



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

Wednesday, July 24, 2013

3:30 PM

Council Chambers - 3rd Floor

Public hearings at 5:30 p.m.

There will be no meeting on July 31, the fifth Wednesday of the month.

ROLL CALL

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

Councilmember Stark excused

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

Absent 1 - Councilmember Russ Stark

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 13-19** Letters from the Department of Safety and Inspections declaring 157 Atwater Street and 979 Maryland Avenue East as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

 Received and Filed

- 2 **AO 13-25** Amending the financing and spending plans in the Police Department special fund in the amount of \$209,000 for an approved grant adjustment received for the 2012 Port Security grant.

 Received and Filed

- 3 **AO 13-24** Amending the 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 4 - 32)**Consent Agenda adopted**

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 4 RES 13-1063** Approving the Mayor's appointment of James McClean and the reappointments of Jacquelyn Carpenter, Michael Chanaka, Robert de la Vega, and Amy Brendmoen to serve on the Workforce Investment Board.
Adopted
- 5 Min 13-28** Approving the minutes of the June 19 and 26, 2013 City Council meetings.
Adopted
- 6 RES 13-1091** Accepting a travel scholarship from the Citizens League for Noel Nix, Legislative Aide to Councilmember Nathaniel Khaliq, to attend the Generation Now Leadership visit in Milwaukee, WI, August 14-16, 2013.
Adopted
- 7 RES 13-1058** Approving an agreement between the City of Saint Paul and Chevron Corporation for the City's purchase of a 9-acre parcel of vacant land along the Mississippi River for park purposes.
Adopted
- 8 RES 13-1051** Preliminary Order setting the date of Public Hearing for August 21, 2013 to consider approval of the Seventh Place Mall operation and maintenance costs for 2013. (File No. 18428-14 Assessment No. 147200)
Adopted

- 9 RES 13-960** Preliminary Order setting the date of Public Hearing for August 21, 2013 to consider approval of the Places to Park operation and maintenance costs for 2015. (File No. 18744-14 and 18746-14, Assessment No. 147201 and 147202)
Adopted
- 10 RES 13-957** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for benefits, costs, and expenses for the Arcade/Case and the Grand/Snelling parking lots operation and maintenance costs for 2014. (File No. 18744-13 and 18746-13, Assessment No. 137201 and 137202)
Adopted
- 11 RES 13-1005** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for improving safety on St. Anthony Avenue and Syndicate Street by improving the lighting levels. (File No. 19133, Assessment No. 125101)
Adopted
- 12 RES 13-1049** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for benefits, costs and expenses for the Seventh Place Mall operation and maintenance costs for 2012. (File No. 18428-13 Assessment No. 137200)
Adopted
- 13 RES 13-1007** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for installing above standard street lighting on Maryland Avenue from Albemarle Street to Park Street. (File No. 19084, Assessment No. 105125)
Adopted
- 14 RES 13-1024** Approving the City's cost of providing Collection of Vacant Building Fees Services billed August 21, 2012 to April 19, 2013, and setting date of Legislative Hearing for August 20, 2013 and City Council Public Hearing for October 2, 2013 to consider and levy the assessments against individual properties. (File No. VB1312, Assessment No. 138819)
Adopted

- 15 RES 13-1027** Approving the City's cost of providing Property Clean Up Services from June 5 to July 1, 2013, and setting date of Legislative Hearing for August 20, 2013 and City Council Public Hearing for October 2, 2013 to consider and levy the assessments against individual properties. (File No. J1312A, Assessment No. 138535)
Adopted
- 16 RES 13-1028** Approving the City's cost of providing Trash Hauling Services from June 5 to June 26, 2013, and setting date of Legislative Hearing for August 20, 2013 and City Council Public Hearing for October 2, 2013 to consider and levy the assessments against individual properties. (File No. J1312G, Assessment No. 138714)
Adopted
- 17 RES 13-1029** Approving the City's cost of providing Graffiti Removal Services from June 8 to June 22, 2013, and setting date of Legislative Hearing for August 20, 2013 and City Council Public Hearing for October 2, 2013 to consider and levy the assessments against individual properties. (File No. J1313P, Assessment No. 138412)
Adopted
- 18 RES 13-1038** Approving the City's cost of providing Boarding and/or Securing Services during June 2013, and setting date of Legislative Hearing for August 20, 2013 and City Council Public Hearing for October 2, 2013 to consider and levy the assessments against individual properties. (File No. J1313B, Assessment No. 138115)
Adopted
- 19 RES 13-1053** Approving the Collective Bargaining Agreement (January 1, 2013 - December 31, 2015) between the City of Saint Paul and Saint Paul Supervisors' Organization (SPSO), and the Memorandum of Agreement to establish a procedure to document and pay for attorney license if required and establish funding of uniforms.
Laid over to August 7 for adoption
- 20 RES 13-1086** Authorizing the Department of Parks and Recreation to submit a Redevelopment Grant Application through the Minnesota Department of Employment and Economic Development (DEED), Brownfields and Redevelopment Office, for the Lowertown Ballpark Project, and to enter into such agreements as are necessary to implement the project.
Adopted

