



# 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*

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Wednesday, May 15, 2013

3:30 PM

Council Chambers - 3rd Floor

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### Public hearings at 5:30 p.m.

#### ROLL CALL

*The meeting was called to order by Council President Lantry at 3:32 p.m.*

**Present** 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dave Thune and Councilmember Chris Tolbert

#### 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 1 - 25)

*Item 13 was removed from the Consent Agenda for separate consideration.*  
*Councilmember Brendmoen moved approval of the balance of the Consent Agenda.*

#### Consent Agenda adopted as amended

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

**Nay:** 0

- 1**     [RES 13-712](#)     Approving the settlement agreement and release between the City of Saint Paul and Res Yirehmiel Tafari.

**Adopted**

- 2**     [RES 13-710](#)     Approving the Labor Agreements (January 1, 2013 - December 31, 2015) between the City of Saint Paul and AFSCME District Council 5, Local 2508 - Clerical and Local 1842 - Technical.

**Laid over to May 22 for adoption**

- 3     [RES 13-615](#)     Approving the City's cost of providing Tree Removal services from March 2013, and setting date of Legislative Hearing for June 4, 2013 and City Council public hearing for July 24, 2013 to consider and levy the assessments against individual properties. (File No. 1306T, Asmt. No. 139007)
- Adopted**
- 4     [RES 13-616](#)     Approving the City's cost of providing Boarding and/or Securing services during March 2013, and setting date of Legislative Hearing for June 4, 2013 and City Council public hearing for July 24, 2013 to consider and levy the assessments against individual properties. (File No. J1310B, Asmt. No. 138111)
- Adopted**
- 5     [RES 13-617](#)     Approving the City's cost of providing Demolition services in February and March 2013, and setting date of Legislative Hearing for June 4, 2013 and City Council public hearing for July 24, 2013 to consider and levy the assessments against individual properties. (File No. J1310C, Asmt. No. 132010)
- Adopted**
- 6     [RES 13-618](#)     Approving the City's cost of providing Towing of Abandoned Vehicles services from August to December 2012, and setting date of Legislative Hearing for June 4, 2013 and City Council public hearing for July 24, 2013 to consider and levy the assessments against individual properties. (File No. J1302V, Asmt. No. 138001)
- Adopted**
- 7     [RES 13-619](#)     Approving the City's cost of providing Graffiti Removal services from March 7 to 24, 2013, and setting date of Legislative Hearing for June 4, 2013 and City Council public hearing for July 24, 2013 to consider and levy the assessments against individual properties. (File No. J1309P, Asmt. No. 138408)
- Adopted**
- 8     [RES 13-641](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for the improvement of the westernmost 160 feet of the alley in Rice and Irvine's Addition, Block 53 (bounded by Seventh, Smith, Chestnut, and Kellogg). (File No. 19142, Asmt. No. 135000)
- Adopted**

- 9     [RES 13-648](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for the construction of an ornamental railing at Walgreens Drug Store, 2099 Ford Parkway. (File No. 19119, Asmt. No. 115401)

**Adopted**

- 10    [RES 13-645](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for various street improvements along Clarence Street, Point Douglas Road, and Burns Avenue in conjunction with the roadway work in partnership with the owner of Obb's Sports Bar and Grill. (File No. 19143, Asmt. No. 135400)

**Adopted**

- 11    [RES 13-685](#)     Preliminary Order setting a date of City Council public hearing for June 5, 2013 for the alley improvement in the block bounded by Goodrich, Lincoln, Dunlap, and Railroad Tracks. (File No. 19144, Asmt. No. 135001)

**Adopted**

- 12    [RES 13-684](#)     Preliminary Order setting a date of Council public hearing for June 5, 2013 for the improvement of Montreal Avenue from Saint Paul Avenue to Snelling Avenue. (File No. 19111, Asmt. No. 135204)

**Adopted**

- 13    [RES 13-676](#)     Approving the name Trout Brook Nature Sanctuary for City-owned parkland between Maryland Avenue and Cayuga Street, west of Interstate 35E and east of Agate Street.

