



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Phone: 651-266-8560

## City Council Minutes - Final

***Council President Kathy Lantry  
Councilmember Dan Bostrom  
Councilmember Melvin Carter III  
Councilmember Pat Harris  
Councilmember Lee Helgen  
Councilmember Russ Stark  
Councilmember Dave Thune***

**Wednesday, December 7, 2011**

**3:30 PM**

**Council Chambers - 3rd Floor**

### **ROLL CALL**

*The meeting was called to order by Council President Lantry at 3:31 p.m.*

**Present** 6 - Councilmember Dan Bostrom, Councilmember Pat Harris,  
Councilmember Lee Helgen, City Council President Kathy Lantry,  
Councilmember Dave Thune and Councilmember Russ Stark  
**Absent** 1 - Councilmember Melvin Carter III

*(Councilmember Carter arrived after roll call.)*

*Council President Lantry introduced Minnesota's National Guard Adjutant General, Major General Rick Nash.*

*Major General Nash, along with Brigadier General Neal Loidolt and Colonel Kevin Olson, recognized Councilmember Pat Harris and his team of business representatives and community members for their service to troops and their families, noting that Councilmember Harris would be traveling to Kuwait to serve steaks to troops at a number of bases there. Major General Nash presented a print commissioned in 2009 and 2010 at a time when Councilmember Harris served meals to troops in Iraq and Kuwait. He spoke about the special significance of the scene in Basra, Iraq depicted.*

*Councilmember Harris expressed his appreciation for the sacrifices made by National Guard troops serving overseas. He spoke about the support he'd received from business partners and the community in serving 55,000 steaks to National Guard personnel and their families since the project began in 2004. He acknowledged Dennis Rosemark, John Marshall, and others for their participation and assistance.*

## COMMUNICATIONS & RECEIVE/FILE

- 1      **CO 11-29**      Letters from the Department of Safety and Inspections declaring 111 Hoyt Avenue West and 869 Fuller Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
**Received and Filed**
- 2      **CO 11-32**      Letters from the Department of Safety and Inspections declaring 600 Brunson Street, 304 Earl Street, 1333 Margaret Street, 2216 Reaney Avenue, 1247 Sylvan Street, and 391 Thomas Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
**Received and Filed**

## CONSENT AGENDA

**Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.**

### Approval of the Consent Agenda (Items 3 - 22)

*Items 15, 16 and 19 were withdrawn. Councilmember Bostrom moved approval of the balance of the Consent Agenda.*

#### **Consent Agenda adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 3      **RES 11-2383**      Authorizing the Mayor's Office to apply for grants totaling \$233,000 from The Saint Paul Foundation, The McKnight Foundation, the Central Corridor Funders Collaborative and the Ramsey County Regional Rail Authority for the purpose of conducting a Streetcar Feasibility Plan for Saint Paul.  
**Adopted**
- 4      **RES 11-2342**      Authorizing the Police Department to enter into a Joint Powers Agreement, which includes an indemnification clause, with the State of Minnesota, Office of Traffic Safety to enhance a reporting system to ensure accuracy and compliance with federal grant data gathering requirements.  
**Adopted**

- 5      **RES 11-2370**    Authorizing the Police Department to enter into a Vehicle Donation Agreement, which includes an indemnification clause, with the National Insurance Crime Bureau (NICB).  
                         **Adopted**
- 6      **RES 11-2345**    Authorizing the Fire Department to accept a donation of \$100 from the Residential Mortgage Group (RMG) Inc. to continue to provide public safety services and community education.  
                         **Adopted**
- 7      **RES 11-2343**    Amending the agreement between the City of Saint Paul and the Minnesota Department of Transportation (MNDOT) to allow reimbursement for project costs from Federal Safer Routes to School (SRTS) grant funds administered by MNDOT.  
                         **Adopted**
- 8      **RES 11-2358**    Approving the amendment to the "Revised and Restated Joint Powers Agreement Establishing a Watershed Management Organization for the Lower Mississippi River Watershed".  
                         **Adopted**
- 9      **RES 11-2351**    Approving the City's cost of providing Collection of Certificate of Occupancy Fees services from October 2011, and setting date of Legislative Hearing for January 3, 2012 and City Council Public Hearing for February 15, 2012 to consider and levy the assessments against individual properties. (File No. CRT1203, Asmt No. 128202)  
                         **Adopted**
- 10     **RES 11-2352**    Approving the City's costs for providing Tree Removal services from October 2011, and setting date of Legislative Hearing for January 3, 2012 and City Council Public Hearing for February 15, 2012 to consider and levy the assessments against individual properties. (File No. 1203T, Asmt No. 129002)  
                         **Adopted**
- 11     **RES 11-2353**    Approving the City's costs for providing Demolition services during October 2011, and setting date of Legislative Hearing for January 3, 2012 and City Council Public Hearing for February 15, 2012 to consider and levy the assessments against individual properties. (File No. J1205C, Asmt No. 122004)  
                         **Adopted**

- 12      **RES 11-2354**    Approving the City's cost of providing Excessive Inspection services during August 2011, and setting date of Legislative Hearing for January 3, 2012 and City Council Public Hearing for February 15, 2012 to consider and levy the assessments against individual properties. (File No. J1202E, Asmt No. 128301)  
**Adopted**
- 13      **RES 11-2355**    Approving the City's cost of providing Graffiti Removal services from September 18 to October 3, 2011, and setting date of Legislative Hearing for January 3, 2012 and City Council Public Hearing for February 15, 2012 to consider and levy the assessments against individual properties. (File No. J1203P, Asmt No. 128402)  
**Adopted**
- 14      **RES 11-2376**    Approving adverse action against the Cigarette/Tobacco license held by Mega-Mini Mart General Grocery, 661 Dale Street North.  
**Adopted**
- 15      **RES 11-2369**    Approving adverse action against the Cigarette/Tobacco license held by Kath Fuel Oil Service, Co., d/b/a Gas/Plus #3, 525 Lafayette Road.  
**Withdrawn**
- 16      **RES 11-2371**    Approving adverse action against all licenses held by The Green Mill Inn, LLC, d/b/a Green Mill, 57 Hamline Avenue South.  
**Withdrawn**
- 17      **RES 11-2367**    Approving adverse action against the Cigarette/Tobacco license held by Fa Khir, Inc., d/b/a Fa Khir, 2430 University Avenue West.  
**Adopted**
- 18      **RES 11-2365**    Approving adverse action against the Cigarette/Tobacco license held by Renaissance Marketing, LLC, d/b/a Corner Gas, 304 Larpenteur Avenue East.  
**Adopted**
- 19      **RES 11-2372**    Approving adverse action against the Cigarette/Tobacco license held by K-Mart Corporation, d/b/a K-Mart #3059, 245 Maryland Avenue East.  
**Withdrawn**
- 20      **RES 11-2395**    Approving the use of STAR Funds through the Neighborhood Star Year-Round Program for Tiffany's Sports Lounge in Ward 3.  
**Adopted**

- 21      **RES 11-2404**    Approving the use of Neighborhood STAR Year-Round Loan Program Funds for a project in Ward 7.

