



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, November 7, 2012

3:30 PM

Council Chambers - 3rd Floor

The next public hearings will be Tuesday, November 20 at 5:30 p.m.

ROLL CALL

The meeting was called to order by Council President Lantry at 3:31 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 12-33** Authorizing the Fire Department to pay for all costs incurred to hold a graduation ceremony for the new firefighters on December 21, 2012 at the Paul and Sheila Wellstone Center.

Received and Filed

Councilmember Thune moved to amend the agenda to add AHPC 12-3 after Item 46 during the 5:30 portion of the meeting. Yeas - 7 Nays - 0

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 - 29)

Item 27 was withdrawn. Councilmember Thune moved approval of the balance of the Consent Agenda.

Consent Agenda adopted as amended

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

Nay: 0

- 2 **RES 12-2005** Approving the Memorandum of Agreement between the City of Saint Paul and the Professional Employees Association, Inc., to modify the severance payments in the existing Collective Bargaining Agreement.
Laid over to November 14 for adoption
- 3 **RES 12-1940** Approving the Collective Bargaining Agreement (May 1, 2012 - April 30, 2015) between the City of Saint Paul and the International Brotherhood of Electrical Workers, Local 110.
Adopted
- 4 **RES 12-2002** Creating the classification of Community Library Services Coordinator in the Professional Employees Association, Employee Group 06, Salary Schedule, Grade 009.
Adopted
- 5 **RES 12-1877** Approving the City's cost of providing Boarding and/or Securing services during July 2012, and setting date of Legislative Hearing for December 4, 2012 and City Council Public Hearing for January 16, 2013 to consider and levy the assessments against individual properties. (File No. J1302B, Asmt No. 138101)
Adopted
- 6 **RES 12-1878** Approving the City's cost of providing Collection of Certificate of Occupancy Fees services billed June 4 to 26, 2012, and setting date of Legislative Hearing for December 4, 2012 and City Council Public Hearing for January 16, 2013 to consider and levy the assessments against individual properties. (File No. CRT1302, Asmt No. 138201)
Adopted
- 7 **RES 12-1879** Approving the City's cost of providing Property Clean Up services billed July 25 to August 31, 2012, and setting date of Legislative Hearing for December 4, 2012 and City Council Public Hearing for January 16, 2013 to consider and levy the assessments against individual properties. (File No. J1302A, Asmt No. 138501)
Adopted
- 8 **RES 12-1882** Approving the City's cost of providing Trash Hauling services billed in August 2012, and setting date of Legislative Hearing for December 4, 2012 and City Council Public Hearing for January 16, 2013 to consider and levy the assessments against individual properties. (File No. J1302G, Asmt No. 138701)
Adopted

- 9 **RES 12-1883** Approving the City's cost of providing Demolition services during August 2012, and setting date of Legislative Hearing for December 4, 2012 and City Council Public Hearing for January 16, 2013 to consider and levy the assessments against individual properties. (File No. J1303C, Asmt No. 132002)
- Adopted**
- 10 **RES 12-1979** Authorizing the City Attorney to retain the law firm of DLA Piper, LLP to represent the City in the investigation of the matter of *Magner v. Gallagher* and the City's withdrawal of its petition.
- Adopted**
- 11 **RES 12-1991** Authorizing the Fire Department to accept a donation of \$100 from Alerus Mortgage to continue to provide public safety and community education to the City of Saint Paul and its residents.
- Adopted**
- 12 **RES 12-1935** Authorizing the Department of Parks and Recreation to accept a donation in the amount of \$4,000 from the Midway Men's Club for Hancock Recreation Center.
- Adopted**
- 13 **RES 12-1942** Authorizing the Department of Parks and Recreation to thank community partners and receive funds supporting the hanging basket and Blooming Saint Paul programs.
- Adopted**
- 14 **RES 12-2014** Authorizing acceptance of additional funds for the 2011 Emergency Shelter Grant Program and approving recipients for additional funds.
- Adopted**
- 15 **RES 12-1964** Authorizing the Police Department to enter into a Memorandum of Understanding with the Ramsey County Sexual Assault Protocol Team.
- Adopted**
- 16 **RES 12-1966** Authorizing the Police Department to enter into a Mutual Aid Agreement with the City of Minneapolis to assist one another with emergencies which may occur within the other city.
- Adopted**