*Councilmember Brendmoen said the park that had been called Trillium would now be called Trout Brook. She said it was a large park along I-35E and included the Gateway Trail and habitat for wildlife. She said it was part of a project the community had been working on for 20 years, and there would be a groundbreaking a ceremony in June for what would be a great North End amenity.*

*Councilmember Brendmoen moved approval.*

**Adopted**

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

**Nay:** 0

- 14    [RES 13-701](#)     Accepting the gift of travel and lodging expenses for Craig Blakely to meet with staff of Midtown Detroit, Inc. in Detroit, Michigan on May 13, 2013.

**Adopted**

- 15    [RES 13-585](#)    Approving funding for round one of Cycle 19 (2013) of the Cultural STAR Program.  
**Adopted**
- 16    [RES 13-690](#)    Updating and clarifying the membership of the Cultural STAR Board, the appointment process for members, and terms of appointments.  
**Adopted**
- 17    [RES 13-699](#)    Authorizing the City to renew a lease agreement with Minnesota Life Insurance Company for the Saint Paul Police Department's use of office space in the 401 Robert Street building for a downtown police substation.  
**Adopted**
- 18    [RES 13-714](#)    Authorizing the Police Department to enter into a Joint Powers Agreement with the City of North Saint Paul for wireless network and support services.  
**Adopted**
- 19    [RES 13-715](#)    Authorizing the Police Department to enter into an agreement with the Federal Bureau of Investigation (FBI) to participate in the Safe Streets Violent Gang Task Force (SSTF).  
**Adopted**
- 20    [RES 13-704](#)    Approving the application, per the Deputy Legislative Hearing Officer, for a Gambling Location license to be added to the following existing licenses: Liquor On Sale-291 or more Seats, Liquor On Sale-Sunday, Entertainment (B), Hotel/Motel- up to 50 rooms, Hotel/Motel-each additional room over 50 (145), Swimming Pool-Public, Whirlpool, Restaurant (4) - 51-150 seats, and Restaurant (D)-Add on (Bar Only) licenses, for J & W Lodging LLC (I.D. #20060001190), d/b/a Holiday Inn St. Paul East at 2201 Burns Avenue.  
**Adopted**
- 21    [RES 13-705](#)    Approving adverse action against all licenses held by M & W Market, Inc., d/b/a Burr St Market located at 962 Burr Street.  
**Adopted**
- 22    [RES 13-709](#)    Approving adverse action against the Second Hand Dealer - Motor Vehicle license held by Twin City Direct Auto Sale, Inc. at 1265 Arcade Street.  
**Adopted**

- 23     [RES 13-707](#)     Approving adverse action against the Retail Food (B) Grocery 101-1000 sq. ft. license held by Super Dollar Store, Inc. at 848 White Bear Avenue North.  
**Adopted**
- 24     [RES 13-708](#)     Approving adverse action against the Taxicab Vehicle licenses for Cab #781, Cab #783, Cab #1386 and Cab #1974 held by Twin Cities Airport Taxi & Limo Svc., Inc.  
**Adopted**
- 25     [Min 13-17](#)     Approving the minutes of the April 3, 10, 17, and 24, 2013 City Council meetings.  
**Adopted**

**FOR DISCUSSION**

**26**     [ABZA 13-4](#)

Public hearing to consider the appeal of Luis Mota to a decision of the Board of Zoning Appeals (BZA) denying a variance of the minimum floor area ratio (FAR) in order to construct a new building for Qdoba Mexican Grill Restaurant in the T2 Traditional Neighborhood zoning district at 2081 Ford Parkway.

*Yaya Diatta, Department of Safety and Inspections, said they had received a revised plan from Qdoba increasing the footprint and thereby reducing the variance request from 11% to 6%. He said they had also reduced the parking to comply with setback requirements, and had moved the building closer to the street as required in the code. He said they now complied with all of the requirements but still needed the variance for the FAR.*

*Councilmember Stark asked whether Qdoba had clarified the basis for the variance request. Mr. Diatta said the rationale for the variance had not changed from what was provided to the BZA.*

*Councilmember Tolbert moved to grant the appeal with the new site plan, and said he felt the BZA had erred in findings 1, 3 and 4. He said the variance was in harmony with the general purpose and intent of the zoning code, and the small size of the building was in response to parking concerns of the surrounding neighborhood. He said the applicant had established that there were practical difficulties in complying with the provision, and those difficulties were not related to economic concerns alone. He said it was a relatively small variance request to be used in a reasonable manner and having much to do with responding to neighborhood concerns about parking and alley usage. Finally, he said the petitioner had increased the size of the building, and the size resulted from the reasonable and genuine desire to respond to the concerns of the neighbors and to minimize the impact of the building on the neighborhood. He said the small variance request was due to circumstances not of the making of the appellant. He reviewed the dimensions set out in the new plan, and moved to grant the appeal on the condition that the appellant submit and receive formal approval for the new site plan.*

