



**SUMMARY MINUTES OF THE
SAINT PAUL CITY COUNCIL
Wednesday, September 26, 2007 - 3:30 p.m.**

**CITY COUNCIL CHAMBERS, 3RD FLOOR
City Hall and Court House
15 West Kellogg Boulevard**

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

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

Present – 7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune
Absent – 0

CONSENT AGENDA (Items 1 - 23)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Montgomery removed Item 9 for discussion.
Councilmember Thune moved approval of the Consent Agenda as amended.
Adopted as amended Yeas – 7 Nays - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of Farbod Farahan, Zach Engelking, and Soua Thao.
Referred to Risk Management
2. Summons and Complaint in the matter of 1197 University A, LLC, and 1197 Browndale, LLC., vs. the City of Saint Paul, et al.
Referred to the City Attorney's Office
3. Notice and Order for Hearing in the matter of the State of Minnesota by Velma J. Korbel, Commissioner, Department of Human Rights, vs. the City of Saint Paul.
Referred to the City Attorney's Office

4. Letter from the Department of Safety and Inspections announcing a public hearing before the City Council on October 3, 2007 to consider the appeal of University United to a decision of the Planning Commission approving the site plan for two new commercial buildings (a two-story Walgreens with a drive-thru pharmacy window and a Big Top Liquor store) at 1532 University Avenue. (Zoning File 07-048836)
5. Letter from the Department of Safety and Inspections/Code Enforcement declaring 955 Burr Street, 587 State Street, 869 Westminster Street, 1500 York Avenue, and 1583 York Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
6. Letter from the Office of the City Attorney announcing a public hearing before the City Council on October 3, 2007 to consider the report of the Administrative Law Judge concerning all licenses held by Vone X. Moua and Mee Lee Moua, d/b/a Malina's Sports Bar and Grill, 691 Dale Street North.
7. Executive Order:
E-63 Approving the reappointment of Jill Harmon, by Mayor Coleman, to the Community Action of Ramsey and Washington Counties Board of Directors effective September 20, 2007 through December 31, 2008.
On file with the City Clerk
8. Administrative Order:
D002677 Approving expenditure of funds, not to exceed \$3,000, for meals related to the Police Department's SWAT team training at Camp Ripley, Fort Ripley, MN on September 24-27, 2007.
On file with the City Clerk

FOR ACTION

9. Resolution – 07-888 – Declaring Thursday, September 27, 2007 to be *Kristen Scott Hearn Kidder Day* in the City of Saint Paul.
Discussed after the consent agenda
10. Resolution – 07-889 – Establishing the rate of pay for the unclassified Emergency Management Director in Grade 29C of the Non-Represented City Managers, Employee Group Salary Schedule (#17).
Adopted Yeas – 7 Nays – 0

11. Resolution – 07-890 – Authorizing the proper City officials to enter into an agreement with MNDOT to fabricate and install signage on I-94 and Highway 36 directing guests to Como Zoo and Conservatory.
Adopted Yeas – 7 Nays – 0
12. Resolution – 07-891 – Amending Council File 07-822 to delete the assessment for graffiti removal at 1643 Berkeley Avenue.
Adopted Yeas – 7 Nays – 0
13. Resolution - 07-892 - Establishing a stay in implementation of Council File 07-755, an Order to Remove or Repair 733 Case Avenue.
Adopted Yeas – 7 Nays – 0
14. Resolution – 07-893 – Authorizing the Department of Safety and Inspections to accept a donation from the Minnesota Pipe Trades allowing one mechanical inspector to attend the International Association of Plumbing and Mechanical Officials’ Education Conference on September 23-27, 2007.
Adopted Yeas – 7 Nays – 0
15. Resolution – 07-894 – Authorizing the Department of Safety and Inspections to send two HVAC Inspectors to a complimentary training opportunity on installation and operation of laboratory, kitchen, and fire equipment on October 8, 2007 in Schofield, Wisconsin.
Adopted Yeas – 7 Nays – 0
16. Resolution – 07-895 – Establishing a 2007 financing and spending plan to provide funding for participation by the Police Department in the “Stop the Demand” project working through the ‘Breaking Free’ organization.
Adopted Yeas – 7 Nays – 0
17. Resolution – 07-896 – Authorizing the Police Department to enter into a grant agreement with the United States Department of Justice for a Youth Gang Intervention project.
Adopted Yeas – 7 Nays – 0
18. Resolution – 07-897 – Authorizing the Police Department to enter into a Justice Assistant Grant which provides for additional funding for law enforcement.
Adopted Yeas – 7 Nays – 0
19. Resolution – 07-898 – Authorizing the Police Department to enter into an agreement with the United States Department of Justice for participation in the Organized Crime Drug Enforcement Task Force.
Adopted Yeas – 7 Nays – 0