- 17 **RES 12-1994** Authorizing the Department of Safety and Inspections to enter into a conditional delegation agreement with the Minnesota Department of Health to act as a local designated agent for the purposes of environmental health licensing, inspection, reporting and enforcement.
Adopted
- 18 **RES 12-1999** Approving an amendment to the agreement dated March 7, 2012 between the City of Saint Paul Department of Safety and Inspections (DSI) and the Association for Nonsmokers-Minnesota (ANSR).
Adopted
- 19 **RES 12-1986** Authorizing a grant of easement from the City of Saint Paul to the Saint Paul Port Authority for the benefit of the Port-owned Barge Terminal # 2 property.
Adopted
- 20 **RES 12-1751** Granting permanent and temporary easements to MnDOT at Lafayette Road and Warner Road for the Bridge Project.
Adopted
- 21 **RES 12-1939** Reducing the assessment for the alley improvement at 1979 Ivy Avenue East. (File No. 18944, Assmt No. 005023)
Adopted
- 22 **RES 12-1988** Reducing the demolition assessments ratified between February 1, 2006 and January 18, 2012.
Adopted
- 23 **RES 12-2009** Approving the settlement agreement and release between the City of Saint Paul and Daniela Hobbs and Larelle Steward and their attorney Robert M. Gardner.
Adopted
- 24 **RES 12-2013** Approving the settlement agreement and release between the City of St. Paul and Estelle Q. Sell.
Adopted
- 25 **RES 12-1984** Approving adverse action against all licenses held by Stephen R. Mike, d/b/a Wabasha Deli & Café, 32 Fillmore Avenue East.
Adopted

- 26 **RES 12-2024** Approving adverse action against the Massage Practitioner license held by Victoria A. Lindblade, 1801 St. Clair Avenue.
Adopted
- 27 **RES 12-2023** Approving adverse action against all licenses held by Cha Xue Lee, d/b/a Dragon Express, 1001 Johnson Parkway, Unit #5.
Withdrawn
- 28 **RES 12-2026** Memorializing City Council action granting the appeal of the District 5 Planning Council to a decision of the Planning Commission to approve a Conditional Use Permit with Conditions to operate a Transitional Housing Facility at 1093 Edgerton Street.
Adopted
- 29 **RES 12-1973** Granting preliminary approval for the issuance of certain general obligation capital notes, and authorizing city finance staff and advisors to take certain actions with respect to the sale of such general obligation capital notes.
Adopted

FOR DISCUSSION

- 30 **RLH VO
12-92** Appeal of Ron Becker to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 121 COMO AVENUE. (Public hearing held October 3)

Legislative Hearing Officer Marcia Moermond said the interior work hadn't been completed as of that afternoon. She recommended granting the appeal of the vacant building status if the work was completed under permit by November 21.

Councilmember Carter moved to adopt the resolution as amended.
Adopted as amended (appeal granted if there is compliance by November 21)

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

Nay: 0
- 31 **RLH RR
12-28** Ordering the rehabilitation or razing and removal of the structures at 466 IGLEHART AVENUE within forty-five (45) days.

Councilmember Carter said there had not been as much progress as he'd hoped there would be. He moved to approve the resolution as amended.
Adopted as amended (45 days to remove or repair)

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

Nay: 0

- 32 RLH RR 12-31** Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days.

Council President Lantry moved to lay the matter over for 90 days. She said progress was being made in trying to get the property from the bank.

Laid over to February 6, 2013

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

- 33 Ord 12-61** Amending Chapter 293 of the Saint Paul Legislative Code pertaining to the costs for sound monitoring.

Councilmember Stark moved approval.

Adopted

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

Nay: 0

First Reading

- 34 Ord 12-74** Amending Chapter 310 of the Saint Paul Legislative Code pertaining to termination of licenses, surety bonds, and insurance contracts.

Laid over to November 14 for second reading

SUSPENSION ITEM

Councilmember Thune moved suspension of the rules.

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 12-2047 Authorizing the Mayor's Office to accept a gift of travel and hotel accomodations from Bloomberg Philanthropies in conjunction with the Mayor's Challenge.

Councilmember Thune moved approval.

Adopted

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

Nay: 0

The meeting was recessed at 3:37 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:32 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

35 Ord 12-62 Amending Chapter 85 of the Saint Paul Legislative Code pertaining to accrual of water charges pending meter removal.

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

Public hearing held and closed; laid over to November 14 for final adoption

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

Nay: 0

- 36 Ord 12-63** Amending Chapter 87 of the Saint Paul Legislative Code pertaining to schedule charges for installation of one-inch street service connections.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing.*
- Public hearing held and closed; laid over to November 14 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 37 Ord 12-64** Amending Chapter 88 of the Saint Paul Legislative Code pertaining to water metering requirements.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing.*
- Public hearing held and closed; laid over to November 14 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 38 Ord 12-65** Amending Chapter 160 of the Saint Paul Legislative Code, Parking Meter Zones to facilitate title changes.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing.*
- Public hearing held and closed; laid over to November 14 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 39 Ord 12-67** Amending Chapter 91 of the Saint Paul Legislative Code pertaining to water service turn-on charge.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing.*
- Public hearing held and closed; laid over to November 14 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

40 Ord 12-68 Amending Chapter 92 of the Saint Paul Legislative Code pertaining to plumbing permit requirements and charges.

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

Public hearing held and closed; laid over to November 14 for final adoption

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

Nay: 0

41 Ord 12-69 Amending Chapter 93 of the Saint Paul Legislative Code pertaining to materials allowed for new water service connections.