**Adopted**

- 22      **RES 11-2412**    Authorizing the execution of a guaranty to support loan payment in connection with the refinancing of the Bioscience Incubator Facility located at 1000 Westgate Drive (University Enterprise Laboratory Project).

**Adopted**

#### **FOR DISCUSSION**

- 23      **RES 10-532**    Ordering the owner to remove or repair the building(s) at 694-696 FOURTH STREET EAST within fifteen (15) days from adoption of resolution. (Laid over from December 7, 2011)

*Council President Lantry moved to lay the matter over to February 15, 2012.*

**Laid over to February 15, 2012**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 24      **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 February 15, 2012)

*Councilmember Thune moved to lay the matter over to February 15, 2012.*

**Laid over to February 15, 2012**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

*Councilmember Bostrom moved suspension of the rules.*

**Rules suspended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

*Councilmember Bostrom amended the agenda to add PH 11-29 as the first item under public hearings. The item was properly noticed for December 7, but was placed on the November 16 agenda in error and acted upon by Council at that time. The earlier action is void because the item was not properly noticed for that date.*

*Agenda amended Yeas - 7 Nays - 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.**

### **First Reading**

- 25      Ord 11-114**      Amending Chapter 324.11 of the Legislative Code to enhance presumptive penalties for repeat violations.  
**Laid over to December 14 for second reading**
- 26      Ord 11-117**      Amending Chapter 31.05(d) of the Legislative Code pertaining to the tabulation of votes.  
**Laid over to December 14 for second reading**

*The Council recessed at 3:43 p.m.*

## **PUBLIC HEARINGS**

*The Council reconvened for public hearings at 5:34 p.m.*

**Present**    7 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

**PH 11-29**      Public hearing to consider the application of Wulff Funeral Home to rezone property at 1755 Nevada Avenue East and 1756 Nebraska Avenue East from R4 to VP. (Public hearing to be continued to December 21)

*(This item was properly noticed for December 7, but was placed on the November 16 agenda in error and acted upon by Council at that time. The earlier action is void because the item was not properly noticed for that date.)*

*No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to December 21.*

**Public hearing continued to December 21**

**Yea:**    7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:**    0

**27      Ord 11-32      An ordinance amending Chapter 64, Signs, of the Zoning Code.  
(Public hearing continued from December 7)**

*Councilmember Thune said there had been additional meetings and staff work since the public hearing in May. He introduced amendments addressing some of the business concerns, and pointed out a couple of typos to be corrected. Yeas - 7  
Nays - 0*

*Councilmember Harris requested a staff report on the amendments. Councilmember Thune said he hadn't asked staff to be present, but his intention was to continue the public hearing for a week and he would ask staff to send clarifications.*

*In opposition:*

*James McClean, St. Paul Area Chamber of Commerce (401 Robert Street N.), said the Chamber appreciated Councilmember Thune's work with the business community, but was concerned that a week wasn't enough time to look over the amendments and get feedback from members. He said there was an alternate proposal to address the issue through licensing, and he would like the Council and business community to have some additional time to look over that as well.*

*Rochelle Westlund, Minnesota Retailers Association (400 Robert Street N.) echoed the concern about needing more time to look at the impact of the amendments.*

*Ken Lidell (439 O'Day Circle, Maplewood), Business Review Council, requested a longer layover to allow for additional discussions.*

*Ricardo Cervantes, Department of Safety and Inspections, said the amended version included a new element with substantial implications related to non-conforming use, and he wanted to confirm that the City had the authority to set a time parameter around uses. He clarified for Councilmember Thune that the section in question was 64.303. He said it was his understanding that there were zoning protections under State statute and he wanted to be sure the amendments got vetted and were not in conflict with that.*

*Matt Anfang, St. Paul Building Owners and Managers Association, said there had been only one meeting since May, and while there were some positive changes and some concerns had been addressed, more time was needed to get feedback from the group.*

*In support:*

*(A large group of young people stood)*

*Dianna Clark (1772 Minnehaha Avenue W.), Change is Possible, reiterated points made during the May public hearing about the targeting of low-income, African American neighborhoods with a high number of tobacco signs, and about the negative effects of excessive, and sometimes offensive signage. She said the group had continued to work to get support and find the best solution to the problem. She asked the Council for their support.*

*Robert Straughn (2200 Hoyt Avenue W.), attorney with McGrann Shea, said he felt the amendments addressed issues raised in meetings, specifically concerns about how the ordinance would affect the amount of other signage on the lot. He noted the concern raised as to whether existing signs might be grandfathered in as a legal non-conformity, and said State law allowed the City to impose reasonable regulations on continuing uses and structures to protect the public health, welfare and safety. He said he felt the ordinance represented reasonable regulation of window signage, and*

*he submitted copies of letters from Senator Harrington and Sheriff Bostrom along with a legal analysis of the change. He reviewed the legal analysis.*

*Jane Prince (1004 Burns Avenue), attorney with Weinblatt and Gaylord, said she agreed that window signs as a temporary use could be regulated on the basis of safety and visibility concerns, and felt the concern raised by Mr. Cervantes about non-conforming uses was a "red-herring" since the same window sign regulations had already been enacted on Grand Avenue, Highland Village, and Shepherd Davern. She said her neighborhood dealt with the blighting effects of excessive signage in retail establishments, and were entitled the same safety and visibility as those neighborhoods with regulations already in place.*

*Erica Urbina (1970 Warbler Lane), Harding High School, read from a letter from Sheriff Matt Bostrom about the importance of maintaining good visibility into and out of retail establishments.*

*Cristina Aguilar (806 Hazel Street N.), shared a letter from Senator John Harrington, echoing points from Sheriff Bostrom's letter.*

*Andrew Hine (757 Armstrong Avenue) read a statement in support, and submitted into the record a Power Point he had presented to The St. Paul Club emphasizing the value of good signage in promoting business success and neighborhood pride. He referred to a letter sent to the Council by the Highland Business Association, which was revisiting its special sign district rules with an eye to Grand Avenue. He submitted a copy of the Grand Avenue sign plan including the statement "sign clutter reduces effectiveness."*

*Damone Presley (544 Payne Avenue), Youth Director of the program Vision in Living Life "Change is Possible", said the students had been working hard to study and find solutions to the issue. He said most of the business owners and organizations opposed to the ordinance did not live in the neighborhood, or their children were not targeted. He said low income people should not have to live in neighborhoods with unnecessary and unattractive advertisements, and wanted to live and raise their children in safe and attractive neighborhoods like everyone else.*

*Councilmember Thune moved to continue the public hearing for one week. He asked that zoning staff and the City Attorney's office provide Council members with written clarifications.*

**Amended; Public hearing continued to December 14 at 3:30 p.m.**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 28 Ord 11-112** Amending Chapter 33.04 of the Saint Paul Legislative Code to create permit fees governing fire alarm systems, smoke control systems, and water flow testing; and amending the permit fee for standpipe, sprinklers, and fire pumps.