- 21 RES 13-1087** Authorizing the Department of Parks and Recreation to apply for funds from the Capitol Region Watershed District's 2014 Special Projects Grant Program for the Lowertown Ballpark project, and to apply for grants to other agencies and groups as needed for any matching amounts required, and if funds are granted, authorizing the proper City of Saint Paul authorities to execute grant agreements in compliance with all applicable laws, and authorizing staff to apply for reimbursement from the grant funds approved for the projects herein.
- Adopted**
- 22 RES 13-999** Authorizing the Department of Parks and Recreation to apply for a grant through the Federal Clean Water Act Section 319 Grant Program for use in the Trout Brook Nature Sanctuary, and to enter into such agreements as are necessary to implement the project.
- Adopted**
- 23 RES 13-1082** Authorizing the Department of Planning and Economic Development to apply to the Minnesota Department of Employment and Economic Development (DEED) for redevelopment grants for the former Hospital Linen site and Model Cities Brownstone projects.
- Adopted**
- 24 RES 13-1055** Authorizing the Police Department to enter into a Joint Powers Agreement with the Metropolitan Transit Police Department.
- Adopted**
- 25 RES 13-1059** Authorizing the Police Department to enter into an agreement with the US Department of Justice, Drug Enforcement Agency (DEA), to participate in their DEA task force.
- Adopted**
- 26 RES 13-1037** Approving the agreement between Richard and Nancy Nicholson, owners of real property located at 260 Summit Avenue, and the City of Saint Paul, in the amount of \$82,418.25 for transfer of ownership of Walnut Street Stairway and a masonry brick wall.
- Adopted**
- 27 RES 13-1078** Authorizing the City to enter into a Cooperative Agreement, Agreement PW 2012-27, by and between the City and Ramsey County.
- Adopted**

- 28 RES 13-1077** Authorizing the City to enter into Cooperative Construction Agreement 00769, Amendment Number 1, with Minnesota Department of Transportation.
Adopted
- 29 RES 13-1068** Waiving the 45 day notice requirement for issuance of on-sale licenses, and approving Liquor On Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor On Sale - 101-180 Seats, and Entertainment (B) licenses for Tri Inc., d/b/a Pupraya Thai Restaurant, 945 Rice Street (License ID # 20130002576).
Adopted
- 30 RES 13-1067** Waiving the 45 day notice requirement for issuance of on-sale licenses, and approving a Liquor On Sale - Sunday license for the Minnesota Historical Society at the Minnesota History Center, 345 Kellogg Boulevard West (License ID # 0082059).
Adopted
- 31 RES 13-1069** Waiving the 45 day notice requirement for issuance of on-sale licenses, and approving an Liquor On Sale - 101-180 Seats license for Edevelopment LLC, d/b/a Schweitz's Saloon, 956 Payne Avenue (License ID #20120002446).
Adopted
- 32 RES 13-1057** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for a Second Hand Dealer - Motor Vehicle, and Auto Repair Garage licenses, for Carver Auto Sales Inc. (I.D. #20130002243), d/b/a Carver Auto Sales Inc., 1328 Point Douglas Road South.
Adopted

FOR DISCUSSION

- 33 RES 13-938** Authorizing the City to enter into a Cooperative Agreement, PW 2012-32, by and between the City and Ramsey County. (Laid over from July 10)

Councilmember Brendmoen moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

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

- 34 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 August 7 for second reading
- 35 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 August 7 for second reading

Council members shared information about upcoming events in their wards.

The Council recessed at 3:35 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:31 p.m.

Councilmember Stark excused

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

Absent 1 - Councilmember Russ Stark

- 36 RES PH 13-169** Approving the application of Tawfiq Islamic Center for a sound level variance for the outdoor Annual Eid Prayer Service on August 8 and 9, 2013 from 7:00 a.m. to 10:30 a.m. at the Oxford Community Center Football Field.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 37 RES PH 13-172** Approving the application of Colleen Healy for a sound level variance in order to provide amplified music and the use of a sound system from 9:00 a.m. until 11:00 p.m. on August 9, 10, & 11, 2013 during the Irish Fair of MN at Harriet Island.

Councilmember Thune asked for an amendment to have the variance end at 10:30 rather than 11:00 p.m. Yeas - 6 Nays - 0

In support:

Director Colleen Healy appeared with operations manager Angela Eastlund. Ms. Healy said the main stage music would end at 10:00 p.m. on Friday and Saturday, and 7:00 p.m. on Sunday; and music would go to 11:00 p.m. only in the small tent. Councilmember Thune asked that they make sure the sound couldn't be heard in the residential area. Ms. Eastlund said they would.