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

Public hearing held and closed; laid over to November 14 for final adoption

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

Nay: 0

42 Ord 12-70 Amending Chapter 376 of the Saint Paul Legislative Code pertaining to taxicab fares.

Council President Lantry introduced an amendment changing the rate review interval to two years rather than three years as proposed by the Department of Safety and Inspections (DSI). She said DSI staff was fine with the change. Yeas - 7 Nays - 0

In opposition:

Brian Alton (951 Grand Avenue), representing St. Paul Yellow Taxi, said they felt the ordinance should be amended to delete fare regulation by the City, or, if fare regulation continued, the amount should be adjusted in the ordinance. He said the current \$5.00 minimum fare established by the Council in 1999 was the focus of their efforts to change the rate if the City chose not to eliminate the regulation. He said Tom Ferrara and Director Cervantes from DSI had been helpful in addressing their concerns, but the City didn't have the resources or know-how to regulate fares, and the industry could regulate itself more effectively. He said the results of the rate study conducted by the City were out of date and no longer correct, and all of the cities in the rate study had fare regulations but also regulated the number of cabs. He said the ordinance called for a minimum fare of \$6.00, and they felt that if regulation wasn't eliminated the rate should go to \$8.00. He submitted a letter with results of studies addressing many of the points he'd raised.

David Farrell (3460 34th Avenue S., Minneapolis), driver for St. Paul Yellow Cab, said more cabs were competing for fewer fares, and gas prices were increasing. He said the cap on the number of cabs was lifted 12 years before with the thought that once the market adjusted, the cap on rates would also be re-evaluated. He said the market, owners, and cab drivers should be allowed to control rates.

DSI Director Ricardo Cervantes read a statement of DSI's recommendations, including an increase in the per mile rate to \$2.75 to match Minneapolis and the Metropolitan Airports Commission (MAC), an increase in the minimum fare from \$5.00 to \$6.00, the elimination of the hour rate, and an increase in the review period to three years. He noted that that recommendation had been amended to two years at the request of the industry. He spoke about the process leading to and the rationale behind the development of their recommendations.

Councilmember Stark asked whether there were complaints about taxi service other than those about lack of uniformity in fares between St. Paul and surrounding jurisdictions. He said he was specifically interested in knowing whether drivers were avoiding short fares. Mr. Cervantes said they hadn't had many complaints about refusal of fares and there were other ordinances to address that. He said that seemed to be more of an issue where there were cab stands.

Councilmember Thune questioned the opposition to an \$8.00 minimum fare. Mr. Cervantes said it was significant both for visitors travelling short distances within the downtown area and residents making short trips to the grocery store or pharmacy. Councilmember Thune noted the increased costs of driving a cab and said it seemed almost disingenuous to take the cap off the number of cabs but continue to regulate fares.

Councilmember Carter asked how often and how the rates were reviewed. Mr. Cervantes explained process that had taken place since he'd joined the department two years before, including looking at CPIs, indices, and best practices developed by other jurisdictions. He said repeating that process annually would be difficult and might not reflect true trends.

Councilmember Bostrom asked whether Minneapolis and MAC had minimum rates. Mr. Cervantes said Minneapolis had 2.75 per mile with a 5.00 minimum, and MAC adopted whatever was the highest rate in the region. Councilmember Bostrom said his concern was with short trips to the drugstore, for instance, and he suggested passing \$6.00 now with an increase to \$8.00 over the next couple of years. Mr. Cervantes said that was a possibility and he was hopeful that the other jurisdictions would formulate a similar process for increasing rates in keeping with a regional approach. He noted that Minneapolis had frozen their per mile rate at 2.75 after conducting a review and initially proposing an increase in that rate only. He said for St. Paul to increase the minimum fare to \$6.00 while the others remained at \$5.00 was not keeping things consistent within the region.

Councilmember Stark said it was an awkward position to have deregulated just part of the system, and a balancing act to keep an affordable short fare that drivers were willing to take. He said he had also thought of increasing the minimum fare in a stepwise fashion as suggested by Councilmember Bostrom, but staff had said while \$6.00 might be appropriate now, it would be hard to predict now what the appropriate next step would be. He said the big question was what was ultimately going to happen in the region, and it was important now to work with the system in a way that made sense to customers. He said he felt the \$2.75 per mile rate created room for companies to bring in more revenue, while keeping a modest cap on the minimum fare served the Council's purpose of keeping that affordable. He acknowledged that it was an awkward place in terms of regulation, but said it made sense for the time being.

Councilmember Thune noted that St. Paul was not competing with Minneapolis and the airport for short fares, and said he tended to lean toward something that allowed cabbies to make a living wage. He suggested moving toward Councilmember Bostrom's suggestion of a stepwise increase in the minimum fare.

Council President Lantry noted that testimony had been heard from only one cab company, and DSI had worked with many industry representatives. She also noted the proposed increase from \$2.20 a mile to \$2.75, and stressed that consistency was important to the customers.

Councilmember Thune said he didn't feel small differences made a significant difference to customers who were probably spending much more on other things. Council members Brendmoen and Tolbert spoke about difficulties with inconsistent, unregulated fares when traveling.

Council President Lantry said the item would lie over for a week for adoption. She said Tom Ferrara from DSI had done a lot of work and there was a solid methodology behind the proposed changes. She said she had received a memo from Mr. Ferrara in response to questions, and she asked that Mr. Ferrara share the information with the other members of the Council.