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

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



**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**29 Ord 11-113** Amending Chapter 160 of the Saint Paul Legislative Code, Traffic Code - Parking Meter Zones, to revise hours of enforcement.

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

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

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**30 PH 11-30** Final Hearing on the proposed 2012 Budget and Tax Levy, aka Truth in Taxation hearing (hearing will not start before 6:00 pm).

*This item was taken out of order at 6:00 p.m.*

*Scott Cordes, Office of Financial Services, gave a staff report on the Mayor's proposed budget for 2012. He displayed a graph depicting the reduction in Local Government Aid (LGA) since 2003 when there was a change in the state law that had required LGA to be indexed to inflation; he noted that general fund spending had been held lower than inflation during that time. He said the 2012 budget included a 0.3% increase in overall spending after adjusting for inflation, loss of 56 full time positions, and a 0.5% decrease in the general fund budget. He said there were two things driving this year's challenge: ongoing cost pressures, and reduction in LGA. He said proposed solutions included \$6.2 million in spending cuts and a \$6 million increase in the property tax levy. He said budget highlights included no change in sworn public safety staff, small investments in technology infrastructure, modernization of the downtown parking meter system, and reductions in recreation centers, libraries, animal control and code enforcement. He reviewed factors affecting property values and taxes, and gave contact information for more property tax information.*

*Public testimony:*

*Tim Bogen (1187 Dayton Avenue) reviewed increases in his property taxes in 2011 and 2012. He said he was a substitute teacher with no health insurance, and he was worried about foreclosure. He said he purchased his property 2003 without assistance from taxpayer subsidized programs and feels he is being asked to bail out other investors. He asked that all investors be treated equally.*

*Mike Madden (1768 Iglehart), read a letter from the Union Park District Council supporting the restoration of the \$58,000 slated for medians on Marshall Avenue as initially recommended by the CIB committee.*

*Tom Dimond (2119 Skyway Drive) distributed and read from a letter outlining concerns and suggested changes. He said taxes and fees for a St. Paul resident could be as much as \$1000 a year more than for a Woodbury resident. He expressed concerns about the Port Authority's ability to levy taxes without full Council representation. He asked that the City not turn over \$175,000 in City funds to the*

*Port Authority, encouraged representation on the Port Authority Board by elected officials, and asked for elimination of the \$440 charge for the public to be able to testify before their own City Council.*

*Mary Gross (2016 Laurel Avenue) said she had lived in St. Paul for over 30 years and property taxes had done nothing but go up in the last five years. She said she would be retiring soon and wasn't sure she could afford to stay in the city. She said she went to the suburbs to visit her daughter, and the streets there were plowed frequently and she felt safe, which was not the case in St. Paul anymore. She said the handwriting of decreased LGA had been on the wall for a long time and it was time to start doing things differently. She said she lived in the St. Thomas moratorium area, and families couldn't afford to maintain the older homes and pay the taxes there. She reiterated that it was time to look at different ways to run the city.*

*Jerome Guettler (1712 Dayton) resident since 1988, said his estimated property tax increase this year was 18%. He said the property tax policy and sales tax were driving businesses out and increasing the burden on property owners. He recommended the elimination of assessed value, said the system was not fair, and it was time for the City to live by same rules as private sector and live within the means*

*supplied at a more affordable rate. He noted that incomes were not keeping pace with inflation and health insurance costs going up.*

*Jim Eberhart, owner of a rental property at 2339 Beverly Road, said it was hard for him to understand talk about St. Paul curtailing spending when the city portion of his taxes were increasing 19%. He said he was no longer going to be able to provide needed good rental housing in a nice neighborhood. He said his rents were in line with the market but it would take 5 months of rent to pay the taxes. He noted an earlier comment that library services were being decreased, but said according to his statement library taxes were going up.*

*Barry Fox (2271 Saint Clair) said he was present again this year to protest in the strongest terms the increase in his property taxes, which was 18.6% not including the library. He said he had lost his job, retrained and was looking for work at 65 because he had to. He said taxes used to be payment for services plus a small amount for the community, but it was no longer that way, and affordability should be considered along with livability. He said St. Paul hadn't done as well as Minneapolis in trying to attract businesses to increase the tax base. He said his attempts to email City staff about his concerns went unacknowledged.*

*Steve Netzman (1947 Montreal) said that as a tax preparer he had gotten questions about the loss of the homestead credit, the status of the property tax refund program, and decreases in property valuation along with increases in property taxes. He said the City should align tax demands with the reality of people's ability to pay.*

*Jean Osteraas (930 Portland) proposed two solutions: Insisting that currently non-taxed lands pay reasonable taxes; or, as a back-up, building institutions for insane or delusional policy makers.*

*Paul Olson (431 Portland) said he had a 13.2% proposed increase overall and 22% for the City portion. He presented a list of questions and solutions including consolidating law enforcement, contracting ambulance service, leasing City-owned golf courses to private operators, returning tax-exempt properties to tax rolls, getting out of economic development, developing a five-year plan for stopping continued increases, asking all City employees to take a 2% cut. He asked to include in the record that he once wrestled a burglar to the ground and held him for 30 minutes before police came.*

*Tim Colestock (2232 Carver Avenue) said his taxes had doubled numerous times in his 40 years as a homeowner, and previous requests to the Council to control tax increases had been fruitless. He said he was retired and would not have any income increase unless he went back to work. He said his family cut spending and conserved when there was a shortfall, and the City should too. He referenced a comment attributed to Councilmember Thune in the Pioneer Press about upcoming projects, and said tax dollars should be used only for normal City business.*

*Cheryl Colestock (2232 Carver Avenue) said she didn't understand how the City and other governments failed not live within their means, and it seemed they decided what they wanted to spend and then decided how much to tax. She said LGA was just welfare to another government and should not exist. She questioned whether government employees were suffering the same job cuts and losses as the private sector and said government unions should be eliminated. She asked that the City live within its means like everyone else, and get rid of "stupid" projects like bike lanes, traffic calming, and roundabouts. She said extra projects should be undertaken only when there was extra money.*

*Michael Skillrud (1950 Berkeley) thanked the Council for their service, especially Councilmember Harris. He said at the rate taxes were increasing, Social Security wouldn't cover the increases. He said the City portion of his taxes represented 20.3% which was unconscionable. He said people were moving to the suburbs, tax increases were a disincentive to making home improvements, and the City was not competitive with other cities in attracting business. He asked the Council to rethink plans and keep increases in line with a reasonable standard such as rate of inflation.*

*Greg Copeland (612 Cook Avenue) said investment in business and increasing the tax base was essential but spending was the crucial point. He said the Mayor was derelict in not being present. He stated that there should not be an expectation of money from the State, and that the City had received the same amount for the last three years, and should learn to live within the peoples means.*

