



# 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 Nathaniel Khaliq**  
**Councilmember Russ Stark**  
**Councilmember Dave Thune**  
**Councilmember Chris Tolbert**

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Wednesday, September 18, 2013

3:30 PM

Council Chambers - 3rd Floor

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### Public Hearings at 5:30 p.m.

#### ROLL CALL

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

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

*Councilmember Tolbert arrived after roll call.*

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

#### 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 1 - 29)

*Items 25 and 27 were withdrawn. Councilmember Brendmoen moved approval of the Consent Agenda as amended.*

#### Consent Agenda adopted as amended

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

**Nay:** 0

- 1     **RES 13-1437**     Approving the Mayor's reappointment of George Fremder to serve on the District Energy Board of Directors.

**Adopted**
- 2     **RES 13-1438**     Approving the Mayor's reappointments of Dave Haley, Betsy Mowry, and Salina Vang to serve on the Parks and Recreation Commission.

**Adopted**
- 3     **RES 13-1407**     Approving the gift of airfare and hotel accommodations from Minnesota Philanthropy Partners for Mayor's staff member Nancy Homans to serve as a panelist at The Integration Initiative meetings in Chicago, October 8-10, 2013.

**Adopted**
- 4     **Min 13-34**         Approving the minutes of the July 24, August 7 and 14, 2013 City Council meetings.

**Adopted**
- 5     **RES 13-1399**     Amending the membership of the Comcast Cable Franchise committee.

**Adopted**
- 6     **RES 13-1326**     Approving the use of assessment financing in accordance with City policy for the installation of a fire protection system requested by Joseph Commers for 2505 University Avenue West. (File No. FP2013-01, Assessment No. 137100)

**Adopted**
- 7     **RES 13-1394**     Accepting a license agreement between the City of Saint Paul and the BNSF Railway Company for an underground force main on BNSF property.

**Adopted**
- 8     **RES 13-1267**     Approving the City's cost of providing Collection of Certificate of Occupancy Fees from May 27 to June 28, 2013, and setting date of Legislative Hearing for October 22, 2013 and City Council Public Hearing for January 2, 2014 to consider and levy the assessments against individual properties. (File No. CRT1402, Assessment No.148201)

**Adopted**

- 9      **RES 13-1375**      Approving the City's cost of providing Repair of Sanitary Sewer Line on private property from June to August 2013, and setting date of City Council Public Hearing for October 16, 2013 to consider and levy the assessments against individual properties. (File No. SWRP1304, Assessment No. 133003)
- Adopted**
- 10     **RES 13-1376**      Approving the City's cost of providing Replacement of Lead Water Service Line on private property from June to August 2013, and setting date of City Council Public Hearing for October 16, 2013 to consider and levy the assessments against individual properties. (File No. 1304LDSRP, Assessment No. 134003)
- Adopted**
- 11     **RES 13-1409**      Authorizing the Fire Department to enter into an agreement with the Minnesota State Agricultural Society to provide fire, emergency ambulance and paramedics service, and hazardous materials response to the State Fairgrounds.
- Adopted**
- 12     **RES 13-1112**      Approving the Maintenance Labor Agreement (May 1, 2013 - April 30, 2016) between the City of Saint Paul and the International Union of Painters and Allied Trades, District Council 82.
- Laid over to September 25 for adoption**
- 13     **RES 13-1332**      Approving the ISD #625 Maintenance Labor Agreement for the United Union of Roofers, Waterproofers and Allied Workers, Local Union No. 96 (May 1, 2013 - April 30, 2016); and the 2013 - 2014 Terms and Conditions of Employment Memorandum of Agreement between ISD #625 and the Twin City Glaziers, Architectural Metals and Glass Workers, Local 1324 (June 1, 2013 - May 31, 2014).
- Adopted**
- 14     **RES 13-1318**      Authorizing the Horticulture Department at the Marjorie McNeely Conservatory to apply for, and if awarded, to accept a grant of up to \$400 from the Mid-America Orchid Congress for the purchase of species orchid plants in the year 2014.
- Adopted**
- 15     **RES 13-1382**      Authorizing the Police Department to enter into an agreement with the State of Minnesota, Dakota County Technical College, to provide facility rental for law enforcement training.
- Adopted**