*Councilmember Stark asked whether the appeal before the Council was of the BZA's decision on the original plan. Deputy City Attorney Jerry Hendrickson said it was permissible to consider the new plan because it didn't deal with any new variance issues.*

*Councilmember Stark asked whether it would be possible to require Qdoba to make some of the parking available to other businesses, given that the size of the building was a response to neighborhood concerns about parking. Mr. Hendrickson said it would be hard to impose that as a condition.*

*Council President Lantry said Qdoba needed a variance because they were acquiescing to the concerns of the neighborhood. She said if the zoning called for larger buildings and less parking but that wasn't what the neighborhood wanted, maybe the area should revert to a different zoning. She said the issue would continue to come up and had less to do with the business than with the neighborhood asking the business to do things outside the code.*

**Motion of intent - Appeal granted**

**Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, Councilmember Thune and Councilmember Tolbert

**Nay:** 2 - City Council President Lantry and Councilmember Stark

- 27     [RES PH 13-76](#)     Final Order to consider approval for new sidewalk improvements along the west side of Kent Street - Orange to Wheelock. (File No. S1307, Assmt. No. 135307)

*Councilmember Brendmoen said the item prompted an overdue conversation with Public Works about allowing the addition of sidewalks to RSVP projects. She said this project had come up after the RSVP process had taken place and did not have majority support, even after a lot of work by her office. She said she would work hard to get new policy enacted, but in this case could not approve the final order for the sidewalk.*

**Failed**

**Yea:** 0

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

#### **ORDINANCES**

**An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.**

#### **Final Adoption**

- 28     [Ord 13-24](#)     Memorializing City Council action granting the application of the Housing and Redevelopment Authority (HRA) for the rezoning of 719 Burr Street from B1 Local Business to T1 Traditional Neighborhood and RT1 Two-Family Residential, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

*Councilmember Brendmoen moved approval.*

**Adopted**

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

**Nay:** 0

*The Council recessed at 3:53 p.m.*

**PUBLIC HEARINGS**

*The Council reconvened for public hearings at 5:32 p.m.*

**Present** 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dave Thune and Councilmember Chris Tolbert

**29**    [Ord 13-22](#)

Amending Legislative Code Chapters 60, 62, 63, 64, 65, and 66 pertaining to industrial zoning districts and regulation of industrial uses. (Public hearing to be continued to July 17)

*No one appeared in opposition; Councilmember Stark moved to continue the public hearing to July 17.*

**Public hearing continued to July 17**

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

**Nay:** 0

**30**    [Ord 13-28](#)

Amending Chapter 2 of the Saint Paul Administrative Code to transfer the payroll function from the Office of Financial Services to the Office of Human Resources, and amending Chapter 3 of the Saint Paul Administrative Code to transfer the worker's compensation functions from the Office of the City Attorney to the Office of Human Resources.

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

**Public hearing held and closed; laid over to May 22 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

**31**    [Ord 13-30](#)

Creating Chapter 346 of the Saint Paul Legislative Code pertaining to the establishment of a license for Mobile Retail.

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

**Public hearing held and closed; laid over to May 22 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



- 32**     [Ord 13-31](#)            Amending Chapter 310 of the Saint Paul Legislative Code pertaining to the establishment of a license fee for a Mobile Retail Vehicle .
- No one appeared in opposition; Councilmember Thune moved to close the public hearing.*
- Public hearing held and closed; laid over to May 22 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
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- 33**     [RES PH 13-91](#)            Approving the application of Terry Beasley, owner of E & J Dry Cleaners, for a sound level variance in order to present amplified live band music during the Selby Lot Party from 3:00 p.m. to 9:00 p.m. on June 2, 2013 at 642 Selby Avenue.
- 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

**34**     [RES PH 13-92](#)

Approving the application of Lao Family Community of MN, Inc. for a sound level variance in order to provide amplified sound from 9:00 a.m. until 8:00 p.m. on July 6 & 7, 2013 during the annual Summer Sports Tournament at the McMurray Fields, 1155 Jessamine Avenue West.

