



# 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, November 6, 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** 5 - Councilmember Dan Bostrom, Councilmember Nathaniel Khaliq, City Council President Kathy Lantry, Councilmember Russ Stark and Councilmember Chris Tolbert
- Absent** 2 - Councilmember Amy Brendmoen and Councilmember Dave Thune

*Councilmember Thune arrived after roll call.*

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

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 13-38](#) Authorizing the purchase of food, water and soda for the Police Department Recruit Academy 2013-2 Family Nights, November 25 and December 9, 2013.  
**Received and Filed**
- 2 [AO 13-42](#) Amending the budget of the Public Works Equipment 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 3 - 21)**

*Item 11 was removed from the Consent Agenda for separate consideration. Item 18 was withdrawn. Councilmember Stark moved approval of the Consent Agenda as amended.*

**Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

- 3**     [RES 13-1713](#)     Accepting the gift of dinner donated by Animal Ark to honor Council President Kathy Lantry, DSI Director Ricardo Cervantes, DSI Deputy Director Christine Rozek, and St. Paul Animal Control Supervisor Molly Lunaric on Saturday November 9, 2013.
- Adopted**
- 4**     [RES 13-1703](#)     Approving the release of utility easements at 370 University Avenue.
- Adopted**
- 5**     [RES 13-1639](#)     Approving the City's cost of providing Collection of Vacant Building Fees billed from February 25 to July 17, 2013, and setting date of Legislative Hearing for December 3, 2013 and City Council Public Hearing for January 15, 2014 to consider and levy the assessments against individual properties. (File No. VB1403, Assessment No. 148802)
- Adopted**
- 6**     [RES 13-1641](#)     Approving the City's cost of providing Graffiti Removal Services from August 19 to September 16, 2013, and setting date of Legislative Hearing for December 3, 2013 and City Council Public Hearing for January 15, 2014 to consider and levy the assessments against individual properties. (File No. J1403P, Assessment No. 148402)
- Adopted**

- 7     [RES 13-1642](#)     Approving the City's cost of providing Boarding and/or Securing Services during September 2013, and setting date of Legislative Hearing for December 3, 2013 and City Council Public Hearing for January 15, 2014 to consider and levy the assessments against individual properties. (File No. J1403B, Assessment No. 148102)  
**Adopted**
- 8     [RES 13-1669](#)     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 January 2, 2014 to consider and levy the assessments against individual properties. (File No. 1304LDSRP, Assessment No. 134003)  
**Adopted**
- 9     [RES 13-1666](#)     Amending the financing and spending plans in the Fire Department in the amount of \$500 to accept the grant from AAA Club of Minnesota to purchase booster seats.  
**Adopted**
- 10    [RES 13-1547](#)     Approving the Memorandum of Agreement (2013 - 2015) between the City of Saint Paul and the Saint Paul Police Federation; Fire Fighters, Local 21; Professional Employees Association; and Tri-Council: Laborers, Local 132; General Drivers, Local 120; and Operating Engineers, Local 49 for the purpose of continuing Council Resolution 04-1068 concerning military pay salary differential for City employees who are called to active service in the Reserve and National Guard.  
**Laid over to November 13 for adoption**
- 12    [RES 13-1700](#)     Authorizing the Police Department to accept the amendment to the Joint Powers Agreement (RES 12-2079) with the State of Minnesota, Office of Traffic Safety, to extend the contract terms and increase the contract \$25,000.  
**Adopted**
- 13    [RES 13-1702](#)     Authorizing the Police Department to enter into a Joint Powers Agreement with the City of Maplewood to provide wireless network and support services for the Maplewood mobile CAD system.  
**Adopted**
- 14    [RES 13-1721](#)     Authorizing the Police Department to enter into an amendment to the Joint Powers Agreement with the City of Mounds View to provide wireless network and support services for the Mounds View mobile CAD system.  
**Adopted**