- 16    **RES 13-1386**    Authorizing the Police Department to enter into the Joint Powers Agreement with the State of Minnesota, Bureau of Criminal Apprehension (BCA) to join the multi-agency ICAC task force.  
**Adopted**
- 17    **RES 13-1387**    Authorizing the Police Department to enter into a Joint Powers Agreement with the Anoka County Sheriff's Office to establish procedures and responsibilities for reimbursement for their participation in the Gerald D. Vick Human Trafficking Task Force.  
**Adopted**
- 18    **RES 13-1388**    Authorizing the Police Department to enter into a Joint Powers Agreement with the City of Rochester Police Department to establish procedures and responsibilities for reimbursement for their participation in the Gerald D. Vick Human Trafficking Task Force.  
**Adopted**
- 19    **RES 13-1389**    Authorizing the Police Department to enter into a Joint Powers Agreement with the City of Duluth Police Department to establish procedures and responsibilities for reimbursement for their participation in the Gerald D. Vick Human Trafficking Task Force.  
**Adopted**
- 20    **RES 13-1390**    Authorizing the Police Department to enter into a Joint Powers Agreement with the Ramsey County Sheriff's Office to establish procedures and responsibilities for reimbursement for their participation in the Gerald D. Vick Human Trafficking Task Force.  
**Adopted**
- 21    **RES 13-1373**    Setting the date of City Council Public Hearing for November 6, 2013 for 2014 Sanitary Sewer Rates and 2014 Storm Sewer System Charges.  
**Adopted**
- 22    **RES 13-1403**    Authorizing the City to enter into Mn/DOT Agreement No. 04426 with the State of Minnesota, Department of Transportation.  
**Adopted**
- 23    **RES 13-1370**    Approving a Liquor Outdoor Service Area (Patio) and Liquor Outdoor Service Area (Sidewalk) license with conditions for The Neighborhood Café (License ID #20120000960), 1570 Selby Avenue.  
**Adopted**

- 24 RES 13-1396** Approving special law to issue a Liquor On-sale license to Capitol Cafeteria, also known as the Rathskeller Café, located in the state capitol building.  
**Adopted**
- 25 RES 13-1429** Approving adverse action against the Cigarette/Tobacco license held by Rolu, LLC, d/b/a Mi Linda Tierra at 585 University Avenue West.  
**Withdrawn**
- 26 RES 13-1431** Approving adverse action against the Cigarette/Tobacco license held by Hanna T. Mamo, d/b/a United Grocery at 170 Grand Avenue.  
**Adopted**
- 27 RES 13-1425** Approving adverse action against the Malt Off Sale and Cigarette/Tobacco license applications submitted by Piassa, LLC, d/b/a Piassa Market at 512 North Snelling Avenue.  
**Withdrawn**
- 28 RES 13-1426** Approving adverse action against the Cigarette/Tobacco license held by Family Dollar Store, Inc. #6507 at 1990 Suburban Avenue.  
**Adopted**
- 29 RES 13-730** Requesting a Planning Commission study of zoning changes to the sign ordinance regarding murals, flexible dynamic display screens, and outdoor business signs.  
**Adopted**

**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**

- 30 Ord 13-43** Amending Appendix F, District Heating Franchise-District Energy St. Paul, Inc., to extend the term of the franchise to September 1, 2033.
- Laid over to September 25**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 31 Ord 13-45** Amending Appendix K, District Cooling Franchise-District Cooling St. Paul, Inc., to extend the term of the franchise to September 1, 2033.
- Laid over to September 25**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

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

*The Council recessed at 3:36 p.m.*

**PUBLIC HEARINGS**

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

- 32 RES PH 13-222** Approving the petition of David Brooks to right-of-way easement rights over a portion of a public alley in the block bounded by Wacouta Street, Wall Street, Sixth Street, and Seventh Street, for a pedestrian bridge.
- No one appeared in opposition; Councilmember Thune moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 33 RES PH 13-225** Approving the application of Sandy Schwarz, manager of Wild Tymes, for a sound level variance in order to present amplified music from 3:00 p.m. until 8:00 p.m. on September 28, 2013 at 33 Seventh Place West.

*Councilmember Thune said there had been complaints from other businesses about past events, and he moved to amend the decibel level limit to 80 dbA.*

*Yeas - 7 Nays - 0*

*No one appeared in opposition; Councilmember Thune moved approval of the resolution as amended.*

**Adopted as amended (80 dBA limit)**

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

Nay: 0

- 34 RES PH 13-193** Ratifying the assessment for the Hatch/Agate area paving/lighting project, constructed as part of the 2013 Residential Street Vitality Project (RSVP). (File No. 19138, Assessment No. 135202)

*No one appeared in opposition; Councilmember Brendmoen moved approval of the resolution.*

**Adopted**

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

Nay: 0

- 35 RES PH 13-230** Amending the financing and spending plans in the Police Department, Chief's Training Fund, in the amount of \$122,000 for the increase in training activities.

*No one appeared in opposition; Councilmember Brendmoen moved approval of the resolution.*

**Adopted**

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

Nay: 0

- 36 RES PH 13-231** Amending the financing and spending plans in the Police Department in the amount of \$87,217.95 for a grant from the Initial Teaching Alphabet Foundation (ITA) for use during the 2013-2014 school year.