- 20. Resolution – 07-899 – Setting a public hearing date of Wednesday, November 7, 2007 for the 2008 Sanitary Sewer and Storm Sewer rates.
Adopted Yeas – 7 Nays – 0

- 21. Resolution – 07-900 – Authorizing the release of utility easements on the Regions Hospital property.
Adopted Yeas – 7 Nays – 0

- 22. Resolution – 07-901 – Renewing a lease agreement with the Snelling/Hamline Community Council to provide community garden plots on vacant land adjacent Ayd Mill Road and abutting unimproved Ashland Avenue.
Adopted Yeas – 7 Nays – 0

- 23. Resolution Approving Assessment – 07-902 – In the matter of assessment of benefits, costs, and expenses for summary abatements (graffiti removal) on private properties from July 18 to August 6, 2007 (J0703P); summary abatements (property clean-ups) on private properties from July 30 to August 14, 2007 (J0713A); providing weekly garbage hauling services from August 1 to 13, 2007 (J0713G); Towing of abandoned vehicles from private properties during April, May, and June 2007 (J0704V); summary abatement for the excessive consumption of inspection services for property code violations billed during April 9 to May 16, 2007 (J0704E); Demolition of vacant buildings at 430/432 Banfil Street and 826 Steller Street during August 2007 (J0710C); removing diseased elm trees from private property during the winter season 2006/2007, Part C (J0704T), and setting date of public hearing for October 17, 2007.
Adopted Yeas – 7 Nays – 0

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- 9. Resolution – 07-888 – Declaring Thursday, September 27, 2007 to be *Kristen Scott Hearn Kidder Day* in the City of Saint Paul.

Councilmember Montgomery recognized Kristen Scott Hearn Kidder for her years of service and work with District 7. Councilmember Montgomery read and presented a proclamation declaring Thursday, September 27, 2007 to be Kristen Scott Hearn Kidder Day in the City of Saint Paul.

Councilmember Montgomery thanked Kristen Scott Hearn Kidder for her years of service to the District 7 Planning Council and community and presented her with a resolution.

Councilmember Montgomery moved approval

Adopted Yeas – 7 Nays – 0

FOR DISCUSSION

24. Resolution – 07-852 – Requesting amendments to the 2006 and 2007 CIB budgets which would authorize the use of \$170,000 in the 2006 CIB contingency funds to establish a budget for preliminary planning on the Arlington/Merrick project beginning in 2007. (Laid over from September 12)

Councilmember Bostrom introduced a substitute resolution to begin the planning process and to include other projects such as West Seventh, Sunray and Highland Libraries. Sherry Pemberton, Department of Planning and Economic Development, and Matt Smith, Director of Financial Services, answered questions regarding the allocation of funds from the 2006 CIB budget as well as the proposed 2008 CIB budget with the amounts totaling \$149,000 for Merrick, \$100,000 to West Seventh, \$50,000 for Sunray and \$50,000 for Highland. Discussion ensued between Councilmembers Helgen, Montgomery, Lantry and Harris regarding the planning process and what it would consist of. It was clarified that the money to be spent would provide an analysis of cost, feasibility of the project, maintenance, and the possibility of community partnerships. Concern was raised by Councilmembers Montgomery and Lantry that without adequate planning, the City could find itself in a situation with cost overrun and the inability to support the projects. Councilmember Benanav moved to amend the resolution to include Hamline Library in the planning process and to allocate \$50,000 to accomplish that task.

Substitute amended and adopted

Yeas – 5 Nays – 2 (Montgomery, Lantry)

25. Resolution – 07-870 – Approving the National Great River Park Chapter as a new Chapter of the Saint Paul on the Mississippi Development Framework, and as a guiding document for public and private investment, along the 26 miles of Mississippi Riverfront within the City limits and in neighborhoods adjacent to the river. (Public hearing held and laid over from September 19)

Council President Lantry stated she had met with Lucy Thompson, Department of Planning and Economic Development (PED), as well as other PED staff to discuss the language that had been introduced at the September 19 City Council meeting. All relevant changes in language that were decided upon with PED are underlined on the substitute resolution.

Council President Lantry moved approval of the substitute resolution.

Adopted Yeas – 6 Nays – 0 (Thune not present)

26. Report by the League of Women Voters of St. Paul on the District Councils in St. Paul.

Presentation and report was given by Bobbi Megard and Ruby Hunt regarding the study of the District Council system that was done by the League of Women Voters.

Councilmember Bostrom moved to accept the report and refer it to Council Research to get a report with recommendations that could be implemented by the City Council. Council President Lantry also suggested that Margaret Egan, Fiscal Policy Analyst, look into any financing or budget issues the report by the League of Women voters presents and report her findings to Council.

27. Report by Andrea Casselton, Office of Technology and Communications, regarding the Broadband Advisory Committee (BAC) report.

