



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, April 24, 2013

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

The meeting was called to order by Council Vice President Carter at 3:32 p.m.

Council President Lantry excused

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Melvin Carter III, Councilmember Russ Stark, Councilmember Dave Thune and Councilmember Chris Tolbert

Absent 1 - City Council President Kathy Lantry

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 13-12](#) Letters from the Department of Safety and Inspections declaring 1033 Arcade Street and 1071 Sherburne Avenue as nuisance properties. (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 (Items 2 - 17)

Items 13 and 14 were removed from the Consent Agenda for separate consideration.

Councilmember Thune moved approval of the balance of the Consent Agenda.

Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

- 2 [RES 13-495](#) Approving the City's cost of providing Collection of Certificate of Occupancy Fees services billed November 27, 2012 to January 4, 2013, and setting date of Legislative Hearing for May 21, 2013 and City Council Public Hearing for June 19, 2013 to consider and levy the assessments against individual properties. (File No. CRT1308, Assmt. No. 138209)
- Adopted**
- 3 [RES 13-546](#) Approving the City's cost of providing Collection of Vacant Building Fees services billed March 29, 2012 to January 18, 2013, and setting date of Legislative Hearing for May 21, 2013 and City Council Public Hearing for July 10, 2013 to consider and levy the assessments against individual properties. (File No. VB1309, Assmt. No. 138812)
- Adopted**
- 4 [RES 13-547](#) Approving the City's cost of providing Excessive Use of Inspection services billed January 2 to February 13, 2013, and setting date of Legislative Hearing for May 21, 2013 and City Council Public Hearing for July 10, 2013 to consider and levy the assessments against individual properties. (File No. J1305E, Assmt. No. 138306)
- Adopted**
- 5 [RES 13-548](#) Approving the City's cost of providing Property Clean Up services from March 4 to 27, 2013, and setting date of Legislative Hearing for May 21, 2013 and City Council Public Hearing for July 10, 2013 to consider and levy the assessments against individual properties. (File No. J1309A, Assmt. No. 138521)
- Adopted**
- 6 [RES 13-549](#) Approving the City's cost of providing Trash Hauling services from March 6 to 27, 2013, and setting date of Legislative Hearing for May 21, 2013 and City Council Public Hearing for July 10, 2013 to consider and levy the assessments against individual properties. (File No. J1309G, Assmt. No. 138709)
- Adopted**
- 7 [RES 13-607](#) Preliminary Order setting the date of public hearing to authorize the acquisition of temporary and permanent easements to accommodate a Lift Station that will daylight the brook as part of the Trout Brook (Trillium) Nature Sanctuary in Saint Paul (File No. AE2013-01).
- Adopted**

- 8 [RES 13-592](#) Authorizing the Fire Department to enter into a joint powers agreement with the Plymouth Fire Department for the use of the Saint Paul Fire Department training facilities.

Adopted

- 9 [RES 13-610](#) Approving the Labor Agreement (January 1, 2013 - December 31, 2015) between the City of Saint Paul and District Lodge No. 77 International Association of Machinists and Aerospace Workers AFL-CIO. (Laid over from April 24 for adoption)

Laid over to May 1 for adoption

- 10 [RES 13-608](#) Approving the change in the rate of pay for the classification of Employee Benefits Manager from Grade 018 to Grade 022, in the Non-Represented City Managers Salary Schedule.

Adopted

- 11 [RES 13-587](#) Authorizing the proper City officials to settle the underinsured motorist claim of Sheila T. Lambie for the sum of \$25,000 as a result of an automobile accident on May 19th, 2010, while an employee of the City of Saint Paul.

Adopted

- 12 [RES 13-594](#) Authorizing the proper City officials to settle the property damage claim of State Farm Insurance Company as subrogee of Richard E. Kemp for the sum of \$14,726.81 as a result of an automobile accident on October 7th, 2011.

Adopted

- 13 [RES 13-623](#) Authorizing application to the Department of Employment and Economic Development for Contamination Investigation and Cleanup Grants and to the Metropolitan Council for Tax Base Revitalization Grants for the Hamm's Brewery, Model Cities, Old Home Plaza, St. Albans Park, and 324 Johnson Parkway sites.

Councilmember Carter moved to amend the resolution to include St. Albans Park so they can also apply to DEED for contamination cleanup.

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

- 14 [RES 13-505](#) Staying implementation of Council File Number RLH RR 12-68 (Order to Remove or Repair 601 Western Avenue).
- Councilmember Carter moved an amendment asking that the bond be posted by the close of business April 30; he said the Council would reconsider the matter on May 1 if the bond was not posted.*
- Adopted as amended**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - City Council President Lantry
- 15 [RES 13-598](#) Approving adverse action against the Taxicab Driver (Provisional) license application submitted by Brad L. Sternaman.
- Adopted**
- 16 [RES 13-599](#) Approving adverse action against the Cigarette/Tobacco license held by Hesen A. Shire, d/b/a Dollar & Grocery, 786 Seventh Street East.
- Adopted**
- 17 [RES 13-600](#) Approving adverse action against the Food Vehicle and Catering licenses held by Kenjoy's Catering, LLC, d/b/a Kenjoy's.
- Adopted**

FOR DISCUSSION

- 18 [RES PH 13-50](#) Final Order to acquire property rights and construct new roadways, lighting, boulevards, sidewalks, and trails for the Prince Street Project. (Public hearing held April 3; laid over from April 17)

Councilmember Tolbert said he had issues with both Items 18 and 19. He questioned staff where the \$3.3 million is coming from.

