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 Russ Stark
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, December 17, 2014 **3:30 PM** **Council Chambers - 3rd Floor**

The Library Board will meet during the 3:30 portion of the meeting.
Public Hearings at 5:30 p.m.
There will be no meetings on Wednesdays, December 24 and 31.

ROLL CALL

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

COMMUNICATIONS & RECEIVE/FILE

1 CO 14-50 Letters from the Department of Safety and Inspections declaring 684 Sims Avenue and 688 Sixth Street East as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and Filed

2 AO 14-74 Amending the 2014 spending budget in the Sewer Utility Fund 640.

Received and Filed

3 AO 14-75 Amending the budget of the Public Works Solid Waste and Energy Fund.

Received and Filed

4 AO 14-76 Amending the 2014 spending budget in the Public Works Administration Fund 730.

Received and Filed

5 AO 14-77 Amending the 2014 spending budget in the General Fund, Financial Services accounting unit.

Received and Filed

6 AO 14-78 Amending the 2014 spending budget for the Office of Technology and Communications - Information Services.

Received and Filed

7 AO 14-81 Amending the 2014 spending budget in the Assessment Fund, Local Improvement Assessments accounting unit.

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 8 - 40)

Items 33, 36, and 37 were removed from the Consent Agenda for separate consideration. Councilmember Brendmoen moved approval of the Consent Agenda as amended.

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

8 RES 14-2179 Approving the Mayor's reappointments of Jon Schumacher and Alex Bajwa to serve on the Neighborhood Star Board.

Adopted

9 RES 14-2182 Approving the Mayor's appointments of Larry Gilbertson and Judith Donohue to serve on the Ramsey County Workforce Investment Board.

Adopted

10 RES 14-2181 Approving the Mayor's appointments of Hua Vang, Rebecca Mino, and Tracy Sides to serve on the Saint Paul - Ramsey County Food and Nutrition Commission.

Adopted

11 RES 14-2183 Approving the Mayor's reappointments of Emily Shively, Daniel Edgerton, William Lindeke, Rebecca Noecker, Jun-Li Wang, and Terri Thao to serve on the Planning Commission.

Adopted

12 RES 14-2187 Approving the Mayor's appointments of Natalie Fedie and Seun Aiyese, and the reappointments of Rich Ginsberg, James Carlson Otero, Wade Luneberg, Todd Axtel, John Marshall, and Erin Dady to serve on the Visit Saint Paul Board of Directors.

Adopted

13 RES 14-2193 Approving the Mayor's reappointments of Gloria Bogen, Daniel Ward, Vince Courtney, and Joyce Maddox; and the appointment of Mairlyn Porter as alternate to serve on the Board of Zoning Appeals.

Adopted

14 RES 14-2194 Approving the Mayor's reappointments of Therese Buckley, Harriet Mednick, Joann Ellis, Amy Moser, Carol Neumann, Kathy Kelso, Jocelyn Schowalter, and Nancy Utoft to serve on the Advisory Committee on Aging.

Adopted

15 RES 14-2195 Approving the Mayor's reappointments of Matt Hill and David Wagner to serve on the Historic Preservation Commission.

Adopted

16 RES 14-2196 Approving the Mayor's appointments of Derek Anders-Turner, Julie Bauch, Jerrod Brown, Ian Davy, Julio Fesser, Jim Flaherty, Cushmeer Hainees, Tammy Hartman, Bryan Langford, Neng Lee, Thomas McCarthy, James McClean, Paul McGinley, Michael Sturdivant, Adam Szymanski, and Angie Weise to serve on the Business Review Council.

Adopted

17 RES 14-2197 Approving the Mayor's reappointments of Jim McGuinn and Sharon DeMark, and the appointments of Chris Widdess and Lana Barkawi to serve on the Cultural STAR Board.

