



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 Melvin Carter III
Councilmember Pat Harris
Councilmember Lee Helgen
Councilmember Russ Stark
Councilmember Dave Thune

Wednesday, November 2, 2011

3:30 PM

Council Chambers - 3rd Floor

Public hearings at 5:30 p.m.

ROLL CALL

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 11-40** Amending the 2011 budget for Fund 255 due to unforeseen expenditures incurred while pursuing APWA certification.

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 2 - 14)

Councilmember Bostrom moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

- 2 **RES 11-2078** Accepting the gift of travel and expenses, not to exceed \$400, from the American Public Gardens Association for Department of Parks and Recreation Marjorie McNeely Conservatory staff member Bryn Fleming to travel to the Midwestern Sentinal Plant Network (SPN) workshop, October 16 to 18, 2011 in Lisle, Illinois.
- Sponsors:** Helgen
- Adopted**
- 3 **RES 11-2064** Accepting the gifts of travel, food, and lodging expenses, not to exceed \$2,826, from The American Express Leadership Academy for William Tully of the Mayor's Staff to attend the American Express Leadership Academy in partnership with the The Corporation for National and Community Service, from November 13 to 18, 2011 in Washington, D.C.
- Sponsors:** Lantry
- Adopted**
- 4 **RES 11-2131** Accepting the donation of travel expenses, lodging, and meals from Project Interchange, an institute of The American Jewish Committee, for Mayor Chris Coleman to attend an educational seminar in Israel for Mayors of major U.S. Cities, from November 13 to 20, 2011.
- Sponsors:** Lantry
- Adopted**
- 5 **RES 11-2094** Authorizing the Fire Department to accept a donation of \$400 from the Residential Mortgage Group (RMS) Inc. to continue to provide public safety services and community education.
- Sponsors:** Lantry
- Adopted**
- 6 **RES 11-2165** Authorizing the Department of Parks and Recreation to apply for an Environmental Protection Agency (EPA) brownfield cleanup grant, and if awarded, to accept the grant and enter into an agreement with the EPA for the Trillium Nature Sanctuary Central Site.
- Sponsors:** Helgen
- Adopted**
- 7 **RES 11-2130** Accepting an educational grant of \$130,000 from The Traveler Foundation to support the Mayor's educational and out-of-school time initiatives known as Sprockets and the Saint Paul Promise Neighborhood.
- Sponsors:** Lantry
- Adopted**

FOR DISCUSSION

- 15 **RES PH 11-1083** Approving the petition of Wayne Wermager to vacate a portion of a platted, unimproved alley abutting 1065 Juliet Avenue. (Public hearing held October 19)

Sponsors: Harris

Councilmember Harris said there had been some concern by neighbors, and his staff had visited the property along with Fire staff and confirmed that fire safety was not an issue. He said the applicant was willing to build a gate on a neighbor's property to address the neighbor's concern about access to her back lot, and approval of the vacation would be contingent on that happening. He said the neighbor also had concerns about the accuracy of the survey, and approval would also be contingent upon confirming that the survey was accurate and the correct property was being vacated.

Councilmember Harris moved approval as amended.

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

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

- 16 **Ord 11-106** Memorializing City Council action granting the application of Rolando Aguilar, et. al. for the rezoning from RT1 Two-Family Residential to T2 Traditional Neighborhood of portions of 908 Arcade Street and 833 York Avenue and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

Sponsors: Bostrom

Councilmember Bostrom moved approval.

Adopted

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

Nay: 0

First Reading

- 17 **Ord 11-109** Memorializing City Council action granting the application of Mississippi Market for the rezoning of 633 Hague Avenue from RM2 Medium Density Multiple-Family Residential to B2 Community Business, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

Sponsors: Carter III

Laid over to November 9 for second reading

- 18 **Ord 11-110** Amending Chapter 92 of the Saint Paul Legislative Code pertaining to plumbing permit fees.

Sponsors: Harris

Laid over to November 9 for second reading

The Council recessed at 3:35 p.m.