- 15     [RES 13-1722](#)     Authorizing the Police Department to enter into the Annual Plan Agreement with the State of Minnesota, Department of Public Safety, for the department to allow up to thirteen Bomb Unit officers to attend the maritime course on underwater ordnance disposal.  
**Adopted**
- 16     [RES 13-1710](#)     Authorizing reconstruction of Western Avenue from Selby to University using Municipal State Aid and Federal funds.  
**Adopted**
- 17     [RES 13-1684](#)     Approving adverse action against all licenses held by Budget Towing, Inc. of St. Paul at 560 Randolph Avenue.  
**Adopted**
- 18     [RES 13-1688](#)     Approving adverse action against the Auto Repair Garage, Second Hand Dealer-Motor Vehicle Parts licenses, and Alarm Permit (Renew) held by Ker Vang, d/b/a MC Auto Repair & Tire Service at 1202 Dale Street. (To be withdrawn)  
**Withdrawn**
- 19     [RES 13-1708](#)     Approving adverse action against all licenses held by Richard A. DeFoe, d/b/a Wilebski's Blues Saloon at 1638 Rice Street.  
**Adopted**
- 20     [RES 13-1687](#)     Approving adverse action against all licenses held by Exhibit Plumbing, Inc.  
**Adopted**
- 21     [RES 13-1689](#)     Approving adverse action against the Taxicab Vehicle license for Cab #2236 held by Mark C. Redd, d/b/a Town Taxi & Transportation.  
**Adopted**

*Councilmember Brendmoen arrived after the Consent Agenda vote.*

**Councilmember Brendmoen arrived after the Consent Agenda vote.**

**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

**FOR DISCUSSION**

- 11     [RES 13-1623](#)     Authorizing application to the Department of Employment and Economic Development for Contamination Investigation and Cleanup Grants, and to the Metropolitan Council for Tax Base Revitalization Grants for the Western University Plaza, Custom House, Gross-Given Manufacturing, German Immersion School, and Rice and Sycamore sites. (Amended to add Rayette)

*Councilmember Brendmoen introduced an amendment to add Rayette to the list of projects. She said there were unused funds, and Rayette was next on the list. She moved to approve the resolution as amended.*

**Adopted as amended (Rayette added to projects)**

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

**Nay:** 0

- 22     [ABZA 13-8](#)     Public hearing to consider the appeal of Shaan Hamilton, on behalf of Saint Paul College, to a decision of the Board of Zoning Appeals (BZA) denying a variance request to allow a full color sign with the message changing every thirty seconds. (Public hearing held October 16; laid over from November 6)

*Councilmember Khaliq moved a one-week layover.*

**Laid over to November 13**

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

**Nay:** 0

**23**     [RES 13-1653](#)

Authorizing the Parks and Recreation Department to prepare a Request for Proposal to solicit contractors to operate some or all of the city-owned golf courses and golf club houses.

*Councilmember Tolbert moved an amendment requiring Parks to report back to the Council in May and December 2014 on the employment status and salaries of staff moved from the Phalen and Como courses. Yeas - 7 Nays - 0*

*Councilmember Stark said it was a difficult issue and no one was enthusiastic about taking this step, but they had been talking about the problem for a number of years and it was time to explore other options. He said the City was spending too much money and not getting enough in return compared to other Parks services. He said he would support the issue.*

*Councilmember Bostrom said he opposed the resolution. He said the numbers didn't add up and there were too many unanswered questions about the proposed management partnership, and he felt the action was being taken prematurely.*

*Councilmember Brendmoen said she was concerned about the degradation of services in the Parks Department and didn't support privatization as a solution to City budget issues. She echoed Councilmember Bostrom's concerns about the compressed timeline, but said she was convinced that providing golf had become too costly, especially when it was at the expense of other recreation programming for children. She said it was reassuring that the language in the resolution ensured that the Parks Department's actions were consistent with Compete St. Paul and provided for oversight by the Council.*

*Council President Lantry said the economics of golf did not mesh with the way the City did business, and the Council needed to prioritize where employees and funds were going so that the most good was done with the money available.*

*Councilmember Stark reiterated Ms. Brendmoen's point that the process had moved quickly over the previous few weeks but if the Council was not happy with the results of the process it would not move forward.*