*Council President Lantry clarified that in a strong Mayor form of government the Mayor never attended Council meetings, but his staff was present, and he was available at other times.*

*Andrew Singer (2103 Berkeley Avenue) said it was reaching a point where there was no incentive to own a piece of property. He said he supported bike lanes and suggested saving money by decreasing investment in paving, road, highway, parking, etc. projects.*

*Azimir Mahmic (1970 Fairmount) said he had purchased his home in 2003, and supported progressive taxes but this seemed regressive. He said taxes had increased 140% since he moved in; he expressed concern about the trend and asked whether there was a plan to reverse it.*

*Alex Ginsberg (1411 Prosperity) said he'd owned the building for twelve years and the taxes had increased 46% in the last four. He said he rented to young, low income tenants and was doing all he could to keep rents down and the building maintained. He said the City was effectively pushing him out of business. He stated that libraries and bike routes were good services but did a disservice because they killed businesses. He questioned why his property value increased 2.7% this year and the taxes increase 16.4%.*

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

*Council members Stark and Harris expressed appreciation for the testimony and addressed some of the concerns raised.*

**Received and Filed**

- 31 RES PH 11-1157** Establishing the financing and spending plans in the Department of Parks and Recreation in the amount of \$1,500,000 to recognize funding from the FY 2012 Parks and Trails Legacy Fund Allocation to continue the Harriet Island/Lilydale approved Regional Park plan and authorize the appropriate city officials to enter into an agreement to accept this funding.

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

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 32 RES PH 11-1175** Amending the spending and financing plans in the 2011 Capital Improvement Budget (CIB) in the Department of Parks and Recreation, and giving permission for the proper city officials to enter into an agreement with the Met Council - Met Parks 2012-13 Capital Improvement Program (CIP) for \$200,000, for the Cherokee Regional Trail construction.

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

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 33 RES PH 11-1176** Amending the spending and financing plans in the 2011 Capital Improvement Budget (CIB) in the Department of Parks and Recreation, and giving permission for the proper city officials to enter into an agreement with the Met Council - Met Parks 2012-13 Capital Improvement Program (CIP) for \$1,450,000, for Lilydale Regional Park to design, engineer and construct the initial phases of roadway, trails, utility work, parking and visitor amenities called for in the park's master plan.

*No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution. He said he hoped some of the planning went into the trails, and not just the new road.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**34 RES PH  
11-1174**

Amending the spending and financing plans in the 2010 Capital Improvement Budget (CIB) in the Department of Parks and Recreation, and authorizing the proper city officials to enter into an agreement with the Met Council - Met Parks 2012-13 Capital Improvement Program (CIP) for \$50,000, for the Como Regional Park phase 2 funding for site amenities and landscaping that completes the renovation of the historic Lily Pond at the park.

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

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**35 RES PH  
11-1155**

Amending the spending and financing plans in the 2011 Capital Improvement Budget (CIB) in the Department of Parks and Recreation and giving permission for the proper city officials to enter into an agreement with the Met Council - Met Parks 2012-13 Capital Improvement Program (CIP) for \$75,000 for the Como Regional Park security camera project.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**36 RES PH  
11-1159**

Establishing the financing and spending plans in the Department of Parks and Recreation in the amount of \$296,000 to recognize funding from the FY 2012 Parks and Trails Legacy Fund Allocation to restore the Phalen Park waterfall as a park amenity and return the feature to an operable condition.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**37 RES PH  
11-1177**

Amending the spending and financing plans in the 2011 Capital Improvement Budget (CIB) in the Department of Parks and Recreation, and giving permission for the proper city officials to enter into an agreement with the Met Council - Met Parks 2012-13 Capital Improvement Program (CIP) for \$524,000, for Phalen Regional Park to construct a splash pad.

*No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution. He said the splash pad would be a great amenity for the park.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**38 RES PH  
11-1179**

Amending the spending and financing budgets of the 2010 and 2011 Capital Improvement Budgets (CIB) to allocate \$35,000 of CIB contingency to the Real Estate Asset Management System project for the purpose of purchasing a web-based application instead of a server/PC-based application.

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

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**39 RES PH  
11-1172**

Authorizing the Department of Public Works Asphalt Plant to amend the spending and financing budget for additional production of asphalt in 2011.

*No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approve the resolution. He noted that the Asphalt Plant would be in Ward 1 in the new year.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**40 RES PH  
11-1153**

Approving adverse action against all licenses held by Attucks-Brooks American Legion Post #606, d/b/a Attucks-Brooks American Legion Post #606, 976 Concordia Avenue.

*Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violations, one involving a lapse in liquor liability and the other a failure to provide an entertainment license. He said DSI's recommendation was imposition of the \$500 matrix penalty for the entertainment license violation and a ten day suspension for the lapse in liquor liability.*

*In opposition:*

*Roy, the new Commander of Attucks-Brooks American Legion Post #606 said he was doing the best he could with what he had to work with. He said he had cancelled the old insurance policy and gotten a new one, and there was no lapse. He said they'd had an entertainment license until 2010, but couldn't get one now due to a zoning issue. He said they had been open since 1965 and paid taxes, and should be able to get entertainment license. He said police did not come into the building, and there was no deejay. He stated that he and the manager sit in booth to watch the club, and there was no dancing.*

*Mr. Lundgren answered Council member's questions.*

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

*Councilmember Carter said it was hard to determine whether they were providing entertainment, but the more serious issue was the lapse in liquor liability. Councilmember Bostrom suggested imposing but suspending the fine if Councilmember Carter wanted to give them a break.*

*Councilmember Helgen supported the suggestion.*

*Council President Lantry said a lapse in insurance was unconscionable, and the Council never strayed from the penalty. She said the licensee had tried to get an entertainment license so he knew he needed one, but made a choice not to get one.*

*Councilmember Carter said he wanted to acknowledge improvements since the previous problems and he proposed suspending both the fine and suspension.*

*Council President Lantry said she couldn't support that.*

*Councilmember Carter moved to impose the recommended penalty but stay five days of the license suspension for 18 months.*

**Adopted as amended (\$500 fine and 10-day license suspension imposed, with 5 days of suspension stayed for 18 months)**

**Yea:** 4 - Councilmember Carter III, Councilmember Harris, Councilmember Thune and Councilmember Stark

**Nay:** 3 - Councilmember Bostrom, Councilmember Helgen and City Council President Lantry

- 41      PH 11-31      Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Axmed S. Cali, d/b/a Iftiin Hookah Lounge, 2418 University Avenue West.

*Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violations and Administrative Law Judge(ALJ) report. He described the violations for open past hours, verifying age, occupancy limit, and audible music. He said the ALJ recommended revocation based on these being third and fourth violations. He said DSI asked that the Council adopt the findings of fact, conclusions of law, and recommendation of the Administrative Law Judge and revoke all licenses held by the licensee.*

*In opposition:*

*Owner Axmed Cali said the conditions on the license were unreasonable and he couldn't afford to comply. He responded to specific violations and said all violations had been issued by one particular officer who had promised to shut his business down one way or another. He said he had opened five years before and invested \$65,000, and a neighboring business was doing the same thing with no conditions. He requested a second chance.*

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

*Councilmember Stark said the owner had agreed to the conditions of the license, and the police enforcement was in response to complaints from neighbors. He moved to adopt the findings of fact, conclusions of law, and recommendation of the Administrative Law Judge and revoke all licenses held by the licensee.*

**Motion of intent - Adopted the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Law Judge (licenses revoked)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 42      PH 11-28      Public hearing to consider the application of Fort Road Coffee Company to rezone property at 1518 Randolph Avenue from B1 Local Business to T2 Traditional Neighborhood.

*No one appeared in opposition; Councilmember Harris moved to close the public hearing and grant the application.*

**Motion of Intent - Application granted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

- 52      RLH OA      Appeal of Michael Simms to an Inspection Appointment-Rescheduled  
11-23      Per Owner Request and Correction Notice-Complaint Inspection at  
959 BURR STREET. (Public hearing continued from January 18)



*Legislative Hearing Officer Marcia Moermond said her recommendation was to deny the appeal and order the fence removed or rebuilt under permit by January 1, 2012. She said it was constructed without a permit and on the sidewalk.*

*In opposition:*

*Property manager Bretta Hebing (14340 Westridge Drive) said she understood the need for rules and acknowledged that it was not acceptable that the height of the fence was raised without a permit. She said the fence was built to replace another and the height was increased for safety reasons. She said they had good tenants and it was a nice building, and the fence provided protection. She asked that an exception be made, and said they could move the fence off the sidewalk.*

*Councilmember Helgen asked to continue the public hearing to January 18, 2012; he said the owner lived in Hawaii and had been hard to get a hold of. He stated that the property had a long history that seemed to be related to management, and Ms. Hebing was a new manager. He asked that Ms. Moermond coordinate a meeting with the property management company, code enforcement, and the East Police Team, and suggested that working with other property owners and the grocery store might improve overall neighborhood so the fence wasn't needed.*

**Public hearing continued to January 18, 2012**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**53 RLH VO  
11-110**

**Appeal of Ahti Hujanen and Hillary Hujanen to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 971 CASE AVENUE. (Public hearing held December 7; laid over from December 21)**

*Legislative Hearing Officer Marcia Moermond said the revocation was due to long term non-compliance going back to 2009. She said she had looked at the situation and determined that the Certificate of Occupancy did not need to be pulled if certain conditions and deadlines were met. She said the property owner said everything but weather-dependent fascia work was done, but that hadn't been verified by the inspector. She said her recommendation was that the Certificate of Occupancy be revoked for non-compliance, and the only issue in play was the fascia.*

*Property owner Hillary Hujanen said the City had had never alleged that property was unsafe, uninhabitable, or unsanitary, and had no basis to condemn or order vacation. She said they had hired an independent inspector, Donald Hedquist, who said the stucco on the basement walls was cosmetic and not structural, the roof was sound, the need for exterior painting did not warrant an order to vacate, and none of the items from the October list were basis for revocation. Ms. Hujanen said the necessary repairs had been made to the foundation and it was solid, the fascia was free of holes. She said she respectfully disagreed with the assertion that there was long term noncompliance; she said none of items from the August 2009 letter were still listed. She said they had addressed all items they'd been asked to, but more items continued to be added and some items were nonspecific and difficult to understand. She said a vacate date of the next morning was moved up from December 9 based on notes on the interior of the property taken during a drive-by inspection of the exterior, and that those interior items had already been addressed.*

*Maintenance engineer Mary Kay described her program benefitting women in a maximum security battered women's shelter and her use of Ms. Hujanen's rental properties. She said everything was done except the two things Ms. Moermond had*

*allowed to be pushed out. She said plumbing and building inspectors were finaling permits the following day. She said they had invested a lot of time and energy and didn't want to lose the opportunity to use the property.*

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

*Councilmember Bostrom said it was important to get verification from the inspector that the interior work was done; he moved a two-week layover and asked that the manager and schedule an inspection during that time. He said if the work wasn't done, it would be "over in fourteen days."*

**Public hearing held and closed; laid over to December 21**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**57 RLH FCO  
11-496**

**Appeal of Juley Viger to a Fire Certificate of Occupancy Correction Notice at 730 COMO AVENUE. (Public hearing held December 7)**

*Legislative Hearing Officer Marcia Moermond said the key issues were the integrity of a retaining wall, and an illegal third unit in the basement. She said her recommendation was to order the unit vacated within a month, but the landlord was looking for additional time to look into converting the building to a legal triplex.*

*In opposition:*

*Juley Viger Speed (730 Como Avenue) provided a packet of information and photographs. She said most of the extensive deficiency list had been addressed except the weather-related items, for which she had requested an extension. She said the drop ceiling in the basement did meet fire code requirements; she referred to documentation in the packet she provided. She requested an extension on moving the heating pipes because it would require draining the boiler. She also requested a July 1 deadline for the fascia repair to coincide with that for painting the exterior of the house. She said the garage roof didn't need to be replaced, and the wall in question didn't meet definition of retaining wall and was considered landscaping with no structural significance. She said the space next to the third garage stall was used only occasionally for parking and asked to be allowed a "pathway" driveway. She asked for an extension to July 1 for all of the exterior painting. She said the front step was repaired by professional mason, but the inspector said it was done improperly and would remain on the deficiency list for reinspection; she asked that it be taken off. With respect to the zoning issue, she said she was working through the process with the BZA. She said the third unit was safe and habitable and had affordable rent, and evicting the current tenants would provide little time for them to find other housing.*

*Councilmember Helgen moved to close the public hearing. Yeas - 5 Nays - 0 (Bostrom, Carter not present for vote)*

*Councilmember Helgen clarified with Ms. Moermond that extensions had been granted to January for some items and July for others, and the real issue was vacating the basement until it was authorized as a third unit. He said it didn't appear there was anything that hadn't already been addressed. Ms. Moermond said the Council might wish to consider extending the deadlines for some of the exterior items.*

*Councilmember Helgen asked Ms. Viger Speed whether her concern was with meeting the deadlines. He said the Council typically ordered illegal units vacated,*

*although in this case he was sensitive to the timing.*

*Council President Lantry asked the date of the BZA hearing. Ms. Viger Speed said the application was due December 19 and the hearing would be in January.*

*Councilmember Helgen said his inclination was to lay the matter over to the first meeting in January. He asked whether there were immediate concerns in the basement unit. Ms. Moermond said setting aside the issue of fire separation, she would like to review the list of items with a January deadline and hold a follow-up Legislative Hearing on January 3.*

*Councilmember Helgen moved to refer the matter back to Legislative Hearings on January 3 and to the Council on January 4.*

**Public hearing held and closed; laid over to January 4, 2012 (referred back for a Legislative Hearing on January 3, 2012)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**61 RLH RR  
11-83**

Ordering the rehabilitation or razing and removal of the structures at 1187 EDGERTON STREET within one hundred eighty (180) days after the December 7, 2011, City Council Public Hearing.

