



City of Saint Paul

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

City Council Meeting Minutes - Final

*Council President Kathy Lantry
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Russ Stark
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert*

Wednesday, June 4, 2014

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 Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark and Councilmember Chris Tolbert
Absent 2 - Councilmember Dai Thao and Councilmember Dave Thune

Council members Thune and Thao arrived after roll call.

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 14-22** Letter from the Department of Safety and Inspections declaring 747 Lawson Avenue East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
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

Councilmember Bostrom moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

- | | | |
|---|-------------------|---|
| 2 | RES 14-960 | Accepting a contribution from Knight Foundation for City staff to attend "8-80 Cities Forum: The Doable City," in Chicago, IL, June 16-18, 2014.
Adopted |
| 3 | RES 14-885 | Approving the City's cost of providing Collection of Vacant Building Fees billed April 3, 2013 to February 18, 2014, and setting date of Legislative Hearing for July 8, 2014 and City Council Public Hearing for August 20, 2014 to consider and levy the assessments against individual properties. (File No. VB1410, Assessment No. 148814)
Adopted |
| 4 | RES 14-886 | Approving the City's cost of providing Property Clean Up services from March 31 to May 2, 2014, and setting date of Legislative Hearing for July 8, 2014 and City Council Public Hearing for August 20, 2014 to consider and levy the assessments against individual properties. (File No. J1410A, Assessment No. 148532)
Adopted |
| 5 | RES 14-887 | Approving the City's cost of providing Trash Hauling services during April 2014, and setting date of Legislative Hearing for July 8, 2014 and City Council Public Hearing for August 20, 2014 to consider and levy the assessments against individual properties. (File No. J1410G, Assessment No. 148710)
Adopted |
| 6 | RES 14-888 | Approving the City's cost of providing Installation of Excessive Gas Flow Valve services from February to April 2014, and setting date of Legislative Hearing for July 8, 2014 and City Council Public Hearing for August 20, 2014 to consider and levy the assessments against individual properties. (File No. FV1402, Assessment No. 148901)
Adopted |

- 7 **RES 14-993** Accepting the offer of the Minnesota Public Facilities Authority to purchase a Water Revenue Note in an aggregate principal amount not to exceed \$2,200,000, providing for the issuance of the 2014 note, and authorizing execution of a Project Loan Agreement with the Minnesota Public Facilities Authority.
Adopted
- 8 **RES 14-916** Approving the May 1, 2014 Wage and Fringe Adjustment between the City of Saint Paul and The Bricklayers and Allied Craftworkers, Local Union 1 Minnesota/North Dakota.
Adopted
- 9 **RES 14-952** Authorizing the Police Department to enter into the CAD Decommission and Transition agreement with Ramsey County.
Adopted
- 10 **RES 14-953** Authorizing the Police Department to enter into an Amendment to Joint Powers Agreement for Ownership, Use and Operation of a Computer Aided Dispatch (CAD) System with Ramsey County.
Adopted
- 11 **RES 14-961** Approving and authorizing execution of a lease agreement between the City of Saint Paul and Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless, allowing the installation of wireless communication equipment on various City infrastructure.
Adopted
- 12 **RES 14-966** Approving a Liquor Outdoor Service Area (Patio) license with one condition for Bang Brewing Company, LLC, d/b/a Bang Brewing Company (License ID #20120004741) at 2320 Capp Road.
Adopted
- 13 **RES 14-985** Approving adverse action against the Taxicab Driver (Provisional) license application submitted by Abdullahi A. Rage.
Adopted
- 14 **RES 14-986** Approving adverse action against the Sidewalk Contractor license held by Ground Support, Inc.
Adopted

FOR DISCUSSION
No items

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

- 15 **Ord 14-12** Amending Sections 60.221, 66.331, and 66.341 of the Zoning Code pertaining to transit streets. (Laid over from April 16)

Councilmember Thune said it had been laid over so the district councils could study it, and the West Seventh Street Federation and the Business Association opposed it because of concerns about adequate parking for businesses. He said zoning was something that used to be used to protect residents and businesses from uses that would be a detriment, but this was being used as a social thing to try to push people out of cars to mass transit. He expressed concerns about the effects of the changes on development, especially in areas that were nowhere near transit and already had limited parking, and said he felt it was misleading to say the ordinance would not affect many areas. He said he would like to vote against it but realized he wouldn't have the Council's support, so he had a couple of suggestions for amendments. He proposed exempting T1 or T2-zoned buildings that provided parking structures, restoring language related to distance from a transit stop, and applying the minimum parking changes to residential buildings with ten or more units rather than six.

