



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, September 19, 2012

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Chris Tolbert

Absent 1 - Councilmember Russ Stark

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 12-23** Letter from the Department of Safety and Inspections declaring 653 Hyacinth Avenue East as a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and Filed

Councilmember Stark joined the meeting.

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

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 - 21)

Councilmember Tolbert moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

- 2 RES 12-1749** Authorizing the acceptance of a \$889 scholarship grant from the Minnesota State Historical Society for a Heritage Preservation Commissioner to attend the 32nd Annual Statewide Preservation Conference, September 13-14, 2012.
Adopted
- 3 RES 12-1528** Authorizing the Police Department to accept the unsolicited donation of equipment for the SWAT Unit.
Adopted
- 4 RES 12-1716** Authorizing the Police Department to enter into a Joint Powers Agreement with the State of Minnesota, Bureau of Criminal Apprehension (BCA) - Forensic Science Service.
Adopted
- 5 RES 12-1745** Authorizing the Police Department to enter into an amendment to the Joint Powers Agreement with the State of Minnesota, Bureau of Criminal Apprehension (CF 10-1319) Criminal Justice Data Communications network.
Adopted
- 6 RES 12-1746** Authorizing the Police Department to enter into a Joint Powers Agreement with the United States Attorney for the District of Columbia to participate in the Presidential Inauguration Task Force.
Adopted
- 7 RES 12-1600** Granting permanent and temporary highway easements to MnDOT for the Lafayette Bridge Project, Kittson Exchange.
Adopted
- 8 RES 12-1700** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for the reconstruction of a concrete boulevard at 1342 Grand Avenue. (File No. S1203, Asmt. No. 125304)
Adopted

- 9 RES 12-1711** Approving the City's cost of providing Collection of Vacant Building Fees billed March 7 to May 18, 2012, and setting date of Legislative Hearing for November 6, 2012 and City Council Public Hearing for January 2, 2013 to consider and levy the assessments against individual properties. (File No. VB1301, Asmt No. 138800)
Adopted
- 10 RES 12-1712** Approving the City's cost of providing Graffiti Removal Services from June 20 to July 19, 2012, and setting date of Legislative Hearing for November 6, 2012 and City Council Public Hearing for January 2, 2013 to consider and levy the assessments against individual properties. (File No. J1301P, Asmt No. 138400)
Adopted
- 11 RES 12-1713** Approving the City's cost of providing Collection of Certificate of Occupancy Fees billed May 2 to June 1, 2012, and setting date of Legislative Hearing for November 6, 2012 and City Council Public Hearing for January 2, 2013 to consider and levy the assessments against individual properties. (File No. CRT1301, Asmt No. 138200)
Adopted
- 12 RES 12-1714** Approving the City's cost of providing Property Clean Up Services from July 2 to July 25, 2012, and setting date of Legislative Hearing for November 6, 2012 and City Council Public Hearing for January 2, 2013 to consider and levy the assessments against individual properties. (File No. J1301A, Asmt No. 138500)
Adopted
- 13 RES 12-1715** Approving the City's cost of providing Trash Hauling Services from July 3 to July 25, 2012, and setting date of Legislative Hearing for November 6, 2012 and City Council Public Hearing for January 2, 2013 to consider and levy the assessments against individual properties. (File No. J1301G, Asmt No. 138700)
Adopted
- 14 RES 12-1730** Approving the Mayor's reappointment of Jim Pederson to serve on the District Energy Board.
Adopted
- 15 RES 12-1755** Requesting that the Saint Paul Charter Commission review a proposal to amend Charter Section 4.04 regarding Business Meetings of the Council and recommend its adoption pursuant to Minnesota Statutes § 410.12 subd. 7.
Adopted

- 16 **RES 12-1758** Requesting that the Saint Paul Charter Commission review a proposed amendment to Charter Sections 6.01 and 6.08 regarding Legislative Procedures of the Council and recommend its adoption pursuant to Minnesota Statutes § 410.12 subd. 7.
- Adopted**
- 17 **RES 12-1757** Approving adverse action against the Massage Practitioner license held by Aubrey J. Miller, d/b/a Aubrey J. Miller, 2301 Como Avenue, Ste. #102.
- Adopted**
- 18 **RES 12-1759** Approving adverse action against the Gas Station license application submitted by and the Cigarette/Tobacco and Retail Food (B) Grocery licenses held by Nahal Tananim, LLC, d/b/a Capitol Gateway, 236 Grand Avenue.
- Adopted**
- 19 **RES 12-1761** Approving adverse action against all licenses held by Fasika, Inc., d/b/a Fasika Ethiopian Restaurant, 510 Snelling Avenue North.
- Adopted**
- 20 **RES 12-1762** Approving adverse action against the Sanitary Disposal Vehicle license held by Kane Transport, Inc., d/b/a Kane Transport.
- Adopted**
- 21 **RES 12-1763** Approving adverse action against the Cigarette/Tobacco license held by Amer J. Alhashimi, d/b/a Payne Grocery, 993 Payne Avenue.
- Adopted**