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

Adopted as amended (variance from 9:00 a.m. to 10:30 p.m.)

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 38 RES PH 13-173** 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 7:30 p.m. on July 27, 2013 at 33 Seventh Place West.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

39 RES PH 13-23 Authorizing vacation and disposal of a decommissioned fire station at 1720 Seventh Street East (old Fire Station #24) in Saint Paul.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

40 RES PH 13-127 Ratifying the assessment for installation of a fire protection system, as requested by the Sokol Hall, at 383 Michigan Street. (File No. FP2012-01, Assessment No. 127100)

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

Joe Landsberger, representing Czech and Slovak Sokol Minnesota, expressed appreciation for the City's assistance with the installation of this essential upgrade to their facility.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 41 RES PH 13-184** Amending the financing and spending plans in the Lowertown Ballpark Project in the amount of \$9,000,000, and designating the St. Paul Port Authority as the issuer of Taxable Limited Tax-Supported Ballpark Revenue Bonds.

Parks and Recreation Director Mike Hahm gave a staff report on the project. He said Midway Stadium needed replacement and the City had a choice between getting out of the baseball business or replacing the facility. He said the minimum cost to replace the stadium was \$10 million, but the state stepped forward as a partner allowing the City to leverage additional money with the requirement of a local match. He described the partnership with the Port Authority involving a property swap which was consistent with park divestment policies and allowed two sites to be put to their highest and best use. He described the investment made by the Saints beginning early in the process and including \$11 million in Saints private sector money which was helping leverage the state money. He said the ballpark capacity would be about 7000, compared to 5700 for Midway Stadium, and would include some suites and group seating areas and more adequate concessions and restroom facilities. He said the dog park adjacent to the ballpark site would be closed during construction but reconstructed after completion. He said in response to community input there would be entrances both from the west and east, and there would be good transit access. He said the City would own and the Saints would operate the stadium, but the use agreement stipulated the existing use profile and fee structure for Midway Stadium be retained. He said the Saints would be in charge of the day to day maintenance, which was handled by the City at Midway. He stated that construction of the project would comply with requirements related to procurement, sustainability, and HREEO hiring goals. He said the project had received a great deal of support throughout the process from the business community and supporters of amateur baseball. He explained that as they moved past the concept stage they identified \$6 million in additional costs for environmental clean-up and \$3 million for design realization, and said the additional costs were initially higher but they worked to reduce them. He addressed concerns related to the sequencing of other infrastructure projects impacting the ballpark project.

Councilmember Thune asked that Mr. Hurley address sources for the additional funding, and specifically whether it included STAR dollars.

Finance Department Director and City Treasurer Todd Hurley compared the original and new budgets line by line, and described the Port Authority bond issue. He highlighted changes and sources of additional funds, including an additional \$1 million contribution from the Saints, \$2 million from state funding received for sports facilities, and a \$6 million internal cash flow loan. He identified potential sources for repayment of the loan including environmental clean-up grants, revenue sharing, naming rights, and other revenues from the ballpark. In response to Councilmember Thune's question he said he believed the STAR contribution was \$1.5 million. He said the City would own the park but the Saints would be financially and functionally obligated to operate the facility, and he reviewed other key deal points with the Saints including revenue sharing, and participation in sale proceeds. He said the details of the agreements were still to be worked out but they were hoping to execute them in August.

Councilmember Tolbert asked for a review of sources of repayment for the internal loan, and what would happen if it wasn't repaid. Mr. Hurley said cash flow loans had been used in the past for projects that didn't have quite enough money up-front, with the goal of repayment within three to five years. He said \$6 million of the added costs were for environmental remediation and the Port Authority was helping identify

grants. He said the fund would remain unpaid if repayment sources were not identified.

Councilmember Tolbert asked why those revenue sources being explored for loan repayment were not explored for original budget, and why the Saints weren't asked for a larger contribution initially. Mr. Hurley said they had been looking for a tenant in addition to the Saints for a number of years, but prepaid rent could not be booked at this point in the project. He said when the budget gap was identified, the strategies and negotiations with the Saints changed towards use of ballpark as a possible loan repayment source. Mr. Hahm said the Saints initial \$10 million contribution was part of City and private sources to needed to match the State grant, and it was possible that any of the numbers could have been different initially. He said a lot of thought and equity went into how the split was arrived at, and a lot of work in partnership with the Saints went into arriving at how the \$3 million gap would be split.

Councilmember Tolbert asked for details of the \$3 million miscalculation of the project cost. Mr. Hahm said as the project moved from concept estimates to schematic design estimates they had access to better information, and he reiterated that adjustments and tough choices were made to reduce the amount of the gap.

Councilmember Tolbert asked how Council members and taxpayers could feel comfortable that there wouldn't be another budget amendment. Mr. Hahm said there were no guarantees but they had reached a point in the project where they had solid information and detailed estimates, and would be ratifying the design and setting the guaranteed maximum price with Ryan.

