



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, December 3, 2014

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Councilmember Bostrom arrived after roll call

Present 6 - Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

Absent 1 - Councilmember Dan Bostrom

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 14-67** Amending the 2014 spending budget for the General Government Accounts.
 Received and Filed
- 2 **AO 14-68** Correcting Public Works Engineering Fund 732 variances.
 Received and Filed
- 3 **AO 14-69** Amending the 2014 spending budget in the Right of Way Fund, Traffic division accounting units.
 Received and Filed
- 4 **AO 14-70** Amending the 2014 spending budget in the Central Service Fund, Treasury Fiscal Services accounting unit.
 Received and Filed
- 5 **AO 14-72** Authorizing the Police Department to reallocate the 2014 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

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

- | | | |
|----|--------------------|--|
| 6 | RES 14-2038 | Approving the appointment of Nancy Homans as Interim Director of the Department of Public Works.
Adopted |
| 7 | RES 14-2042 | Memorializing a decision of the City Council granting the appeal of Donald Buckrey, d/b/a More4ABuck, and authorizing a change of nonconforming permit, with conditions, to operate an auto repair and an outdoor auto sales business at 1176 Dale Street North.
Adopted |
| 8 | RES 14-1990 | Approving the City's cost of providing Replacement of Lead Water Service Line on Private Property from April to June 2014 at 106 King Street East, and setting date of City Council Public Hearing for January 7, 2015 to consider and levy the assessments. (File No. 1403LDSRP1, Assessment No. 144004)
Adopted |
| 9 | RES 14-1989 | Approving the City's cost of providing Replacement of Lead Water Service Line on Private Property from July to September 2014, and setting date of City Council Public Hearing for January 7, 2015 to consider and levy the assessments against individual properties. (File No. 1501LDSRP, Assessment No. 154000)
Adopted |
| 10 | RES 14-1991 | Approving the City's cost of providing Repair of Sanitary Sewer Line on Private Property from July to September 2014, and setting date of City Council Public Hearing for January 7, 2015 to consider and levy the assessments against individual properties. (File No. SWRP1501, Assessment No. 153000)
Adopted |

- 11 **RES 14-1996** Approving the City's cost of providing Collection of Vacant Building Fees billed December 6, 2013 to August 26, 2014, and setting date of Legislative Hearing for January 6, 2015 and City Council Public Hearing for February 18, 2015 to consider and levy the assessments against individual properties. (File No. VB1503, Assessment No. 158802)
Adopted
- 12 **RES 14-1999** Approving the City's cost of providing Property Clean Up services from October 1 to 30, 2014, and setting date of Legislative Hearing for January 6, 2015 and City Council Public Hearing for February 18, 2015 to consider and levy the assessments against individual properties. (File No. J1505A, Assessment No. 158504)
Adopted
- 13 **RES 14-2000** Approving the City's cost of providing Trash Hauling services from October 1 to 29, 2014, and setting date of Legislative Hearing for January 6, 2015 and City Council Public Hearing for February 18, 2015 to consider and levy the assessments against individual properties. (File No. J1504G, Assessment No. 158703)
Adopted
- 14 **RES 14-2001** Approving the City's cost of providing Tree Removal services during October 2014, and setting date of Legislative Hearing for January 6, 2014 and City Council Public Hearing for February 18, 2015 to consider and levy the assessments against individual properties. (File No. 1502T, Assessment No. 159001)
Adopted
- 15 **RES 14-1985** Authorizing an agreement between the City and SBA 2012 TC Assets LLC for a cell tower encroachment on City property at 388 Como Avenue.
Adopted
- 16 **RES 14-2033** Authorizing the City of Saint Paul to enter into a contract with the Saint Paul RiverCentre & Convention Authority to equip, maintain, manage, and operate the Saint Paul RiverCentre and to market and promote the City of Saint Paul as a tourist and convention destination.
Adopted
- 17 **RES 14-1997** Authorizing the Department of Parks and Recreation to enter into an agreement with the State of Minnesota to accept payment to assist with Emerald Ash Borer detection and dispersal.
Adopted