*No one appeared in opposition; Councilmember Stark moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

- 37 RES PH 13-232** Establishing the financing and spending plans in the Police Department for a grant from Target Corporation in the amount of \$1,300 for the National Night Out event.

*No one appeared in opposition; Councilmember Thune moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

**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 38 - 58)**

*No one appeared in opposition; Councilmember Brendmoen moved approval of the Legislative Hearing Consent Agenda.*

**Consent Agenda adopted**

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

**Nay:** 0

- 38 RLH VO 13-43** Appeal of Kenneth Firkus to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 661 ASHLAND AVENUE.

**Adopted**



- 39 RLH FCO 13-212** Amending Council File RLH FCO 12-557, adopted October 13, 2012, to grant Cyrus Irani an additional extension for property at 1842 ASHLAND AVENUE.  
**Adopted**
- 40 RLH VBR 13-50** Appeal of Donald Klemmer to a Vacant Building Registration Notice and Summary Abatement Order at 1060 AVON STREET NORTH.  
**Adopted**
- 41 RLH RR 13-38** Ordering the rehabilitation or razing and removal of the structures at 989 BURR STREET within fifteen (15) days after the August 21, 2013, City Council Public Hearing. (Public hearing continued from August 21) (To be laid over to October 8, 2013 Legislative Hearing and October 16, 2013 City Council Public Hearing)  
**Public hearing continued to October 16**
- 42 RLH TA 13-535** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306E1, Assessment No. 138308 at 1741 BUSH AVENUE.  
**Adopted**
- 43 RLH SAO 13-35** Appeal of Robert Madrigal to a Vehicle Abatement Order at 1779 CARROLL AVENUE.  
**Adopted**
- 44 RLH FCO 13-196** Appeal of Mai Kou Vang to a Fire Inspection Correction Notice at 1751 CLEAR AVENUE.  
**Adopted**
- 45 RLH FCO 13-193** Appeal of Dale and Nancy Lapakko to a Notice of Incomplete Student Housing Registration Application at 2075 DAYTON AVENUE.  
**Adopted**
- 46 RLH SAO 13-38** Appeal of Rebecca Bertini to a Summary Abatement Order at 872 DULUTH STREET.  
**Adopted**
- 47 RLH AR 13-78** Ratifying the assessments for Demolition Services during May 2013 at 924 ELEANOR AVENUE. (File No. J1313C, Assessment No. 132016)  
**Adopted**

- 48    **RLH SAO 13-36**    Appeal of John Knowles to a Summary Abatement Order at 750 FOURTH STREET EAST.  
**Adopted**
- 49    **RLH FOW 13-11**    Appeal of Lisa Lambert to a Correction Notice - Foster Care Inspection at 1964 FREMONT AVENUE.  
**Adopted**
- 50    **RLH FCO 13-218**    Appeal of Doug Ouimet to a Correction Notice-Complaint Inspection at 1467 SEVENTH STREET EAST.  
**Adopted**
- 51    **RLH TA 13-488**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1312B, Assessment No. 138114 at 1849 SEVENTH STREET EAST.  
**Adopted**
- 52    **RLH SAO 13-37**    Appeal of Daniel Simmer to a Summary Abatement Order and Vehicle Abatement Order at 2036 SHERWOOD AVENUE EAST.  
**Adopted**
- 53    **RLH AR 13-79**    Ratifying the assessments for Tree Removal Services during May 2013 at 1260 SUMMIT AVENUE. (File No. 1307T, Assessment No. 139008)  
**Adopted**
- 54    **RLH TA 13-534**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 1039 THIRD STREET EAST. (Amended to delete the assessment, and to new File No. J1311A1, Assessment No. 138540)  
**Adopted as amended (assessment deleted)**
- 55    **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 continued from September 18)  
**Referred to Legislative Hearings on September 24; Council public hearing continued to October 2**
- 56    **RLH RR 13-43**    Granting a stay in the enforcement of Council File No. RLH RR 13-26, an Order to Remove or Repair the Structures at 217-219 WHITE BEAR AVENUE NORTH.  
**Adopted**

- 57    **RLH AR 13-76**    Ratifying the assessments for Boarding and/or Securing Services during May 2013. (File No. J1312B, Assessment No. 138114)  
**Adopted as amended (800 Iowa Avenue West removed from the assessment roll for separate consideration)**
- 58    **RLH AR 13-77**    Ratifying the assessments for Graffiti Removal Services from May 29 to June 3, 2013. (File No. J1312P, Assessment No. 138411)  
**Adopted**

#### **ADJOURNMENT**

*Councilmember Brendmoen moved adjournment.*

**Meeting adjourned at 5:36 p.m.**

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

**Nay:** 0

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