*Legislative Hearing Officer Marcia Moermond recommended granting 100 days for the rehabilitation of the building; she said there was a solid work plan and financing in place.*

*No one appeared in opposition; Councilmember Helgen moved to amend the resolution as per the recommendation. He requested a 60 day progress report.*

**Adopted as amended (remove or repair within 180 days)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**64 RLH FCO  
11-474**

Appeal of Tim and Jamie Flynn to a Correction Order at 2055 FAIRMOUNT AVENUE. (Public hearing continued from December 7)

*Legislative Hearing Officer Marcia Moermond asked to continue the public hearing for two weeks and to schedule an additional Legislative Hearing for December 13.*

*No one appeared in opposition; Councilmember Stark moved to continue the public hearing to December 21.*

**Public hearing continued to December 21 (referred back for a Legislative Hearing on December 13)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**69 RLH VO  
11-108**

Appeal of Willie Earl Thomas, Caretaker, to a Fire Certificate of Occupancy Revocation and Order to Vacate at 437 GOODHUE STREET.

*Legislative Hearing Officer Marcia Moermond said the building was in bad condition and the owner was going to be removing himself from the situation. She said her recommendation was to order a December 9 vacate for the tenants, but they were asking to stay until after the holidays. At Councilmember Thune's request she reviewed the list of deficiencies.*

*In opposition:*

*Caretaker Willie Thomas said a lot of things had been taken care of, but more time was needed. He said he was working temporary jobs to save money to move.*

*Edward Mills, resident, requested more time to find another place. He reiterated that a lot of things had been taken care of, and said he felt the place was habitable. He said the third unit was illegal and uninhabited, and Unit 2 had been occupied by the same tenant for 30 years. He said the items in shop belonged to the Unit 2 tenant who was an independent contractor. He said the house was pre-1900, and putting in a code-compliant ceiling around the piping would cost \$40,000. He asked for more time to get things done or at least more time to find a place.*

*Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0 (Helgen not present for vote)*

*Councilmember Thune said the building was not a candidate for rehabilitation but two days seemed a little soon to order vacation.*

*Ms. Moermond said the date was set weeks ago; she suggested January 1.*

*Councilmember Thune moved to order vacation by December 15.*

**Adopted as amended (order to vacate extension granted to December 15)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**77 RLH VO  
11-107**

Appeal of Antonio Grajeda to a Condemnation and Order to Vacate at 569 LAFOND AVENUE.

*Legislative Hearing Officer Marcia Moermond gave a progress report; she recommended an additional week to December 16 to complete the work or vacate.*

*In opposition:*

*Antonio Grajeda said the electrical was done by Highland Electric; he asked for a little more time.*

*Councilmember Carter moved to close the public hearing and adopt the resolution as amended per Ms. Moermond.*

**Adopted as amended (extension granted to December 16 to complete work or vacate)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**80 RLH CO  
11-23**

Appeal of Donald Moschkau to a Correction Order at 410 MAPLE STREET. (Public hearing continued from December 7, 2011)

*Legislative Hearing Officer Marcia Moermond said the issue was a limestone retaining wall that was failing at one corner, and there was some dispute as to who was responsible for repair. She recommended ordering that the rubble be cleaned up and granting until June 2012 for the repair to be completed.*

*In opposition:*

*Property owner Don Moschkau said excavation for the parking lot next door had caused the need for the retaining wall. He said a wall surrounding the parking lot had collapsed in the 1990s and the neighbor replaced it with the stone wall which had now collapsed. He said he had paid to have the limestone cleaned up and stacked in his yard.*

*Council President Lantry asked whether a survey had been done to determine the location of the property line. Mr. Moschkau said it hadn't been done yet. Council President Lantry said the Council was not in a position to settle the civil matter of who owned the wall. Mr. Moschkau said a survey might show that the wall was on his property, but he had a right to lateral support and the neighbor's excavation caused need for wall.*

*Council President Lantry moved to continue the public hearing to June 20, 2012 to allow time for resolution of the dispute over responsibility for the repairs.*

*(On December 8, Ms. Moermond made a request for a housekeeping Legislative Hearing on the matter on June 5, 2012)*

**Public hearing continued to June 20, 2012 (referred back for a Legislative Hearing on June 5, 2012)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**81 RLH FCO  
11-433**

Appeal of Darlene Hoppe to a Fire Certificate of Occupancy Inspection Correction Notice at 1152 MARION STREET. (Public hearing held December 7)

*Legislative Hearing Officer Marcia Moermond said a lot of corrections were needed including significant interior issues; she referred to photographs in the packet. She recommended a deadline of February 1, 2012 for corrections in the lower shared space except for a short list of items that were to be addressed by November 22.*

*Councilmember Helgen asked whether there was a progress report on the items that were to have been completed by November 22.*

*In opposition:*

*Sara Hoppe (1152 Marion) appeared on behalf of her mother-in-law, property owner Darlene Hoppe. She said the family had not been aware of the problems with the property but that she had taken over the management for her mother-in-law as of*

November 8. She said she had a list and documentation of the items that had been corrected. She said the lower level tenants had been telling her mother-in-law that they were doing work in the unit in order to take money off of their rent, but no work was being done. She said the tenants became confrontational when questioned and now wouldn't grant access. She said the recommendation was condemnation as of December 12 but the upstairs tenant was a 67-year-old with custody of an autistic grandson. She requested more time to deal with the problems.

Councilmember Helgen asked whether an unlawful detainer could be filed to evict the lower tenants. Ms. Hoppe said there was no point in paying for an unlawful detainer when there was an order to vacate on December 12 anyway. She asked whether the order to vacate could apply to one unit and not the other.

Ms. Moermond said she would need to do a careful analysis of where the code violations existed and whether the principal violations leading to the condemnation were in the upper or lower unit.

Councilmember Helgen asked about the status of the upstairs unit. Ms. Hoppe said it was perfect. Councilmember Helgen said an inspector could confirm that the work in the upstairs unit was done, and it was clear from information and photos in the packet that vacation could be ordered for the downstairs unit. He moved that the December 12 vacate date be upheld for the lower unit, and asked that the matter be referred back for Legislative Hearings on December 13, and that a fire inspector go through the property and a work plan and timeline be developed by December 21.

Councilmember moved to close the public hearing and lay the matter over to December 21.

**Public hearing held and closed; laid over to December 21 (referred back for a Legislative Hearing on December 13)**

**83 RLH VO  
11-104**

Appeal of Michael Dupont to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1658 MARYLAND AVENUE EAST.

Legislative Hearing Officer Marcia Moermond said the revocation was due to long term failure to comply with an order to install dryer venting under permit.