- 18 **RES 14-1975** Authorizing the Department of Parks and Recreation to apply for funding to provide environmental education programs for recreation center youth at Trout Brook Nature Sanctuary and Como Regional Park and, if successful, enter into an agreement providing indemnification for Capitol Region Watershed District.
Adopted
- 19 **RES 14-2013** Authorizing the Department of Parks and Recreation to accept a grant from the Minnesota Association for Volunteer Administration (MAVA) in the amount of \$1,000 to support the Natural Resources volunteer program.
Adopted
- 20 **RES 14-1579** Authorizing the Department of Parks and Recreation to apply for grant funding to develop an Archery Range program.
Adopted
- 21 **RES 14-1967** Memorializing City Council action taken November 5, 2014 approving the Preliminary and Final Plat for Pleasant Ridge.
Adopted
- 22 **RES 14-2023** Approving the issuance of a conduit tax exempt revenue note for Open Cities Health Center, Inc.
Laid over to December 10
- 23 **RES 14-2045** Authorizing the Police Department to enter into an agreement, which includes an indemnification clause, with the State of Minnesota, State Patrol for Standardized Field Sobriety Testing.
Adopted
- 24 **RES 14-2015** Authorizing the City of Saint Paul to accept funds from the Ramsey County Public Entities Innovation Grant and to enter into a grant agreement.
Adopted
- 25 **RES 14-1980** Approving Right of Way Permit Fee Rates for 2015.
Adopted
- 26 **RES 14-2049** Approving adverse action against the Tanning Facility license held by CKF Holdings, Inc., d/b/a Perfect Tan at 373 Pederson Street, Unit #103.
Adopted

- 27 **RES 14-2050** Approving adverse action against the Taxicab Driver license held by Shane R. Swanson.

Adopted

- 28 **RES 14-2057** Amending sections 9 and 11 of Appendix Chapter A-11 to create an ENS notice for demolition permits within two (2) public business days following receipt of a permit.

Adopted

- 29 **RES 14-2058** Submitting a proposed amendment to Legislative Code §69.306 pertaining to subdivision regulations, to the Planning Commission for study and a report in accordance with Minn. Stat. §462.357, Subd. 4.

Adopted

FOR DISCUSSION

- 30 **RES 14-2043** Designating December 3, 2014 as Sawie Nebo Day in the City of Saint Paul.

Sawie Nebo appeared.

Councilmember Stark read the resolution.

*Stark moved approval
7 in favor, none opposed*

Adopted

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

Nay: 0

- 31 **RES 14-1729** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Liquor On Sale - 101-180 Seats and Liquor On Sale - Sunday licenses for The Eagle Street Grille LLC (I.D. #20140001613), d/b/a The Salt Cellar at 173 Western Avenue North. (Public hearing held October 22; laid over from November 5)

Thao asked the city attorney for clarity on if they can take action today.

Gerry Hendrickson, City Attorney's Office, explained: while this license matter was pending, an appeal was taken by a neighbor regarding the calculation of parking needed under the zoning code as a determination of the zoning admin. Under the ordinance, that appeal goes to Board of Zoning Appeals (BZA). That appeal took place and the BZA upheld the determination of the zoning coordinator. Under the ordinance, this appeal from an admin. appeal to the BZA is called an administration appeal. Admin. Appeals will stay all proceedings. While that was pending, the council could not act. His office is comfortable that the Council has the authority to act today.

Thao said this is an issue in the ward that has brought many people together to discuss that corner. He did his own research. He sent out 500 letters to the neighborhood. He had three community listening sessions. He went through staff report, talked to persons on the street. He would like to acknowledge the existing businesses that have been there and transformed the corner over the years. It was their hard work and sacrifice that has made that area the way it is today. He wanted to acknowledge the Salt Cellar for wanting to invest in the area. He is happy for that. The issue has become about parking. Government should be trying to be as fair as possible. He is supporting to grant a license to Salt Cellar. That is the fair thing to do. He is setting up a parking advisory committee to create a holistic solution.