John Maczko, Department of Public Works, said the funding for the project is coming from a number of capital improvement projects that Public Works has initiated through the years. The need for the funding is basically an aggregate to construct the Prince Street Project in 2013 as opposed to their normal 2014 CIB request. Funding is coming partially from the Lafayette Bridge and the 35E Cayuga Projects, both of which had additional funding which was more than was anticipated now that the projects are underway and they have solid numbers. There were also other projects which he could not recall at this time. Mr. Maczko said that typically any excess funds they would have would go back to the CIB Committee and they can re-allocate to other projects. They went through the CIB process with a recommended location as to where the funds could go. The CIB Committee returned that in return for approving the funding for this year. In 2013 their 2014 request for funding was pulled from consideration which then allowed additional funding to be used for allocation to the normal CIB process.

Councilmember Tolbert questioned if all the money that is being put in aggregate for the \$3.3 million is excess money that they won't later need to find CIB money to fund. Mr. Maczko said that is correct and he believes it's all capital state aid dollars from various projects.

Councilmember Tolbert said during the budget hearings last year they held a work session about additional money for projects that wasn't being used. The Council asked for a spreadsheet of all the projects that had additional money. He asked if the \$3.3 million was on that spreadsheet. Mr. Maczko responded that it was on the spreadsheet. Part of the issue was that it was an October spreadsheet and with the exception of the Midtown Greenway Extension that was unknown at that time, the bulk of the money coming out of the 35E Cayuga and Lafayette Bridge were project agreements that had not been signed yet and for which they did not have actual numbers. His recollection was that those agreements were signed in November 2012 and possibly January 2012. They were two of the bigger projects.

Councilmember Tolbert asked if there's any money "sitting out there now" that the Council or CIB Committee could look at for allocation of overruns noting that there are serious pot holes and sidewalks needing repair. Mr. Maczko responded that based on Public Works' review of the capital budget and capital funds, there are not overruns but as construction projects go to bid and construction projects finish up, there may be dollars left over that could be reallocated but they haven't even started the first project yet.

When it is realized that projects don't need all the money, Tolbert asked what the city's policy is and whether there is a notice mechanism for the Council and Mayor's Office to know where there is additional money available. Mr. Maczko said that typically when a project is closed out, the funds are transferred and dealt with in the city finance office and left in the capital budget subject to reallocation.

Councilmember Stark said the Council does not hear about the additional money.

Councilmember Thune asked if the under runs have to go through the CIB process or

if they could be reallocated by the Council. Mr. Maczko responded that any changes to the capital budget have to go to the CIB Budget Committee first and then to Council.

Councilmember Thune asked if it goes to CIB during the year or not until the end of the year. Mr. Maczko said it typically waits until project closeout and during the budget process, any projects that have been closed out and if there are available dollars, they are reported. Before any money can be moved from one project to another, they have to go back to the CIB Committee for approval and then take it to the City Council. It's the same if there are overruns with projects, they have to go back for approval to add money. Most of the time they try to put together a good budget estimate for what a project will be but they don't always know until the work has been started.

Councilmember Tolbert stated that this money was available for other projects but the Council did not know about it until it was directed for this specific project. He stated that there has to be a notice mechanism so the Council knows when there is money that may be available due to an overrun. This \$3.3 million is a high priority for the city and it's an un-assessable building of new sidewalks that has already taken quite a bit of money. He also said he felt this was more of a Parks project than a Public Works project. He has issues how Public Works has dealt with this but in terms of Parks, this should have been incorporated and it should have been part of the original Saints Ballpark \$54 million funding. Tolbert said he cannot in good faith support this.

Councilmember Thune moved approval.

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, Councilmember Stark and Councilmember Thune

Nay: 1 - Councilmember Tolbert

Absent: 1 - City Council President Lantry

19 [RES PH 13-60](#)

Amending the financing and spending plans in the Department of Public Works in the amount of \$3,388,157.53 for the Prince Street Project, and closing old projects.

Councilmember Thune moved approval.

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, Councilmember Stark and Councilmember Thune

Nay: 1 - Councilmember Tolbert

Absent: 1 - City Council President Lantry

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

- 20** [Ord 13-8](#) Amending Chapter 324 of the Saint Paul Legislative Code pertaining to electronic cigarettes.
- Councilmember Thune moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - City Council President Lantry
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- 21** [Ord 13-21](#) Memorializing City Council action granting the application of Keith W. Jacobson/Patricia A. Jacobson for the rezoning of 1836 Grand Avenue from B2 Community Business to BC Community Business (Converted), and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held March 20, 2013)
- Councilmember Tolbert moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - City Council President Lantry

Third Reading, No Public Hearing

- 22 [Ord 13-20](#) Memorializing City Council action granting the applications of Raymond Condominiums and Lakes and Plains, LLC for the rezoning of 854-856 Raymond Avenue, 842 Raymond Avenue, and 2330 Long Avenue from RM2 Medium-Density Multiple-Family Residential and VP Vehicular Parking to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. [Public hearing held March 20, 2013].

Laid over to May 1 for final adoption

First Reading

- 23 [Ord 13-24](#) Memorializing City Council action granting the application of the Housing and Redevelopment Authority (HRA) for the rezoning of 719 Burr Street from B1 Local Business to T1 Traditional Neighborhood and RT1 Two-Family Residential, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held April 3, 2013)

Laid over to May 1 for second reading

Councilmember Stark welcomed visiting scouts and leader John Boit from North Star Cub Scout Pack 22.

ADJOURNMENT

Councilmember Bostrom moved adjournment.

The meeting was adjourned at 4:00 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - City Council President Lantry

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