Councilmember Carter stressed the importance of ongoing assessment, including input from the industry.

Council President Lantry moved to close the public hearing. Yeas - 7 Nays - 0

Amended; public hearing held and closed; laid over to November 14 for final adoption

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

Nay: 0

- 43 Ord 12-71** Amending Chapters 60, 62, and 64 of the Legislative Code pertaining to nonconforming lots, uses, structures, and signs.

Council President Lantry moved two amendments which restored the original language requiring signatures from 2/3 of the owners of properties within 100 feet of the subject property, and deleted all of the changes from Chapter 64. She said she would then introduce a new Chapter 64 under suspension for first reading. She said some issues had been brought up by the billboard industry that would require some additional time to resolve.

Amendments moved. Yeas - 7 Nays - 0

No one appeared in opposition; Councilmember Bostrom move to close the public hearing and lay the matter over to November 14 for final adoption.

Amended; public hearing held and closed; laid over to November 14 for final adoption

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

Nay: 0

SUSPENSION ITEM

Council President Lantry moved suspension of the rules.

Rules suspended

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

Nay: 0

- Ord 12-77** Amending Chapter 64 of the Legislative Code pertaining to nonconforming signs.

Council President Lantry introduced Chapter 64 for first reading.

Introduced for first reading; laid over to November 14 for second reading

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

Nay: 0

44 **Ord 12-75** Amending Chapter 82 of the Saint Paul Administrative Code revising the City's prevailing wage ordinance.

*Councilmember Thune moved an amendment adding clarifying language at the request of the Department of Planning and Economic Development and with acquiescence from the Department Human Rights and Equal Economic Opportunity.
Yeas - 7 Nays - 0*

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

Amended; public hearing held and closed; laid over to November 14 for final adoption

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

Nay: 0

45 PH 12-21

Public hearing to consider the report of the Administrative Law Judge concerning the Cigarette/Tobacco license held by Abdishakur Abdi Hassan, d/b/a Capitol Tobaccos, 152 University Avenue West.

Daphne Lundstrom, Assistant City Attorney representing the Department of Safety and Inspections (DSI) gave a staff report on the violation. She said the Council had imposed adverse action on the same licensee for the same occupancy violation in April 2012. She said the licensee admitted the new violation at the Administrative Hearing, and the recommendation of the Administrative Law Judge (ALJ) was that the Council take adverse action. She said DSI recommended imposition of a \$1,000 matrix penalty for the second appearance, as well as imposition of the Administrative Hearing costs in the amount of \$229.50. She said DSI had received the \$1,000 penalty.

In opposition:

Licensee Abdishakur Abdi Hassan said they were not over the occupancy limit. He said the police officer had counted people in the parking lot and had not gone inside to count. The person who had been working at the door appeared and stated that he used a counter to count people that went inside, and there were 64 people inside. He said it was close to closing time and there were a lot of people in the parking lot who had not been inside.

Council President Lantry said it was her understanding that all of the facts were stipulated before the ALJ. Ms. Lundstrom said that was correct and the arguments now being made were not part of the record and were inappropriately before the Council. She said the Council should base its decision on the ALJ hearing record.

Council President Lantry clarified for the licensee that the only thing before the Council was the penalty. Mr. Hassan said he had paid the penalty and sold the business, but the new owner couldn't get a license. Ms. Lundstrom said the adverse determination on the new license could be appealed to the Council. In response to a question from Councilmember Stark, Ms. Lundstrom said there were independent bases for DSI's decision on the other application.

At Councilmember Carter's request, Ms. Lundstrom clarified the Administrative Hearing fees.

Councilmember Carter moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Carter said the City had incurred the expense of the Administrative Hearing. He moved to adopt the recommendation of DSI.

Motion of intent - Adopted the Findings of Fact, Conclusions, and Recommendations of the Administrative Law Judge (\$1,000 penalty and \$229.50 Administrative Hearing costs imposed)

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

Nay: 0

46 APC 12-9

Public hearing to consider the appeal of Raymond and Susan Cantu to a decision of the Planning Commission upholding the decision of the Zoning Administrator to approve the site plan for the relocation of the pump island and gas pumps for Rice Street Market, 1200 Rice Street.

Corinne Tilley, Department of Safety and Inspections (DSI) Zoning Inspector, gave a staff report on the site plan application and appeal.

Kerry Antrim, District 6 Planning Council, reiterated their support for the appeal. She said there had been six community meetings related to tear-down and rebuild of the property, and all aspects were approved. She noted that the first plan to move the pumps had been denied by Zoning, and said District 6 did not feel the current plan addressed the safety concerns cited in the initial denial of the site plan. She said if the plan was really workable the alley wouldn't have to be used, and she cited criteria in the Land Use Plan of the City's Comprehensive Plan that they did not feel were met by the current site plan. She said the safety concerns went beyond the site to the intersection and bus stop.