*Councilmember Bostrom said he wasn't confident about the content of the RFP or the projected level of savings, and he felt the plan was unrealistic and unnecessary.*

*Councilmember Brendmoen moved approval of the resolution as amended.*

**Adopted as amended**

**Yea:** 4 - Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry and Councilmember Stark

**Nay:** 3 - Councilmember Bostrom, Councilmember Thune and Councilmember Tolbert

**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**

- 24     [Ord 13-39](#)             Amending Legislative Code Chapter 64.750 pertaining to the Highland Village Special Sign District.  
**Laid over to November 13 for second reading**
- 25     [Ord 13-57](#)             Amending Legislative Code Chapters 63, 65, and 66 pertaining to alcohol production uses.  
**Laid over to November 13 for second reading**
- 26     [Ord 13-54](#)             Amending Chapter 87 of the Saint Paul Legislative Code pertaining to categories that exclude one-inch street service connections from qualifying for schedule charge rates.  
**Laid over to November 13 for second reading**
- 27     [Ord 13-55](#)             Amending Chapter 90 of the Saint Paul Legislative Code pertaining to deposits and charges for hydrant use permits.  
*Councilmember Thune asked...*  
**Laid over to November 13 for second reading**
- 28     [Ord 13-52](#)             Amending Chapter 40 of the Saint Paul Legislative Code pertaining to responsibility for management of the fire certificate of occupancy program, and updating language.  
**Laid over to November 13 for second reading**
- 29     [Ord 13-58](#)             Memorializing City Council action granting the application of Associated Bank et al to rezone property at 176 North Snelling Avenue et al, area bounded by Marshall, Snelling, Selby, and Saratoga, from B2 Community Business, B3 General Business, RM2 Medium-Density Multiple-Family Residential, VP Vehicular Parking, and I 1 Light Industrial, to T2 Traditional Neighborhood and T3 Traditional Neighborhood. (Public hearing held October 16, 2013)  
**Laid over to November 13 for second reading**

**SUSPENSION ITEMS**

*Councilmember Brendmoen moved suspension of the rules.*

**Rules suspended**

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

**Nay:** 0

**[RES 13-1789](#)**

Authorizing the Department of Public Works to apply for Metropolitan Council Environmental Services Clean Water Fund Grants.

*Council President Lantry said the resolution allowed Public Works to apply for grant money that would be available to property owners if there was a sewer failure.*

*Councilmember Brendmoen moved approval.*

**Adopted**

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

**Nay:** 0

*Councilmembers shared information about upcoming events in their wards.*

*The Council recessed at 3:51 p.m.*

**PUBLIC HEARINGS**

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

**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

**30**     **[RES PH 13-251](#)**     Setting the 2014 Sanitary Sewer and Storm Sewer rates. (Public hearing held November 6)

*Public Works Director Rich Lallier said they were recommending a 3% increase which represented an increase of \$2.40 for storm sewer charges and \$8.90 for sanitary sewer charges for the average homeowner.*

*No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and lay the matter over to December 11.*

**Laid over to December 11 for adoption**



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

**Nay:** 0

**31**     [RES PH 13-258](#)     Establishing the Water Rates for 2014. (Public hearing held November 6)

*Steve Schneider, St. Paul Regional Water Services (SPRWS), said SPRWS and the Board of Water Commissioners were recommending a rate increase of 1.7%. He said that represented about \$1 per quarter for the average customer, and 80% of the revenue would go towards buried infrastructure.*

*No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and lay the matter over to December 11.*

**Laid over to December 11 for adoption**

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

**Nay:** 0

**32**     [RES PH 13-286](#)     Setting the recycling service fee for 2014, and authorizing Public Works to request \$589,209 in SCORE grant funds from Ramsey County to support the curbside recycling program under contract with Eureka Recycling. (Public hearing held November 6)

*Public Works Director Rich Lallier said recycling services were being expanded, and rates would increase \$13.48 for a single family home and \$8.54 for a multi-family home. He said the rates would cover new services being provided, including single-sort pick-up.*