*Thao moved to support
Resolution adopted 7-0*

Adopted

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

Nay: 0

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

- 32 Ord 14-44** Amending Chapter 157 of the Saint Paul Legislative Code pertaining to parking requirements for larger vehicles.
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
-
- 33 Ord 14-45** Amending Chapter 161 of the Legislative Code to permit the Director of Public Works to declare a continuous winter parking restriction on non-snow emergency routes.
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
-
- 34 Ord 14-46** Amending Chapter 162 of the Legislative Code to permit the impounding of vehicles during a continuous winter parking restriction on non-snow emergency routes.
- Adopted**

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

Nay: 0

First Reading

- 35 Ord 14-47** Memorializing City Council action granting the application of John D. Lenzi to rezone property at 662 Payne Ave from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held November 5, 2014)
Laid Over to Second Reading; due back on 12/10/2014
- 36 Ord 14-48** Memorializing City Council action granting the application of Housing & Redevelopment Authority (HRA) to rezone the property at 627 Wells St from R4 One-family residential to T2 Traditional Neighborhood and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held November 5, 2014)
Laid Over to Second Reading; due back on 12/10/2014
- 37 Ord 14-49** Amending Chapter 33 of the Saint Paul Legislative Code pertaining to permit fees.
Laid Over to Second Reading; due back on 12/10/2014
- 38 Ord 14-50** Amending Chapter 40 of the Saint Paul Legislative Code pertaining to fire certificate of occupancy.
Laid Over to Second Reading; due back on 12/10/2014
- 39 Ord 14-51** Amending Chapter 43 of the Saint Paul Legislative Code pertaining to Vacant Buildings.
Laid Over to Second Reading; due back on 12/10/2014

PUBLIC HEARINGS

ROLL CALL

Present 5 - City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

Absent 2 - Councilmember Dan Bostrom and Councilmember Amy Brendmoen

Councilmember Brendmoen arrived after roll call; Councilmember Bostrom arrived during Item 40 discussion

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

40 Ord 14-39

Creating Chapter 373 of the Saint Paul Legislative Code pertaining to Transportation Network Companies. (Public hearing continued from October 15 and November 19)

Lantry said they can vote on this tonight. She asked would anyone like to speak who is in opposition.

Richard Neumeister said it is gray whether he opposes or not. He likes regulation. It is important to the taxi service. Looking at the ordinance, a lot of that is public information. The names of the drivers should be public. The background checks will be done by the company. The City can check their records at some point. The privacy issues: if you are going to collect where someone is going, why do they need that? The issue is the language. Whatever you are going to collect under the data practices act, the language in Line 15 is not the best language to use. People play games with language. He has seen it here and at the State Legislature. On Page 15, Paragraph E, strike out "shall be deemed to be not public data to the extent permissible under the" Ordinances and laws are meant for the public to understand, not necessarily for the lawyers. Insert "subject to Minnesota Statutes Chapter 13." It is very clear. "Or other applicable law." What does that mean? The information should be as public as possible.

(No one else with to speak in opposition.)

Lantry asked for those who want to speak In support?

David Dermer, 390 Beacon Avenue, Citywide Cab Company, is in support of the amendment. He would like to state the vehicle inspections are welcome; supposedly through the City inspector's office instead of any mechanic. The St. Paul market is the same. It dictates how many drivers are hired. Because of that, he would argue the service reports are one thing the City should look at to ensure all areas of the City are receiving service. The current situation is that the market is stacked with additional taxis to the point there is saturation. It is good will on the terms of the owner. Citywide would welcome more review by the City. It would be a benefit to the public. Violations should be more specific; dollar amounts should be assigned. If they pick up someone on the street, how much will they be fined? The market itself is public domain. Don't see how you can say your call record or lack of response to calls is a trade secret.

Thune said Neumeister talked about data privacy and calls. Dermer responded Saint Paul has a defined means of managing cabs. They all manage their calls in a similar fashion. He doesn't see how the process of dispatching a call is unique. It boils down to how well companies are managed and the quality of the people working for them. Divulging information about drivers would allow other companies to capitalize a fleet of drivers. He switched companies based on how they respond to the customer's needs.

Jesson Hunt, 2410 University Avenue West #409, said he moved to be on the green line. There are times when public transport does not cut it. He works at Hamline University to the wee hours when public transport is not convenient. LIFT goes

beyond creating a sense of community.