Councilmember Stark said structured parking was expensive and would make development more expensive.

Council President Lantry said Deputy City Attorney Jerry Hendrickson had advised that the Council had to vote on actual language, and the item could be laid over for a week with the intention of adding the amendments.

Councilmember Stark said the Planning Commission had gone through a process, and he was reluctant to make significant changes at this point. He said he would like to go forward with the idea that something specific like an overlay could be done for Ward 2. Councilmember Brendmoen said she was not comfortable voting on the amendments or even a layover without more information. She asked staff whether an overlay would be possible.

Hilary Holmes, Planning and Economic development (PED), said had spoken with four of the district councils to date. She said one had passed a resolution in support and one in opposition, although neither had been submitted in writing. She said the other two had discussed the ordinance but had chosen not to take a position. She clarified that the ordinance referred to the current definition, which applied to only a few parcels, with the understanding that if the definition changed or was eliminated, the proposed ordinance would affect T1 and T2 citywide.

Councilmember Tolbert said he wouldn't necessarily support the amendments but would be okay with a week layover. Councilmember Thune moved to lay the matter over. Council President Lantry said she would support the motion but was unhappy with the way the matter was being handled and held up at the last minute. She said she would not be supporting the amendments because she felt the ordinance would be a better thing for the majority of the city. She said she liked the idea of pursuing ward-specific solutions, but didn't want to hold up the rest of the city.

Councilmember Thune said he would withdraw the motion if it didn't have support. Councilmember Bostrom said he would support a layover and thought the Council should have the opportunity to review the amendments. He said everything seemed to be geared towards everyone using mass transit, which was not the reality.

Councilmember Thune said he did not want to go ahead if there wasn't philosophical support, but he felt using the TN zoning, at least in his district, was a huge mistake. He withdrew the motion.

Councilmember Stark moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao and Councilmember Tolbert

Nay: 1 - Councilmember Thune

Council members shared information about upcoming events in their wards.

The Council recessed 3:53 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:32 p.m.

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

16 Ord 14-22

Administrative Ordinance placing the classification titled Assistant General Manager-Saint Paul Regional Water Services in the unclassified service pursuant to Section 12.03.2(H) of the City of Saint Paul Charter.

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

Public hearing held and closed; laid over to June 11 for final adoption

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

Nay: 0

SUSPENSION ITEM

Councilmember Thune moved suspension of the rules.

Rules suspended

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

Nay: 0

RES PH 14-153

Approving the application of USA Triathlon for a sound level variance in order to provide amplified music and the use of a sound system for announcements from 8:00 a.m. until 7:00 p.m. on Tuesday, Wednesday, Thursday, and Friday, July 15, 16, 17 and 18, 2014; and from 5:00 a.m. until 8:00 p.m. on Saturday, July 19, 2014, during the Duathlon National Championships event at Harriet Island. (Public hearing continued from June 4) (Amended to approve variance, with conditions, only on Saturday, July 19, 2014 from 5:00 a.m. to 4:00 p.m.)

Councilmember Thune said the item was being brought in under suspension because of a notice issue. He moved an amendment deleting the 8:00 a.m. to 7:00 p.m. variance for July 15 through 18, and substituting 7:00 a.m. for 5:00 a.m. on Saturday. Yeas - 7 Nays - 0

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to June 11 at 3:30 p.m.

Public hearing continued to June 11 at 3:30 p.m.

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

Nay: 0

17 RES PH 14-137

Approving the application of Linda Maddox for a sound level variance in order to provide amplified music, announcements, and fireworks from 11:00 a.m. until 11:00 p.m. on Thursday, July 3, 2014; Friday, July 4, 2014; Saturday, July 5, 2014; and Sunday, July 6, 2014 during The Taste of Minnesota at Harriet Island.

Event General Manager Linda Maddox described the event.

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

Adopted

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

Nay: 0

18 RES PH 14-141

Approving the application of Minnesota Bicycle Festivals Inc. for a sound level variance in order to present amplified music and announcements on a stage located near the corner of Sixth Street West and St. Peter Street, for the Saint Paul Rice Park Criterium on Wednesday, June 11, 2014 from 5:00 p.m. to 9:00 p.m.

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

Adopted

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

Nay: 0

- 19 RES PH 14-148** Approving the application of Robert Droddy for a sound level variance for the Skyway Open Mini Golf Tournament, a Green Line Opening Event, to allow amplified music (DJ) and public address system from 2:00 p.m. to 8:00 p.m. on Saturday, June 14, 2014 at the Ecolab Park Plaza, Fifth Street East and Wabasha Street North.