*No one appeared in opposition; Councilmember Thune moved to close the public hearing and lay the matter over to December 11.*

**Laid over to December 11 for adoption**

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

**Nay:** 0

**33**     [RES PH 13-212](#)     Final Order approving the 2014 Right-of-Way Maintenance Program and 2014 Above-Standard Lighting Operation and Maintenance Program. (File No. 14ROW FINAL) (Public hearing held November 6)

*Public Works Director Rich Lallier said they were seeking a 3% increase in the Right of Way charges.*

*No one appeared in opposition; Councilmember Thune moved to close the public hearing and lay the matter over to December 11.*

**Laid over to December 11 for adoption**

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

**Nay:** 0

**34**    [Ord 13-51](#)

Amending Chapters 61, 65, and 66 of the Saint Paul Legislative Code pertaining to agricultural and farmers market uses.

*Anton Jerve, Planning and Economic Development, distributed some written testimony, and summarized the study history, goals, and conclusions. He said most community gardens were currently on leased publicly owned land, and the changes would allow more flexibility for the establishment of community gardens elsewhere in the city.*

*Councilmember Thune asked what was meant by "limited production or processing." He said some constituents had concerns about what that included. Mr. Jerve said that was the over-arching heading for the agricultural use category and didn't change the definition; he said he would provide the definition for Councilmember Thune.*

*Mr. Jerve said PED was recommending that farmers' markets be allowed in all districts, with some restrictions in residential.*

*Councilmember Stark asked whether there were examples where a community garden was the primary use. Mr. Jerve said nothing other than grass could currently be grown on a privately owned vacant lot. He said they were not able to differentiate between a community garden and agricultural use for profit because State law prohibited requiring a sales permit for people selling produce they'd grown on their own property. Councilmember Stark said there wouldn't be any detrimental effect on community garden opportunities. Mr. Jerve said the amendments would increase opportunities.*

*In support:*

*Bernie Hesse (1602 Thomas Avenue), St. Paul Food and Nutrition Policy Group, expressed support for the ordinance. He said it would increase access to healthy food and clarify rules, while respecting the neighborhoods. He noted ongoing food needs in some areas, and said the amendments would help address those. He said there was still some tweaking that could be done in the future.*

*Eric Riesenber (380 Lexington Parkway S.), urban grower, spoke in favor of the amendments and thanked Mr. Jerve. He expressed appreciation for the process, and encouraged the City to partner with land grant organizations to assist with regulation. He said he would like an increase in the allowed accessory structure square footage, and a reinstatement of language allowing one-day-per-week onsite sales.*

*Robin Major (3217 17th Avenue S., Minneapolis) echoed the desire for allowing sales one day per week rather than three per year, and said she felt the amendments still restricted urban farming. She asked that the Council make changes to reflect the current economic and environmental realities of urban gardening. She specifically requested elimination of the requirement for a building permit for construction of temporary structures, grandfathering of current community farms and garden plots for next year. She thanked the Council for the inclusion of an agricultural land use tax definition.*

*Councilmember Stark said requiring a building permit for hoop houses was State building code. Ms. Major said Minneapolis only placed restrictions on location and size for a hoop house but did not require a permit.*

*Roger Meyer (1692 Dayton Avenue) spoke in favor of the ordinance changes, and said they were an important first step. He encouraged the Council to be mindful of input from people with experience in community gardening, and to use enforcement*

as an educational tool rather than a deterrent.

Cherry Flowers (1243 Hewitt Avenue) said she had the first permitted high tunnel or hoop house in St. Paul. She said the permit process added significant cost, and the language was a little disconnected from reality. She said it should be made clear that structures under 120 square feet were temporary, and those over 120 square feet were accessory structures. She said it was unlikely that the cement footings required for structures over 120 square feet would be allowed on land not owned by the community gardener.

Councilmember Brendmoen encouraged Ms. Flowers to share solutions and suggestions.