Appellant Raymond Cantu said appeal was about their connection to the neighborhood, and about clarification of what the construction really meant. He cited City Code and said whether (applicant) Mr. Alsadi was tearing down and rebuilding or was reducing the size of the lot, a new Conditional Use Permit (CUP) was required. He said the CUP that was granted was for a new building, and that's what they were lead to believe they were getting. He reiterated the safety concerns and that they were asking for clarification and correction of the site plan that was proposed. He said the Zoning Committee had approved the proposal to move the pumps before there had been a community meeting.

Applicant:

Ferdinand Peters (842 Raymond Avenue), attorney for applicant Bilal Alsadi, asked whether the proceedings were a de novo hearing or were to look for errors that might have taken place in the Planning Commission. Council President Lantry said the Council was always in the position of looking for errors from the Planning Commission. Mr. Peters said he had been representing Mr. Alsadi at the eminent domain proceedings at the property. He said Mr. Alsadi was not compensated in the eminent domain process that occurred with regard to the taking of his property to allow safety improvements to be made by the County and City. In response to a question from Councilmember Brendmoen, Mr. Peters said Mr. Alsadi was compensated only for the taking of his property. He said a settlement was eventually entered into; he referred to information in the packet. He said he wasn't sure what was being asked in the appeal, and he believed the City Attorney's position that there was no additional CUP to be applied for was correct. He said there had been a gas station at the site since the 1940s, and the market and deli were properly licensed and permitted. He said the traffic and safety issues raised by the appellant would be addressed by John Kosmas, the architect for the site. He reiterated that the existing CUP was adequate for what was being requested, and said the Zoning Administrator, not the Planning Commission or Zoning Committee, had approved the application to move the island and the pumps. He referred the Council to additional points made in a letter in the packet.

John Kosmas (6112 Excelsior Blvd., Minneapolis), architect, said he'd been working on the project for close to two years. He said the raze and rebuild plan was refused because the driveway couldn't be moved, and the alternative was keeping the existing building and altering the parking plan. He said the plan was discussed with staff at many meetings. He showed diagrams of the way a tanker could access the

site, and said the new arrangement allowed for more parking and functioned well. In response to a question from Councilmember Brendmoen, Mr. Kosmas clarified that the City and County had been in agreement with the raze and rebuild site plan all through the process, the County had then said no to moving the driveway, and then something had changed and the City had also said no. In response to additional questions from Councilmember Brendmoen, Mr. Kosmas said the gas tanks would not have to move if the pumps moved, and he indicated on a drawing where wood and wrought iron fencing would be added.

Councilmember Brendmoen moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Brendmoen asked why the old CUP was still valid since the lot had decreased in size. Deputy City Attorney Gerald Hendrickson said the lot decreased in size due to condemnation and the eminent domain proceeding, and was not voluntary, and the ordinance referred to by the appellants was not intended to apply in that case.

At Councilmember Brendmoen's request, Ms. Tilley clarified the lot size and employee parking requirements as they applied to Mr. Alsadi's property.

Councilmember Brendmoen said the lot did appear cramped and complicated; she asked Ms. Tilley for her assessment of the situation. Ms. Tilley said the standard used by Zoning showed there was ample maneuvering space, and the site plan met the requirements.

Councilmember Brendmoen asked what applying for a new CUP would require. Mr. Hendrickson explained the process and criteria.

Councilmember Brendmoen thanked everyone. She said she shared the concerns about community and urged Mr. Alsadi to take the neighbors' concerns to heart and take the opportunity to strive for more than the bare minimum. She said she would like to refund the Cantu's appeal fee because City staff had been unable to answer their questions until now, but she found no errors in the Planning Commission's decision and had to have to deny the appeal.

Motion of Intent - Appeal Denied

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

Nay: 0

SUSPENSION ITEM

Councilmember Thune moved suspension of the rules.

Rules suspended

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

Nay: 0

AHPC 12-3

Public hearing to consider the appeal by Daniel Gleeson of six conditions made by the Heritage Preservation Commission approving new public sidewalks to the south and west of 366 Jackson Street, historically known as the McColl Building.

Council President Lantry said the item had been noticed but had not made it onto the agenda. She said it would be laid over and voted on on November 14 at 3:30 p.m.

Amy Spong, Planning and Economic Development (PED) Preservation Specialist, gave a staff report. She said the applicant's proposal for new sidewalks on two sides of the building had been approved by the Heritage Preservation Commission (HPC) with six conditions, and the conditions were being appealed. She reviewed the conditions and said the applicant had not specified which conditions were being appealed. She noted that Public Works staff was also present since the proposal involved changing sidewalk that was part of the public right of way. She said the HPC was asking for a detailed description of the brass inlay at the entrance, a simplification of the scoring pattern, and the use of only one color. In response to comments in a letter from the appellant she said the appellant was not being asked to replicate what was on the rest of the block (around Galtier), and the HPC's findings and decision were based on established guidelines in the Legislative Code. She said there was a finding that mentioned the more recently adopted Greater Lowertown Master Plan, and that plan identified a need for an overall infrastructure plan for Lowertown. She displayed photographs and said the HPC found that the existing sidewalk was in need of repair and was not historic or compatible with the character of the Lowertown District.