Councilmember Tolbert asked why the City was obligated to clean up the site. Mr. Hahm said the City owned the property and knew at the time of purchase that it was contaminated and required remediation. He said they had a good handle on clean-up costs, and the City and Port were experienced and skilled at site clean-up.

Councilmember Tolbert asked who would set the rents and control public use of the ballpark. Mr. Hahm said the Saints would manage and schedule, and the use agreements stated that the existing use and fee schedule would go forward. He said the City would have the opportunity to review and approve the fee schedule, and audit and evaluate uses. Council President Lantry clarified that it would probably be approved by Parks, as the Council did not approve those rates now.

Councilmember Khaliq asked how much was in the internal loan fund. Mr. Hurley said the policy was that a percentage of City's general fund budget was available, and there were no outstanding loans at this time.

Councilmember Thune asked for examples of other projects that had used internal loans. Mr. Hurley said internal loans had been used for projects at the Science Museum, Rivoli, Jimmy Lee Rec Center, Highland Golf Course, Upper Landing, and Como Pool, and all had been repaid.

Councilmember Khaliq noted that the northwest corner of Oxford playground still had environmental contamination, and he asked what the level of contamination was and when it would be addressed. Mr. Hahm said the site was safe for people to use without any environmental risk. He said the contaminants found near the corner of Concordia and Lexington were less far significant than those found elsewhere on the property and could be contained within the \$600,000 CIB project currently being considered. He said the contaminants under the tot lot were sealed and contained by the play area but would be addressed when that area was reconstructed.

Councilmember Bostrom asked for an explanation of the "obligation" to replace Midway stadium. Mr. Hahm said it was better to say there was an unfunded liability at Midway and a choice to either get out of baseball or replace the asset. He said the replacement cost would be a minimum of \$10 million and probably \$12 to \$17 million. Councilmember Bostrom asked for confirmation that the City had no obligation to replace the stadium. Mr. Hahm said there was no legal obligation but if the project were not being pursued legislatively and in partnership with the Saints, Parks would likely have a CIB request as part of this cycle in competition with other projects.

Councilmember Bostrom expressed concern that since the Saints and outdoor baseball were no longer new to St. Paul and the new site didn't have options for tailgating, the ballpark would lose the competition with the new Twins stadium. Mr. Hahm said the big difference was price point. He said they were working to identify areas for tailgating, and planned to take advantage of other attributes downtown has to offer.

Councilmember Bostrom why due diligence wasn't done before the property was purchased. Mr. Hahm said they knew the downtown site and Midway sites were polluted and some testing was done. He said he would have to report back later on the details of what they knew then versus what they currently knew.

Councilmember Bostrom asked for more information on the moral obligation bonds. Mr. Hurley said if there was not sufficient money to pay debt service on the Port Authority bonds, the Administration would bring forward a resolution to fund the debt service. He said in front of that moral obligation was rent sufficient to pay the debt service, a one-year rent guarantee, and a bond-funded debt service reserve. He said before the Administration would come back with a budget resolution, the City would utilize the rent guarantee account, work with the Saints, or work to find another tenant. In response to an additional question from Councilmember Bostrom, he said the Council could decline to appropriate money which would result in it reverting back to the mandatory levy of the Port Authority. He clarified that the default would be between the City and Port Authority which would be detrimental to the City's credit rating, but the bond holders would still get paid through the levy.

Councilmember Bostrom asked whether the City was able to audit the Saints' books to verify revenue. Mr. Hurley said as part of the revenue sharing agreement being negotiated, the Saints CPA would be required to file a report of revenues and expenditures. He said there was also a provision for the City to be able to look at books.

Mr. Hahm said the final steps were to put the agreements with the Saints in legal form, finalize the grant agreement with the State, move on with Ryan from schematic design to design development, and restart the work of the Lowertown Ballpark Design and Construction Committee. He stressed the importance of the project moving forward on schedule.

Councilmember Bostrom asked whether there were any plans to close or decommission neighborhood recreation centers over the next couple of years. Mr. Hahm said there were currently no pending downward adjustments to recreation centers or programs. Councilmember Bostrom said if \$6 million could be taken out of an internal fund for this, decommissioning a rec center would be untenable.

Council President Lantry clarified the specifics of what was before the Council.

In opposition:

Greg Copeland (612 Cook Avenue E.) referred to questions from Councilmember

Bostrom about obligations, and read from the resolution about the level of taxpayer obligation. He said the City didn't have \$200,000 to staff McDonough Recreation Center, and should have researched the ballpark property. He noted that a tax increase for a Twins stadium had been voted down previously.

Justin Busch (308 Prince Street) said taxpayers should not be expected to pony up for luxury suites, and rebuilding Midway would cost tens of millions of less and not ruin a neighborhood. He said the City would not help the Dorothy Day Center when there was need but could find funds for the ballpark.

