



City of Saint Paul

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

Minutes - Final

City Council

Council President Kathy Lantry
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Melvin Carter III
Councilmember Russ Stark
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, June 27, 2012

3:30 PM

Council Chambers - 3rd Floor

Note: Next week's meeting will be on Tuesday, July 3.

ROLL CALL

The meeting was called to order by Council President Lantry at 3:34 p.m.

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 12-27](#) Authorizing expenditures for the Police Department's 2012-1 Recruit Academy events.
Received and Filed

- 2 [AO 12-28](#) Authorizing expenditures for the Police Department's 2012-1 Recruit Academy Standard Field Sobriety Test training.
Received and Filed

CONSENT AGENDA

Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda (Items 3 - 17)

A motion was made by Councilmember Bostrom to Approve the Consent Agenda. The motion carried by the following vote:

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

Nay: 0

- 3** [RES 12-1197](#) Authorizing the Fire Department to accept a donation of \$300 from the Residential Mortgage Group (RMG) Inc. to continue to provide public safety and community education to the City of Saint Paul and its residents.
Adopted
- 4** [RES 12-999](#) Authorizing the Department of Parks and Recreation to solicit and accept donations for the 2012 environmental education programs.
Adopted
- 5** [RES 12-1223](#) Identifying the need for Livable Communities Demonstration account funding and authorizing applications for grant funds.
Adopted
- 6** [RES 12-1224](#) Approving subordination of the mortgage for Uni-Lex Partners.
Adopted
- 7** [RES 12-1211](#) Authorizing the Police Department to accept a donation from the Saint Paul Police Foundation for department units including Elder Abuse, Training and SWAT.
Adopted
- 8** [RES 12-1212](#) Authorizing the Police Department to enter into a facility rental agreement with the Neighborhood House at Wellstone Center, which includes an indemnification clause.
Adopted

- 9 [RES 12-1068](#) Approving the City's cost of providing Collection of Vacant Building Fees Services from April 2012, and setting date of Legislative Hearing for July 17, 2012 and City Council Public Hearing for September 5, 2012 to consider and levy the assessments against individual properties. (File No. VB1209, Asmt No. 128814)
Adopted
- 10 [RES 12-1069](#) Approving the City's cost of providing Boarding and/or Securing Services during April 2012, and setting date of Legislative Hearing for July 17, 2012 and City Council Public Hearing for September 5, 2012 to consider and levy the assessments against individual properties. (File No. J1209B, Asmt No. 128109)
Adopted
- 11 [RES 12-1070](#) Approving the City's cost of providing Graffiti Removal Services during April 19 to May 1, 2012, and setting date of Legislative Hearing for July 17, 2012 and City Council Public Hearing for September 5, 2012 to consider and levy the assessments against individual properties. (File No. J1210P, Asmt No. 128409)
Adopted
- 12 [RES 12-1071](#) Approving the City's cost of providing Excessive Use of Inspection Services during February 22 to April 5, 2012, and setting date of Legislative Hearing for July 17, 2012 and City Council Public Hearing for September 5, 2012 to consider and levy the assessments against individual properties. (File No. J1207E, Asmt No. 128310)
Adopted
- 13 [RES 12-1187](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, to Add a Liquor-Outdoor Service Area (Patio) license to the existing Restaurant (3) - 13-50, Wine On Sale, and Malt On Sale (Strong) licenses, for Joan's In The Park (I.D. 20110002330), 651 Snelling Avenue South.
Adopted
- 14 [RES 12-1219](#) Approving adverse action against all licenses held by the Second Hand Dealer-Motor Vehicle license application submitted by Davis Enterprises, Inc. MN, 817 Vandalia Street.
Adopted
- 15 [RES 12-1220](#) Approving adverse action against the Taxicab Driver (Provisional) license application submitted by David Timothy Johnston.
Adopted

- 16 [RES 12-1118](#) Approving the Settlement Agreement between the City, Michael Davis and Megan Davis.

Adopted

- 17 [Min 12-23](#) Approving the minutes of the May 16 and 23, and June 6 and 13, 2012 City Council meetings.

Adopted

PRESENTATION

- 18 [CO 12-17](#) Presentation of the 2012 Karl Neid Award to Mary Comford.

Council President Lantry noted that this was the 20th year the City had presented the award and there had been many excellent applications. She acknowledged award committee members Nhia Vang, Shari Moore, Trudy Moloney, and Ellen Biales; and additional selection committee members Larry Zangs, Bonnie Wakefield, Mark Finken, Vince Gillespie, Linda Crosby, Robin Madsen, and Marcela Schillinger.

Councilmember Tolbert offered his congratulations as the Council member for the ward in which awardee Mary Comford resides.

Robin Madsen commented on the high quality of the nominations received over the years, and her pride in having this year's award winner be from the library department.

Council President Lantry introduced Joanne Tromiczak-Neid, wife of the late Karl Neid. Ms. Tromiczak-Neid spoke about Mr. Neid's mission to make St. Paul safer, stronger, and better. She spoke about the creation of the award. She congratulated Ms. Comford on behalf of the family.

Council President Lantry introduced Ms. Comford, and the award was officially presented by Mayor Chris Coleman. Mayor Coleman spoke about Ms. Comford's work in the community.

Ms. Comford made brief comments.

Last year's awardee, Larry Zangs, presented flowers to Ms. Tromiczak-Neid.

