



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Council Chambers - 3rd  
Floor  
651-266-8560

## Minutes - Final

### City Council

*Council President Russ Stark*  
*Councilmember Dan Bostrom*  
*Councilmember Amy Brendmoen*  
*Councilmember Rebecca Noecker*  
*Councilmember Jane L. Prince*  
*Councilmember Dai Thao*  
*Councilmember Chris Tolbert*

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Wednesday, July 26, 2017

3:30 PM

Council Chambers - 3rd Floor

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#### ROLL CALL

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

**Councilmember Thao excused.**

**Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

**Absent** 1 - Councilmember Dai Thao

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 17-44](#) Letter from the Department of Safety and Inspections declaring 653 Jessamine Avenue East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
**Received and filed**
- 2 [AO 17-51](#) Authorizing the Police Department to reimburse expenses for the assessors for the commander's exam.  
**Received and filed**
- 3 [AO 17-52](#) Authorizing the Police Department to reallocate its 2017 Special Fund operating budget to more accurately record expenditures.  
**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 - 10)**

*Councilmember Tolbert moved approval of the Consent Agenda.*

**Consent Agenda adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 4**     [RES 17-1147](#)     Referring to the Planning Commission for study and report, the possibility of establishing an overlay district defined by the boundaries of Grand Avenue, the Macalester College campus, Saint Clair Avenue, and Fairview Avenue.  
**Adopted**
- 5**     [RES 17-1144](#)     Approving the release of a drainage and utility easement within the property located at 1455 Victoria Way.  
**Adopted**
- 6**     [RES 17-1033](#)     Establishing the rate of pay for the new classification of Data Release Technician in Grade 025, of Employee Group 02, AFSCME Technical.  
**Laid over to August 2 for adoption**
- 7**     [RES 17-1038](#)     Amending the Civil Service Rules, eliminating Civil Service Rule 34, Unclassified Positions.  
**Adopted**
- 8**     [RES 17-1124](#)     Approving the Mayor's appointment of Carl Johnson to serve on the Food and Nutrition Commission.  
**Adopted**
- 9**     [RES 17-1094](#)     Accepting the gift of a Phillips Heart Start Automated External Defibrillator ("AED") for use by the Department of Parks and Recreation at Como Lakeside Pavilion/Como Dockside.  
**Adopted**

- 10     [RES 17-1114](#)     Approving adverse action against the Second Hand Dealer-Motor Vehicle Parts license application submitted by Maypop Sales and Service at 2554 Como Avenue.

**Adopted**

**FOR DISCUSSION**

- 11     [RES 17-871](#)     Approving the revision to the Workplace Conduct Policy. (Laid over from June 21 and June 28)

*Council President Stark said a revised version of the policy was attached with two changes.*

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 12     [RES 17-877](#)     Approving the joint powers agreement between the City and the cities of West St. Paul and Mendota Heights regarding the Erosion Stabilization of Cherokee Heights Upper Ravine. (Laid over from July 12)

*Councilmember Noecker moved to lay the matter over to August 2.*

**Laid over to August 2**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 13     [RES PH 17-203](#)     Authorizing staff to begin final contract negotiations with the currently licensed residential trash collectors and suspending the Organized Collection Options Committee.

*Council President Stark said public comment had continued to come in the week the item had lain over; he thanked community members, staff, and haulers for their participation in the process. He said he had just revisited the document laying out the priorities established a year ago, and felt the proposal being considered et almost all of them to a T, with some minor exceptions. He said a lot concerns had been raised about price, and while price was one priority, it was one of many. He said another issue was low trash producers. He said he would move to approve the resolution but would like staff and the haulers to take another strong look at whether there was a way to further reduce the cost for the smallest can and every-other-week service, and to offer shared service.*

*Councilmember Brendmoen said due to prevalent dumping and burning she was not supportive of an opt out program but agreed they should look at a sharing program for low-volume users. She questioned the \$52 administration fee and said even supporters opposed it. She said she would support moving forward but would also like to talk to City staff about what could be done to reduce the City's administrative fee.*

*Council President Stark asked Public Works director Kathy Lantry to provide an overview of how the price structure was developed. He noted that Councilmember Bostrom had raised concerns the previous week about significantly lower prices in Maplewood and other municipalities.*