Bill Hosko (400 N. Robert Street) asked that the Council delay their support for awarding more taxpayer money for the ballpark, stop the demolition of the Gillette Building, and ensure that a study of the possible reuse of the Gillette Building as a ballpark and multiple-use facility is completed without bias. He displayed drawings of a repurposed Gillette Building. He said the City's solicitation of funds in 2012 was not what it could have or should have been, and the promise to include community input in the design process had not been kept. He read from a letter he'd received from Mr. Hahm in March 2012 stating that the plan was well beyond the concept phase, and details including cost estimates had been refined over time and it was too late at that point to look at alternative designs. He read a quote from the current day's paper in which Mr. Hahm stated that reuse of the Gillette Building had been studied and deemed too expensive and unworkable, and he said that was simply not true. He asked who would lose if the project were slowed down.

Tom Goldstein (1399 Sherburne Avenue) echoed points he made a year before regarding the lack of process in promoting the ballpark, the large commitment of public funds, and the minimal investment on the part of the Saints. He also expressed concern about the predetermined, "rubberstamp" nature of the hearing, and the lack of due diligence regarding contamination.

Tom Erickson (287 E. 6th Street) echoed Councilmember Bostrom's concerns about whether traditional Saints fans would follow the team to the new stadium. He asked Mr. Hurley how long the guarantee agreement was in force, and what would happen if the Saints walked and the City was stuck with the stadium and a tremendous financial obligation. Council President Lantry reviewed the amount of the City's financial obligation, and the contributions from other sources.

Greg Cylkowski (3036 Ontario Road) said the Saints were an asset for the City for the first ten years, but currently had a poor product and had been inflating their attendance figures for the last eight years. He said due to lack of vision, the Twin Cities had torn down and rebuilt more stadiums than any other metropolitan area since 1960. He said the Saints would use the stadium as a money maker, and letting them run it was suicidal. He said the business community did not support the project, there were no marketing studies to show whether there was a need, and they were competing with the University of Minnesota. He asked the City to take its time.

Tim Holden (1607 University Avenue) said the community hadn't been given a voice, and, as politicians, the Council should listen to what the citizens wanted and not what was good for the Saints or for the Mayor's résumé. He said rec centers were closing, and he questioned the City's priorities. He asked that the process be slowed down and the project done right.

Leila Poullada (854 Linwood Avenue) agreed with Mr. Hosko that there were design possibilities to use the Gillette Building. She asked that a multi-use space be considered, and that the project be delayed to allow time for more careful negotiations.

Jeanette Gudge (515 S. Lexington Parkway) said she was appalled by the \$9 million shortfall. She said the city had owned the Gillette building for some time, and she questioned why was this not checked. She said estimates should start from a worst case scenario. She said the City should make do and build the stadium without the extra \$9 million. She predicted that St. Paul would go in the same direction of Detroit.

Sonia Palacia (20 E. Exchange St.) stressed the importance of statistical analysis.

Tom Polachek (1221 Arundel Street) said a North End police station was needed and would cost less than a "substandard toy" for Bill Murray and Mike Veeck.

In response to the questions from Mr. Erickson, Mr. Hurley reviewed the details of the guarantee put up by the owners of the Saints, and said the term of the use agreement was 25 years. He said if the Saints left, the debt service would be covered by the rent guarantee for the first year, by the debt service reserve fund for the second year, and the City would have two years to find another tenant to take over under the contract.

In support:

Matt Kramer, President of the St. Paul Area Chamber of Commerce and Board Member of Catholic Charities, said the Chamber had done a financial analysis and was confident the City had taken prudent risk mitigation, that this was necessary, and the City had leveraged their relationship with the Port Authority to the greatest degree. He said the Chamber supported the resolution.

William Thurmes (101 E. 5th Street, Suite 1700), Chair of Lowertown Ballpark Design and Construction Committee, described the goals of the committee and their work thus far, and asked that they be judged based on the finished product. He said there had been a process for community input, and the committee was resetting and ready to resume their work as soon as the shortfall was resolved.

Arthur Morrissey (187 Annapolis Street E.) said as someone who lived and did business in St. Paul, he was excited about the Lowertown project and appreciated citizen concerns and efforts to make it better. He said the stadium would attract a lot of people to St. Paul and expose them to everything St. Paul had to offer.

Todd Johnson (523 Portland Avenue) said it was not fair for the critics to demonize the St. Paul Saints, and he gave examples of community outreach performed by the Saints. He said it was a risk, but not that great of a risk.

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

Councilmember Tolbert asked whether anyone was present representing the Saints, and expressed concerns about the use agreement. He said he felt the best use was public use, and asked what the Saints' vision was for the use agreement and for keeping costs down for public use.