Councilmember Thune asked what, specifically, was being appealed. Ms. Spong said the appellant was asking to use two colors. Councilmember Thune asked whether it was approved anywhere else. Ms. Spong said different patterns and colors had been approved at building entrances, and also along the LRT line along 4th Street in Lowertown. In response to a question from Council President Lantry, she said the HPC was comfortable with the proposed scoring pattern but knew Public Works was probably going to ask for changes.

Appellant:

Property owner David Brooks distributed pictures of what was being proposed and of other things in the historic district.

Dan Gleeson, architect, said he was asked to design something to give the building a base and platform, and the consensus was to pick up the colors, rhythm and proportions of the building. He said they wanted the color and the width of the borders because they tied in with characteristics unique to the setting and building. He said they were insistent on the color and pattern, but willing to work with public works on the texture.

Mr. Brooks referred to the packet and said Galtier was 1500 square feet of the worst sidewalk in St. Paul, and it was approved by the HPC.

Councilmember Thune moved to close the public hearing. Yeas - 7 Nays - 0

At Councilmember Thune's request, Ms. Spong clarified that there were guidelines for Lowertown but not a "standard." She read from the finding that addressed two colors and more complex patterns. In response to questions from Councilmember Thune she said the HPC vote had been 6-3, and she read from the HPC meeting minutes in the packet.

Councilmember Bostrom said it was amazing what Mr. Brooks had done with the building. He said there was nothing historic about Galtier, and there probably wasn't uniformity as Lowertown was developed. He noted that Mr. Brooks was proposing spending \$46,000 of his own money to replace the sidewalk.

Councilmember Stark asked whether the City would be on the hook for above standard maintenance. Public Works Director Rich Lallier said downtown property owners were responsible for 100% of maintenance costs.

Councilmember Tolbert said the existing sidewalk was not historical, and if the property owner was willing to invest in something that looked classy he should be allowed to.

Councilmember Thune noted that Lowertown was not currently consistent, and the proposal was not anything garish. He said his inclination was to look on this favorably, but he would discuss it with staff in the meantime.

Council President Lantry stressed the importance of having a standard for Lowertown at some point.

Public hearing held and closed; laid over to November 14 at 3:30

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

Nay: 0

**47 RES PH
12-296**

Final Order approving the 2013 Right-of-Way Maintenance Program and 2013 Above-Standard Lighting Operation and Maintenance Program. (File No. 13ROW FINAL)

In opposition:

Dennis Paulson (1390 Larpenteur Avenue E.), board member at Our Redeemer Lutheran Church, said he wanted to appeal right of way fee for a portion of the alley; he displayed an aerial photo. Council President Lantry referred Mr. Paulson to Bruce Engelbrekt in the Real Estate Department of Financial Services.

Stan Berger (475 Portland) said there was a significant problem with the rate structure, specifically with that associated with his alley. He said his alley was brick paved and had never been seal-coated, and he asked if a correction could be made.

Rich Lallier, Public Works Director, said alleys were classified as improved or unimproved and there wasn't a classification for brick paved alleys. He noted that it was more expensive to maintain brick streets than paved streets.

Councilmember Stark acknowledged the point made by Mr. Berger, but said the classifications were blunt instruments and the piece of cost assigned to alley maintenance was probably insignificant. Mr. Lallier said there were so few brick alleys it didn't make sense to create a classification.

Bill Dunnigan, owner of the commercial property at 168 N. Griggs, said there were unfair and undue assessments for corner commercial properties, and the current lawsuits should be a signal to the City that something had gone astray.

Councilmember Tolbert moved to close the public hearing and lay the matter over to December 12 for adoption.

Councilmember Stark stated that he agreed with points raised by Mr. Dunnigan.

Public hearing held and closed; laid over to December 12

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

Nay: 0

**48 RES PH
12-302**

Establishing the Water Rates for 2013.

No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and lay the matter over to December 12 for adoption.

Public hearing held and closed; laid over to December 12

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

Nay: 0

- 49 RES PH**
12-326
- Setting the 2013 Sanitary Sewer and Storm Sewer rates.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and lay the matter over to December 12 for adoption.*
- Public hearing held and closed; laid over to December 12**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 50 RES PH**
12-320
- Approving the petition of Keith Schweiger to vacate a portion of University Avenue adjacent to his property at 1161 University Avenue West.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 51 RES PH**
12-321
- Approving the petition of Tom Krebsbach to vacate a portion of University Avenue adjacent to his property at 1319-33 University Avenue West.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 52 RES PH**
12-322
- Approving the petition of Tom Krebsbach to vacate a portion of University Avenue adjacent to his property at 1365-89 University Avenue West.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

- 53 RES PH 12-315** Authorizing disposal of the east three feet of the city-owned Holly Tot Lot, and approving a three-party agreement to facilitate disposal.
- No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 54 RES PH 12-291** Final Order approving the improvement of the westernmost 160 feet of the alley in Rice and Irvine's Addition, Block 53. (File No. 19142, Asmt No. 135000)
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 55 RES PH 12-309** Amending the financing and spending plans in the Fire Department in the amount of \$45,675 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for training for firefighters.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 56 RES PH 12-310** Amending the financing and spending plans in the Fire Department in the amount of \$87,000 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for training for firefighters.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

**57 RES PH
12-313**

Amending the financing and spending plans in the Fire Department budget in the amount of \$30,000 to accept the 2012 Emergency Management Performance Grant (EMPG) to provide emergency management support staff assistance and to provide funding to attend training conferences.