FOR DISCUSSION

- 22 **RLH CO 11-2** Appeal of Richard H. Nicholson to a Correction Notice at 260 SUMMIT AVENUE. (Public hearing held August 3, 2011; laid over from September 19, 2012)
- Councilmember Thune said they were very close to an agreement. He moved to lay the matter over to October 17.*
- Laid over to October 17**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

- 23 RLH RR 12-68** Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012 City Council Public Hearing. (Public hearing held September 5; laid over from September 19. To be referred back to Legislative Hearing on November 13 and 27, and City Council public hearing on December 5, 2012)

Councilmember Carter said they were still working on it and had momentum going, and that Legislative Hearing Officer Marcia Moermond had reported there were positive indicators. He moved to lay the matter over to October 17.

Laid over to October 17

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.

Second Reading

- 24 Ord 12-55** Preserving the status quo and protecting the City's planning process pursuant to Minn. Stat. § 462.355, Subd. 4 pending the adoption of the Great River Passage amendment to the City's Comprehensive Plan, for that area of the City commonly known as the Island Station Power Plant.

Laid over to October 3 for third reading/public hearing

First Reading

- 25 Ord 12-60** Amending Chapter 4 of the Administrative Code relating to the Office of the City Clerk.

Laid over to September 26 for second reading

Council President Lantry welcomed visiting Cretin-Derham Hall students.

The meeting was recessed at 3:34 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:30 p.m.

Present 6 - Councilmember Amy Brendmoen, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dave Thune and Councilmember Chris Tolbert

Absent 1 - Councilmember Dan Bostrom

Councilmember Bostrom arrived after roll call.

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

26 RES PH Adopting the Near East Side Roadmap as an amendment to the Saint Paul Comprehensive Plan.
12-258

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

27 Ord 12-52 Amending the Zoning Map of the City of Saint Paul as recommended in the Near East Side Roadmap and Zoning Study.

In opposition:

Linda Gear (658 Reaney Avenue) said hers was the only house on her side of the street and she was against the change from residential zoning to TN because she didn't feel it benefited her. She said she had lived in the home her entire life and her life was disrupted when the property was almost taken under eminent domain a few years back. She said she didn't trust the City.

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

Council President Lantry clarified that the recommended change in zoning from RT1 to TN2 would broaden the range of uses.

Public hearing held and closed; laid over to September 26 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

28 **Ord 12-53** An interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, preserving the status quo regarding multi-family residential development of property along Grand Avenue between Cretin and Fairview pending the completion of a study of the City's official controls.

In opposition:

Graham Merry, developer for 2124 and 2130 Grand Avenue, said there was a shortage of housing, and a high population of renters who deserved new and better housing.

In support:

Cheryl Fogarty (2166 Lincoln Avenue) thanked the Council for implementing the bridge moratorium and urged them to approve the one-year moratorium and zoning study.

Doug Hennes, Vice President for University and Government Relations at St. Thomas, said the University supported the study because it would correct errors and inconsistencies in the current zoning.

Rachel Westermeyer (1935 Summit Avenue) said the West Summit Neighborhood Advisory Committee voted with one abstention to support the study and moratorium. She said she was a 50-year resident and also supported it.

Skyler Wickland (renter at 2132 Grand Avenue) said the moratorium and study were needed to prevent existing issues and tensions from getting worse.

James Savoie (2023 Lincoln Avenue) said the college had changed and grown since he'd moved to the neighborhood in 1974, but student housing hadn't kept up.

Rina Cooper (1381 Berry Ridge), former neighborhood resident, said the study would provide a forum to air frustrations and tensions, and she hoped the process would be as inclusive as possible.

Ed Martell (2149 Goodrich Avenue) said neighbor concerns were increases in traffic and parties, and it made sense to wait to build the second building until impact of the first was studied.