Ann Huidekoper, Vice President of Community Partnerships and Customer Service with the Saints, said the commitment was to continue the existing relationships, and the fee structure was part of the agreements being discussed. She spoke about current level of community outreach and said they gave donations to over 2000 organizations per year.

Councilmember Tolbert asked for thoughts on other semi-pro or college team use. Ms. Huidekoper said those were a possibility but the existing community partnerships

were a priority.

Councilmember Khaliq asked about attendance over the last three or four years. Ms. Huidekoper said it was just under 5000 per game based on ticket sales, but actual attendance varied, particularly because ticket prices were low.

Councilmember Thune thanked everyone for their testimony and their participation in the process. He recalled when Mike Veeck first came before the Council to promote the Saints as wholesome family fun. He said the Saints had been an asset, and the goal was to provide a high quality venue for fans to come see them play. He thanked the community for saying slow down rather than saying no. He said some things could have been done differently and he might not be getting exactly what he wanted, but the City and residents were on the road to dealing with some of the concerns, and St. Paul was getting something it needed. He moved approval.

Councilmember Tolbert said he had been struggling with the additional \$9 million since it was announced, and felt the internal loan was risky. He said more due diligence should have been done with regards to the environmental costs, and he was still not satisfied with the explanation for the additional \$3 million for design realization. He said it came down to the importance of having a municipal ballpark and the commitment to 60% public use, and he felt that was worth investing in. He said he hoped the length of the hearing and questions asked sent a message to everyone involved that they shouldn't come back for more money and that Council members would be unhappy if rec centers were proposed for closure in the coming year's budget.

Councilmember Khaliq said he had joined the Council on the tail end of the discussion and initially felt that the stadium was a waste of money and the overruns were concerning. He said his questions had been answered, and he felt reassured that this was a well thought out plan. He said overruns happened on projects and the details of environmental clean-up could be elusive. He said it was a risk, but downtown needed a shot in the arm and Council members could put personal biases aside for the good of the City. He said the commitment not to close playgrounds was important.

Councilmember Bostrom thanked everyone who came and testified. He said the moral obligation bonds were troubling, and the real moral obligation was to keep rec centers open and functioning. He asked that Parks not come back and ask for another dime for the project.

Council President Lantry said they'd had the extra long staff report to make sure everyone understood as many elements as possible, and the Council had been getting information over a long period of time. She said it was important for the City to continue to have a municipal stadium as part of its inventory. She reviewed the funding breakdown, obligation, and the protections in place. She said she wished it had gone differently, but the work of making sure every eventuality was thought of had been done, and the questions asked at the hearing were the tip of the iceberg of all of the questions that had been asked. She thanked Mr. Hahm and Mr. Hurley for all of their work.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 42 RES PH 13-144** Accepting a donation from the St. Anthony Park Community Foundation, and amending the budget in the Department of Parks and Recreation by adding a \$21,444 financing and spending plan for donated funds towards implementation of a play area at Hendon Triangle Park.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 43 RES PH 13-166** Amending the financing and spending plans in the Department of Parks and Recreation's Grant & Aid Fund in the amount of \$269,322 to reflect budget updates to the Como Circulator Grant.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 44 RES PH 13-163** Authorizing the Department of Parks and Recreation to accept grant proceeds of \$25,000 from Second Harvest Heartland, and to establish an additional 2013 budget in the Grant & Aid Fund in this amount, to reflect the corresponding spending budget made available for providing summer food service at Saint Paul recreation sites.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 45 RES PH 13-147** Amending the financing and spending plans in the Department of Public Works in the amount of \$9,605.03 for supplemental funding from Work Order #1 to MnDOT Agreement No. 03551.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark

- 46 RES PH 13-183** Authorizing the proper City Officials to accept a grant from Capitol Region Watershed District, and amending the spending and financing plan in the Department of Public Works Street Maintenance Division for the award of the grant.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 48 RLH RR 13-29** Ordering the razing and removal of the structures at 1033 ARCADE STREET within forty-five (45) days after the July 24, 2013 City Council Public Hearing.
- Legislative Hearing Officer Marcia Moermond asked that the Council amend resolution from a 45-day to a 15-day order to remove the structure.*
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted as amended (remove within 15 days)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark

- 49 RLH FCO 13-98** Appeal of Curtis Collins, on behalf of Cynthia Collins, to a Fire Inspection Correction Notice at 1477 ARKWRIGHT STREET, UNIT E.

Legislative Hearing Officer Marcia Moermond asked that the matter be continued to August 7 to allow time for a mechanical inspector to review the situation.

No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to August 7.

Public hearing continued to August 7

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 51 RLH TA 13-381** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302V, Assessment No.138001 at 1094 BUSH AVENUE.

Legislative Hearing Officer Marcia Moermond asked that the matter be continued to August 7 so a Hmong interpreter could be present for the appellant.

No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to August 7.