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

Adopted

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

Nay: 0

- 20 RES PH 14-149** Approving the application of Scott Munson for a sound level variance in order to present amplified music and announcements from 3:00 p.m. until 6:00 p.m. on Saturday, June 14, 2014 for a wedding at Mears Park.

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

Adopted

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

Nay: 0

- 21 RES PH 14-150** Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified music outdoors on Prince Street east of Broadway Street from 12:00 noon to 11:00 p.m. (amended to 10:00 p.m.) on Friday and Saturday, June 27 and 28, 2014, during the Twin Cities Jazz Festival.

Councilmember Thune moved to amend the variance ending time from 11:00 p.m. to 10:00 p.m. He said 11:00 p.m. was a typo, and the event organizer was fine with the amendment. Yeas - 7 Nays - 0

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

Adopted as amended (10:00 p.m. end time)

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

Nay: 0

- 22 RES PH 14-151** Approving the application of Brian Horst for a sound level variance in order to present amplified music for the Music in Mears concerts from 6:00 p.m. to 9:00 p.m. on ten (10) Thursdays, June 12, 2014 through August 21, 2014, followed by movies from 9:00 p.m. to 11:30 p.m. on seven (7) Thursdays, July 10, 2014 through August 21, 2014 in Mears Park.

Councilmember Thune said movies until 11:30 was pushing it, and there had been some push-back in the past. He said he trusted Mr. Horst to make sure the volume was dialed down after 10:00 or so.

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

Adopted

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

Nay: 0

- 23 RES PH 14-136** Approving the application of Dubliner Pub for a sound level variance for an outdoor live music event on Saturday, June 14, 2014 from 3:00 p.m. to midnight.

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

Adopted

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

Nay: 0

- 24 RES PH 14-143** Approving the application of the High School for Recording Arts for a sound level variance for an outdoor music performance and announcements between 12:00 noon and 9:00 p.m. on Wednesday, June 11, 2014 at a parking lot near 1166 University Avenue West.

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

Adopted

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

Nay: 0

- 25 **RES PH 14-152** Approving the application of Rachel Wiken & Katie White for a sound level variance in order to present amplified music & speeches for an event on Saturday, June 21, 2014 from 3:00 p.m. to 9:00 p.m. at the Como Park Midway Pavilion.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
-
- 26 **RES PH 14-142** Approving the application of Lao Family of Minnesota, Inc. for a sound level variance in order to provide amplified sound from 9:00 a.m. until 8:00 p.m. on Friday, July 4 and Saturday, July 5, 2014 during the Annual Hmong Freedom Celebration 2014 at the Como Park, McMurray Fields, 1155 Jessamine Avenue West.
- Council President Lantry asked Deputy City Attorney Jerry Hendrickson to clarify the variance request and the action the Council would be taking at the meeting. Mr. Hendrickson said the issue at hand was the impact of sound in that particular area, and the Council was obligated to make their decision based on issues relevant to only to that, and not on who the applicant was.*
- In opposition:*
Frances Thao (731 Magnolia Avenue E.), resident and small business owner in St. Paul, said if the variance was granted there would be protestors, in addition to traffic jams and confusion. He said there would be a strong public outcry from the Hmong community in St. Paul and across the country, causing a bigger disturbance.
- In support:*
Tzianeng Vang (1005 County Road C East), former resident and council member for District 2, gave some background on leaders of the opposition and said they had deviated from the Lao Family in 2010 and have hosted a similar July 4 event at Dakota County Fair. he said the group had threatened violence at the Hmong New Year celebration. He said they had been offered the opportunity for resolution but had refused. He acknowledged that the Freedom Celebration caused traffic and chaos and trash as any large event was bound to do. He described the bands of Hmong attending from around the world, including scholars, and he asked that they be allowed to continue their proud tradition of 34 years. he said the opposition voice was small, and the local and national international community would suffer if the variance were denied.
- Additional opposition:*
Pang Her Vang (8184 9th Avenue N. Oakdale), said she had been a member of the Lao Family community for over 30 years, and had moved from Illinois to St. Paul because of neighborhoods, jobs and schools. She said she had gotten a lot of help from Lao Family Community until 2009, but the current board was corrupted. She said the event was good for the community but the current board couldn't lead anymore.
- Councilmember Stark moved to close the public hearing. Yeas - 7 Nays - 0*

Councilmember Stark thanked those who testified. He stressed that the issue at hand was the sound variance and said the event would go on with or without it. He said the event had been managed better and better over the years and the community had come to largely support it, and he would move to grant the application. He said he felt the testimony was unfortunate and didn't serve anyone in the community, and he hoped a resolution could be found.