Kathy Manderscheid (2136 Goodrich Avenue) said her concern was that the buildings were private dormitories and not regular apartments. She said she would like to see nice apartments for young families.

Nancy Wacker (2153 Lincoln Avenue) said the moratorium was an excellent opportunity to study ways to increase density without sacrificing livability.

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

Councilmember Stark thanked the people who came to testify, and said there was obviously a lot of work to be done to determine the appropriate zoning for this section of Grand Avenue. He said he supported increasing density and it was not his intention to thwart development, but it was important to make sure it was done well. He said the goal was to find a good arrangement for the whole community that would meet the demand for apartments and fit it into the neighborhood.

Public hearing held and closed; laid over to September 26 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

**29 RES PH
12-279**

Approving the application of the Zombie Pub Crawl for a sound level variance in order to present amplified live music from 2:00 p.m. until 10:00 p.m. on October 13, 2012 at 1771 Energy Park Drive, Midway Stadium.

Councilmember Stark said they had received some notes of opposition, and the Department of Safety and Inspections would have someone there monitoring the noise levels. He said in the future when someone from DSI was assigned to monitor an event, the event organizers should be charged for that.

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

**30 RES PH
12-204**

Ratifying the assessment for installation of a fire protection system, as requested by Cinema Ballroom, located at 1560 St. Clair Avenue. (File No. FP2011-01, Asmt No. 117100)

No one appeared in opposition; Councilmember Tolbert 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

**31 RES PH
12-281**

Approving the use of assessment financing in accordance with City policy for the installation of a fire protection system requested by Cinema Ballroom for 1560 St. Clair Avenue. (File No. FP2011-01, Asmt. No. 117100)

No one appeared in opposition; Councilmember Tolbert 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

- 32 RES PH 12-208** Ratifying the assessment for a water service connection at 470 Selby Avenue. (File No. 19050CW, Asmt. No. 096049)
- 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
- 33 RES PH 12-209** Ratifying the assessment for benefits, costs, and expenses for the Arcade/Case and the Grand/Snelling parking lots operation and maintenance for 2013. (File No. 18744-12 and 18746-12, Asmt. No. 120150 and 120151)
- 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
- 34 RES PH 12-223** Ratifying the assessment for the street reconstruction and installation of traffic calming devices on Ohio Street from George Street to Isabel Street. (File No. 19130, Asmt. No. 125206)
- 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
- 35 RES PH 12-246** Ratifying the assessment for installation of a fire protection system, as requested by the St. Paul Curling Club, located at 470 Selby Avenue. (File No. FP2012-02, Asmt No. 127101)
- 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

**36 RES PH
12-222**

Final Order approving the reconstruction of a concrete boulevard at 1342 Grand Avenue. (File No. S1203, Asmt No. 125304)

No one appeared in opposition; Councilmember Tolbert 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

**37 RES PH
12-210**

Final Order approving the Arcade/Case and the Grand/Snelling parking lots operation and maintenance costs for 2014. (File No. 18744-13 and 18746-13, Asmt. No. 137201 and 137202).

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

**38 RES PH
12-272**

Accepting Tax Base Revitalization Account Grants from the Metropolitan Council for the Starkey and Midway Corners sites, and a Contamination Cleanup Grant from the Department of Employment and Economic Development for the East River Development site, and amending the 2012 Budget.

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

**39 RES PH
12-273**

Amending the financing and spending plans in the Office of Financial Services in the amount of \$3,702,609.82 to pay off the Series 2001B, 2002B and 2003B bonds.

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

**40 RES PH
12-285**

Authorizing the Housing and Redevelopment Authority to issue Housing Revenue Refunding Bonds pursuant to Minnesota Statutes, Chapter 462C, and authorizing the preparation of necessary documents and materials in connection with said refinancing.

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

**41 RES PH
12-287**

Authorizing the Police Department to accept the Enhanced Model to Combat Human Trafficking grant from the US Department of Justice and amend the 2012 budget for this grant.

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

**42 RES PH
12-289**

Authorizing the Police Department to enter into an agreement with Walsh Construction Company, AKA Walsh Group Construction, and to amend the department's 2012 special fund budget.

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

- 43 RES PH** Approving an amended and restated Tax Increment Financing Plan for
12-288 the Schmidt Brewery Tax Increment Financing District.