Public hearing continued to August 7

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

52 RLH SAO 13-22 Appeal of Gregory K. Miller to a Summary Abatement Order, Correction Notice and Order to Provide Garbage Service at 1159 CENTRAL AVENUE WEST.

Legislative Hearing Officer Marcia Moermond gave a staff report on the orders for clean-up and garbage service. She showed photographs of materials blocking access to windows and doors, and present in the yard on the compliance date. She said the question was whether and when the City should do the clean-up. She said given the lack of progress so far, her recommendation was to order abatement as soon as possible. She noted that an upper unit occupied by the appellant's sister appeared to have been cleared out.

In opposition:

Property owner and appellant Gregory Miller said progress was being made, and everything was below window level on one side of the porch. He said he'd lived there for about 25 years and was using back porch like garage because there was no garage. He said he had an agreement with the hospital to use their dumpster and had been putting things there a little at a time. He said he had been working steadily and he asked for more time.

In response to a question from Councilmember Khaliq, Mr. Miller said he would like another week or two for the porch, and the materials in the yard could be gone that day but he didn't want to abuse his agreement with the hospital.

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

Councilmember Khaliq asked Ms. Moermond asked whether she felt progress was being made and what she felt was a reasonable amount of time. Ms. Moermond said there had been marginal progress relative to the scope. She said Mr. Miller did have an agreement with the neighbor for household garbage, but a clean-up of this size was not envisioned. She suggested August 1.

Councilmember Khaliq moved to grant an extension to August 1.

Adopted as amended (appeal denied and extension granted to August 1)

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 66 RLH TA 13-384** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310B, Assessment No. 138111 at 1818 MINNEHAHA AVENUE WEST.

Legislative Hearing Officer Marcia Moermond said she had met with the store owner and an Arabic interpreter prior to the meeting. She said a very short time passed between the arrival of the police, the boarding contractor, and the property owner; and the security company had failed to contact the property owner. She recommended deleting the assessment.

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

Adopted as amended (assessment deleted)

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 67 RLH OA 13-54** Appeal of Gary and Lorraine Vietor to a Letter from Department of Parks and Recreation-Operations at 1566 MONTANA AVENUE EAST.

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of Parks' denial of the property owner's request to remove a boulevard tree. She said the property owner believed the tree was causing problems in a recently-replaced sewer line and had asked the City to remove the tree, but Forestry had referred the property owner to Public Works. She said it had caused expensive problems for the property owner but her recommendation was to deny the appeal because it was not Parks' policy to remove healthy trees.

In opposition:

Appellant Lorene Vietor (with Gary Vietor) said they had lived there for 47 years and had never had a problem with the sewer line until the recent back-up due to tree roots. She said the City had replaced their sewer line to the street a couple of years before, and the City's clay pipe under the street was leaking and allowing tree roots to get into the system. She said Xcel had checked their sewer line when they were at the property to make sure the gas lines didn't run through the sewer line, and said it was in good shape. She said they'd never had a tree on the boulevard until seven years ago. She said they would now have to have the sewer cleaned out every two years due to tree roots, and they could not afford it and didn't feel it was their responsibility.

Councilmember Bostrom moved to close the public hearing and lay the matter over to August 7 to allow time to get more information from Parks and Public Works.

Public hearing held and closed; laid over to August 7 at 3:30

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 76 RLH RR 13-33** Ordering the rehabilitation or razing and removal of the structures at 1071 SHERBURNE AVENUE within fifteen (15) days (amended to 120 days) after the July 24, 2013 City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond said her conditions for a layover had been met, and she asked that public hearing be continued to August 7.

No one appeared in opposition; Councilmember Khaliq moved to continue the public hearing to August 7.

Public hearing continued to August 7

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

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 47 - 86)

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, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 47 RLH VO 13-35** Appeal of Damon Haywood to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 163 ACKER STREET EAST.

Adopted

- 50 RLH RR 13-30** Ordering the razing and removal of the structures at 978 BAYARD AVENUE within fifteen (15) days after the July 24, 2013 City Council Public Hearing.