Adopted

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

Nay: 0

27 RES PH 14-146

Approving adverse action against the Taxicab Driver license held by Abageda Tahiro Yahya.

Geoffrey Karls, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violation involving attempting to charge each of two passengers the full amount on the meter for a shared trip, and attempting to inappropriately charge the \$4.00 airport access fee. He said DSI recommended a matrix \$500 penalty, and the licensee agreed to the facts but had requested a public hearing to dispute the recommended penalty.

In opposition:

Licensee Abageda Yahya (via an interpreter) (13071 Vernon Avenue, Savage) said according to his training he could charge each passenger a 20% discount off the normal rate; he cited and read from a specific section. He said he did not charge \$4, and that the fare from Amtrak to the airport would be \$29 to \$30 including the \$4.00, but the meter read \$24.50 and that is what he charged. He said the passengers verified the amount on the meter and said they were willing to pay that amount. He said if what he did was wrong he took responsibility, but he based his decision on the guidelines. He said he had seven children, and \$500 was too much for him to pay. He said he had two children in college, and was supporting two children in Kenya and had three children still in Ethiopia. He asked that the penalty be reconsidered, and he reiterated that he hadn't add the \$4.00 airport fee. He said he charged based on the guidelines in the manual.

Council President Lantry asked about the manual Mr. Yahya had. Mr. Karls said Mr. Yahya had been referring to the Minneapolis guideline, specifically the section about passengers going to different destinations. He said Minneapolis and St. Paul regulations were different.

Mr. Yahya said he thought the Minneapolis and St. Paul guidelines were the same, and the two passengers initially gave two different destinations - one to American Airlines and one to the shuttle service. He said he didn't understand due to language problems.

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

Councilmember Stark said it appeared Mr. Yahya was contesting some of the facts. Mr. Karls said it did sound like there was a dispute as to whether this was a violation or not.

Councilmember Stark said it was a situation where it was hard to tell if an honest mistake was made. He said he recognized that \$500 was a steep penalty, and he

suggested imposing \$250 and stay \$250 if there were no same or similar violations for 18 months.

Council President Lantry asked whether St. Paul had a printed guideline that could be provided to Mr. Yahya. Mr. Karls said he wasn't sure. Councilmember Thune asked how drivers learned of regulations. Councilmember Brendmoen asked when rules from the two cities applied. Mr. Karls said the rules of the starting location applied. He also noted that St. Paul ordinance prohibited charging an amount other than that on the meter.

Adopted as amended (\$500 penalty imposed with \$250 stayed for 18 months given no same or similar violations)

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

Nay: 0

28 PH 14-7

Public hearing to consider the report of the Administrative Law Judge concerning the Cigarette/Tobacco license and Alarm Permit (New) held by William LS Company, d/b/a St. Paul Grocery at 712 University Avenue West.

Geoffrey Karls, Assistant City Attorney representing the Department of Safety and Inspections (DSI), reviewed the violations leading to the November 2013 decision made by the Council to revoke all licenses held by Jamal & Saed Co at this location. He described the current violation involving the application of Saed Maroof for a tobacco license at the same location under a different ownership name. He said the Administrative Law Judge (ALJ) agreed with DSI's motion for a summary disposition and found that license revocation was appropriate. He said DSI recommended that the Council adopt the findings and recommendation of the ALJ.

In opposition:

Terry Watkins, attorney representing Mr. Saed said a lot of assumptions were being made with no basis in fact. He said Jamal and Saed Company did not involve Saed Maroof at the time it was formed. He spoke about Mr. Maroof's background, and said Mr. Maroof came to Minnesota in 2010 to learn about running a store from Mr. Jamal, who was opening a second store using a substantial loan from Mr. Maroof's mother. Mr. Watkins said Mr. Maroof did not read English at that time and understood very little, and he was told to sign a lease for the store at 712 University and was not aware that his name was used in when the company was registered. He said Mr. Maroof began working at the 712 University location in 2012, and was guilty only of selling single cigarettes, which was due to a misunderstanding of the regulations. He said Mr. Maroof began the process of opening a store at 927 University but was then offered the store at 712 University by Mr. Jamal. He said Mr. Maroof did not list his work at the store at 712 University when applying for the new license because he did not understand all of the language in the application, but licensing staff knew him because he had recently applied for the license for 927 University. He said Mr. Maroof worked very hard to make it a business that served the community, and it was fundamentally wrong for him to be painted with a broad brush. Mr. Watkins said he'd been involved in other cases in which licensees had been given another chance after making a mistake, and Mr. Maroof was completely honest with the judge. He asked that the Council not revoke the license.

