



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

Minutes - Final

City Council

Council President Kathy Lantry
Councilmember Dan Bostrom
Councilmember Melvin Carter III
Councilmember Pat Harris
Councilmember Lee Helgen
Councilmember Russ Stark
Councilmember Dave Thune

Wednesday, December 1, 2010

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

Present 5 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Pat Harris, City Council President Kathy Lantry and Councilmember Russ Stark

Absent 2 - Councilmember Lee Helgen and Councilmember Dave Thune

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 10-12** Amending the 2010 spending plan for Public Works Solid Waste and Recycling Fund for the PC Replacement program.

Received and Filed

- 2 **AO 10-15** Modifying the Saint Paul Public Library Agency General Fund budget by allocating spending in the appropriate object codes and partially restoring the transfer to the General Fund for technology services.

Received and Filed

CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER THE CONSENT AGENDA WILL BE ENACTED BY ONE MOTION, WITH NO SEPARATE DISCUSSION. IF DISCUSSION ON AN ITEM IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Approval of the Consent Agenda (Items 3 - 13)

Councilmember Bostrom moved approval of the Consent Agenda.

Yea: 5 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Helgen and Councilmember Thune

- 10 **RES 10-1404** Approving adverse action against the House Sewer Contractor license held by Kober Excavating, Inc. d/b/a Kober Excavating for the City of Saint Paul.

Sponsors: Lantry

Adopted

- 11 **RES 10-1405** Approving adverse action against the Auto Repair Garage license and Alarm Permit (Renew) held by Cha Sur Vang d/b/a Solange Auto Service located at 291 Fillmore Avenue East in Saint Paul.

Sponsors: Thune

Adopted

- 12 **RES 10-1419** Reducing assessment from \$1,235.00 to \$500.00 for collection of delinquent vacant building fees (re-invoiced) at 1193 PAYNE AVENUE due to compliance with conditions established in Legislative Hearing.

Sponsors: Bostrom

Adopted

- 13 **RES 10-1168** Approval of the resolution to create the new classification of Benefits Systems Support Specialist in Grade 24C of the Classified Confidential Employees Association-Clerical, Employee Group 81 Salary Schedule.

Sponsors: Lantry

Adopted

FOR DISCUSSION

- 14 **RES 10-959** Ordering the rehabilitation or razing and removal of the structures at 869 SELBY AVENUE within fifteen (15) days after the November 17, 2010, City Council Public Hearing.

Sponsors: Carter III

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Helgen

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

- 15 **Ord 10-55** Amending Section 61.302, Application forms and fees, of the Saint Paul Legislative Code, pertaining to fees for zoning reviews and applications.

Sponsors: Lantry

Laid over to December 8 for second reading

SUSPENSION ITEMS

Council President Lantry moved suspension of the rules to introduce the following item:

Rules Suspended

Yea: 5 - Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- RES 10-805** Ordering the rehabilitation or wrecking and removal of the structures at 1196 Seventh Street East within fifteen (15) days after October 20, 2010.

Sponsors: Lantry

Council President Lantry withdrew the item, which had been laid over from November 24.

Withdrawn

Councilmember Stark moved suspension of the rules to introduce the following item:

Rules Suspended

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

- RES 10-1463** Deleting the assessment for demolition of vacant buildings in November 2009 at 756 ARKWRIGHT STREET.

Sponsors: Thune

Councilmember Stark moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

Councilmember Stark moved suspension of the rules to introduce the following item:

Rules Suspended

Yea: 5 - Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

RES 10-1491 Deleting assessments made in error for properties located at 2194 Goodrich Avenue and 2125 Como Avenue

Sponsors: Stark

Councilmember Stark moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

Councilmember Stark moved suspension of the rules to introduce the following item:

Rules Suspended

Yea: 5 - Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

RES 10-1298 Approving the levy of a Special Benefits Tax pursuant to Minnesota Statutes, Section 469.033, Subdivision 6 by the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota

Sponsors: Thune

Council President Lantry said the resolution had been laid over from the previous week's Council meeting and now needed to be laid over to the special meeting on December 2 at 2:00 p.m.

Councilmember Carter moved to lay over to the meeting on December 2 at 2:00 p.m.