*In opposition:*

Property owner Lee Sankey said her daughter had lost her home to foreclosure and was staying in the house, and it was not a rental. She said new items were added after every inspection, and they didn't have the money to do anything else. She said they would take the dryer out.

Councilmember Bostrom moved to close the public hearing and grant the appeal as long as the dryer was removed or vented.

**Adopted as amended (appeal granted contingent upon removal of dryer and venting)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**86 RLH SAO  
11-39**

Appeal of Leonard Anderson to a Summary Abatement Order, Vehicle Abatement Order, and Correction Notice at 559 MCKNIGHT ROAD SOUTH.

*Legislative Hearing Officer Marcia Moermond noted that additional written materials had been submitted by the appellant's attorney. She said there had been three opportunities for Legislative Hearings, but none attended by appellant or his attorney.*

*Council President Lantry said the attorney's correspondence indicated that the work was done. She recommended granting an extension to December 21 for compliance, with a reinspection to be scheduled on December 22 and a work order issued if the property was not in compliance.*

**Adopted as amended (extension granted to December 21)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**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 Consent Agenda as amended.*

**Consent Agenda adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

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| <b>43</b> | <b>RLH RR<br/>11-65</b>  | Ordering the rehabilitation or razing and removal of the structures at 698 FOURTH STREET EAST within fifteen (15) days after the October 19, 2011, City Council Public Hearing. (Public hearing continued from October 19; to be continued to March 7, 2012)<br><b>Adopted</b> |
| <b>44</b> | <b>RLH WP<br/>11-110</b> | Appeal of Derek Faraberg, The Window Store Home Improvements, on behalf of Jason Stahl, to an Egress Window Non-Compliance Determination at 2161 SIXTH STREET EAST.<br><b>Adopted</b>  |
| <b>45</b> | <b>RLH RR<br/>11-84</b>  | Ordering the razing and removal of the structures at 1180-1184 SEVENTH STREET EAST within 120 days after the December 7, 2011 City Council Public Hearing.<br><b>Adopted</b>   |

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| 46 | <b>RLH FOW<br/>11-231</b> | Appeal of Gwynne Evans to a Fire Certificate of Occupancy Inspection Correction Notice at 25 ALBERT STREET NORTH, AKA 1405 SUMMIT AVENUE.<br><b>Adopted</b>                              |
| 47 | <b>RLH FCO<br/>11-500</b> | Appeal of Kim Kirmeier to a Fire Certificate of Occupancy Correction Notice at 1008 ASHLAND AVENUE.<br><b>Adopted</b>  |
| 48 | <b>RLH FCO<br/>11-514</b> | Appeal of Kazong Xiong to a Correction Notice-ReInspection Complaint at 229 BATES AVENUE.<br><b>Adopted</b>  |
| 49 | <b>RLH FCO<br/>11-520</b> | Review of Kazong Xiong to a follow-up appeal at 229 BATES AVENUE for egress window. (Companion to FCO 11-514)<br><b>Adopted</b>  |
| 50 | <b>RLH FOW<br/>11-210</b> | Appeal of Paoze Her and Song Lor to a Fire Certificate of Occupancy Correction Notice at 1631 BIRMINGHAM STREET.<br><b>Adopted</b>   |
| 51 | <b>RLH WP<br/>11-104</b>  | Appeal of Harmony Homes Inc., on behalf of Alvaro Alonso, to an Egress Window Non-Compliance Determination at 1900 BOHLAND AVENUE.<br><b>Adopted</b>                                     |
| 54 | <b>RLH FOW<br/>11-219</b> | Appeal of Doug Remly to a Fire Certificate of Occupancy Correction Notice at 308 CLARENCE STREET.<br><b>Adopted</b>  |
| 55 | <b>RLH WP<br/>11-106</b>  | Appeal of Derek Faraberg, The Window Store Home Improvements, on behalf of Rosemary Casello, to an Egress Window Non-Compliance Determination at 1320 CLARENCE STREET.<br><b>Adopted</b> |
| 56 | <b>RLH FCO<br/>11-498</b> | Appeal of Tim and Jamie Flynn to a Fire Certificate of Occupancy Inspection Correction Notice at 93-97 CLEVELAND AVENUE SOUTH.<br><b>Adopted</b>   |
| 58 | <b>RLH FCO<br/>11-483</b> | Appeal of Barbara J. Liberty to an Updated, Rescheduled Fire Inspection Correction Notice at 1530 CONCORDIA AVENUE.<br><b>Adopted</b>  |



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| 59 | <b>RLH SAO<br/>11-33</b>  | Appeal of Jay Palda, Palda and Sons, Inc., to a Summary Abatement Order at 1462 DAYTON AVENUE.<br><b>Adopted</b>   |
| 60 | <b>RLH RR<br/>11-19</b>   | Ordering the rehabilitation or razing and removal of the structure(s) at 936 EARL STREET within fifteen (15) days after the August 3, 2011 City Council Public Hearing. (Public hearing continued from October 5)<br><b>Adopted</b>                        |
| 62 | <b>RLH WP<br/>11-112</b>  | Appeal of Midwest Roofing, on behalf of Marianna Skarda, to an Egress Window Non-Compliance Determination at 1255 EDMUND AVENUE.<br><b>Adopted</b>   |
| 63 | <b>RLH FCO<br/>11-477</b> | Appeal of Brent Hybben to a Fire Certificate of Occupancy Approval With Corrections at 967 EUCLID STREET.<br><b>Adopted</b>  |
| 65 | <b>RLH VO<br/>11-109</b>  | Appeal of Bruce Johnson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 415 FINN STREET NORTH.<br><b>Adopted</b>   |
| 66 | <b>RLH OA<br/>11-14</b>   | Recommending that the Board of Ramsey County Commissioners approve the application of Rabbi Bendet, on behalf of Chabad Academy, for repurchase of tax forfeited property at 1758 FORD PARKWAY.<br><b>Adopted</b>  |
| 67 | <b>RLH WP<br/>11-105</b>  | Appeal of Vicki Osterkamp to an Egress Window Non-Compliance Determination at 1402 FURNESS PARKWAY.<br><b>Adopted</b>  |
| 68 | <b>RLH OA<br/>11-15</b>   | Recommending that the Board of Ramsey County Commissioners approve the application of Rabbi Moshe Feller, on behalf of Upper Midwest Merkos Jewish Education Association, for repurchase of tax forfeited property at 1780 FORD PARKWAY.<br><b>Adopted</b> |
| 70 | <b>RLH VO<br/>11-102</b>  | Appeal of Carlton Morris to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 387 GRAND AVENUE.<br><b>Adopted</b>   |