In response to questions from Council President Lantry, Mr. Karls confirmed the facts that had been established at the earlier ALJ hearing, including Mr. Maroof's 50%

ownership of the store and the sale of stolen goods from the store.

Mr. Watkins said Mr. Maroof was not a part of that ALJ report and the Council Hearing had taken place well after the sale of the store.

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

In response to a question from Councilmember Bostrom, Mr. Karls said the ALJ determined that one of the three grounds for adverse action identified by DSI in the motion for summary disposition had been proven, and that adverse action should be taken accordingly, with a strong suggestion for revocation of all licenses.

Councilmember Thao said the ALJ and DSI work was thorough, and a lot of the decisions were made before his time on the Council. He moved to adopt the recommendation of DSI.

Motion of Intent - Adopted the Findings of Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge (License and permit

revoked)

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

Nay: 0

29 RES PH 14-103

Ratifying the assessments for Replacement of Lead Water Service

Line on private property from January to March 2014. (File No. 1402LDSRP, Assessment No. 144001)

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

Adopted

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

Nay: 0

30 RES PH 14-104

Ratifying the assessments for Repair of Sanitary Sewer Line on private

property from January to March 2014. (File No. SWRP1402, Assessment No. 143001)

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

Adopted

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

Nay: 0

31 RES PH 14-58

Final Order approving a new sidewalk improvement along the west side of Davern Street from Saint Paul Avenue to Colvin Avenue. (File No. S1402, Assessment No. 145302) (Public hearing continued from June 11)

In opposition:

Richard Strimling (1151 Davern Street) said his was one of five properties affected by the proposal, and he had purchased his property 40 years before because of the character of the neighborhood. He said he felt "safety" was being used as a buzzword, and he asked whether there had ever been a traffic or pedestrian study on Davern. He said there was very little pedestrian traffic, and students using other sections of Davern walked in the street on the side with no sidewalk. He noted the Heritage Preservation Commission's recommendation against a sidewalk. He suggested widening the road and walking area, or adding the sidewalk on the east side of street where much of the property was City-owned. He asked for greater thought and not just reactionary response to worries about safety. He said Davern was a Night Plow Route, and he asked where the snow would go if the sidewalk went right to the curb. He said snow removal on the sidewalk would place an undue burden on the homeowners. He pointed to other areas without sidewalks, including Edgecumbe going west from Highland High School, and east along the golf course.

Councilmember Tolbert thanked Mr. Strimling for his testimony. He said the HPC determination would be appealed by Public Works, and he moved to continue the public hearing to July 16.

Councilmember Brendmoen stressed that it was a Council priority to add sidewalks throughout the City, and this area was not being singled out. She said sidewalks benefited all residents.

Public hearing continued to July 16

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

Nay: 0

32 RES PH 14-117

Amending the financing and spending plans in the capital budget for the Department of Public Works by adding \$96,605 of County funding to the Signalized Intersection Safety Improvements Program to install Audible Pedestrian Signals (APS) at various intersections throughout the city.

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

Adopted

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

Nay: 0

Approving and authorizing execution of a permit agreement between the City of Saint Paul and Car2Go NA LLC allowing use of Public Right of Way for car sharing services. (Public hearing continued from June 4)

Paul St. Martin, Public Works, gave a brief staff report on the agreement and the Car2Go service. He said Car2Go currently had 350 vehicles operating in Minneapolis as part of a two-year agreement that had resulted from an RFP initiated by the City of Minneapolis. He said Car2Go had submitted a proposal to expand their service with the addition of 185 vehicles in St. Paul. He reviewed the details of the service and the agreement, and said he felt the greatest benefit for St. Paul residents would be reduced automobile usage and pollution. He said Public Works was proposing an 18 month agreement which would serve as a pilot program, and which would expire at the same time as Minneapolis' agreement and allow for a joint renewal if desired.

Councilmember Tolbert asked whether the money received would go into the General Fund. Mr. St. Martin said the details of that had yet to be worked out. Council President Lantry said the financial details would have to be agreed to by the Mayor and City Council.

In support:

Josh Johnson (320 Brooks Avenue W., Roseville), location manager for Car2Go in Minneapolis, said the evidence was clear from Minneapolis that the service would have benefits for the residents of St. Paul including reducing traffic and parking congestion. He cited statistics related to automobile and transit use by Car2Go members. He said they had received 300 comments from Minneapolis and St. Paul residents asking that the service be expanded into St. Paul, and many commenters had said they would be able to stop using their personal vehicle if Car2Go were available in both cities. He said Car2Go could help fill in the gaps for neighborhoods underserved by public transit. He said they had a great relationship with Metro Transit and Nice Ride, and currently had a promotion in which they were giving away Nice Ride memberships along with new Car2Go memberships. He described planned promotions with Metro Transit.