Laid Over to December 2

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

The meeting was recessed at 3:37 p.m. and reconvened for public hearings at 5:30 p.m.

PUBLIC HEARINGS

Present 5 - Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry and Councilmember Russ Stark

Absent 2 - Councilmember Dan Bostrom and Councilmember Dave Thune

16 RES 10-1277 Authorizing lease and parkland diversion for T-Mobile at Edgcumbe Rec Center

Sponsors: Harris

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

Adopted

Yea: 5 - Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

17 RES 10-1291 Reciting a proposal for a financing program for a multi-family rental housing development, giving preliminary approval to the project and the program pursuant to Minnesota Statutes, chapter 462C, authorizing the Housing and Redevelopment Authority to issue housing revenue bonds and authorizing the preparation of necessary documents and materials in connection with said project and program (Northern Warehouse Project).

Sponsors: Thune

Stephanie Hawkinson, Department of Planning and Economic Development, said the project is in Lowertown and it is in need of rehabilitation. Part of the financing package is the tax exempt revenue bonds. She will be seeking approval from the Housing and Redevelopment Authority (HRA) for an additional \$500,000 of home funds. They are receiving with these bonds, if approved, 4% tax credits.

Councilmember Harris asked if this a conduit issue and Hawkinson responded that it is.

Harris said if preliminary approval is tonight, it should be done as a package deal. He asked what happens if they do the bonds and the city doesn't give them the \$500,000. Hawkinson responded they would have to revisit the budget. Preliminary approval for the \$500,000 was giving this past summer contingent on putting together the financing package for the bonds and the tax credits. She was to go back to the HRA once they were able to get the other financing in place for final approval on the home funds.

Council President Lantry asked if the \$5.7 million is just a conduit issue and Hawkinson responded that it is. Lantry said the confusing part is that this will likely be before the HRA. Hawkinson responded she was told by the bond attorney that it needed to be a public hearing at the City Council.

Harris stated that typically they would get the full project overview. Hawkinson stated she will be coming to the HRA in a few weeks with the whole package. She was advised by the bond attorney that this was the first step. The developer was also anxious for them to get approval.

Lantry suggested that the Councilmembers could get a synopsis of the action taken to the HRA agenda item which may be a way to put it all in perspective. Harris added that the developer could get them an overview of the project. Hawkinson responded she can do this.

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

Adopted

Yea: 5 - Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 18 **RES 10-1332** Authorizing the Police Department to enter into a Joint Powers of agreement with the State of Minnesota, Commissioner of Public Safety, Bureau of Criminal Apprehension (MN BCA), Minnesota Justice Information Services (State), to create an Adaptor using the Record Management System (RMS) that will meet the MN BCA specifications to establish Bidirectional Communication between the government unit and MN BCA systems.

Sponsors: Lantry

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

Adopted

Yea: 5 - Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 19 **RES 10-1149** Approve the use of assessment financing in accordance with City policy for the installation of a fire protection system requested by August Ventures - Lowertown, LLC for 178 East 9th Street (Ward 2).

File No. FP2010-05

Sponsors: Thune

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

Adopted

Yea: 5 - Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 20 **RES 10-1422** Approving year-end adjustments to the 2010 budget.

Councilmember Helgen stated his biggest concern is the last page, Special Funds, PED, 930, described as interest on investments. The total is \$1.6 million. He asked where the interest is coming from and the sources of those funds.

Scott Cordes, Office of Financial Services, explained that it's the interest earnings on the 2007 ISP bonds. The proposal here is to acknowledge those earnings that had been accumulated because the money was slow to be spent and transferred out to the general fund.

Councilmember Helgen asked if the underlying financial source for the investing bonds is the half cent sales tax. Cordes responded yes.

Helgen asked the reason for using the proceeds from the half cent sales tax bond issue, rather than spending reduction or other financing. Cordes responded that part of the interest earnings is eligible to be used in the general fund and that is the proposal before the Council. In order to address the overall revenue challenge the City is facing in 2010, the proposal is a combination of \$1.8 million in spending reduction coupled with the \$1.6 million of revenue increase from interest earnings.