*Ms. Lantry said a trash bill analysis had been conducted by Public Works and had been illustrative of what was happening in the market currently. She said people were paying between \$20 and \$60 a month for a large can, with similar ranges for other sizes. She said they were using averages (to establish rates) and knew from the public testimony that some people were currently on the low end of the range. She said staff had done a good job of using the Council's priorities, and one thing that continued to come up was the need for stable, equitable, and uniform rates throughout the City. She said those who had good social cohesion in the neighborhood and the ability to negotiate could get a low rate for their neighborhood. She said their experience showed that a lot of people didn't have time or the language skills to negotiate, and she knew equity in trash service was a priority for the Council and Mayor Coleman. She said they didn't want to be in a position where those who had the time and ability to negotiate got one price and the people who could usually least afford it either didn't have trash service or were paying \$60 when others were paying \$20. She reiterated that they were using an average. In response to Councilmember Bostrom's concerns about Maplewood rates, she said Maplewood had presented at an Option Committee meeting in June, so they (Public Works) was knew what Maplewood residents paid. She said she would caution against comparing with Maplewood because Maplewood didn't have alleys and their priority was price. She said they went to an RFP and didn't negotiate and there were haulers that no longer worked in Maplewood; she said they had one national hauler. She said one of the values the Council had laid out clearly was making sure no one was put out of business, and there was a cost to that. With reference to administrative costs, she said they knew it looked like a lot. She said the costs included cart replacement, additional staff, and transition and implementation costs. She said they knew some people wouldn't pay their bills, and it would go to assessment but the City would carry the costs. She said they were hoping that portion of the fee could go down as the fund was built. She said the administrative fee was a*

*starting point and they hoped costs would go down.*

*Councilmember Tolbert asked about incentives for people to reduce the volume of waste generated. Ms. Lantry said she didn't want to promise anything as they moved into negotiations, but one of the values of the program was encouraging people to produce less waste. She said they didn't want an opt out, but wanted a system that allowed for some sharing if possible. She noted that they had to be careful about adding another layer of administrative costs and would have to find a balance. She said she hoped there would be an opportunity to create an incentive for people to generate less trash.*

*Councilmember Brendmoen said she appreciated the explanation of the administrative fee and the commitment to reducing it.*

*Councilmember Noecker spoke in support of the agreement, and said she shared the concerns about the administrative fee.*

*Councilmember Prince spoke in support, but said they should be sensitive to seniors and those on fixed incomes.*

*Council President Stark moved approval of the resolution.*

*Councilmember Bostrom reiterated his concerns about the cost difference in Maplewood, and said he felt there was a lot of room to negotiate a better price. He said he wanted to keep everyone in business but the number one priority was to the citizens of St. Paul.*

*Councilmember Tolbert said he would support this with the knowledge that there would be a final proposal and the Council would direct staff to continue to work towards addressing the Council's concerns.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 14**     [RLH RR 17-25](#)     Making finding on the appealed substantial abatement ordered for 1062 FRONT AVENUE in Council Files RLH RR 16-51 and RLH RR 17-6.

*Legislative Hearing Officer Marcia Moermond said the Certificate of Occupancy had been issued, and she recommended approval of the resolution as amended to indicate the nuisance had been abated.*

*Council President Stark moved to approve the resolution as amended.*

**Adopted as amended (nuisance condition abated)**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 15**    [RLH FCO  
17-105](#)            Appeal of Tim Parmer to a Correction Notice - Re-Inspection Complaint at 1384 BUSH AVENUE.
- Councilmember Prince moved to approve the resolution as amended to allow until July 19, 2018 for compliance.*
- Adopted as amended (appeal denied and extension granted)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao

#### **ORDINANCES**

**An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.**

#### **Final Adoption**

- 16**    [Ord 17-22](#)            Amending Chapter 11 of the Administrative Code pertaining to HREEO department functions and director authority.
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao

#### **Third Reading**

17 [Ord 17-24](#)

Amending Chapter 329.02 of the Saint Paul Legislative Code pertaining to False Alarm Fee Increases.