Adopted

18 RES 14-2178 Approving the legislative agenda of the City of Saint Paul for the 2015 Minnesota legislative session.

Adopted

19 Min 14-54 Approving the minutes of the October 15 and 22, 2014 City Council meetings.

Adopted

20 RLH OA 14-32 Making recommendation to Ramsey County on the application of William M. Kronschnabel of Kueppers, Kronschnabel & Daly, P.A., on behalf of Michelle Rae Wilson, for repurchase of tax forfeited property at 690 IGLEHART AVENUE.

Adopted

21 RES 14-2092 Approving the City's cost of providing Certificate of Occupancy fees billed August 18 to September 12, 2014, and setting date of Legislative Hearing for January 20, 2015 and City Council Public Hearing for March 4, 2015 to consider and levy the assessments against individual properties. (File No. CRT1505, Assessment No. 158204)

Adopted

22 RES 14-2094 Approving the City's cost of providing Boarding and/or Securing services during October 2014, and setting date of Legislative Hearing for January 20, 2015 and City Council Public Hearing for March 4, 2015 to consider and levy the assessments against individual properties. (File No. J1504B, Assessment No. 158103)

Adopted

23 RES 14-2095 Approving the City’s cost of providing Graffiti Removal services from September 22 through October 30, 2014, and setting date of Legislative Hearing for January 20, 2015 and City Council Public Hearing for March 4, 2015 to consider and levy the assessments against individual properties. (File No. J1503P, Assessment No. 158402)

Adopted

24 RES 14-2096 Approving the City's cost of providing Emergency Abatement services from June through August 2014, and setting date of Legislative Hearing for January 20, 2015 and City Council Public Hearing for March 4, 2015 to consider and levy the assessments against individual properties. (File No. J1503A, Assessment No. 158502)

Adopted

25 RES 14-2131 Approving a request by Opus Development Company, L.L.C. to release easements over portions of the properties at 174-224 West Seventh Street.

Adopted

26 RES 14-2150 Approving the City of Saint Paul's participation in the financing of the expansion and renovation of the Minnesota Children's Museum.

Adopted

27 RES 14-2174 Authorizing the execution and delivery of a Master Equipment Lease/Purchase Agreement dated January 9, 2015 and a Separate Lease Schedule with respect to the acquisition, purchase, financing and leasing of certain local area network equipment and software; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

Adopted

28 RES 14-2172 Authorizing the execution and delivery of Property Schedules No. 5 and 6 to a tax-exempt/lease purchase agreement and related documents for the purchase of public safety equipment, public works equipment, and certain other capital equipment and determining other matters in connection therewith.

Adopted

29 RES 14-2145 Authorizing the Fire Department to enter into a joint powers agreement with Inver Hills Community College to provide services for the EMS Academy January 7 through April 24, 2015.

Adopted

30 RES 14-2077 Approving the Memorandum of Agreement (January 1, 2015 - December 31, 2017) between the City of Saint Paul and AFSCME District Council 5, Technical, Local 1842 for the purpose of establishing rules for health insurance eligibility for part-time employees.

Adopted

31 RES 14-2085 Approving the Memorandum of Agreement between the City of Saint Paul and the International Association of Firefighters, Local 21 to establish promotion rights from one classification to another for employees in the classifications of Fire Captain, Fire Training Assistant and EMS Coordinator.

Adopted

32 RES 14-2112 Authorizing the Department of Parks and Recreation to enter into Joint Powers Agreements with the Saint Paul School District to permit Independent School District #625 to enroll designated areas within College Park, Langford Park, and Marydale Park into the Minnesota School Forest Program.

Adopted

34 RES 14-2026 Approving the 2014 Cultural STAR Round 2 Projects.

Adopted

35 RES 14-2128 Designating Como Avenue from Gateway Drive to Dale Street as an Urban District and setting the speed limit at 30 mph.

Adopted

38 RES 14-2130 Authorizing the proper City Officials to apply for and enter into a grant agreement with State of Minnesota for Bridge Bonding Funds for Wheelock Parkway Bridge.

Adopted

39 RES 14-2189 Approving adverse action against the Sidewalk Contractor license held by YAW Construction Group, Inc.

Adopted

40 RES 14-2158 Approving the 2015 Performance Agreement between the Saint Paul Neighborhood Network and the City of Saint Paul.