PUBLIC HEARINGS

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

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

Absent 1 - Councilmember Dave Thune

19 RES PH 11-1056 Authorizing the Right-of-Way Maintenance for 2012.

Sponsors: Lantry

Public testimony:

Mark Nedoroski (808 Goodrich Avenue), St. Paul property owner, said ROW increases over the last four or five years were not being matched by increases in income. He asked the Council to be cognizant of the fact that the increased costs were being passed on to the low income tenants, and to look for ways to cut costs and live within its means as families were doing.

Matt Anfang, St. Paul Building Owners and Managers Association (BOMA), distributed a letter outlining BOMA's recommendations for changes to practices or amendments to the City's ROW Policy enacted in June 2011. He said they were looking for transparency, a breakdown of the City's costs annually as rates were being considered, an accounting of excess revenues, and accurate scope of service documentation.

Dinberu Tekeste (1045 Hazelwood Street) said he was a new mortgage holder with a family. He said his income was decreasing as the tax continued to increase, placing a burden on his family. He said he didn't use the large area in front of his house but it was a factor in determining the tax increase, and the cliff along side of the house was unusable and dangerous. He said he received no services, and that the plow had come only once last winter and when he or his neighbors called there was no response or only one side of the street was plowed. He asked that the Council review his situation.

(Councilmember Thune joined the meeting at this time.)

Eva Ng (190 Washington Street), President of the Capital City Business Council (10 River Park Plaza, #820) and St. Paul property owner, said her own ROW fees had increased by about 47.2 % since 2007 - a 9-10% increase per year - and family revenues were not increasing at that rate. She said the businesses her organization represented were saying the same thing and would like to see the City be more responsible. She said the Council was elected to represent the people, and should really listen to their testimony.

Jeanette Gudgel (515 S. Lexington Parkway, #502), membership director of the Capital City Business Council and retired Chair of the Business Administration Department at the College of Saint Catherine, said it was her understanding that fees are levied for specific services. She noted there had been a number of years with a 2% increase followed by 7% increase and said there didn't seem to have been a commensurate increase in inflation. She said it was important that property owners understand why there's an increase, and it didn't make sense to go from 2% to 7% in twelve months. She asked that the Council look at the figures again and see where the City can live within its means.

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

Council President Lantry explained that the item would be laid over to December 14 and passed with the rest of the budget.

Councilmember Bostrom moved to lay the matter over to December 14. He asked staff from public works to explain the reasons for the fee increase.

Rich Lallier, Public Works Director, said some things were added which accounted for some of the increase. He said the increase from 2010 was actually zero but the 2% was due to the Emerald Ash Borer issues in forestry. He said the 7% this year was primarily an adjustment for increases absorbed last year.

Councilmember Bostrom noted that increases in fuel costs were considerably more than a couple of years ago. Mr. Lallier said they worked with a fuel consortium with other jurisdictions to get the best fuel rate possible but there had been an increase.

Laid over to December 14

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

Nay: 0

- 20 **RES PH 11-1152** Establishing the Water Rates for 2012.

Sponsors: Harris

No one appeared in opposition; Councilmember Harris moved to close the public hearing and lay the matter over to December 14.

Laid over to December 14

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

Nay: 0

- 21 **RES PH 11-1130** Setting the recycling service fee for 2012, and authorizing Public Works to request \$591,359 in SCORE grant funds from Ramsey County to support the curbside recycling program under contract with Eureka Recycling.

Sponsors: Lantry

No one appeared in opposition; Councilmember Stark moved to close the public hearing and lay the matter over to December 14.

Laid over to December 14

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

Nay: 0

- 22 **Ord 11-108** Amending Chapter 409.06 of the Saint Paul Legislative Code regarding liquor licenses for private colleges to clarify the amendment of July 13, 2011.

Sponsors: Lantry

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

Public hearing held and closed; laid over to November 9 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

23 Ord 11-102

Amending Chapter 86 of the Saint Paul Administrative Code to correct the title of the Department of Human Rights and Equal Economic Opportunity, clarify signature authority, and impose a fee for affirmative action plan certificates of compliance.

Sponsors: Carter III

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

Public hearing held and closed; laid over to November 9 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

- 24 **Ord 11-107** Amending Chapter 362 of the Saint Paul Legislative Code, to update outdated language and to add requirements for displaying business names and license numbers, adhering to industry standards for tree work, and registering with the State Department of Agriculture.