*In opposition:*

*Nyals Kittel (1118 Churchill) asked for the details of the variance. He said he'd been awakened at 6:00 a.m. at past events, and the police officer to whom he complained treated him with disrespect and did not respond to his concerns. He said there was no contract between the City and Lao Family, were no consequences for the Lao Family if there were violations.*

*Council President Lantry and Christine Rozek from the Department of Safety and Inspections reviewed the specifics of the variance.*

*Carol Gray (1090 N. Lexington Parkway) said previous attempts to reduce the impact on the neighborhood had not been effective, and the neighbors had to call the City with complaints every year. She said neighbors should not have to put up with increased noise levels in addition to the parking and traffic problems, and she was opposed to the variance. She said the only hardship imposed by the granting of the variance would be on the neighborhood, and the event had taken place successfully for 30 years while complying with noise ordinances and other limitations. She said the situation was unbearable, and suggested that Lao Family find another venue not in a residential area.*

*In support:*

*Janelle Vang, representing Lao Family, said the event schedule was from 9:00 a.m. to 8:00 p.m. and they would reinforce that with their vendors. She said they brought economic activity to the community, were trying to improve, and appreciated the input.*

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

*Councilmember Stark said he appreciated the testimony. He said the event was an important institution in the neighborhood, and management of the impact on the neighborhood had improved over the years. He asked that the Lao Family to be particularly mindful of early morning set-up. He said both district councils had written letters of support, and reiterated that the measures put in place had been successful. He said 85 dBA was very reasonable and he moved approval of the resolution.*

*Councilmember Bostrom asked about sound monitoring, and remedies for violations.*

*Christine Rozek, Department of Safety and Inspections, said Parks would be on site monitoring throughout the event and would contact police if necessary, and there were police on-site as well.*

*Councilmember Thune asked whether there was a phone number that would be answered during the event and that could be given to neighbors.*

*Councilmember Brendmoen thanked Mr. Kittel and Ms. Gray for their comments. She said there was a meeting after last year's event, and neighbors had requested written notification of community meetings taking place before this year's event. She said about 600 letters were sent and no community members showed up for this year's pre-event meeting. She said Commander Frazer had attended the meeting*

*and would be on site during the event, and he had offered his cell phone number for neighbors to make complaints about noise. Ms. Brendmoen said she would give the number to Mr. Kittel and Ms. Gray.*

**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 13-96](#)     Approving the application of Lunda Construction for a sound level variance for construction work related to the demolition of the Lafayette Bridge between Prince and Seventh Streets for 20 hours a day, Monday through Saturday only, from May 16, 2013 to May 25, 2013 from 6:00 a.m. to 2:00 a.m.

*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

- 36**     [RES PH 13-100](#)     Authorizing the early release of approved STAR funds for the Schmidt Rathskeller Project.

*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

- 37**     [RES PH 13-102](#)     Approving the petition of The Church of St. Andrews of St. Paul to vacate a portion of alley in Block 4, Warrendale Plat adjacent to its property at 1051 Como Avenue.

*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

- 38     [RES PH 13-103](#)     Authorizing the Police Department to accept the Women's Foundation grant award, 'Girls Are Not For Sale', in the amount of \$47,500 and to amend the 2013 budget for this grant.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

- 39     [RES PH 13-104](#)     Final Order authorizing acquisition of temporary and permanent easements for the Trillium Nature Sanctuary in Saint Paul (File No. AE2013-01).

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

**LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION**

- 48     [RLH TA 13-195](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No. 138707 at 1269 EARL STREET. (Laid over from May 8 for public hearing)

*Legislative Hearing Officer Marcia Moermond said the Spanish interpreter was present but the appellant was not. She showed photographs of the clean-up of bags of trash, and said inspectors had concluded there was no trash service at the property. She said the appellant had two properties and there was some confusion about which property had the trash service being paid for. She recommended approval.*

*Council President Lantry asked the interpreter to open the public hearing.*

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

**Adopted (assessment reduced to \$180 and payments spread over 2 years)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

- 55**     [RLH RR 13-21](#)     Ordering the rehabilitation or razing and removal of the structures at 745 HAWTHORNE AVENUE EAST within fifteen (15) days after the May 15, 2013 City Council Public Hearing. (Amended to remove only)