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

Adopted

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

Nay: 0

**58 RES PH
12-319**

Amending the financing and spending plans in the Fire Department in the amount of \$15,209.45 in the Fire Responsive Services Fund due to additional expenditures for the EMS Academy.

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

Adopted

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

Nay: 0

**59 RES PH
12-314**

Authorizing the Department of Parks and Recreation to accept grant proceeds of \$182,140 from Youthprise and to establish an additional 2012 Budget in the Grant & Aid Fund in the amount of \$91,070 to reflect the 2012 portion of the grant funding, and show the corresponding 2012 spending budget made available for the expansion of youth work in the City's North End and Payne Maryland neighborhoods.

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

Adopted

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

Nay: 0

- 60 RES PH**
12-283 Authorizing the Department of Parks and Recreation to accept a grant of \$10,000 from the National Recreation and Park Association (NRPA) and the Recreational Boating and Fishing Foundation, and to amend the 2012 finance and spending plan to include the additional \$10,000 to build and sustain programs and opportunities to engage young people and their families in recreational fishing and boating.

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

Adopted

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

Nay: 0

- 61 RES PH**
12-317 Authorizing the Police Department to accept the 2012 Port Security Grant in the amount of \$419,880 which includes a match requirement of \$104,970 from the US Department of Homeland Security for the Maritime Awareness - Camera Surveillance Program.

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

Adopted

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

Nay: 0

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 75 RLH RR**
12-75 Ordering the rehabilitation or razing and removal of the structures at 752 JESSAMINE AVENUE EAST within fifteen (15) days.

Legislative Hearing Officer Marcia Moermond said she had asked that the Code Compliance Inspection be applied for and the performance bond be paid, and those conditions had not been met; she recommended ordering the building's removal within 15 days with no option for rehabilitation.

Sarah Adam appeared representing the property owner. She said her client had taken over the property on October 12 after a shortened redemption period and had subsequently made the determination that the amount of the repairs would exceed the value of the property. She said her client was asking for more time to seek bids for demolition.

Councilmember Bostrom moved to close the public hearing and order the building removed within 30 days.

Adopted as amended (30 days to remove the building)

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

Nay: 0

63 RLH FCO Appeal of Paul Ellringer to a Fire Inspection Correction Notice at 613
12-574 BAY STREET.

Legislative Hearing Officer Marcia Moermond asked that the Council amend the resolution to grant the appeal.

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

Adopted as amended (appeal granted)

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

Nay: 0

70 RLH FCO Appeal of Chris Mueller to a Fire Certificate of Occupancy Correction
12-495 Notice at 2554 COMO AVENUE.

Legislative Hearing Officer Marcia Moermond asked that the resolution be amended to deny the appeal on the roof venting and grant a six-month extension for compliance. She requested that the public hearing be continued to November 20 to allow the appellant time to get bids before testifying.

No one appeared in opposition; Councilmember Stark moved to continue the public hearing to November 20.

Public hearing continued to November 20

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

Nay: 0

72 RLH SAO Appeal of Thomas Boeltl and James Boeltl to a Summary Abatement
12-30 Order and Vehicle Abatement Order at 1706 FIELD AVENUE.

Legislative Hearing Officer Marcia Moermond asked that the Council amend the resolution to grant an extension to December 7 for compliance.

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

Adopted as amended (extension granted to December 7 for compliance)

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

Nay: 0

81 **RLH OA**
 12-74

Appeal of Jeanette Howey to a Code Compliance Report at 795
PIERCE BUTLER ROUTE.

Legislative Hearing Officer Marcia Moermond asked to amend the resolution to grant the appeal on the screens and gutters, and deny the appeal on the plumbing items listed in the Code Compliance report. She asked that the public hearing be continued to November 20 to allow time for the appellant to obtain bids for the work.

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to November 20.

Public hearing continued to November 20

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

Nay: 0

84 **RLH VBR**
 12-46

Appeal of Tim Frank to a Vacant Building Registration Requirement
Notice at 801 SEVENTH STREET EAST.

Legislative Hearing Officer Marcia Moermond said it was her understanding that there was an amendment to the resolution to deny the appeal.

No one appeared in opposition; Council President Lantry moved to close the public hearing and approve the resolution as amended.

Adopted as amended (appeal denied)

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

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

Note: Items listed under the Consent Agenda will receive a combined public hearing and be enacted by one motion with no separate discussion. Items may be removed from the Consent Agenda for a separate public hearing and discussion if desired.

Approval of the Consent Agenda

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 62 **RLH OA** Appeal of Catherine King to a letter from the Department of Safety and
 12-64 Inspections at 386 AURORA AVENUE.