Sponsors: Helgen

Councilmember Helgen requested a brief staff report.

Karl Mueller, Parks and Recreation arborist, and staff representative on the tree advisory panel, described the work of the panel, and reviewed the amendments. He said the amendments revised outdated language and set a higher standard for tree companies operating in Saint Paul. He thanked the members of the tree advisory panel.

In opposition:

Jim Swenson (514 Wildwood Ave, White Bear Lake), tree service provider for 28 years, said he was opposed to the amendment because it was asking him to become something he didn't care to be - a certified arborist. He said his customers consult arborists when they choose to and he deals primarily with dead trees or problem limbs. He said he's been successful and wishes to carry on as he has been.

Richard Cook (9537 Islay Avenue S., Cottage Grove) said his father and three uncles cut trees in St. Paul, and he has been cutting trees all his life. He asked that the Council not make him get an arborist's license.

Antonio Sodo (310 Oak Street), All Seasons Tree Service, expressed concerns about enforcement if companies were expected to spend extra money to become licensed in St. Paul. He said someone should be regulating the smaller outfits that were "two guys in a truck trimming trees."

Council President Lantry said enforcement would be handled by DSI as were all licensing matters and would be handled on a complaint basis. Councilmember Helgen said part of the reason for updating the requirements and changing the language was to make it cleaner to enforce.

In support:

Tim Morgan, member of the tree advisory panel, owner of Morgan's Tree Service and certified arborist, said the panel was asking for the ordinance be passed in its entirety. He reviewed the requirements for becoming certified, and said that in addition to the cost of insurance, St. Paul has one of the most expensive tree worker licenses in metro area. He said complaints to DSI about unlicensed companies aren't always responded to, and along with passing the ordinance it would be important to enforce it.

Peggy Lynch (1621 Beechwood), Executive Director of Friends of Parks and Trails of St. Paul and Ramsey County, said the organization wholeheartedly supported the ordinance.

Kristen Nelson (2221 Hillside), tree advisory committee member representing the University of Minnesota, and St. Anthony Park resident, said community members cited three big reasons for their support of the ordinance: liability issues, quality and consistency of tree trimming services, and health of the urban canopy.

Deborah Robinson (774 Timber Lane), Ward 5 representative on the tree advisory panel, said the license and insurance requirements would provide additional

protection for homeowners.

Barb Spears (1656 Blair Avenue), Ward 4 representative on the tree advisory panel, said as an urban forester she always recommends to neighbors that they hire someone who is licensed, bonded and certified.

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

Councilmember Helgen thanked the tree advisory panel and Parks and Recreation staff for their work.

Public hearing held and closed; laid over to November 9 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

- 25 RES PH 11-1137** Approving adverse action against all licenses held by Peter P. Ratsamy, d/b/a 88 Oriental Foods at 291 University Avenue West.

Sponsors: Carter III

Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections (DSI), reviewed the violations. He said there were no prior violations, and DSI recommended the \$250 matrix penalty.

In opposition:

Peter Ratsamy, owner of 88 Oriental Foods, admitted the facts that some food was under 140 degrees when the inspector visited. He said he had tried to correct the problem, including spending \$2900 to buy a food warmer. He said sometimes temperatures drop when the food is moved in and out of the case. He said he asked the inspector for advice, but the inspector told him not to argue. He said he was not asking for the penalty to be waived, but for an explanation as to why the inspector said that. He showed photographs, said he tries to keep his shop clean, and is concerned about the safety of their customers.

Tiffany Ratsamy (13880 Glazier Court, Apple Valley), daughter of Mr. Ratsamy, said her father had tried to correct offenses. She said the warmer was set to 160 degrees. She said her father was not asking for the fee to be waived but asking why the inspector was so rude.

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

Councilmember Carter moved to adopt the recommendation of DSI, but said they would follow up on the experience with the inspector.

Adopted

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

Nay: 0

- 26 **RES PH 11-1138** Approving adverse against the Taxicab Driver license held by Osman Sed Elmi, d/b/a Osman Sed Elmi.