Adopted

FOR DISCUSSION

33 RES 14-2149 Authorizing the Department of Parks and Recreation to enter into a management agreement with Dockside, LLC for the management services of Como Lakeside Pavilion.

Councilmember Brendmoen introduced an amendment adding wording which emphasized the community input process.

Council President Lantry said the Council would not be taking public comments at the meeting since it had not been noticed for public comment, but there had been other opportunities for input and comment. Councilmember Thune said it was a good process and outcome.

Vote on amendments Yeas - 7 Nays - 0

Jessica Brokaw, Department of Human Rights and Equal Economic Opportunity, gave a brief overview of the vendor selection process.

Mike Hahm, Director of the Department of Parks and Recreation, reviewed the management agreement. In response to a question from Councilmember Stark, he said the intention was to continue with community music programming.

Councilmember Bostrom said he would not support the resolution. He expressed his frustration over the circumstances leading up to the settlement with the previous vendor, and the fact that the City was now in a situation where breaking even was not assured even after five years. He said the City and Mayor could have done better.

Councilmember Stark said he would support the resolution. He thanked Parks and Recreation for a robust community process and said he felt the agreement included a good set of services. In response to Councilmember Bostrom's comments he said the vote being taken was on the current agreement and process.

Councilmember Tolbert said voting for this did not change his displeasure over what happened at this location previously. He said he had supported the the settlement because it was the best the City could do to avoid further losses, and. this represented the City moving on. He said it was a good contract and agreement and a good process regardless of how Council members felt about how the City had come to this point. He said he would support the resolution.

Councilmember Thao said the settlement was the best decision that could be made at the time, and he would support this resolution. He said the City staff had learned about contracts from the incident. He said this was an exciting time for the City and Como Lake.

Councilmember Brendmoen thanked Parks and HREEO staff and the community task force for their work. She thanked Dockside LLC for their excitement, and said the contract was good for the City and Como. She said she like the local connections, and she was committed to keeping an eye on and mitigating traffic and noise impacts. She acknowledged the concerns from Music in the Parks and said there would be small changes the first year with a move toward more diversity in programming consistent with input from the community. She moved approval of the resolution.

Adopted as amended

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

Nay: 1 - Councilmember Bostrom

36 RES 14-1910 Setting fine amounts for violations of Legislative Code section 161 pertaining to parking restrictions during a continuous winter parking ban.

Council President Lantry said some of the section numbers had been amended.

Councilmember Stark moved approval of the resolution as amended.

Adopted as amended

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

Nay: 0

37 RES 14-2129 Creating a prioritized bridge replacement list.

Council President Lantry said the resolution had been amended with some reformatting.

Councilmember Stark moved approval of the resolution as amended.

Adopted as amended

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.

Third Reading, No Public Hearing

41 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 January 7, 2015 for final adoption

42 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 January 7, 2015 for final adoption

Second Reading

43 Ord 14-52 Administrative Ordinance placing the classification titled Public Information Manager in the unclassified service pursuant to Section 12.03.2(H) of the City of Saint Paul Charter. (Civil Service Commission approval needed prior to Mayor's approval)

Laid over to January 7, 2015 for third reading/public hearing

SUSPENSION ITEM

Councilmember Stark 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 14-2240 Approving and authorizing subordination of a STAR loan made to Urban Organics.

Council President Lantry moved approval.

Adopted

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

Nay: 0

Recess of City Council and Convening of Library Board
(See Library Board Minutes)

Reconvening of City Council

SUSPENSION ITEM

Reconsideration

RES 14-2076 Approving and adopting the Saint Paul Public Library Agency Budget.

Councilmember Tolbert moved to override the Mayor's veto of the library portion of the City's budget.

Councilmember Bostrom asked whether putting the money back into the budget meant the Mayor had to spend it. Council President Lantry said they were going to check. She said under normal circumstances the Mayor could direct a department director not to spend additional money put into the department's budget by the Council, but she didn't know whether that was the case with the Library Board. She said this was clearly a priority for the City Council and she hoped the Mayor would take that to heart and have Director Hadley spend the money.