Councilmember Stark moved to close the public hearing. He thanked everyone who had been involved in the process. He said his inclination was that the item should move forward for approval next week, with the understanding that there were areas to be revisited and improved.

Councilmember Brendmoen stressed the importance of providing support and information for DSI.

**Public hearing held and closed; laid over to November 13 for final adoption**

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

**Nay:** 0

- 35**     [RES PH 13-259](#)     Establishing Schedule Charges for one-inch street service water connections and taps of all sizes.

*No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve 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 13-284](#)     Approving the application of the European Christmas Market for a sound level variance in order to allow amplified music between 11:00 a.m. and 8:00 p.m. from November 30, 2013 to December 9, 2013 in Rice Park. (This application has been withdrawn)

**Application withdrawn**

- 37**     [RES PH 13-275](#)     Approving vacation of Front Street and alleyway adjacent to 85 Water Street.

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

**Adopted**

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

**Nay:** 0

**38**     [PH 13-16](#)

Public hearing to consider the application of Steven Virkus and Jennifer Virkus to rezone the property at 814 Grand Avenue, between Avon Street and Victoria Street, from B2 Community Business to T2 Traditional Neighborhood. (Public hearing held November 6)

*Councilmember Thune requested a staff report. Scott Temple, Planning and Economic Development (PED), described the rezoning request and the property history. He said the property owners were unaware of the zoning constraints when they purchased the property.*

*Councilmember Thune asked whether the second dwelling unit was built under permit. Mr. Temple said the second structure was never approved as a dwelling unit. Council President Lantry clarified that the second structure was built under permit, but the issue was the use.*

*In opposition:*

*Tom Donaghy (63 Avon Street South) said he was disturbed that the zoning was changed after the fact. Council President Lantry said the use was initially legal, but the dwelling unit was added later. Mr. Donaghy also registered complaints about behavior at the property including noise, a barking dog, and partying on the roof of his condo association's garage.*

*The applicant was not present to testify.*

*Councilmember Thune moved to close the public hearing. Yeas - 7 Nays - 0*

*Councilmember Thune moved to lay the matter over. He said the two issues were the zoning and the behavior at the property. He said he didn't feel the zoning change was a problem but he felt the owners should hear directly from staff about the tenant behavior issues. He asked that staff contact the property owners.*

**Public hearing held and closed; laid over to November 13**

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

**Nay:** 0

**39**     [RES PH 13-246](#)

Amending the financing and spending plans in the Library Agency's budgets for the Highland and Sun Ray branch renovation projects.

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

**Adopted**

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

**Nay:** 0

- 40**     [RES PH 13-267](#)     Final Order approving the construction of above-standard street lighting along the west side of Cedar Street between Fourth and Fifth Streets, and the east side of Cedar Street from the south property line of Fifth Street to 120 feet south; and approving the annual operation and maintenance costs to be assessed to benefitted properties via the Right-of-Way program. (File No. 19148, Assessment No. 135100)

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

**Adopted**

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

**Nay:** 0

- 41**     [RES PH 13-268](#)     Final Order approving the construction of above-standard street lighting in the Union Depot and Lowertown areas, and approving the annual operation and maintenance costs to be assessed to benefitted properties via the Right-of-Way program. (File No. 19148, Assessment No. 135101)

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

**Adopted**

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

**Nay:** 0

- 42**     [RES PH 13-269](#)     Final Order approving the construction of above-standard street lighting along the north side of University Avenue from Rice to Robert Streets, and approving the annual operation and maintenance costs to be assessed to benefitted properties via the Right-of-Way program. (File No. 19151, Assessment No. 135103)

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

**Adopted**

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

**Nay:** 0

- 43**     [RES PH 13-270](#)     Final Order approving the construction of above-standard street lighting along the east side of Robert Street from Twelfth Street to University Avenue, and approving the annual operation and maintenance costs to be assessed to benefitted properties via the Right-of-Way program. (File No. 19150, Assessment No. 135102)
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 
- 44**     [RES PH 13-274](#)     Amending and approving the Neighborhood Stabilization Program 3 HUD grant budget.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 
- 45**     [RES PH 13-276](#)     Amending the financing and spending plans in the Fire Department budget in the amount of \$30,000 to accept the 2013 Emergency Management Performance Grant (EMPG) to provide emergency management support staff assistance and provide funding to attend training conferences.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

- 46     [RES PH 13-280](#)     Approving the application submitted by Gwen Shell on behalf of Macy's Retail Holdings, Inc. as Successor by Merger to May Dept. Stores, Co. for an exception to the general hours of operation for pedestrian Skyway #16.