Helgen said this funding could have been used in the economic development functions within the STAR program, cycled back in, and leveraged additional job creation (private sector development, economic development) just as easily as it could have been used to finance the general fund. Mr. Cordes concurred

No one appeared in opposition; Councilmember Helgen moved to close the public hearing Yeas – 6 Nays – 0

Helgen said he does not think this use of interest earnings is a good use for the flexible dollars that could go into economic development, supporting our commercial corridors, and job creation. A lot is heard about the need to refocus on that and that there are not the resources available to let these projects go, yet a lot of private sector dollars is leveraged whenever they make these investments using the STAR program. It would be better to get serious about making those budget reductions whenever they think about the legislature coming up.

Councilmember Harris stated it would be nice to use flexible dollars for a variety of things although he would prefer City capital type projects that need to get done as opposed to the things Helgen suggested as they have to recognize the environment from a tax standpoint and a responsibility to provide a budget that is affordable to the community. He said he appreciates the Mayor supporting the concept. What the Mayor and staff had decided to do with it is responsible because it is an attempt to keep the budget under control and keep the city affordable.

Councilmember Harris moved approval.

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, City Council President Lantry and Councilmember Stark

Nay: 1 - Councilmember Helgen

Absent: 1 - Councilmember Thune

21 PH 10-8

Final Hearing on the proposed 2011 Budget and Tax Levy (hearing will not start before 6:00 pm).

Margaret Kelley, City Finance Director, gave an overview of the Mayor's proposed 2011 budget with a PowerPoint presentation.

Barry Fox, 2271 St. Clair Avenue, addressed the Council and said he had a double digit increase in his property taxes. They are about \$6,000 this year if he includes the street maintenance assessment. He is living in an area in which it is assumed that it is okay to keep charging this kind of amount. It was only 4.7% this year for the City's fee; the school district wants 17.6% more; and Ramsey County wants to charge 8.8% more. He is currently unemployed and this is not something he can live with long term. When he bought the home in 1974, his hope was that he would be able to always live there.

Greg Copeland appeared and stated they are not getting a big turnout tonight because people are happy with the zero percent increase.

Councilmember Stark moved to close the public hearing. Yeas – 6 Nays – 0

Received and Filed

LEGISLATIVE PUBLIC HEARINGS

22 RES 10-961

Final version adopted 12/1/2010
 Ordering the rehabilitation or wrecking and removal of the structures at 590 GORMAN AVENUE within one hundred twenty (120) days after the December 1, 2010, City Council Public Hearing.

Sponsors: Thune

Marcia Moermond, Legislative Hearing Officer, stated all the conditions have been met. She recommended the Council grant 120 days for rehabilitation or removal. Amendments were drafted and appear as Version 3 in the documents.

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

Adopted as amended (120 days for rehabilitation or removal)

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 23 RES 10-1180** Final version adopted 12/1/2010
Ordering the rehabilitation or razing and removal of the structures at 1456 COHANSEY STREET within one hundred eighty (180) days after the November 17, 2010, City Council Public Hearing.

Sponsors: Bostrom

Marcia Moermond, Legislative Hearing Officer, recommended granting 180 days for the rehabilitation or razing of the structure. All the conditions have been met. There should be a progress check at the 90 day mark to make sure the work plan has been met. She has drafted the amendments as Version 2.

John Boyle, expressed his gratitude for the opportunity to rehabilitate the property and said they intend to have it completed within the 180 days. A number of things have already been completed and there will be significant progress in 90 days.

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

Adopted as amended (180 days for rehabilitation or removal)

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 24 RES 10-1047** Final version adopted 12/1/2010
Ordering the razing and removal of the structures at 186 FRONT AVE within fifteen (15) days after the December 1, 2010, City Council Public Hearing.

Sponsors: Helgen

Marcia Moermond, Legislative Hearing Officer, stated there was no one present at the Legislative Hearing representing the property. She recommended the building be removed within 15 days with no option for rehabilitation. These changes are in Version 2 of the resolution.

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

Adopted as amended (Remove within 15 days with no option for rehabilitation)

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 25 **RES 10-1048** Final version adopted 12/1/2010
Ordering the razing and removal of the structures at 105 MANITOBA AVENUE within fifteen (15) days after the December 1, 2010, City Council Public Hearing.