Line item veto overridden

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

Nay: 1 - Councilmember Thune

The Council recessed at 4:09 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:31 p.m.

Councilmember Thune excused

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

Absent 1 - Councilmember Dave Thune

44 Ord 14-49 Amending Chapter 33 of the Saint Paul Legislative Code pertaining to permit fees.

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

Public hearing held and closed; laid over to January 7, 2015 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Thune

45 Ord 14-50 Amending Chapter 40 of the Saint Paul Legislative Code pertaining to fire certificate of occupancy.

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

Public hearing held and closed; laid over to January 7, 2015 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Thune

46 Ord 14-51 Amending Chapter 43 of the Saint Paul Legislative Code pertaining to Vacant Buildings.

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

Public hearing held and closed; laid over to January 7, 2015 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Thune

47 RES PH 14-349 Approving adverse action against all licenses held by Thai Ginger Restaurant, Inc., d/b/a Thai Ginger at 173 Robert Street South. (Public hearing held December 17)

Geoffrey Karls, Assistant City Attorney representing the Department of Safety and Inspections (DSI) gave a staff report on the 10-1/2 month lapse in liquor liability insurance. He said the penalty matrix called for a 10-day suspension for a single instance of a lapse, and a second lapse would result in a revocation of licensure. He noted that Thai Ginger was subject to an adverse action and a $1500 penalty earlier in the year for purchasing liquor at retail, in violation of state law, when they were on the No Sale list due to a tax delinquency. He said given the facts, DSI was recommending revocation of all licenses. He said the licensee didn't dispute the facts, but requested the hearing to dispute DSI's proposed remedy.

In opposition:
David Souvanaphong, husband of license holder, said they didn't know the insurance had lapsed, and they took care of it as soon as it was brought to their attention. He said they were throwing themselves at the mercy of the Council. He said his wife had had a C-section the day before, after a complicated pregnancy, and they were a small Mom and Pop business trying to make the restaurant succeed on their own. He said his wife was in charge of finances but had a difficult pregnancy, so he'd had to deal with things he wasn't familiar with. He noted that they were involved in the community. He said they did not want to lose their license over a liquor liability lapse they were not aware of.

Council President Lantry said the insurance cancellation letter was sent to establishment., and the amount of the premiums was not insignificant and would probably have been noticed. Mr. Souvanaphong reiterated that his wife was in charge of the finances and had had a difficult pregnancy. He apologized that it was missed and said they would have corrected the problem sooner if they'd known. He said they wanted to work with the City.

Mai Neng Moua (271 E. Morton Street), said she frequented Thai Ginger and had held fundraisers there. She said the loss of the business would be a detriment to the community. She said they had acknowledged their mistake and should be given another chance. She said a recent fundraiser held there had allowed over $1000 worth of toys to be delivered to Minneapolis Children's Hospital.

Choua Vang (1533 Etna Street) said she was a resident of East Side and had held fundraisers at Thai Ginger. She said David and Kyrina were supportive of the community and supported flag football teams, especially Asian American teams. She said they made a mistake but there was more good that they had done.

Councilmember Tolbert moved to close the public hearing. Yeas - 6 Nays - 0

Council President Lantry said Councilmember Thune had had to leave because he was ill, and she suggested the matter be laid over. She said a lapse in liquor liability was very serious, and maintaining the insurance was the ultimate responsibility of a bar owner. She said the notice of cancellation was from December 2013, and $6600 was a large amount of money to not notice. Have never voted to allow any slack on liquor liability but out of respect for Councilmember Thune she felt the matter should be laid over to make sure the Council had all the information. She reiterated that it was a very serious matter and not just an oversight.

Councilmember Brendmoen said she would support the motion to lay the matter over to allow time for Councilmember Thune to have a conversation with the business's

primary bookkeeper. She congratulated Mr. Souvanaphong on his new child.