*Legislative Hearing Officer Marcia Moermond said US Bank was asking the City to proceed with demolition of the property.*

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

**Adopted as amended (remove within 15 days with no option for rehabilitation)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

- 60**     [RLH AR 13-5](#)     Ratifying the assessments for Tree Removal Services during Spring 2005 at 771 PIERCE BUTLER ROUTE. (File No. 0501T3, Assessment No. 139003) (Amended to delete the assessment)

*Legislative Hearing Officer Marcia Moermond asked that the resolution be amended to delete the assessment.*

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

**Nay:** 0

- 61**     [RLH TA 13-87](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 0501T3, Assessment No. 139003 at 771 PIERCE BUTLER ROUTE. (Amended to delete the assessment)

*Legislative Hearing Officer Marcia Moermond asked that the resolution be amended to delete the assessment.*

*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 Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

- 44**     [RLH RR 13-19](#)     Ordering the razing and removal of the structures at 885 CLARK STRET within fifteen (15) days after the May 15, 2013, City Council Public Hearing.

*Legislative Hearing Officer Marcia Moermond said it had been a no-show Legislative Hearing. She said there had been a fire and conditions were quite bad; she recommended ordering the building removed within 15 days.*

*David Bassekle (885 Clark Street) said he had no objection to the recommendation but wanted more information about the process up to this point. Ms. Moermond clarified.*

*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

- 64**     [RLH RR 13-22](#)     Ordering the rehabilitation or razing and removal of the structures at 586 RICE STREET within ninety (90) after the June 5, 2013 City Council Public Hearing.

*Legislative Hearing Officer Marcia Moermond asked that the matter be referred for a May 28 Legislative Hearing, and the public hearing be continued to June 5.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to June 5.*

**Referred to Legislative Hearings on May 28; Council public hearing continued to June 5**

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

**Nay:** 0

**68**     [RLH RR 13-23](#)

Ordering the rehabilitation or razing and removal of the structures at 762 THOMAS AVENUE within fifteen (15) days after the May 15, 2013, City Council Public Hearing. (Amended to remove only)

*Legislative Hearing Officer Marcia Moermond said her recommendation was to order razing and removal of the property within 15 days. She said the property had been condemned and referred into the Vacant Buildings program; she displayed photographs and reviewed the issues leading to the condemnation. She said the electrical service was the big issue, and probably needed to be redone. She said the inspectors had noted 50 car batteries in the basement storing power from solar panels in the yard. She said the panels weren't connected to the grid as required in the state of Minnesota. She said in Legislative Hearings they had discussed the standard conditions including development of a work plan, documentation of adequate finances, posting a performance bond, and getting a code compliance inspection, but none of the things had been addressed.*

*Property owner Roxanne Deflorin distributed a folder of correspondence and documents. She said this had been her family home for over 40 years. She said the property was referred to the Department of Safety and Inspections (DSI) when Ramsey County deputies serving a warrant on an unrelated issue charged her with illegally using car batteries to supply electricity. She said they were not car batteries but were deep cycle batteries designed to store and release power for solar systems. She said there was no law requiring connection to the grid, and she cited another property as an example. She said only two DSI inspectors were certified and had the authority to issue orders, and only the Council had the authority to take actions that were appealable to the court system. She reviewed the correspondence and inspection history documented in the materials submitted.*

*Councilmember Carter confirmed with Ms. Deflorin that the only items she submitted that weren't already part of the City's records on the property were a handwritten list of contacts at the City, a letter from Xcel Energy dated August 28, 2012, some Ramsey County information, and a Citation and Order Report from the 2nd Judicial District. He asked Ms. Deflorin whether she had been using the car batteries since the date of the Xcel letter. Ms. Deflorin reiterated that they were not car batteries and were specifically designed for stand-alone solar arrays.*

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

*Councilmember Carter said there were not a lot of options given that the records indicated the house was not fit for habitation, and there was nothing in the packet to indicate that the status of the property had changed or that there was the intention or capacity to rehabilitate the property. He said he hoped Ms. Deflorin could be referred to housing resources.*

*Council President Lantry said extensive minutes from two Legislative Hearings on the property showed lots of attempts were made to work with and assist Ms. Deflorin.*