 Adopted
- 64 **RLH VO** Appeal of Etoi Sidney to a Revocation of Fire Certificate of Occupancy
 12-101 and Order to Vacate at 442 BEACON AVENUE.

 Adopted
- 65 **RLH VO** Appeal of Jordan O'Connell to a Revocation of Fire Certificate of
 12-102 Occupancy and Order to Vacate at 444 BEACON AVENUE.

 Adopted
- 66 **RLH SAO** Appeal of Nicholas Onsted to a Vehicle Abatement Order at 1156
 12-32 BLAIR AVENUE.

 Adopted
- 67 **RLH VO** Appeal of Duane Christenson to a Fire Certificate of Occupancy
 12-109 Revocation and Order to Vacate at 874 CHARLES AVENUE.

 Adopted
- 68 **RLH VO** Appeal of Christine Wessels to a Notice of Condemnation as Unfit for
 12-113 Human Habitation and Order to Vacate at 417 CLARENCE STREET.

 Adopted
- 69 **RLH VO** Appeal of Cyloria Hobbs to a Correction Notice-Complaint Inspection
 12-104 (includes condemnation) at 420 CLINTON AVENUE.

 Adopted
- 71 **RLH FCO** Appeal of Debbie Kaehler, Kaehler Management, to a Re-Inspection
 12-578 Fire Certificate of Occupancy With Deficiencies at 719 EDMUND
 AVENUE.

 Adopted
- 73 **RLH RR** Ordering the razing and removal of the structures at 774 FORSTER
 12-74 STREET within fifteen (15) days.

 Adopted
- 74 **RLH FCO** Appeal of Joy Albrecht to a Re-Inspection Fire Certificate of
 12-553 Occupancy With Deficiencies at 1529 GRANTHAM STREET.

 Adopted

- 76 **RLH VO** Appeal of John G. Westrick, attorney for Eric C. Sneeve and Charlene
 12-80 S. Moore-Sneve, to a Notice of Condemnation as Unfit for Human
 Habitation and Order to Vacate at 1304 JUNO AVENUE. (Public
 hearing continued from October 3) (To be withdrawn)

 Withdrawn
- 77 **RLH TA** Amending Council Files RLH AR 12-109 and RLH TA 12-498 to ratify
 12-523 the assessment for Towing of Abandoned Vehicle Services during
 February and March 2012 at 1163 KENNARD STREET. (File No.
 J1202V, Assessment No. 128002).

 Adopted
- 78 **RLH VO** Appeal of Greg Ryan to a Fire Certificate of Occupancy Revocation
 12-117 and Order to Vacate at 1963 MARSHALL AVENUE.

 Adopted
- 79 **RLH FCO** Appeal of John Sattler to a Fire Inspection Correction Notice at 1422
 12-556 OSCEOLA AVENUE.

 Adopted
- 80 **RLH VO** Appeal of Francis X. Viggiano to a Revocation of Fire Certificate of
 12-96 Occupancy and Order to Vacate at 581 PARK STREET.

 Adopted
- 82 **RLH VBR** Appeal of Roger Berres to a Vacant Building Registration Renewal
 12-69 Notice and Summary Abatement Order at 702 PREBLE STREET.

 Adopted
- 83 **RLH VO** Appeal of Brian D. Alton, on behalf of John A. Lampland, to a Notice of
 12-99 Condemnation as Unfit for Human Habitation and Order to Vacate at
 737 RIDGE STREET.

 Adopted
- 85 **RLH FCO** Amending Council File RLH FCO 12-415, adopted July 18, 2012, to
 12-610 grant Riaz Hussain an additional extension for property at 1170
 SEVENTH STREET EAST.

 Adopted
- 86 **RLH FCO** Appeal of Patrick Boemer to a Fire Certificate of Occupancy Correction
 12-575 Notice at 225 SEVENTH STREET WEST.

 Adopted

- 87 **RLH FCO** Appeal of Winnie Crosbie to a Correction Notice-Complaint Inspection
 12-581 at 391 SHERBURNE AVENUE.

 Adopted
- 88 **RLH FCO** Appeal of Arlend Wilson to a Fire Inspection Correction Notice at 723
 12-588 SIMS AVENUE.

 Adopted
- 89 **RLH VBR** Appeal of Chueyi Lor to a Vacant Building Registration Requirement at
 12-71 914 UNIVERSITY AVENUE WEST.

 Adopted
- 90 **RLH RR** Ordering the rehabilitation or razing and removal of the structures at
 12-78 877 WILSON AVENUE within fifteen (15) days after the November 7,
 2012 City Council Public Hearing.

 Adopted
- 91 **RLH FCO** Appeal of Tim Mahon to a Fire Certificate of Occupancy Approval With
 12-589 Corrections at 46 WINNIPEG AVENUE.

 Adopted
- 92 **RLH VO** Appeal of Richard Ostaba to a Revocation of Fire Certificate of
 12-95 Occupancy and Order to Vacate at 1501 YORK AVENUE. (Public
 hearing held October 17)

 Adopted

ADJOURNMENT

Councilmember Brendmoen moved adjournment.

The meeting was adjourned at 8:33 p.m.

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

Nay: 0

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