Public hearing held and closed; laid over to January 7

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

Nay: 0

Absent: 1 - Councilmember Thune

48 PH 14-25 Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Pet Enterprises Motortech, Inc., d/b/a Pet Auto Repair at 44 Acker Street East. (Public hearing continued from December 17)

Council President Lantry said the attorney for Pet Enterprises was unable to attend, and the intent was to hold the public hearing since it had been noticed, and continue it to January 7, 2015.

No one appeared in opposition; Councilmember Thao moved to continue the public hearing to January 7.

Public hearing continued to January 7, 2015

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

Nay: 0

Absent: 1 - Councilmember Thune

49 ABZA 14-4 Public hearing to consider the appeal of Steve and Jenny Virkus to a decision of the Board of Zoning Appeals (BZA) denying a request for a parking variance at 814 Grand Avenue.

Yaya Diatta, Department of Safety and Inspections, gave a staff report on the variance application and appeal. In response to questions from Council President Lantry he reviewed recent Council actions on the property.

Councilmember Stark asked what the outcome would be if the appeal were denied. Mr. Diatta said the dwelling unit would have to be removed. Deputy City Attorney Gerald Hendrickson asked whether the stairway could be removed to allow an additional parking space. Mr. Diatta said there was no other access to the dwelling unit.

Appellant:
Joe Crosby appeared representing Mr. Virkus. He said they were granted the variance on the setback because the circumstances were not created by the current owner, but the parking variance was denied because "they should have known." He said other apartments as close as next door did not meet the parking requirements or have variances.

Property owner Steve Virkus said the property was just as they purchased it four years before, and they counted on the income from the dwelling unit. He said they had complied with everything that had been asked of them.

Mr. Crosby said Mr. Virkus had parking permits for the tenants, but because of the current issue they were unable to use them.

Councilmember Tolbert asked whether the apartment was rented legally with a Certificate of Occupancy. Mr. Crosby said all inspections had been done but they were advised to hold off on the Certificate of Occupancy until a decision was made on the appeal. Mr. Virkus said no one was living there now. Mr. Crosby said they were unsuccessful in finding a parking spot at a nearby to rent. He said they were just asking for one space, and he reiterated that the request was denied for the same reason the setback was approved.

In opposition:
Margaret Gadient (809 Lincoln Avenue) said she didn't want to be a difficult neighbor but was opposed to approval of the variance. She said there was no place for a renter to park, although there was a car outside the garage and in the alleyway every day. She said having a vehicle parked there was unsafe, made it difficult for delivery trucks and emergency vehicles, made snow removal difficult, and cars couldn't pass by one another. She said approval of the variance would set a precedent, and impose a set of inconveniences on the neighbors.

Sharon Elmore (833 Lincoln Avenue) said having a vehicle parked there was unsafe, in addition to being an inconvenience. She said the parking spot was still being used even if the unit was vacant.

Councilmember Brendmoen clarified that the request wasn't to allow parking in the alley but to obtain a parking variance so the resident could use a permit to park in the street. Ms. Elmore said there were cars parked in the alley all the time, and neighbors called parking enforcement but nothing was done. She noted that more than one vehicle was regularly parked in the alley and more than one parking permit would be needed to address the problem.

Kay Willshire (803 Lincoln Avenue) said the cars were parked in the right-of-way, creating a hazardous situation. She said it was a safety issue, and EMTs could not get through. She said there were lights on at night and the same car parked there every night.

Jeff Roy, Summit Hill Association (SHA), said the SHA believed the zoning ordinance were there for a reason, and the neighborhood plan called for zoning ordinances to be enforced so there wasn't excessive parking on Grand Avenue where the resource was in demand. He said this was an illegal dwelling unit, which the purchaser should have known, and having someone live there increased parking pressure. He said the City shouldn't be in the business of granting variances for illegal uses, and he noted that many if not all other apartment buildings in that area were grandfathered in. He said it seemed the primary motivation for the variance request was economic, which was not allowed under the variance statute. He said the SHA found that the application did not meet findings related to consistency with the neighborhood plan , and the current owner's responsibility to investigate before purchasing. He asked that the Council support the decision of the BZA.