Adopted

- 53 RLH VO 13-32** Appeal of Glyneise Gordon, on behalf of Barb Schilling, to an Amended Condemnation-Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1341 CLARENCE STREET.
Adopted
- 54 RLH TA 13-388** Ratifying the Appealed Special Tax Assessment for Real Estate for Collection of Vacant Building Fees billed from July 9 to December 21, 2012 at 853 CONWAY STREET.
Adopted as amended (assessment approved and payable in one installment)
- 55 RLH RR 13-31** Ordering the razing and removal of the structures at 69 DOUGLAS STREET within fifteen (15) days after the July 24, 2013 City Council Public Hearing.
Adopted
- 56 RLH RR 13-32** Ordering the razing and removal of the structures at 736 EARL STREET within fifteen (15) days after the July 24, 2013 City Council Public Hearing.
Adopted
- 57 RLH SAO 13-25** Appeal of Mary Ellen Loney to a Vehicle Abatement Order at 1636 ENGLEWOOD AVENUE.
Adopted
- 58 RLH VBR 13-39** Appeal of Michelle Do to a Vacant Building Registration Requirement at 1009 FARRINGTON STREET.
Adopted
- 59 RLH VBR 13-34** Appeal of Barb Grieman, on behalf of Better Business Bureau, to a Vacant Building Registration Requirement at 2706 GANNON ROAD.
Adopted
- 60 RLH VBR 13-35** Appeal of Jon Bruggeman to a Vacant Building Registration Notice at 944 GRAND AVENUE.
Adopted
- 61 RLH VBR 13-33** Appeal of Michelle Wilson to a Vacant Building Registration Requirement at 690 IGLEHART AVENUE. (Public hearing continued from July 24)
Referred to Legislative Hearings on August 6; Council public hearing continued to August 21

- 62 **RLH TA 13-377** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302V, Assessment No. 138001 at 598 LAFOND AVENUE.
Adopted
- 63 **RLH VBR 13-37** Appeal of Loni LaBrocca to a Vacant Building Registration Notice and Summary Abatement Order at 715 LAFOND AVENUE.
Adopted
- 64 **RLH TA 13-371** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1309P, Assessment No. 138408 at 627 LIVINGSTON AVENUE.
Adopted
- 65 **RLH OA 13-57** Appeal of Bee Vang to a Code Compliance Inspection Report at 970 MARGARET STREET.
Adopted
- 68 **RLH FCO
13-139** Appeal of Judy Rude to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1806 MONTANA AVENUE EAST.
Adopted
- 69 **RLH VO 13-31** Appeal of David R. Johnson to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1810 MONTANA AVENUE EAST.
Adopted
- 70 **RLH VO 13-34** Appeal of Mrs. Ethel M. Nelson to a Correction Notice-Reinspection Complaint (includes condemnation of Unit 419) at 635 PHALEN BOULEVARD.
Adopted
- 71 **RLH VO 13-33** Appeal of Kamran Mortezaee to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1221 PIERCE BUTLER ROUTE. (Public hearing continued from July 24)
Referred to Legislative Hearings on August 6; Council public hearing continued to August 21
- 72 **RLH FCO
13-162** Amending Council File RLH FCO 13-66, adopted June 5, 2013, to grant an additional extension for Tin Cups, to a Re-inspection Fire Certificate of Occupancy with Deficiencies at 1220 RICE STREET.
Adopted

- 73 **RLH OA 13-55** Recommending that the Ramsey County Commissioners approve the application of John E. Burdine for the repurchase of the tax-forfeited property at 1115 ROSS AVENUE.
Adopted
- 74 **RLH SAO 13-26** Appeal of Geda Burmester to a Vehicle Abatement Order at 30 SANDRALEE DRIVE EAST.
Adopted
- 75 **RLH TA 13-378** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1309P, Assessment No.138408 at 900 SEVENTH STREET EAST.
Adopted
- 77 **RLH VO 13-36** Appeal of Toianna Wika to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1478 SHELDON STREET.
Adopted
- 78 **RLH VBR 13-36** Appeal of Kerry and Kathleen Nilles to a Vacant Building Registration Requirement at 1004 THOMAS AVENUE.
Adopted
- 79 **RLH TA 13-408** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309G, Assessment No. 138709 at 1738 UNIVERSITY AVENUE WEST.
Adopted as amended (assessment deleted)
- 80 **RLH TA 13-414** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309G, Assessment No. 138709 at 1744 UNIVERSITY AVENUE WEST.
Adopted as amended (assessment deleted)
- 81 **RLH TA 13-441** Amending Council File RLH AR 13-45 to delete the assessment for Graffiti Removal Services from February 5 to March 11, 2013 at 1845 UNIVERSITY AVENUE WEST. (File No. J1308P, Assessment No. 138407)
Adopted
- 82 **RLH AR 13-55** Ratifying the assessments for Tree Removal Services during March 2013. (File No. 1306T, Assessment No. 139007)
Adopted

- 83 RLH AR 13-56** Ratifying the assessments for Boarding and/or Securing Services during March 2013. (File No. J1310B, Assessment No. 138111)
Adopted
- 84 RLH AR 13-57** Ratifying the assessments for Demolition Services during February and March 2013. (File No. J1310C, Assessment No. 132010)
Adopted
- 85 RLH AR 13-58** Ratifying the assessments for Towing of Abandoned Vehicles from August to December 2013. (File No. J1302V, Assessment No. 138001)
Adopted
- 86 RLH AR 13-59** Ratifying the assessments for Graffiti Removal Services from March 7 to 24, 2013. (File No. J1309P, Assessment No. 138408)
Adopted

ADJOURNMENT

Councilmember Brendmoen moved adjournment.

The meeting was adjourned at 8:33 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

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