*Councilmember Thune moved an amendment adding language to allow the Skyway Governance Committee to recommend changes for consideration by the Council.  
Yeas - 7 Nays - 0*

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

**Adopted as amended**

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

**Nay:** 0

- 47     [RES PH 13-257](#)     Modifying Residential Permit Parking Areas 20 and 21.

*Elizabeth Stiffler, Public Works, gave a staff report on the requested changes.*

*Councilmember Tolbert asked whether the change addressed the issue of parking pressure being pushed to other areas. Ms Stiffler said this addressed a different issue, and the department supported this request. Councilmember Tolbert asked where the parking demand was coming from. Ms. Stiffler said she wasn't sure; she further clarified the specific changes addressed in the resolution.*

*In support:*

*Catherine Plessner (2038 Summit Avenue) described the parking situation and need for the change. She thanked Ms. Stiffler.*

*Councilmember Stark moved to close the public hearing. Yeas - 7 Nays - 0*

*Councilmember Stark moved to approve the resolution. He stressed the need for a review of the permit parking system as a whole.*

*Councilmember Tolbert said he would vote against the resolution. He said addressing parking pressures in a piecemeal fashion just pushed the problems to other areas. He said he also had a problem with the principle of restricting parking on a public street.*

**Adopted**

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

**Nay:** 1 - Councilmember Tolbert



- 48**     [RES PH 13-277](#)     Amending the financing and spending plans in the Department of Public Works in the amount of \$964,646.51 in additional revenues, \$306,062.39 for transfer of appropriations, and \$4,198,421.19 in reduced project budgets to cleanup, realign, and close out projects.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 49**     [RES PH 13-278](#)     Amending the financing and spending plans in the Department of Public Works in the amount of \$2,432,000 in additional revenues for water and sewer financing in 2013 RSVP Program.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 50**     [RES PH 13-261](#)     Amending the budget of the Department of Safety and Inspections Construction Services and Permits by \$62,417 to hire additional inspections staff.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve 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 ITEMS REQUIRING DISCUSSION**

- 56**     [RLH RR 13-47](#)     Ordering the rehabilitation or razing and removal of the structures at 838-840 GOODRICH AVENUE within fifteen (15) days (amended to one hundred and eighty [180] days) after the November 6, 2013, City Council Public Hearing. (Public hearing continued from November 6)
- Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on November 12 and the Council public hearing be continued to December 4.*
- No one appeared in opposition; Councilmember Thune moved to continue the public hearing to December 4.*
- Referred to Legislative Hearing on November 12; Council Public Hearing continued to December 4**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 59**     [RLH SAO 13-46](#)     Appeal of Katrina Smith to an Order to Provide Garbage Service at 1558 POINT DOUGLAS ROAD SOUTH.
- Legislative Hearing Officer Marcia Moermond said the appellant was taking her garbage to a refuse site at the time the orders were written, but was now working on getting garbage service. Ms. Moermond said her recommendation was still to deny the appeal and order that garbage service be started immediately.*
- Katrina Smith (1558 Point Douglas Road South) said she felt she was being harassed by a neighbor who was constantly calling in complaints. She said she was being forced to get garbage service, but there was no place to put a garbage can, and having garbage out would attract deer. She said there were ten properties on her road and no one else had garbage service.*
- Council President Lantry explained the reasons for requiring garbage service, and offered to help with the issue involving appellant's neighbor. She moved to close the public hearing and deny the appeal.*
- Adopted (appeal denied)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

- 60 [RLH VO 13-48](#) Appeal of Bill Bernier to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1940 REANEY AVENUE.