Councilmember Stark asked whether the SHA had supported the original zoning change. Mr. Roy said he believed they may have.

Councilmember Thao moved to close the public hearing. Yeas - 6 Nays - 0

Council President Lantry said the Council granted the rezoning of the property on September 5, 2013, with the intent of making the current conditions compliant. She said the BZA said owner should have done their due diligence, but that question was asked and answered when the Council did the rezoning. She said she was a little concerned about the capriciousness of the Council not realizing at that time that the setback and parking variances were needed. She said the neighbor issue had to do with illegal parking. She said she would be inclined to support granting the appeal given that the Council already supported the rezoning, and she questioned why the BZA would grant the setback and not the parking. She said the plight of land owner was determined in 2013 when rezoning decision was made, and BZA did err in denying the application.

Councilmember Brendmoen said the message about alley parking should be received.

Councilmember Stark said he agreed with the direction Council President Lantry was leaning. He said the part that was a little troubling was that previous landowner went ahead and did this, but the City did have a point of intervention and that put the onus back on the City to figure it out. He said parking in alley wasn't relevant to zoning, and the SHA concern was about zoning in general, but the rezoning was already granted. He moved to grant the appeal, due to the BZA not recognizing that the City intervention happened in 2013.

Motion of Intent - Appeal granted

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

Nay: 0

Absent: 1 - Councilmember Thune

50 RES PH 14-341 Extending the cable franchise held by Comcast of St. Paul until May 1, 2015.

In opposition:
Mr. Heller (1223 Marion) stressed the importance of full accessibility, and expressed concern about the fact that Comcast did not provide content closed captioning. He expressed support for action on the library budget. He said noted that City website was not compliant because it didn't provide text to speech.

Councilmember Brendmoen clarified that the item extended the contract so negotiations could continue. She said the concerns could be passed along.

Councilmember Brendmoen moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

51 RES PH 14-343 Amending the City's 2014 Capital Improvement and Capital Projects Budgets to reflect the issuance of the Series 2014F and 2014G Sales Tax Revenue Bonds and a transfer from the City's special assessment fund.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

52 RES PH 14-365 Approving year-end adjustments to the 2014 budget.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

53 RES PH 14-352 Amending the financing and spending plans in the Department of Parks and Recreation in the amount of $925,000 to recognize funding from the FY 2015 Parks and Trails Legacy Fund Allocation to continue the Mississippi River Trail project, and authorizing the appropriate City officials to enter into the agreement amendment.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

54 RES PH 14-342 Accepting pass-through grant dollars in the amount of $12,400 from the Minnesota Department of Transportation for the Cycles for Change Community Partners Bike Library Project, and adding $12,400 to the 2014 budget.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

55 RES PH 14-353 Approving the amendment of the Tax Increment Financing Plan for the Spruce Tree/Metz Bakery tax increment financing district.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

56 RES PH 14-354 Reciting a proposal for a Housing Finance Program for a senior multi-family rental housing development, giving preliminary approval to the project and the Program pursuant to Minnesota Statutes, Chapter 462C, authorizing the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota to issue conduit housing revenue bonds and authorizing the preparation of necessary documents and materials in connection with said project and Program (East Seventh and Bates Senior Housing Project).

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

57 RES PH 14-359 Approving and authorizing amendments to the Neighborhood Stabilization Program budgets.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

58 RES PH 14-355 Amending the financing and spending plans in the Police Department's grants fund in the amount of $28,700 for the Auto Theft Grant.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

59 RES PH 14-333 Approving the Energy Park Utility Company Schedule A.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

60 RES PH 14-344 Amending the financing and spending budgets in the Department of Public Works in the amount of $3,681,349 for the Prince Street Construction Project, approved on Council File RES PH 13-60, in order to cover the additional costs associated with soil contamination and remediation efforts and the added costs to purchase the right-of-way necessary to construct the roadways.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