*Todd Hurley, Office of Financial Services, said he had worked with Police and DSI to come up with an alternative based on Council members' comments at the previous week's meeting. He said the three guidelines they worked under were to find a proposal that was revenue neutral, that shifted more of the cost to the actual false alarms and away from the original alarm fee, and that reduced the original permit fee. He distributed and reviewed the proposal that they had developed and was recommended by the administration.*

*Council President Stark said the option was responsive to what they were trying to achieve; he spoke in support.*

*Councilmember Noecker said the proposal was in the spirit of what the Council had heard from constituents about not wanting to penalize people for protecting their homes and businesses. She said she wasn't unsupportive but had another alternative (Alternate 3) which she felt got closer to what they had heard from constituents and also revenue neutral. She reviewed her proposal which included a smaller fee increase, a uniform increase in the penalty for each false alarm, and a slight increase in revenue for the City.*

*Council President Stark said a concern with that was that the City could only charge based on the actual costs. Mr. Hurley said they could show more costs than the figure they had come up with with police and DSI, but his concern as the City's director of finance was that he was working to balance collectability of false alarm fees. He said he knew he could collect on a permit fee, but did not have the hammer of being able to assess multiple false alarm fees. He said with the \$500 maximum fee he was also trying not to exceed the Minneapolis false alarm fee. He reiterated that they could more than justify any fees because it was expensive.*

*Councilmember Noecker said, to the point about certainty of revenue, the numbers showed that the bulk of revenue were from permits and the first call, and not from the false alarm calls, regardless of what the Council did.*

*Councilmember Brendmoen thanked Mr. Hurley for listening to the Council members and constituents, and said she was supportive.*

*Councilmember Bostrom said the original proposal was way too high and the first alternative (from Mr. Hurley) was still higher than they needed to be, and with Alternative 3 (Councilmember Noecker), he really had a problem with soaking people on the second alarm. He said it took people awhile to learn a system, and the false alarms dropped dramatically after that. He said these were good people trying to make a go of it and protect their property. He said, for a lot of families, \$100 was groceries for a week. He proposed Alternative 2 which raised \$523 which was an increase of 55% compared to 80% for the other proposals.*

*Council President Stark moved Alternative 1.*

*Councilmember Prince spoke in support. She said it reflected what was heard from constituents and was revenue neutral. She said going forward she would like to direct staff to further break down the numbers on false alarms and users in general between commercial and residential. She said she had heard from constituents that there were cities around the country with separate programs.*

*Following the vote, Council President Stark said the matter would lay over for another week for a public hearing on the amended version.*

**Amended; laid over to August 2 for public hearing**

**Yea:** 4 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark and Councilmember Prince

**Nay:** 2 - Councilmember Bostrom and Councilmember Noecker

**Absent:** 1 - Councilmember Thao

- 18 [Ord 17-25](#) Amending Chapter 310.18 of the Saint Paul Legislative Code pertaining to the Alarm Permit License Fee.

**Amended; laid over to August 2 for public hearing**

**Yea:** 4 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark and Councilmember Prince

**Nay:** 2 - Councilmember Bostrom and Councilmember Noecker

**Absent:** 1 - Councilmember Thao

**Second Reading**

- 19 [Ord 17-23](#) Granting the application of 495 Kenny Road LLC to rezone property at 495 Kenny Road from I1 Light Industrial to IT Transitional Industrial, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

**Laid over to August 2 for third reading/public hearing**

- 20 [Ord 17-26](#) Granting the application of IAF Beacon I LLC to rezone a portion of 777 Forest Street North from I1 Light Industrial to I2 General Industrial, to become part of the railroad ROW, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

**Laid over to August 2 for third reading/public hearing**

**SUSPENSION ITEMS**

**For Reconsideration**

*Councilmember Noecker moved to reconsider RLH VO 17-18.*

- [RLH VO 17-18](#) Appeal of Allen Kremer to a Fire Certificate of Occupancy Revocation and Order to Vacate at 126 NINTH STREET EAST.

*Councilmember Noecker moved to lay the matter over for a public hearing on August 2 at the request of the Legislative Hearing Officer.*

**Reconsidered; laid over to August 2 for public hearing**



**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

*Council members shared good news from their wards.*

## **ADJOURNMENT**

*Councilmember Noecker moved adjournment.*

**Meeting adjourned at 4:35 p.m.**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

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