Joel Carlson, Uber Technologies, said this is new transportation technology. He would like to recognize staff. He did not want disclosure and private data. "Other applicable law" is the federal act. They are ready to move forward.

Thune asked about Neumeister comment on background of drivers. Carlson responded the concerns are valid and legitimate as it relates to what kind of information comes in and whether it becomes part of public disclosure. He does not know what they will ask for yet.

Thune asked about random inspections of vehicles. Carlson responded they have no problem with random inspections. If a car is supposed to be brought in on Friday afternoon and the shop is not open until Monday, that is a problem. They have worked through those issues. Operationally, they can comply with that requirement.

Lantry asked if anyone else wanted to speak (No one responded.)

*Thao moved to close the public hearing
7 in favor, none opposed*

Stark asked what data are they collecting. Cervantes responded information they are most interested in is auditing the work that Transp. Network Companies are reporting. They are interested in a sampling of the driver data. They will not request all records from all drivers. They will ask for a sample of criminal records. They will look at the drivers records and training records. If they find there are holes and things have not been done in the data, they will need to extract that data. They would like to make sure vehicles are inspected. Other general information is the number of rides being informed in the City. They are interested in racial equity. If rides are being denied they have some data to examine that. They would like to make sure there is no discrimination. They do not need to retain all the data.

Stark asked how would we use the data? Cervantes responded they want to know how the business is operated, how many rides are being requested, how many rides are being refused.

Thune asked is this the way we regulate existing taxi cabs, randomly. Cervantes responded this is not how we regulate taxi cabs. Taxicab drivers are required to have a license with the City. The models with the Transportation Network Company is an audit. They are responsible for the inspections.

Thune asked is there a way for people to know who is picking up someone. Cervantes responded the background check is done by the company. The technology is there so that they know what the person and car looks like.

Thune asked about equity. Cervantes the intention is to examine the industry to determine where they operate in the City.

Thune asked about them promoting themselves. Cervantes said he can't say what the result will be. He is eager to see how this industry will operate. Their goal is to provide another level of transportation to all the citizens.

Thune said he has some issues with it. He does not support this alternate transportation forum. We are asking the public to trust that they will have a safe ride. He does not think he can guarantee it.

Bostrom said cab companies have to provide us with all the information on all the drivers. They are trusting the operator to provide us with that data when asked for it.

Cervantes responded that is correct.

Bostrom asked what makes them special. Cervantes responded it is a different model. In doing the criminal review and discovering the information about drivers, they have taken action against many of those drivers. This industry will want to promote this. They have a lot at stake. They have the ability to get updated information. It is on them to do their job.

Bostrom said it is not a cost on our part because we bill them for that. If we had to do those checks, we would bill them for that. This would allow us to compensate them. This does not seem to be that much different than taxicabs. Who really do you go to if there is a problem with a driver out there. Cervantes responded do not have taxi company licenses. They go to the drivers. If there are issues with drivers, the company is responsible for them.

Tolbert asked if they hold the license and fail the audit, do they lose the license. Cervantes responded it is tiered system. The fine would be increased on the second and third offense. Also, the City would have to ability to suspend the license.

Bostrom said if they talk about suspending the license, does that mean the 100 cars are out of business. Cervantes responded that would be correct.

Bostrom said he can imagine the cry over that: if there is trouble with one driver, and all the drivers are out of business. It will be hard to revoke a license that would effect that many people. Cervantes said there would be initially a fine. Everyone would be out of business with a suspension.

Lantry says we do adverse actions all the time.

Thune asked if the penalties on the matrix are suitable for this sort of license. Third is \$1500 and suspension. Fourth is revocation.

Cervantes said the requirements for this license are high. He does not expect any fly-by-nights. The fee is \$35,000.

Lantry stated all these questions have been asked and answered. The way she got her questions answered is she used the telephone and said she needed a meeting to talk about this. The overarching thing is the public safety protection. It is clear that the Transp. Network Companies have come a long ways. DSI has done a phenomenal job of scaling the line of understanding a new industry and trying to protect the public. There is no perfect system. It mirrors what Minneapolis is doing. Uber and LIFT users probably go back and forth across the border. This is such a different piece of technology. A drivers picture comes up and there is a message that you are here. There is no money exchanged. The driver rates me and I rate the driver. These are companies that want to expand..