61 RES PH 14-340 Amending the financing and spending plans in the capital budget for the Department of Public Works by adding $13,512 of Trunk Highway funding and a $14,877 Macalester College contribution to the Signalized Intersection Safety Improvements Program in order to install a Rapid Rectangular Flashing Beacon System at Snelling and Lincoln.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

62 RES PH 14-217 Amending the financing and spending plans in the Department of Public Works in the amount of $438,193 to close out Northwest Traffic Study Project.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

63 RES PH 14-345 Amending the 2014 budget in the Public Works Right of Way Maintenance fund by $1,948,791 to reflect additional winter maintenance costs, street repairs, one-sided parking ban, and Kellogg Street bridge restrictions.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

71 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)

Legislative Hearing Officer Marcia Moermond distributed a timeline and gave a staff report on the fence constructed in the right of way and the denial of the encroachment request. She displayed a drawing and photograph, and noted the location of the fence and right-of-way. In response to a request for clarification from Councilmember Tolbert, she said the fence was in the right of way immediately adjacent to the sidewalk. In response to a question from Council President Lantry, she said there was a tree right on the property line that had probably been planted by public works. She showed a photo of another tree that the sidewalk went around.

Councilmember Tolbert asked what would be allowed if the appeal were granted. Ms. Moermond said it would just allow the fence to be there, but the City would not be giving away and rights. Councilmember Tolbert asked if the City could require the fence to be removed if access to the right-of-way was needed. Ms Moermond deferred to Deputy City Attorney Gerald Hendrickson. Mr. Hendrickson said he didn't know the specifics of this situation, but generally speaking it was still the City's right-of way when there was an encroachment, and the fence would have to be removed at owner's expense if City needed access.

Council President Lantry asked the distance between property line and sidewalk. Ms. Moermond said it was 8 or 9 feet.

In opposition:
Property owner William Dillon displayed the site plan used when permit was granted, showing the fence as currently located. He said he understood a mistake was made regarding the property line due to the inspector's assumption that there was a boulevard, and he submitted the encroachment request as directed, along with everything else required. He reviewed correspondence with DSI staff and the lengthy process leading up to denial of the encroachment request. He displayed photographs of the fences, and said he understands that he will have to remove fence at his own expense if the City needs access.

Councilmember Tolbert moved to close the public hearing. Yeas - 6 Nays - 0

Councilmember Tolbert moved to grant the appeal. He said it was clear that possession wasn't being granted to the property owner.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thune

75 RLH SAO 14-44 Appeal of Daniel Veesenmeyer to a Summary and Vehicle Abatement Order at 171 GRANITE STREET.

MM gave a staff report on the vehicle abatement and summary abatement orders. She said DSI gave 5 days for compliance, and the appeal took place a month after the orders were issued. She recommended denying the appeal and granting to December 19 for compliance.

In opposition:
Property owner Daniel Veesenmeyer said the situation was his fault because he had spent the summer in jail. He said it was an unimproved alley and people dumped stuff, and he normally maintained it. He said he had removed a lot of material, and was working on remodeling when he got sent to jail. He acknowledged it looked bad, and said he was trying to clean it up and cover things with tarp. He said the alley was cleaned up.

Council President Lantry asked Mr. Veesenmeyer whether he could have everything done by December 19. Mr. Veesenmeyer said he couldn't. He said his son was in the hospital, and the inspector understood his situation and had said he would grant some time.

Councilmember Brendmoen said she had seen the property recently, and she proposed granting until May 1. She said it appeared Mr. Veesenmeyer was operating a scrapping business, and she would prefer that Mr. Veesenmeyer be allowed enough time to dig in and get the work done. She noted there would be increased traffic through the area due to the Cayuga project. Mr. Veesenmeyer said he planned to get a site plan and create legal parking and storage.