*Councilmember Carter moved to approve the recommendation of the Legislative Hearing Officer.*

**Adopted as amended (remove within 15 days with no option for rehabilitation)**

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

Nay: 0

- 82 [RLH AR 13-38](#) Ratifying the assessments for Collection of Vacant Building Fees from March 5 to November 21, 2012. (File No. VB1307, Assessment No. 138810)

*Legislative Hearing Officer Marcia Moermond asked that 401 Selby and 2106 Dayton be removed from the roll for separate consideration.*

*No one appeared in opposition; Councilmember Bostrom moved to approve the resolution as amended.*

**Adopted as amended (401 Selby and 2106 Dayton removed from the assessment roll for separate consideration)**

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

**Nay:** 0

- 59 [RLH VO 13-17](#) Appeal of Mike Dahlin to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1871 LINCOLN AVENUE.

*Legislative Hearing Officer Marcia Moermond said the issue was long term noncompliance with orders, leading to revocation of the Certificate of Occupancy. She said the appellant had been a renter there for a couple of years, and a sheriff's sale had taken place. She said her recommendation at the Legislative Hearing was to deny the appeal and grant until May 10 for the property to be vacated. She said an inspector had gone back to make sure basic safety issues had been addressed.*

*In opposition:*

*Ryan Diesem appeared with appellant Mike Dahlin. He said they had taken care of the small items pointed out by the inspector, and the only thing remaining was the furnace certification which had been scheduled. He said they'd been told by the bank they had to be out by July 31, and they had been offered relocation assistance starting in June. He said they'd like a little more time so they wouldn't have to rush.*

*Mr. Dahlin said he had gotten the impression from the inspector that the issue was that there was not an owner to make repairs, but the property was now bank owned. He reviewed the repairs he and Mr. Dahlin had made.*

*Councilmember Tolbert asked whether the furnace certification could be done by June 1. Mr. Diesem said they could but wouldn't be using the furnace because of the season.*

*Councilmember Tolbert asked Ms. Moermond what the key issues were. Ms. Moermond said the landlord had abandoned the property and bank was no longer managing it, and the goal was to develop an end-game strategy for the tenants. She noted that the property had been well-maintained by the tenants.*

*Councilmember Tolbert moved to close the public hearing and extend the vacate date to July 31.*

**Adopted as amended (vacation date extended to July 31)**



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

**Nay:** 0

#### **LEGISLATIVE HEARING CONSENT AGENDA**

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

#### **Approval of the Consent Agenda**

##### **Legislative Hearing Consent Agenda adopted as amended**

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

**Nay:** 0

- 40**    [RLH VBR 13-17](#)    Appeal of George Letendle, o/b/o Ronald Palmen, to a Vacant Building Registration Requirement at 127 ACKER STREET.  
**Adopted**
- 41**    [RLH TA 13-234](#)    Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1308B, Assessment No. 138107 at 496 BAY STREET.  
**Adopted**
- 42**    [RLH TA 13-295](#)    Amending Council File RLH AR 13-17 to delete the assessment for Collection of Vacant Building Fees billed from March 28 to October 24, 2012 at 861 BURR STREET. (File No. VB1306, Assessment No. 138805)  
**Adopted**
- 43**    [RLH VO 13-18](#)    Appeal of Michelle and Nicholas Vander Vegte to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2228 BUSH AVENUE.  
**Adopted**
- 45**    [RLH TA 13-218](#)    Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1307, Assessment No. 138810 at 420 CLINTON AVENUE.  
**Adopted**

- 46     [RLH TA 13-231](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1307, Assessment No. 138206 at 1120 CONCORDIA AVENUE.  
**Adopted**
- 47     [RLH TA 13-233](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1307, Assessment No.138810 at 910 COTTAGE AVENUE EAST.  
**Adopted**
- 49     [RLH TA 13-181](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A2, Assessment No. 138524 at 987 EDGERTON STREET. (Laid over from May 22 for public hearing)  
**Adopted**
- 50     [RLH TA 13-105](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1305A2, Assessment No. 138520 at 25 EMPIRE DRIVE.  
**Adopted**
- 51     [RLH TA 13-232](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308C, Assessment No. 132008 at 25 EMPIRE DRIVE.  
**Adopted**
- 52     [RLH RR 13-20](#)     Ordering the razing and removal of the structures at 437 GOODHUE STREET within fifteen (15) days after the May 15, 2013, City Council Public Hearing.  
**Adopted**
- 53     [RLH VO 13-14](#)     Appeal of Mary Beth Ross and Lauren Russell to a Fire Certificate of Occupancy Revocation and Order to Vacate at 953 HAGUE AVENUE.  
**Adopted**
- 54     [RLH TA 13-235](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308C, Assessment No. 132008 at 111 HOYT AVENUE WEST.  
**Adopted**
- 56     [RLH TA 13-236](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1307, Assessment No. 138810 at 23 ISABEL STREET WEST.  
**Adopted**