Sponsors: Helgen

Legislative Hearing Officer Marcia Moermond stated no one appeared at the Legislative Hearing. She recommended the building be removed within 15 days with no option for rehabilitation. Amendments are in Version 2.

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

Adopted as amended (Remove within 15 days with no option for rehabilitation)

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 26 **RES 10-1049** Final version adopted 12/1/2010
Ordering the razing and removal of the structures at 646-648 SHERBURNE AVENUE within fifteen (15) days after the December 1, 2010, City Council Public Hearing.

Sponsors: Carter III

Marcia Moermond, Legislative Hearing Officer, stated Matthew Jones of Usset, Weingarden & Liebo PLLP, attended the Legislative Hearing and said he would like to pursue rehabilitation. Ms. Moermond recommended two conditions: 1) a \$5,000 performance deposit is posted, and 2) a code compliance inspection is applied for. Ms. Moermond stated neither condition has been met. She recommended the Council order the building removed within 15 days with no option for rehabilitation. These changes are in Version 2.

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

Adopted as amended (Remove within 15 days with no option for rehabilitation)

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

27 ALH 10-355 Appeal of Rick T. Wilson to a Summary Abatement Order at 2234 STILLWATER AVENUE.

Sponsors: Lantry

Marcia Moermond, Legislative Hearing Officer, stated a summary abatement order was issued for removal of a partially constructed garage. The compliance date was on November 4. She had a legislative hearing on this matter on November 9. She showed the Council pictures of the garage.

Ms. Moermond recommended the Council grant until December 31, 2010 for completion of the building of the garage or removal from the property. A building permit was applied for, which met the November 19 deadline. If the project is not complete by January 1, the City may proceed with demolition if permits are not signed off.

Rick Wilson, owner, appeared and stated the garage is taking time to get done because of finances. He has hired a contractor to help with the assembly and finishing of the project. Finances are an issue as well as the weather. If he can show he is making an effort, he is hoping he can get more time.

Council President Lantry asked when the permit was originally pulled. Wilson responded that tear down was in 2004. They finished the footings in 2005 and the walls went up in 2007.

Ms. Lantry stated that Code Enforcement gave him seven days to finish the garage, which is too quick, but in looking at the history of the property, someone from the City has been out every year telling him to finish the garage. She asked when the garage will be done.

Joseph Felt, Felt Construction (phonetic), stated he does not know a lot about the past history. The biggest mistake is that the owner didn't hire a contractor to start with. They just signed a contract on the 8th and the hearing was on the 9th. They are behind on a lot of their work right now and are going into a 'weather permitting' time of year. He would like to have until March 31. Lantry responded it has been six years and in that time it has three walls and no roof. She understands they are in the winter season but the owner received the orders the end of October. Mr. Felt responded that Mr. Wilson contacted him right after that. He is hoping to get it done a lot sooner but it will depend on weather conditions. They have procured some materials that are on site.

Ms. Lantry said she would like this item to come back before the council so they can get a status report. They have three weeks to make progress and there needs to be significant progress. They then can bring it back within another three weeks.

Council President Lantry moved to close the public hearing and lay over to December 22.

Public hearing held and closed. Laid over to December 22

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 28 **ALH 10-390** Appeal of Mark Cemensky to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 274 SIDNEY STREET EAST.

Sponsors: Thune

Marcia Moermond, Legislative Hearing Officer, stated there had been significant excavation and a hole created in the yard and into the basement with a Bobcat to redo some of the venting. It has been moved to a Category 2 registered vacant building and the appeal is whether it should be a Category 2. Ms. Moermond said she found no reason why it should not be a Category 2 with a code compliance conducted and annual vacant building fees.

No one appeared in opposition; Councilmember Stark to close the public hearing and deny the appeal.

Appeal denied Yeas – 6 Nays – 0

Appeal denied

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Thune

The meeting was recessed at 6:15 p.m. to be reconvened immediately following the HRA meeting at 2:00 p.m. on December 2.

Council Meeting Information

Web

Meetings are available on the Council's website. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit www.stpaul.gov/council for meeting videos and updated copies of the Agendas, Minutes and supporting documents.

Cable

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