Councilmember Brendmoen moved to close the public hearing and grant until May 1 for compliance.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thune

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 (Items 64 - 87)

No one appeared in opposition; Councilmember Thao moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thune

64 RLH VBR 14-90 Appeal of John Schoenherr to a Vacant Building Registration Notice at 297 AURORA AVENUE.

Adopted

65 RLH VO 14-61 Appeal of Gloria Fuchs to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1652 BLAIR AVENUE.

Adopted

66 RLH FCO 14-162 Appeal of Nicholas Davis to a Fire Inspection Correction Notice at 1393 BREDA AVENUE. (Public hearing continued from December 17)

Referred to Legislative Hearings on January 6, 2015; Council public hearing continued to January 21

67 RLH VBR 14-98 Appeal of Xeng Xiong and Mai Y Vang to a Vacant Building Registration Fee at 752 BUSH AVENUE.

Adopted

68 RLH FCO 14-175 Appeal of Isaac Erickson to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 703 CASE AVENUE.

Adopted

69 RLH VBR 14-91 Appeal of Kenneth Cobb to a Vacant Building Registration Notice at 512 CENTRAL AVENUE WEST.

Adopted

70 RLH FCO 14-178 Appeal of John Mann to a Fire Inspection Correction Notice at 1707 COTTAGE AVENUE EAST.

Adopted

72 RLH VBR 14-95 Appeal of Jeff Sullivan for DeLisle Co. to a Vacant Building Registration Notice at 1084 EUCLID STREET.

Adopted

73 RLH VBR 14-94 Appeal of Sandra Shirek for ESJ Partners to a Vacant Building Registration Notice at 1340 FAIRMOUNT AVENUE.

Adopted

74 RLH VBR 14-92 Appeal of Cassandra Apostolou to a Vacant Building Registration Fee at 748 GRAND AVENUE.

Adopted

76 RLH VO 14-60 Appeal of Paul Ziezulewicz, Southern Minnesota Regional Legal Services, on behalf of Robert Lankford, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 992 HATCH AVENUE.

Adopted

77 RLH OA 14-33 Appeal of Benjamin Murphy to an Enforcement Notice at 996 IVY AVENUE EAST.

Adopted

78 RLH RR 14-22 Ordering the razing and removal of the structures at 522 LAWSON AVENUE EAST within fifteen (15) days after the December 17, 2014, City Council Public Hearing.

Adopted

79 RLH FCO 14-155 Appeal of Kyle Dalton for Asbury Real Estate to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1958 MARGARET STREET. (Public Hearing continued from November 19)

Adopted as amended

80 RLH VBR 14-93 Appeal of Delbert Moore to a Vacant Building Registration Notice at 134 MARIA AVENUE.

Adopted

81 RLH VBR 14-97 Appeal of Gary Southward to a Vacant Building Registration Notice at 723 PLUM STREET.

Adopted

82 RLH CO 14-17 Appeal of Thomas Lieberman to a Correction Notice at 1605 SELBY AVENUE.

Adopted

83 RLH RR 14-23 Ordering the razing and removal of the structures at 1179 SEMINARY AVENUE within fifteen (15) days (corrected to five (5) days) after the December 17, 2014, City Council Public Hearing.

Adopted

84 RLH VBR 14-81 Appeal of Mark Saliterman to a Vacant Building Registration Notice at 295 SUMMIT AVENUE.

Adopted

85 RLH TA 14-656 Amending Council File RLH VO 14-53, adopted November 5, 2014, to grant Greg Daniel an additional extension for property at 1519 UNIVERSITY AVENUE WEST.

Adopted

86 RLH VBR 14-88 Appeal of Kurt Evans for Cross Family Real Estate Holdings to a Vacant Building Registration Fee at 426 VANCE STREET. (Public hearing continued from December 17)

Public hearing continued to January 7, 2015

87 RLH CO 14-18 Appeal of Jon E. Paulson for LeeAnn M. Warner to a Correction Notice at 556 YORK AVENUE.

Adopted

ADJOURNMENT

Councilmember Brendmoen moved adjournment.

Meeting adjourned at 7:08 p.m.

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

Nay: 0

Absent: 1 - Councilmember Thune

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