In response to a from Councilmember Thao, Mr. Johnson said all vehicles were 2013 or 2014 models, and all St. Paul vehicles would be 2014. He said they had about a five year life span. He clarified some parking restrictions, and the type of data that would be provided to the City by Car2Go.

Councilmember Bostrom said the company had no home office like Hertz, and he expressed concern about meter use and lost revenue. He said the service would result in more cars on the street, because even if users said they got rid of their car, the cars were still on the street somewhere. Mr. Johnson said the lost revenue was addressed in the agreement and would be covered by car2Go.

In response to questions from Councilmembers Bostrom and Thune, Mr. St. Martin said average revenue from downtown meters was about \$8.00 per day. He reiterated that the Car2Go agreement included payment for lost meter revenue. Councilmember Stark said the idea was that Car2Go vehicles wouldn't all be downtown at meters; Mr. Johnson said this was supported by data from Minneapolis. He noted that the company did have a home office in Minneapolis and warehouses in Minneapolis and Saint Paul. Councilmember Bostrom said he was also concerned about Car2Go vehicles parking in permit-only areas, especially in Irvine Park during Xcel Center events or other times when parking demand was high.

Councilmember Thao asked whether the City would receive real-time data. Mr. Johnson said that was being developed for internal City use, but currently members could see locations of Car2Go vehicles. Councilmember Thao said it was a big decision and data was important; he asked when the real-time data would be up and running. Mr. Johnson said it would be available by the time the agreement was in place.

Councilmember Stark said he appreciated Mr. Johnson's comments and information, and the email communications he'd had with Mr. Johnson over the previous 24 hours. He said there were still a lot of questions, and this was the first public forum, and his preference that the matter go to the Transportation Committee which had been created to handle these sorts of policy questions. He said he shared the concerns about the free parking aspects, but they were outweighed by the potential benefits. He said he felt more public discussion was needed about some of the questions, and his intention was to lay the matter over so it could be heard by the Transportation Committee and Planning Commission. He suggested a four-week layover, acknowledging that more time might be needed.

Councilmember Thao said he would like more time. Councilmember Thune said he wasn't sure what would be gained by more time, and he recommended moving forward and allowing questions to be answered and changes made as the program was up and running.

Councilmember Stark said he was comfortable with the details but felt the Council should honor its own process and have the Transportation Committee review the agreement.

Council President Lantry read the Transportation and Planning Commission schedules, and said the item would have to be continued to July 9.

Councilmember Brendmoen asked what the planned launch date was for the service. Mr. Johnson said the agreement was for a July 1 launch.

Councilmember Stark moved to continue the public hearing to July 9.

Councilmember Tolbert asked whether things could be tweaked during the 18 month period. Council President Lantry the agreement was for 18 months and Car2Go needed that certainty. She said there were still questions but most Council members seemed generally supportive of the idea. She suggested that the Transportation Committee could consider the issue on June 16, and it could come back before Council on June 18. That would address the concerns about following process and allow time for Council members to have questions answered, while not delaying the launch date.

Councilmember Thune said he was skeptical that anything would change and the best way to evaluate the agreement would be to go forward.

Councilmember Stark revised his motion to a two-week layover with a referral to the Transportation Committee.

Councilmember Tolbert asked whether the Council could direct where the revenue went via an amendment to the agreement. Deputy City Attorney Jerry Hendrickson said said the normal Charter process would have to be followed for appropriating the funds, and that was not part of the agreement currently before the Council.

Council President Lantry asked whether the City received money up front. Mr. St. Martin said payment for first year would be made on July 18, 2014. He said the July 18, 2015 date listed was a typo.

Councilmember Stark reiterated importance of receiving good data.

Public hearing continued to June 18

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

Nay: 0

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 59 RLH RR 14-7** Ordering the rehabilitation or razing and removal of the structures at 1022 MINNEHAHA AVENUE WEST within fifteen (15) days after the April 16, 2014, City Council Public Hearing. (Amended to razing and removal only)

Legislative Hearing Officer Marcia Moermond said two of the three conditions set at the previous public hearing had been met, but the property owner had not appeared at the legislative hearing. She said her recommendation was to order the property removed, but if the Council wished to allow an additional two weeks she would ask that the cats and junk material be removed from the house, access to the property via a lockbox be provided, and documentation of adequate finances be provided. She noted that DSI had estimated the project would cost \$40,000. She said future requirements would include a work plan, a project manager, and funds in escrow.

