. She said she has never recommended the Council approve anything below 16 inches.*

*Victoria Richie, property owner, showed the Council a photo and said the windows are much wider than they need to be.*

*Council President Lantry moved to grant the appeal.*

**Appeal Granted**

**Yea:** 5 - Councilmember Bostrom, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Carter III and Councilmember Harris

**ADJOURNMENT**

*Councilmember Helgen moved to adjourn the meeting at 5:56 p.m.*

**Meeting adjourned**

**Yea:** 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Carter III

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