- 57     [RLH TA 13-250](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306P, Assessment No. 138405 at 685 JACKSON STREET.  
**Adopted**
- 58     [RLH TA 13-227](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1307, Assessment No. 138206 at 2030 LAUREL AVENUE.  
**Adopted**
- 62     [RLH TA 13-302](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1307, Assessment No. 138810 at 537 RICE STREET.  
**Adopted**
- 63     [RLH TA 13-319](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1307A1, Assessment No. 138523 at 537 RICE STREET.  
**Adopted**
- 65     [RLH TA 13-206](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306P, Assessment No. 138405 at 408 ST. PETER STREET.  
**Adopted**
- 66     [RLH TA 13-221](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306P, Assessment No. 138405 at 1420 SEVENTH STREET WEST.  
**Adopted**
- 67     [RLH TA 13-297](#)     Amending Council File RLH AR 13-19 to delete the assessment for Graffiti Removal Services from November 29 to December 24, 2012 at 682-684 SNELLING AVENUE NORTH. (File No. J1305P, Assessment No. 138404)  
**Adopted**
- 69     [RLH TA 13-296](#)     Amending Council File RLH AR 13-19 to delete the assessment for Graffiti Removal Services from November 29 to December 24, 2012 at 1365 UNIVERSITY AVENUE WEST (A/K/A 1389 UNIVERSITY AVENUE WEST). (File No. J1305P, Assessment No. 138404)  
**Adopted**
- 70     [RLH FCO 13-86](#)     Appeal of Scott Huestis to a Fire Inspection Correction Notice at 2147 UNIVERSITY AVENUE WEST.  
**Adopted**

- 71     [RLH TA 13-248](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1307, Assessment No. 138810 at 571 VAN BUREN AVENUE.  
**Adopted**
- 72     [RLH TA 13-286](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1307, Assessment No. 138810 at 419 VAN DYKE STREET.  
**Adopted**
- 73     [RLH RR 13-12](#)     Ordering the razing and removal of the structures at 1220 VIRGINIA STREET within fifteen (15) days after the March 6, 2013 City Council Public Hearing. (Public hearing continued from March 6, April 3, and April 17)  
**Adopted**
- 74     [RLH TA 13-222](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306P, Assessment No.138405 at 421 WABASHA STREET SOUTH.  
**Adopted**
- 75     [RLH TA 13-237](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 76 WHEELLOCK PARKWAY EAST.  
**Adopted**
- 76     [RLH TA 13-238](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308C, Assessment No. 132008 at 76 WHEELLOCK PARKWAY EAST.  
**Adopted**
- 77     [RLH AR 13-32](#)     Ratifying the assessments for Graffiti Removal services from December 24, 2012 to January 21, 2013. (File No. J1306P, Assessment No. 138405)  
**Adopted**
- 78     [RLH AR 13-33](#)     Ratifying the assessments for Demolition services in January 2013. (File No. J1308C, Assessment No. 132008)  
**Adopted**
- 79     [RLH AR 13-34](#)     Ratifying the assessments for Demolition services from December 2012. (File No. J1309C, Assessment No. 132009)  
**Adopted**

- 80     [RLH AR 13-35](#)     Ratifying the assessments for Boarding and/or Securing services during January 2013. (File No. J1308B, Assessment No. 138107)  
**Adopted**
- 81     [RLH AR 13-36](#)     Ratifying the assessments for Collection of Certificate of Occupancy Fees billed October 29 to November 22, 2012. (File No. CRT1307, Assessment No. 138206)  
**Adopted**

#### **ADJOURNMENT**

*Councilmember Brendmoen moved adjournment.*

**The meeting was adjourned at 6:36 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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