Lantry moved approval. This has been going on for months.

Tolbert said Lantry has done a lot of work on this. He has some concerns. Not having all driver information coming to DSI concerns him. A lot of work has been done on this. This is good for the City overall. Like all laws, we may need to tweak this down the road. Today he will be supporting this.

Bostrom said these people know who you are and all your background information. The cab driver does not have a history. That is another privacy issue. That information is available.

Thune agreed. He has issues with this. He has a lot of faith in DSI. The public needs to know this. Lantry added this is the third public hearing.

Thao said his priority is public safety. This is modeled as self governed. This is in their best interest to put the best driver and product out there. In terms of the data piece, it is being collected everywhere everyday. It is endless.

Brendmoen concurred with Thao. People do not have to use it. It is a much more accountable experience than any cab ride. She knows who the cab driver is, their license number, their cell phone, e-mail, their route to airport, and I do not have to exchange money with them. This is a great app. It is a new choice. No one has to do it.

Lantry stated this is the third public hearing. This discussion is important.

*Brendmoen moved final adoption
5 in favor, 2 opposed (Bostrom, Thune)
Ordinance is adopted*

Adopted

Yea: 5 - Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao and Councilmember Tolbert

Nay: 2 - Councilmember Bostrom and Councilmember Thune

41 Ord 14-40

Amending Chapter 310 of the Saint Paul Legislative Code to add a license fee for Transportation Network Companies. (Public hearing continued from October 15 and November 19)

No one appeared to speak in opposition.

Brendmoen moved to close the public hearing and approve the resolution

*6 in favor, 1 opposed (Thune)
Ordinance is adopted*

Adopted

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

Nay: 1 - Councilmember Thune

42 RES PH 14-336

Approving the application of Hangman Productions, Inc. for a sound level variance in order to allow 24/7 operation of chillers and generators from Friday, December 26, 2014 through Friday, February 6, 2015; and the use of an amplified sound system for the Red Bull Crashed Ice International Ice Cross event, to be held on Wednesday, January 21, 2015 through Saturday, January 24, 2015 between 4:00 p.m. and 10:00 p.m., near a chilled ice track along John Ireland Boulevard, in or near North Cathedral Hill Park, Monument Park, Cathedral Hill Park, South Cathedral Hill Park and Arch Park.

(No one appeared to speak in opposition)

Thao moved to close the public hearing and approve of the resolution.

7 in favor, none opposed

Resolution adopted

Adopted

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

Nay: 0

- 43 RES PH 14-339** Approving the petition of David Schreiner to vacate part of the right-of-way within Hastings Avenue in Burlington Park, Ramsey County, Minnesota.

(No one appeared to speak in opposition.)

Tolbert moved to close the public hearing and approve the resolution.

6 in favor, none opposed (Thao not present)

Resolution is adopted

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 44 PH 14-22** Public hearing to consider the application of Face to Face Health and Counseling Service Inc. to rezone property at 798 Rose Avenue East from RT1 Residential to T2 Traditional Neighborhood.

(No one appeared to speak in opposition.)

Tolbert moved to close the public hearing and approve the resolution.

6 in favor, none opposed (Thao not present)

Motion of intent, application granted.

Motion of Intent - Application Granted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 45 PH 14-23** Public hearing to consider the application of Joe Urbanski to rezone property at 1396 White Bear Avenue North from B2 Community Business to T2 Traditional Neighborhood.

No one appeared to speak in opposition.

Bostrom moved to close the public hearing and approve.

6 in favor, none opposed (Thao not present)

Motion of intent, application granted

Motion of Intent - Application Granted

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

Nay: 0

Absent: 1 - Councilmember Thao

46 PH 14-21

Public hearing to consider the application of Big Steer Meats to rezone property at 1762 Minnehaha Avenue East from R4 Single Family Residential to B2 Community Business.

No one appeared to speak in opposition.

Bostrom moved to close the public hearing and approve.

7 in favor, none opposed

Motion of intent, application granted

Motion of Intent - Application Granted

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

Nay: 0

47 RES PH 14-335

Amending the financing and spending plans in the Emergency Management Department in the amount of \$405,000 for the Metropolitan Medical Response System Sustainment money.