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

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 58 RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-396 Project No. J1209G1, Assessment No. 128713 at 483 COMO AVENUE. (Public hearing continued from August 1)

Legislative Hearing Officer Marcia Moermond said her recommendation was to delete the assessment, based on additional information received from the property owner.

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

Adopted as amended (assessment deleted)

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

Nay: 0

Absent: 1 - Councilmember Thune

- 60 RLH FCO** Appeal of Wendy Conard to a Correction Notice at 1185 COOK
12-505 AVENUE EAST.

Legislative Hearing Officer Marcia Moermond said the appeal involved ceiling heights of 6'4" and 6'2". She recommended denying the appeal.

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

Adopted (appeal denied)

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

Nay: 0

Absent: 1 - Councilmember Thune

- 64** **RLH VBR
12-52** Appeal of Jintu Wang, on behalf of Seu Fung, to a Vacant Building Registration Notice at 795 ENGLEWOOD AVENUE.
- Legislative Hearing Officer Marcia Moermond said the Code Compliance Certificate had been issued and the fee should be deleted.*
- No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (fee deleted)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Thune
-
- 66** **RLH RR
12-56** Ordering the rehabilitation or razing and removal of the structures at 579 FOREST STREET within fifteen (15) days after the August 15, 2012 City Council Public Hearing. (Public hearing continued from August 15)
- Legislative Hearing Officer Marcia Moermond said the work plan had been submitted, and her recommendation was to allow 180 days to rehabilitate the property.*
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (180 days to remove or repair)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Thune
-
- 71** **RLH TA
12-407** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 701 HAMLIN AVENUE.
- Legislative Hearing Officer Marcia Moermond said her recommendation was to delete the assessment because notification had been sent to the previous owner.*
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (assessment deleted)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

**74 RLH FOW
12-282** Appeal of Allan K. Petersen, AKP Investments LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 752 JESSIE STREET.

Legislative Hearing Officer Marcia Moermond said the appeal involved egress windows that lead to an enclosed porch. She said it did not appear that the room was originally a bedroom, and she recommended denying the appeal.

In opposition:

Property owner Allan Peterson said the property had a Certificate of Occupancy including that bedroom when he purchased it in 2008, and the Certificate of Occupancy had been renewed in 2009. He said the downstairs bedroom exited into a large porch with a front door and large windows. He displayed photographs.

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

Councilmember Brendmoen said the code didn't allow for any wiggle room. She noted that the issue had been pointed out throughout the inspection history. She moved to deny the appeal.

Adopted (appeal denied)

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

Nay: 0

**79 RLH FCO
12-501** Appeal of Gordon Mergens to a Re-Inspection Fire Certificate of Occupancy Correction Notice at 238 LEXINGTON PARKWAY NORTH. (Public hearing held September 19)

Legislative Hearing Officer Marcia Moermond said she had met with the appellant prior to the meeting and they had agreed upon a set of deadlines. She asked to lay the matter over for a week to allow time to put it in writing.

No one appeared in opposition; Councilmember Carter moved to close the public hearing and lay the matter over to September 26.

Public hearing held and closed; laid over to September 26

Yea: 6 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Brendmoen

**87 RLH TA
12-351** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.J1211A, Assessment No. 128518 at 992 OMABAN STREET.

Legislative Hearing Officer Marcia Moermond said the item was a duplication of RLH TA 12-411 which was passed on August 15, and that it should be withdrawn.

Withdrawn

- 90 RLH RR 12-61** Ordering the rehabilitation or razing and removal of the structures at 705 SEVENTH STREET EAST within fifteen (15) days after the August 15, 2012 City Council Public Hearing. (Amended to razing and removal only) (Public hearing continued from August 15)
- Council President Lantry said the property owner had testified at the August 15 public hearing that there was a signed purchase agreement, but that had not materialized. She moved to order the building removed or repaired within 15 days.*
- Adopted as amended (remove within 15 days)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen
- 47 RLH VBR 12-50** Appeal of Kerry Koller, Central Bank, to a Vacant Building Registration Notice at 293 BANFIL STREET.
- Peg Brown (298 Banfil) expressed support for what the city was doing with the registered vacant building program.*
- Adopted**

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

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

- 44 RLH TA 12-416** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1214C, Assessment No. 122015 at 755 ANDREW STREET.
- Adopted**
- 45 RLH VO 12-85** Appeal of James Berry to a Condemnation and Order to Vacate 857-859 ASHLAND AVENUE.
- Adopted**