Council President Lantry restated Ms. Moermond's recommendations for clarity.

In opposition:

Property owner Harvey Johnson (Little Canada) appeared. In response to a question from Council President Lantry he said he had discussed the conditions with Ms. Moermond and could meet the conditions if the Council decided to allow a couple more weeks. He thanked Councilmember Thao and Caty Royce from the Frogtown Neighborhood Association. He said the situation was overwhelming and he described the circumstances that had prevented him from making progress so far.

Councilmember Thao asked Ms. Moermond whether she could recommend an amount of time to allow. Ms. Moermond said the Council began considering this on April 16, and while that caused her to doubt the conditions could be met quickly, she also felt that with a job of this magnitude there should be ambitious goals. She reviewed her expectations, and Council President Lantry confirmed that Mr. Johnson understood and agreed to them.

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

Councilmember Thao said he didn't live too far from the property, and felt Mr. Johnson had received flexibility from the City and help from Caty Royce. He moved to lay the matter over to June 18 at 3:30 p.m.

Referred to Legislative Hearings on June 10; laid over to the City Council meeting on June 18 at 3:30 p.m.

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

Nay: 0

- 64 **RLH SAO 14-10** Appeal of Jesse Nicholas to a Summary Abatement Order and Vehicle Abatement Order at 253 RICHMOND STREET.
- Legislative Hearing Officer Marcia Moermond gave a staff report on the situation which involved junk needing to be cleared away, and improperly stored, unregistered vehicles that appeared to be inoperable. She said the appellant felt the orders were in retaliation for previous police issues. She recommended denying the appeal. In response to a question from Councilmember Thune, she said the compliance deadline had been May 16.*
- Councilmember Thune said he would accept Ms. Moermond's recommendation, and he asked that the appellant be given a deadline of the following day, and the inspectors be directed to remove the vehicles immediately if they were not in compliance.*
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (June 5 deadline for compliance; immediate enforcement action if deadline isn't met)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, 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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 34 **RLH TA 14-232** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1409, Assessment No. 148209 at 801 ARMSTRONG AVENUE.
- Adopted**
- 35 **RLH TA 14-243** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 1385 ARONA STREET.
- Adopted**
- 36 **RLH RR 14-8** Ordering the rehabilitation or razing and removal of the structures at 432 BEACON AVENUE within fifteen (15) days after the June 4, 2014, City Council Public Hearing.
- Adopted**

- 37 **RLH FCO 14-67** Appeal of Todd Anderson on behalf of Garnet RES to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 840 BEECH STREET.
Adopted
- 38 **RLH TA 14-229** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1409, Assessment No. 148209 at 1256 BREEN STREET.
Adopted
- 39 **RLH VBR 14-36** Appeal of Bee Vue to a Vacant Building Registration Notice at 606 BUSH AVENUE.
Adopted
- 40 **RLH TA 14-236** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 740 CAPITOL HEIGHTS.
Adopted
- 41 **RLH VBR 14-41** Appeal of Steve Poindexter on behalf of Castle Building & Remodeling to a Vacant Building Registration Renewal Notice at 2052 CARROLL AVENUE.
Adopted
- 42 **RLH TA 14-250** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 1829 CASE AVENUE.
Adopted
- 43 **RLH TA 14-261** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 987 EDGERTON STREET.
Adopted
- 44 **RLH FCO 14-61** Appeal of Brad Manor to a Fire Inspection Correction Notice at 304 EDMUND AVENUE.
Adopted
- 45 **RLH TA 14-239** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 451 EDMUND AVENUE.
(Amended to File No. J1403E1, Assessment No. 148312)
Public hearing continued to July 9

- 46 **RLH VBR 14-42** Appeal of Peter Vang to a Vacant Building Registration Renewal Notice at 1023 FARRINGTON STREET.
Adopted
- 47 **RLH SAO 14-11** Appeal of Sebrina Peterson to a Summary Abatement Order at 670 FIFTH STREET EAST.
Adopted
- 48 **RLH VBR 14-39** Appeal of Irwinna Mitsch to a Vacant Building Registration Fee at 804 FOURTH STREET EAST.
Adopted
- 49 **RLH TA 14-223** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No.148305 at 824 FREMONT AVENUE.
Adopted
- 50 **RLH TA 14-238** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 447 FRY STREET.
Adopted
- 51 **RLH VBR 14-43** Appeal of Jason Ous to a Vacant Building Registration Notice at 1471 GRAND AVENUE.
Adopted
- 52 **RLH TA 14-245** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. FV1401, Assessment No. 148900 at 1565 IDAHO AVENUE EAST.
Adopted
- 53 **RLH TA 14-242** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 1698 LAFOND AVENUE.
Adopted
- 54 **RLH FCO
13-234** Appeal of Bradley Amundson to a Correction Notice - Re-Inspection Complaint at 536 LEXINGTON PARKWAY SOUTH.
Adopted
- 55 **RLH TA 14-224** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 79 MAGNOLIA AVENUE WEST.
Adopted