No one appeared to speak in opposition.

Bostrom moved to close the public hearing and approve.

7 in favor, none opposed

Resolution adopted

Adopted

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

Nay: 0

48 RES PH 14-315

Authorizing vacation and sale of the Lexington Library property at 1080 University Avenue West.

No one appeared to speak in opposition.

Thao moved to close the public hearing and approve.

*7 in favor, none opposed
Resolution adopted*

Adopted

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

Nay: 0

- 49 RES PH 14-337** Amending the budget in the Fire Department by establishing the financing and spending plans for a grant reimbursement from the City of Bloomington in the amount of \$16,708.24.

No one appeared to speak in opposition.

Bostrom moved to close the public hearing and approve

*7 in favor, none opposed
Resolution adopted*

Adopted

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

Nay: 0

- 50 RES PH 14-334** Authorizing an increase in 2014 spending authority for the Department of Parks and Recreation, Parks Environmental Grants budget, by \$10,000 to fulfill an agreement with the Minnesota Historical Society.

No one appeared to speak in opposition.

Stark moved to close the public hearing and approve.

*7 in favor, none opposed
Resolution adopted*

Adopted

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

Nay: 0

- 51 RES PH 14-332** Authorizing the Police Department to accept a grant in the amount of \$92,052 from the Initial Teaching Alphabet Foundation and to amend the 2014 budget in the department special fund for this grant.

No one appeared to speak in opposition

Bostrom moved to close the public hearing and approve.

*7 in favor, none opposed
Resolution adopted*

Adopted

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

Nay: 0

TRUTH IN TAXATION HEARING (This item will not be heard before 6:30 p.m.)

52 PH 14-24 Final Hearing on the proposed 2015 Budget and Tax Levy, aka Truth in Taxation hearing.

Item 52 (at 6:33)

Scott Cordes appeared. He presented and explained a Powerpoint.

Rich Neumeister stated the police department is on a tight screen. There is an issue of police accountability and City review. Across the country, body cams are becoming an issue. Whether or not the police will, they may do that. It is very important to have a staff person work with the public on accountability. If they do a report with no money or staff, they do a disservice to policy makers, and citizens. Saint Paul Public Library stated he has interacted with the Director and Thune about security concerns. Saint Paul collections. They need to be some attention and resources to that. Central library – there have been some big changes to the library. Downtown is a depository of old, great stuff that people still use. There is a compact storage. Will they need money to fix it? Finally, he was one of a handful that lobbied for Anderson Hall. They are almost filled up now. They are not sending books anymore. They are doing something else with them. Things just get thrown out, donated, and we lose things.

No one else wished to speak.

Brendmoen moved to close the public hearing.

Bostrom stated the discussion on the body cameras and the access of the data on those will be huge. This will be a huge amount of data. They should be aware of it.

Motion of Intent - Budget and Levy Approved

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

61 RLH CO 14-16 Appeal of Melvin Welch for Ronald Adams to a Correction Order at 676 WELLS STREET.

Marcia Moermond, Legislative Hearing Officer, went over the history with this address. Today, this is simply an order to move out of the property. (She went over background.) The work was not done in six months. The City has moved to forfeit the bond. The building official said the work was not 50% complete. The bond issuer cancelled the bond, so it could not be forfeited. If the City would grant more time, it would require the Council to grant it. There was a police raid on the property. The owner was there. This is a registered vacant building. It had been condemned for two years. No one can be there. There are three permits pulled and none are

finalled. People were living there, there was a police problem. This correction order reads they cannot be there.

Melvin Welch appeared for Mr. Adams in a pro bono capacity. There were a number of different items that were contested regarding the code compliance report. He thought the scope of the hearing was whether there was substantial or entire compliance of the October 10 report.

Lantry said the Correction Notice that is being appealed. It has two items on it. (Read items) It is a vacant building. That ship has sailed.

Welch said out of the 89 items that were identified, the inspector only identified 15. The August representation by Beth Woolsey that there was over 50% of the work done at that time. 49 items were represented. They did provide a number of different items to that regard. He had 6 months to bring the house up to code. They had over 50% done on October 10. New inspection was done by Steve Ubl.