- 46 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-427 Project No. CRT1210, Assessment No. 128212 at 776 AURORA
 AVENUE.
 Adopted
- 48 **RLH FCO** Appeal of Binh Le to a Fire Certificate of Occupancy Correction Notice
 12-468 at 869 BEECH STREET (Ceiling Height).
 Adopted
- 49 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-420 Project No. CRT1210, Assessment No. 128212 at 942 BEECH
 STREET.
 Adopted
- 50 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-400 No. J1212A, Assessment No. 128521 at 1272 BERKELY AVENUE.
 Adopted
- 51 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-404 Project No. J1212A, Assessment No. 128521 at 522 BLAIR AVENUE.
 Adopted
- 52 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-403 No. J1212A, Assessment No. 128521 at 813 BLAIR AVENUE.
 Adopted
- 53 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-409 No. J1212A, Assessment No. 128521 at 355 BURGESS STREET.
 Adopted
- 54 **RLH FCO** Appeal of Gregory Hauser to a Fire Certificate of Occupancy
 12-500 Correction Notice at 1328 BUSH AVENUE.
 Adopted
- 55 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-401 Project No. J1212A, Assessment No. 128521 at 1663 CARROLL
 AVENUE.
 Adopted
- 56 **RLH VO** Appeal of Julie W. Holt to a Revocation of Fire Certificate of
 12-82 Occupancy and Order to Vacate at 121 COMO AVENUE.
 Adopted

- 57 **RLH VO** Appeal of Joseph Kummer to a Revocation of Fire Certificate of
12-83 Occupancy and Order to Vacate at 121 COMO AVENUE.

 Adopted
- 59 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
12-418 No. J1210G, Assessment No. 128711 at 483 COMO AVENUE.

 Adopted
- 61 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-412 Project No. J1212A, Assessment No. 128521 at 1141 DALE STREET
NORTH.

 Adopted
- 62 **RLH FCO** Appeal of John Larson to a Fire Inspection Correction Notice at 1453
12-521 DANFORTH STREET.

 Adopted
- 63 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-343 Project No. VB1208, Assessment No. 128810 at 1093 EDGERTON
STREET. (Public hearing continued from August 1)

 Adopted
- 65 **RLH FCO** Appeal of Tom Moua/Mor Moua to a Fire Inspection Correction Notice
12-506 at 816 EDMUND AVENUE.

 Adopted
- 67 **RLH SAO** Appeal of Leslie A. Miller and James Skoog to a Notice to Cut Tall
12-22 Grass and/or Weeds at 766 FORSTER STREET. (To be withdrawn)

 Withdrawn
- 68 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-457 Project No. J1212A, Assessment No. 128521 at 730 FOURTH
STREET EAST.

 Adopted
- 69 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-415 Project No. J1212A, Assessment No. 128521 at 903 FOURTH
STREET EAST.

 Adopted

- 70 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-414 Project No. J1212A, Assessment No. 128521 at 224 GROTTA
 STREET NORTH.

 Adopted
- 72 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-408 Project No. J1212A, Assessment No. 128521 at 466 IGLEHART
 AVENUE.

 Adopted
- 73 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-421 Project No. CRT1210, Assessment No. 128212 at 710 JENKS
 AVENUE.

 Adopted
- 75 **RLH VO** Appeal of Chris Johnson, Lafond Apartments, LLC., to a Fire
 12-79 Certificate of Occupancy Revocation and Order to Vacate at 434
 LAFOND AVENUE.

 Adopted
- 76 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-419 Project No. J1212A, Assessment No. 128521 at 594 LAFOND
 AVENUE.

 Adopted
- 77 **RLH FCO** Appeal of Tim Skelly to a Correction Notice-Complaint Inspection at
 12-549 830 LAUREL AVENUE.

 Adopted
- 78 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-435 No. J1212A, Assessment No. 128521 at 490 LAWSON AVENUE
 WEST.

 Adopted
- 80 **RLH FCO** Appeal of James Buhler to a Correction Notice-Complaint Inspection at
 12-470 237 and 239 MACKUBIN STREET.

 Adopted
- 81 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-413 Project No. J1212A, Assessment No. 128521 at 599 MAGNOLIA
 AVENUE EAST.

 Adopted

- 82 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-359 No. J1211A, Assessment No. 128518 at 581 MENDOTA STREET.