- 71     **RLH WP**     Appeal of Adaptable Builders (Julie Dale), on behalf of Michael Sellers,  
11-101                   to an Egress Window Non-Compliance Determination at 1336  
                             HARTFORD AVENUE.  
                             **Adopted**
- 72     **RLH FCO**     Appeal of TJK Properties, Inc. to a Correction Notice-Reinspection  
11-484                   Complaint and Inspection Appointment at 1625 HEWITT AVENUE.  
                             **Adopted**
- 73     **RLH WP**     Appeal of Ramsey County Department of Public Health (Daniel  
11-102                   Schmidt), on behalf of Jeff Manders, to an Egress Window  
                             Non-Compliance Determination at 1808 HYACINTH AVENUE EAST.  
                             **Adopted**
- 74     **RLH OA**     Recommending that the Board of Ramsey County Commissioners  
11-16                   approve the application of Jonathon Palmer, on behalf of Hallie Q.  
                             Brown Community Center, Inc., for repurchase of tax forfeited property  
                             at 569 IGLEHART AVENUE.  
                             **Adopted**
- 75     **RLH FCO**     Appeal of Jan Gasterland to a Fire Certificate of Occupancy Inspection  
11-510                   Correction Notice at 1020 JESSAMINE AVENUE EAST.  
                             **Adopted**
- 76     **RLH VO**     Appeal of George Warner, Esq., on behalf of Hassan Tetteh, to a  
11-99                   Certificate of Occupancy Revocation and Order to Vacate 934 JUNO  
                             AVENUE.  
                             **Adopted**
- 78     **RLH WP**     Appeal of Michael Sellers to an Egress Window Non-Compliance  
11-99                   Determination at 798 LAKE STREET.  
                             **Adopted**
- 79     **RLH WP**     Appeal of Richard Kedrowski to an Egress Window Non-Compliance  
11-103                   Determination at 1190 MAGNOLIA AVENUE EAST.  
                             **Adopted**
- 82     **RLH RR**     Ordering the razing and removal of the structures at 11 MARYLAND  
11-81                   AVENUE EAST within fifteen (15) days after the December 7, 2011  
                             City Council Public Hearing.  
                             **Adopted**

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| 84 | <b>RLH WP<br/>11-98</b>   | Appeal of Ted Ryden to an Egress Window Non-Compliance Determination at 1011 MATILDA STREET.<br><b>Adopted</b>   |
| 85 | <b>RLH WP<br/>11-107</b>  | Appeal of A Pane in the Glass Construction LLC, on behalf of Angela Polacek, to an Egress Window Non-Compliance Determination at 2248 MATTERHORN LANE.<br><b>Adopted</b>             |
| 87 | <b>RLH FCO<br/>11-513</b> | Appeal of Bergman Page Properties LLC to a Fire Certificate of Occupancy Inspection Correction Notice at 1013 MCLEAN AVENUE.<br><b>Adopted</b>                                       |
| 88 | <b>RLH WP<br/>11-108</b>  | Appeal of A Pane In The Glass Construction, on behalf of Dan Notch, to an Egress Window Non-Compliance Determination at 1115 NORTON STREET.<br><b>Adopted</b>                        |
| 89 | <b>RLH SAO<br/>11-38</b>  | Appeal of Scott Gerry to a Vehicle Abatement Order at 1038 PACIFIC STREET.<br><b>Adopted</b>   |
| 90 | <b>RLH FOW<br/>11-238</b> | Appeal of Yuqi Liu to a Fire Certificate of Occupancy Inspection Correction Notice at 1223 RICE STREET.<br><b>Adopted</b>  |
| 91 | <b>RLH FOW<br/>11-227</b> | Appeal of Khamphiou Vang to a Fire Certificate of Occupancy Correction Notice at 728 ROSE AVENUE EAST.<br><b>Adopted</b>   |
| 92 | <b>RLH WP<br/>11-109</b>  | Appeal of Derek Faraberg, The Window Store Home Improvement, on behalf of Jessalyn Hines, to an Egress Window Non-Compliance Determination at 1242 SARGENT AVENUE.<br><b>Adopted</b> |
| 93 | <b>RLH WP<br/>11-100</b>  | Appeal of Bob Shackelford to an Egress Window Non-Compliance Determination at 1403 SCHEFFER AVENUE.<br><b>Adopted</b>  |
| 94 | <b>RLH FCO<br/>11-487</b> | Appeal of James Becker to a Fire Certificate of Occupancy Correction Notice at 701/703 SHERWOOD AVENUE.<br><b>Adopted</b>  |

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| 95  | <b>RLH FCO<br/>11-325</b> | Appeal of Thomas L. Corrigan to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1689 STILLWATER AVENUE.<br><b>Adopted</b>  |
| 96  | <b>RLH FCO<br/>11-476</b> | Appeal of John R. Rupp to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 426 SUMMIT AVENUE.<br><b>Adopted</b>   |
| 97  | <b>RLH FCO<br/>11-421</b> | Appeal of Kenneth O. Doyle to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 705 SUMMIT AVENUE.<br><b>Adopted</b>   |
| 98  | <b>RLH VO<br/>11-100</b>  | Appeal of Patrice Swaser to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 20 SYCAMORE STREET EAST.<br><b>Adopted</b>  |
| 99  | <b>RLH OA<br/>11-13</b>   | Recommending that the Board of Ramsey County Commissioners deny the application of Emad Yousef Abed, on behalf of RKL Landholding LLC, for repurchase of tax forfeited property at 1493 UNIVERSITY AVENUE WEST.<br><b>Adopted</b>   |
| 100 | <b>RLH AR<br/>11-132</b>  | Deleting the assessment at 1570 UNIVERSITY AVENUE WEST for Boarding and Securing services during June 2011. (File No. J1112B, Assessment No. 118117) and approving the assessment to 1524 UNIVERSITY AVENUE WEST for Boarding and Securing services during June 2011 (File No. J1112B1, Assessment No. 118146).<br><b>Adopted</b> |
| 101 | <b>RLH WP<br/>11-111</b>  | Appeal of Derek Tanberg, The Window Store Home Improvements, on behalf of Martin Marrone, to an Egress Window Non-Compliance Determination at 973 WATSON AVENUE.<br><b>Adopted</b>  |
| 102 | <b>RLH FOW<br/>11-230</b> | Appeal of Keith Collins to a Fire Certificate of Occupancy Correction Notice at 329/331 WILDER STREET NORTH.<br><b>Adopted</b>  |
| 103 | <b>RLH FOW<br/>11-236</b> | Appeal of Kim Mai and John Le to a Fire Certificate of Occupancy Inspection Correction Notice at 1604 WILSON AVENUE.<br><b>Adopted</b>  |

- 104 RLH FCO 11-473** Appeal of Terrance Luther to a Fire Certificate of Occupancy Correction Notice at 119 WINNIPEG AVENUE.  
**Adopted**
- 105 RLH SAO 11-35** Appeal of Michael R. Smieja to a Summary Abatement Order at 1639 WOODBRIDGE STREET.  
**Adopted**

*Councilmember Harris noted the 70th anniversary of the attack on Pearl Harbor.*

## **ADJOURNMENT**

*Councilmember Harris moved adjournment at 9:17 p.m.*

### **Meeting adjourned**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

## **Council Meeting Information**

### **Web**

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