*Legislative Hearing Officer Marcia Moermond said the two issues leading to the revocation were that work was done without a permit, and the property was converted to a duplex without a permit. She recommended ordering compliance or vacation by December 1.*

*In opposition:*

*Appellant Bill Bernier said the building was not a duplex but was a single family home with an accessory dwelling unit. He said he had done a lot of remodeling, including repair of the roof under permit and installation of a window in the basement. He said he had initially rented to the previous owner who had converted the basement to an apartment for his two sons, so that was there already. He said he had finished garage space, and now had a three bedrooms and a small family room in an accessory dwelling unit that was a walk-out. He said the problem was that fire department didn't like him, and liked pushing his tenants out of his properties. He said it was a good property. He cited a district court case allowing an accessory dwelling, and said he had two families living at 287 Bates but it wasn't considered a duplex. He encouraged the Council to walk through his properties.*

*Council President Lantry moved to close the public hearing and accept the recommendation of the Legislative Hearing Officer.*

**Adopted (appeal denied and extension granted to December 1 for compliance or vacation)**

**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 51 - 66)**

**Legislative Hearing 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

- 51 [RLH VBR 13-57](#) Appeal of Mackonnen Hidru to a Vacant Building Registration Notice at 469 ANITA STREET.

**Adopted**

- 52     [RLH RR 13-44](#)     Ordering the razing and removal of the structures at 157 ATWATER STREET within fifteen (15) days after the October 16, 2013, City Council Public Hearing. (Public hearing continued from October 16)  
**Adopted**
- 53     [RLH OA 13-65](#)     Making recommendation to the Ramsey County Commissioners on the application of Terry Scot Glass, for repurchasing the tax-forfeited property at 646 AURORA AVENUE.  
**Adopted as amended (Council recommends approval of the application)**
- 54     [RLH RR 13-45](#)     Ordering the razing and removal of the structures at 461 BEAUMONT STREET within fifteen (15) days after the October 16, 2013, City Council Public Hearing. (Public hearing continued from October 16)  
**Adopted**
- 55     [RLH OA 13-66](#)     Recommending that the Ramsey County Commissioners deny the application of Thomas Raymond Lindquist for repurchasing the tax-forfeited property at 1740 BEECHWOOD AVENUE.  
**Adopted**
- 57     [RLH FCO  
13-226](#)     Appeal of Julie Meyer to a Fire Inspection Correction Notice at 1304 JULIET AVENUE.  
**Adopted**
- 58     [RLH VO 13-52](#)     Appeal of Rene Castile to a Correction Notice - Re-Inspection Complaint at 1032 MAGNOLIA AVENUE EAST (Condemnation for unsafe heating).  
**Adopted**
- 61     [RLH FCO  
13-223](#)     Appeal of Triesta Brown to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1287 SEMINARY AVENUE.  
**Adopted**
- 62     [RLH FCO  
13-229](#)     Appeal of Keren Orr to a Correction Notice - Complaint Inspection at 362 SHERBURNE AVENUE.  
**Adopted**
- 63     [RLH VO 13-50](#)     Appeal of Albertia Vaughn to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 413 SINNEN STREET.  
**Adopted**

- 64     [RLH RR 13-51](#)     Granting a stay in the enforcement of Council File No. RLH RR 13-12, an Order to Raze and Remove the Structures at 1220 VIRGINIA STREET.  
**Adopted**
- 65     [RLH TA 13-628](#)     Amending Council File RLH AR 13-40 to delete the assessment for Excessive Use of Inspection Services from August 31 to December 31, 2012 at 0 WEBSTER STREET. (File No. J1304E, Assessment No. 138304)  
**Adopted**
- 66     [RLH FCO 13-227](#)     Appeal of Bret Dryden to a Fire Inspection Correction Notice at 103 WILKIN STREET.  
**Adopted**

#### **ADJOURNMENT**

*Councilmember Brendmoen moved adjournment.*

**Meeting adjourned at 6:50 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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