Moermond said that if 50% of the work is completed within the time granted by Council, the building official can extend in six months. The Council can by resolution grant an extension.

Lantry asked was he going to ask if the client can stay in the building. Welch responded he would like to see the Council grant him more time.

Lantry asked the reason for the extension of time. Welch said he had the opportunity to look at the house. He is asking for additional time for Adams and Woolsey. Several thousands have been thrown into the residence. Daytons' Bluff has helped him. There are items that were not addressed by the cold inspector. There is a list of ten items in a row.

Welch said they posted the bond. He is asking for three months. There was a delay in the amount of work. It was after 3½ months that the inspection occurred. They had made a substantial amount of effort and progress. The items that bring this house into inhabitable territory, there were no electricity and the basement was being used. There is electricity to the house now; the basement issue has been abated.

Lantry asked is there anything that he would like to share with us that would lead us to believe it is a-okay.

(He showed photos)

Welch said the appellant has been in the neighborhood for years and is a bit eccentric. Dayton's Bluff has put money into it. The issue with the vacant building is

whether or not it is habitable. It is not uninhabitable. In another three months is all that will be required.

*Bostrom closed the public hearing.
7-0*

Bostrom said they have been very patient. This is as far as we can go with this. This is a vacant building. No one is supposed to be in there. There was a riade and there were people in there. He does not know if another three months will do anything.

*Bostrom moved approval.
7-0 resolution adopted*

Adopted

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.

- 53 RLH RR 14-20** Amending Council File RLH RR 14-5 and RLH RR 14-17 to grant Jose Amaya a final extension to complete the rehabilitation of property at 444 BEACON AVENUE.

Adopted

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

Nay: 0

- 54 RLH VBR 14-84** Appeal of Benito Benitez to a Vacant Building Registration Fee at 452 CONCORD STREET.

Adopted

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

Nay: 0

- 55 RLH OA 14-30** Appeal of William T. Dillon to a Public Works letter denying an encroachment permit for a fence at 1401 ELEANOR AVENUE. (Public Hearing continued from November 19 and December 3)
- Marcia Moermond, Legislative Hearing Officer, recommends laying over to the December 17 City Council Meeting.*

*Brendmoen moved to close the public hearing and approve.
7 in favor, none opposed*

Laid over to December 17, 2014

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

Nay: 0

- 56 RLH VBR 14-83** Appeal of Sally Higgins to a Vacant Building Registration Renewal Notice at 25 EMPIRE DRIVE.

Adopted

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

Nay: 0

- 57 **RLH VBR 14-87** Appeal of Mike Simerson to a Vacant Building Registration Notice at 305 GEORGE STREET WEST.

Adopted

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

Nay: 0

- 58 **RLH VBR 14-86** Appeal of Abe Appert and Jack "John" Appert to a Vacant Building Registration Renewal Notice at 694 GRAND AVENUE.

Adopted

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

Nay: 0

- 59 **RLH RR 14-15** Ordering the razing and removal of the structures at 1164 MINNEHAHA AVENUE WEST within fifteen (15) days after the August 20, 2014, City Council Public Hearing. (Public hearing continued from August 20, September 17 and December 3, 2014) (To be referred back to Legislative Hearing on January 27, 2015 and City Council Public Hearing on February 18, 2015)

Marcia Moermond, Legislative Hearing Officer, recommends laying over to the January 27 Legislative Hearing.

*Brendmoen moved to close the public hearing and approve.
7 in favor, none opposed*

Laid Over to Legislative Hearings on January 27, 2015; Council Public Hearing continued to February 18, 2015

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

Nay: 0

- 60 **RLH VBR 14-82** Appeal of Jamie Thelen, on behalf of St. Paul Old Home Plaza, LLC, to a Vacant Building Registration Fee at 370 UNIVERSITY AVENUE WEST.

Adopted

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

Nay: 0

62 RLH VBR 14-89 Appeal of Terrance Luther to a Vacant Building Registration Notice at 125 WINNIPEG AVENUE.

Adopted

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

Nay: 0

ADJOURNMENT

Adjourned at 7:15 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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