Received and Filed

FOR DISCUSSION

- 19** [RES PH
12-161](#) Approving adverse action against all licenses held by Mark Stevens, d/b/a Carmelos Ristorante, 238 Snelling Avenue South. (Public hearing held June 20)
- Moved by Councilmember Tolbert, Resolution-Public Hearing is Adopted As Amended. The motion carried by the following vote:**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 20** [RES PH
12-165](#) Approving adverse action against all licenses held by Frankensteen Taco LLC, d/b/a Rusty Taco, 508 Lexington Parkway South. (Public hearing held June 20)
- Moved by Councilmember Tolbert, Resolution-Public Hearing is Adopted As Amended. The motion carried by the following vote:**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 21** [RES PH
12-179](#) Approving the petition of Eugene Woitas to vacate a portion of platted, unimproved Sims Avenue abutting 1499 Sims Avenue. (Public hearing held June 20; laid over from June 27)
- Moved by Councilmember Bostrom, Resolution-Public Hearing is Laid Over to the City Council, due back on 7/11/2012. The motion carried by the following vote:**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 22** [RLH CO 11-2](#) Appeal of Richard H. Nicholson to a Correction Notice at 260 SUMMIT AVENUE. (Public hearing held August 3, 2011; laid over from August 8, 2012)
- Moved by Councilmember Thune, Resolution LH Correction Order is Laid Over to the City Council, due back on 7/25/2012. The motion carried by the following vote:**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

- 23** [RLH FCO
12-306](#) Appeal of David A. Unger to a Fire Certificate of Occupancy Inspection Correction Notice at 1111 CASE AVENUE. (Public hearing held June 20)

Moved by Councilmember Bostrom, Resolution LH Fire C of O is Adopted. The motion carried by the following vote:

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, 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

- 24** [Ord 12-33](#) Clarifying Chapter 310 of the Saint Paul Legislative Code pertaining to Refund of Fees.

Moved by Councilmember Stark, Ordinance is Adopted. The motion carried by the following vote:

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

Nay: 0

25 [Ord 12-34](#)

Amending Legislative Code Chapter 67 pertaining to student rental housing.

Councilmember Stark said the issue had been reviewed over a long period of time at several levels, and while everyone agreed there was a problem, there was dissent as to the best solution. He said he viewed the ordinance as a tool in the toolbox for addressing the issues in the neighborhood, and he hoped that additional tools would be developed over time. He said the effectiveness of the ordinance in addressing the issues would be monitored.

Councilmember Tolbert apologized for having missed the previous week's meeting and public hearing but said he had watched the meeting online and read all of the comments. He expressed reservations and concerns about the ordinance including its potential effects on surrounding neighborhoods and on the quality of existing rental housing. He acknowledged the problems that existed but said he felt the ordinance was of a prohibitive nature and bad policy, and he was unable to support it. He urged the Council to be cognizant of unintended consequences and said that capping the amount of student housing could lead to dilapidated houses and higher rents. He said the borders felt arbitrary and the ordinance would be difficult to enforce.

Councilmember Stark responded that the ordinance was not a ban, as it had been referred to by Councilmember Tolbert, as existing student rentals were grandfathered in and more could be added outside the 150 foot area. He stated that there was no reason to believe that student bodies were growing or that the problem would get pushed to other areas. He acknowledged the concern over the perception that students were not welcome, but said that was not the intended message. He stressed the important role colleges played in the community, but said things had gotten out of balance in the neighborhood. He said the border line was not arbitrary but was based on student rental data from St. Thomas and from DSI. He said he had spoken with DSI about enforcement, and the ordinance was designed so that it would not be an enforcement burden.

Councilmember Carter said he shared many of the concerns raised by Councilmember Tolbert, and he felt the ordinance represented a neighborhood approach to addressing the citywide problem of some neighborhoods having a high concentration of rental properties. He said the focus should be on a set of behaviors rather than a set of people, and that colleges and universities should have adequate on-campus housing. He acknowledged that there was a specific challenge concerning a set of behaviors concentrated in this area, and said he would support the ordinance with the hope and expectation that this was not a finish line but a starting point.

Councilmember Bostrom expressed concern about the fact that the ordinance identified a particular group of people, and said the grandfathering of existing rental student rentals gave those landlords an exclusive right which would act as a disincentive to maintaining the properties. He said he was going to vote against it.

Council President Lantry noted that St. John's University now required all students to live on campus after having struggled with challenges similar to those being faced around St. Thomas. She said care should be taken to avoid rejecting a good solution for the sake of waiting to find a perfect one, and she expressed appreciation for the respectful dialog and civil debate. She stressed the importance of making the distinction between student housing and rental housing, and said the ordinance was the result of a thoughtful process over a period of time. She said she was tired of police having to spend their time managing rental property.

Moved by Councilmember Stark, Ordinance is Adopted. The motion carried by the following vote:

Yea: 5 - Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Thune

Nay: 2 - Councilmember Bostrom and Councilmember Tolbert

Second Reading

- 26 [Ord 12-35](#) Memorializing City Council action granting the application of Dirk Dantuma/Ruth Dantuma for the rezoning of 311 Walnut Street from RM2 Medium-Density Multiple-Family Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

Laid Over to Third Reading to the City Council, due back on 7/3/2012

- 27 [Ord 12-36](#) Amending Chapter 183 of the City of Saint Paul Legislative Code pertaining to human rights.

Laid Over to Third Reading/Public Hearing to the City Council, due back on 7/3/2012

SUSPENSION ITEMS

Rules suspended

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

Nay: 0

- [RES 12-1226](#) Preliminary Order to set the date of a public hearing authorizing the acquisition of properties to develop a ballpark in Downtown Saint Paul.

Moved by Councilmember Thune, Resolution is Adopted. The motion carried by the following vote:

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

Nay: 0

ADJOURNMENT

Councilmember Carter moved adjournment.

The meeting was adjourned at 4:24 p.m.

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

Nay: 0

Council Meeting Information**Web**

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Cable

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