 Adopted
- 83 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-434 Project No. J1212A, Assessment No.128521 at 1022 MINNEHAHA
 AVENUE WEST

 Adopted
- 84 **RLH CO** Appeal of Jim Investments, LLC to a Correction Notice at 288
 12-14 MORTON STREET EAST.

 Adopted
- 85 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-402 Project No. J1212A, Assessment No. 128521 at 1961 NEVADA
 AVENUE EAST.

 Adopted
- 86 **RLH VBR** Appeal of Alfred J. Kraft and Kenneth Kraft to a Vacant Building
 12-58 Registration Notice, Notice of Condemnation-Unfit for Human
 Habitation-Order to Vacate, and Summary Abatement Order at 1978
 NOKOMIS AVENUE.

 Adopted
- 88 **RLH FCO** Appeal of Alissa Kellogg to a Correction Notice-Complaint Inspection
 12-513 at 316 ROBERT STREET NORTH, SKYWAY 35.

 Adopted
- 89 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-405 Project No. J1212A, Assessment No. 128521 at 1091 ROSE AVENUE
 EAST.

 Adopted
- 91 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-406 Project No. J1212A, Assessment No. 128521 at 303 SHERBURNE
 AVENUE.

 Adopted
- 92 **RLH VO** Appeal of Robert Bayer, on behalf of Coldwell Banker Commercial, to
 12-84 a Revocation of Fire Certificate of Occupancy and Order to Vacate at
 620 SIMS AVENUE. (Public hearing continued from September 12)

 Adopted

- 93 **RLH VBR** Appeal of Jon D. Nelson, TCF National Bank, to a Vacant Building
12-54 Registration Requirement and Order to Vacate at 670 SMITH
 AVENUE SOUTH.

 Adopted
- 94 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
12-430 No. CRT1210, Assessment No. 128212 at 110 ST ALBANS STREET
 NORTH, UNIT 1.

 Adopted
- 95 **RLH FCO** Appeal of John Curtiss to a Correction Notice-Complaint Inspection at
12-488 265 SUMMIT AVENUE.

 Adopted
- 96 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
12-482 No. J1211P, Assessment No.128410 at 1899 and 1905 STILLWATER
 AVENUE.

 Adopted
- 97 **RLH FCO** Appeal of Robert and Richard Nolan to a Re-Inspection Fire Certificate
12-463 of Occupancy With Deficiencies at 1679 TAYLOR AVENUE.

 Adopted
- 98 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-428 Project No. J1212A, Assessment No. 128521 at 901 THIRD STREET
 EAST.

 Adopted
- 99 **RLH SAO** Appeal of Roxanne Kay DeFlorin to a Summary Abatement Order at
12-24 762 THOMAS AVENUE.

 Adopted
- 100 **RLH VBR** Appeal of Lawrence Walker to a Vacant Building Registration Notice at
12-59 840 THOMAS AVENUE.

 Adopted
- 101 **RLH VO** Appeal of Kristina A. Duren to a Revocation of Fire Certificate of
12-77 Occupancy and Order to Vacate at 855 TUSCARORA AVENUE.

 Adopted

- 102** **RLH FCO** Appeal of Don Whiting to a Fire Certificate of Occupancy Correction
12-518 Notice at 600 VAN BUREN AVENUE.

 Adopted
- 103** **RLH FCO** Appeal of Derick Gallagher to a Fire Inspection Correction Notice at
12-502 1741 VAN BUREN AVENUE.

 Adopted
- 104** **RLH AR** Ratifying the assessments for Collection of Certificate of Occupancy
12-95 Fees Services from May 2012. (File No. CRT1210, Assessment No.
 128212)

 Adopted
- 105** **RLH AR** Ratifying the assessments for Demolition Services from May 2012.
12-96 (File No. J1214C, Assessment No. 122015)

 Adopted
- 106** **RLH AR** Ratifying the assessments for Property Clean Up Services during May
12-97 2012 (File No. J1212A, Assessment No. 128521).

 Adopted
- 107** **RLH AR** Ratifying the assessments for Trash Hauling Services during May
12-98 2012. (File No. J1210G, Assessment No. 128711)

 Adopted
- 108** **RLH AR** Ratifying the assessments for Graffiti Removal Services from May 10
12-99 to May 15, 2012. (File No. J1211P, Assessment No. 128410)

 Adopted

ADJOURNMENT

Councilmember Thune moved adjournment.

The meeting was adjourned at 6:17 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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