A Power Point presentation was given by Andrea Casselton.

Councilmember Helgen moved suspension of the rules to introduce the following resolution: Yeas – 5 Nays - 0

Resolution – 07-903 – Accepting the Broadband Advisory Committee’s Report on the future of Broadband in Saint Paul and its recommendations.

Councilmember Helgen stated he introduced the suspension item for two purposes: to thank the group of volunteers who dedicated their time to the Broadband Committee and to point out the need to develop a long term, strategic plan partnering the City with entities such as colleges or non-profits to make Saint Paul one of the most connected Cities.

Councilmember Harris questioned which City staff was being authorized to work on the recommendations as well as the intent. He asked for clarification as to whether or not the resolution would officially support a network. Andrea Casselton, Director of the Office of Technology, clarified that the resolution merely allowed her to approach possible partners in an official capacity to discuss a potential relationship.

Councilmember Helgen moved approval.

Adopted Yeas – 5 Nays – 0 (Benanav and Bostrom not present)

ORDINANCES

NOTE: 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.

- 28. Final Adoption – 07-778 – An ordinance amending Chapter 9 of the Saint Paul Administrative Code, Department of Fire and Safety Services.
Councilmember Benanav moved approval.
Adopted Yeas – 6 Nays – 0 (Bostrom not present)

- 29. Final Adoption – 07-779 – An ordinance amending Chapter 9A of the Saint Paul Administrative Code by creating new legislation entitled “Department of Emergency Management,” which permits the creation of an Executive Department of Emergency Management.
Councilmember Benanav moved approval.
Adopted Yeas – 6 Nays – 0 (Bostrom not present)

- 30. Final Adoption – 07-780 – An ordinance amending Chapter 13 of the Saint Paul Legislative Code, Emergency Management.
Councilmember Benanav moved approval.
Adopted Yeas – 6 Nays – 0 (Bostrom not present)

- 31. Final Adoption – 07-781 – An ordinance placing the position titled Emergency Management Director in the unclassified service pursuant to Section 12.03(H) of the Saint Paul City Charter.
Councilmember Benanav moved approval
Adopted Yeas – 6 Nays – 0 (Bostrom not present)

- 32. Final Adoption – 07-801 – An ordinance establishing Sibley Street between Ninth and Tenth Streets as a one-way northbound and Temperance Street between Ninth and Tenth Streets as a one-way southbound.
Councilmember Thune moved approval.
Adopted Yeas – 6 Nays – 0 (Bostrom not present)

- 33. Second Reading – 07-887 – An interim ordinance pursuant to Minn. Stat. 462.355, Subd. 4, preserving the status quo regarding a residential property use commonly known as a “sober house” pending the completion of studies of possible amendments to the City’s official controls.
Laid over to October 3 for third reading/public hearing

Suspension Items:

Councilmember Harris moved suspension of the rules to introduce the following resolution:

Yeas – 5 Nays – 0

Resolution – 07-904 – Authorizing Miller & Van Eaton, LLP as special counsel before the Federal Energy Regulatory Commission concerning the transfer of Twin Cities Hydro Plant.

Councilmember Harris stated that it was in the best interest of the City to engage the law firm of Miller & Van Eaton, LLP to intervene in the federal licensing process that is required for Brookfield Power to obtain the Hydro Plant from Ford Motor Company to protect the City's rights of 5 megawatts of energy from the Plant in any new development at the site. Councilmember Harris presented amended language.

Councilmember Harris moved approval as amended.

Adopted as amended Yeas – 6 Nays – 0 (Bostrom not present)

Councilmember Thune moved suspension of the rules to introduce the following resolution:

Yeas – 5 Nays – 0

Resolution – 07-905 – Memorializing City Council action taken September 5, 2007 granting the appeal, with conditions, of George LeTendre to a decision of the Planning Commission denying renewal of determination of similar use as an outdoor restaurant for Shamrocks Grill at 1001 7th Street West. (Zoning File 07-120-131)

Adopted Yeas – 6 Nays – 0 (Bostrom not present)

Councilmember Thune moved suspension of the rules to introduce the following resolution:

Yeas – 5 Nays – 0

Resolution – 07-906 - Approving the application for a sound level variance by the Minnesota Wild, represented by Emily Gausman, Marketing Manager, in order to present live music, with limitations, at 150 W. Kellogg Blvd., from 9:30 p.m. to 11:30 p.m. on October 6, 2007.

Councilmember Thune moved approval.

Adopted Yeas – 6 Nays – 0 (Bostrom not present)

Councilmember Thune moved to adjourn the meeting. Yeas – 6 Nays – 0

ADJOURNED at 5:15 PM.

ATTEST:

Mary Erickson
Assistant Council Secretary

Kathy Lantry, Council President

Submitted by:
Joan Reidell

November 21, 2007
Minutes approved by Council