- 56 **RLH RR 14-9** Ordering the razing and removal of the structures at 611 MAGNOLIA AVENUE EAST within fifteen (15) days after the June 4, 2014, City Council Public Hearing.
Adopted
- 57 **RLH VO 14-16** Appeal of Jocelyn Ramirez-Romero to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 966 MARYLAND AVENUE EAST.
Adopted
- 58 **RLH VBR 14-45** Appeal of Claudia Kieffer on behalf of Kayak Remodeling and Redevelopment, LLC to a Vacant Building Registration Renewal Notice at 1969 MARYLAND AVENUE EAST.
Adopted
- 60 **RLH FCO 14-64** Appeal of Judith M. Tilsen to a Fire Inspection Correction Notice at 1972 MINNEHAHA AVENUE EAST.
Adopted
- 61 **RLH TA 14-230** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1409, Assessment No. 148209 at 1815 MONTANA AVENUE EAST.
Adopted
- 62 **RLH TA 14-187** Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1409, Assessment No. 148209 at 1305 PROSPERITY AVENUE.
Adopted
- 63 **RLH TA 14-235** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407B, Assessment No. 148106 at 987 REANEY AVENUE.
Adopted
- 65 **RLH TA 14-228** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1409, Assessment No. 148209 at 839 SEVENTH STREET EAST.
Adopted
- 66 **RLH TA 14-247** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 832 SHERBURNE AVENUE.
Adopted

- 67 **RLH VBR 14-44** Appeal of Philip Black to a Vacant Building Registration Notice at 619 SIMS AVENUE.
Adopted
- 68 **RLH RR 14-10** Ordering the razing and removal of the structures at 826 SIMS AVENUE within fifteen (15) days after the June 4, 2014, City Council Public Hearing.
Adopted
- 69 **RLH TA 14-241** Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1408, Assessment No. 148812 at 1092 SIMS AVENUE.
Adopted
- 70 **RLH TA 14-244** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1408, Assessment No. 148812 at 568 SNELLING AVENUE NORTH.
Adopted
- 71 **RLH TA 14-248** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 915 SNELLING AVENUE SOUTH.
Adopted
- 72 **RLH TA 14-240** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 1280 TAYLOR AVENUE.
Adopted
- 73 **RLH TA 14-246** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1408, Assessment No. 148812 at 755 THIRD STREET EAST. (Amended to File No. VB1408A, Assessment No. 148819)
Public hearing continued to July 23
- 74 **RLH VBR 14-40** Appeal of Keelan Bailey to a Vacant Building Registration Renewal Notice at 1307 THOMAS AVENUE.
Adopted
- 75 **RLH TA 14-298** Amending Council File RLH AR 13-127 to spread the assessment over 5 years for Vacant Building Fees billed September 10, 2012 to August 21, 2013 at 572 VAN BUREN AVENUE. (File No. VB1404, Assessment No. 148803)
Adopted

- 76 **RLH TA 14-189** Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1409, Assessment No. 148209 at 521 WHITE BEAR AVENUE NORTH.
Adopted
- 77 **RLH AR 14-24** Ratifying the assessments for Excessive Use of Inspection services from October 28 to December 24, 2013. (File No. J1403E, Assessment No. 148305)
Adopted
- 78 **RLH AR 14-25** Ratifying the assessments for Boarding and/or Securing services during January 2014. (File No. J1407B, Assessment No. 148106)
Adopted
- 79 **RLH AR 14-26** Ratifying the assessments for Excessive Gas Flow Valve services during December 2013. (File No. FV1401, Assessment No. 148900)
Adopted
- 80 **RLH AR 14-27** Ratifying the assessments for Collection of Certificate of Occupancy fees billed December 11 to January 2, 2014. (File No. CRT1409, Assessment No. 148209)
Adopted
- 81 **RLH AR 14-29** Ratifying the assessments for Collection of Vacant Building fees billed May 3 to December 25, 2013. (File No. VB1408, Assessment No. 148812)
Adopted

ADJOURNMENT

Councilmember Brendmoen moved adjournment.

Meeting adjourned at 7:38 p.m.

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

Nay: 0

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