Sponsors: Lantry

Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections (DSI), reviewed the violation. He said DSI recommended that the application for license renewal be denied. He noted that Mr. Elmi had subsequently plead guilty to the DWI charge on the underlying offense.

In opposition:

Osman Elmi (2773 Asbury Street, Roseville) said he paid the fee and got his license back. He said he had made a mistake and everyone makes mistakes. He said he had come to the Council to get his license and job back.

Councilmember Stark moved to close the public hearing. Yeas - 6 Nays - 0 (Bostrom not present for vote)

Council President Lantry asked Mr. Lundgren what the State said about DWI convictions and taxi cab licenses. Mr. Lundgren said there was a difference between DWI convictions and license revocations, and the DSI action was based on the license revocation. He said DSI had only learned of the conviction that week.

Council President Lantry asked how long after a conviction could someone apply for their license. Mr. Lundgren said he couldn't recall, but it was one year from revocation, and probably longer after a conviction.

Council President Lantry moved to accept the recommendation of DSI; she said a DWI is directly related to the job of a taxicab driver.

Adopted

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

Nay: 0

- 27 **RES PH 11-1121** Amending the 2011 CIB and general debt budgets to reflect the issuance of general obligation bonds to acquire the Griffin Building (the police headquarters) from Ramsey County, satisfy the Amended and Restated Lease Agreement, and refund the 2004A CIB bonds.

Sponsors: Lantry

Councilmember Helgen requested a staff report.

Bob Geurs, Office of Financial Services (OFS), gave a brief report. He said OFS believed there would be significant savings for the City in proceeding with the transaction and acquiring the Griffin Building.

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

- 28 **RES PH 11-1122** Amending the 2011 Budget for the Solar America Cities Special Project.

Sponsors: Lantry

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

- 29 **RES PH 11-1111** Amending the spending and financing plans for the 2008 Signal Installation Program to reflect additional financing for the Arlington - Jackson Traffic Signal Project.

Sponsors: Lantry

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

- 30 **RES PH 11-1113** Amending the spending and financing plans for the 2011 Bike, Pedestrian & Traffic Safety Improvement Program to reflect additional Trunk Highway financing for the ADA Improvements at the intersections of Snelling & Marshall; and West 7th Street, Lexington Parkway & Montreal Avenue.

Sponsors: Lantry

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

- 31 **RES PH 11-1097** Final Order to consider the approval of various street improvements along Raymond Avenue from University Avenue to Hampden Avenue. (File No. 19097)

Sponsors: Stark

Paul St. Martin, Public Works traffic engineer, gave a staff report. He described the project, history and process. He said there was not enough room for all of the Complete Streets elements in the right-of-way and there had been a lot of give and take, with many options explored at many meetings over the previous five years. He described the final proposal, which had the approval of the St. Anthony Park Community Council and the transportation committee of the Planning Commission, and the assessment rates. He said the areas of concern to neighbors were the timing of construction in an area already affected by light rail construction; the loss of 50 parking spaces; and right-of-way acquisition associated with proposed changes to the intersection of Raymond, Ellis and Bradford. He said the issue of construction timing had been addressed by pushing it out to 2013, and the work would still be assessed at 2011 rates to give residents and businesses a little break. He said it had been a long and inclusive process, and Public Works recommended approval.

Councilmember Stark said four emails in support and two in opposition had come into his office that day.

In opposition:

Randy Flacksbarth (867 Raymond Avenue) said St. Paul was a city of families, and the inability to park near their homes would affect families a lot. He showed a photo of the street on a Saturday morning before 9:00 and spoke about the negative impact of taking away the parking on one side of the street. He said he had a boat that couldn't be parked in just one or two spots. He said the loss of parking would be a burden for him, his family and friends, and he asked for the Council's help.

Barb Hunn, owner of Keys Cafe (767 Raymond Avenue), 37-year Raymond Avenue business owner and 50-year South St. Anthony Park resident, said parking had been an ongoing problem and was her biggest concern. She said University Avenue parking had been lost due to light rail, and the loss of 50 more spaces on Raymond would affect businesses and residents. She said they still didn't know the impact of light rail, but speculated that people would come and park and then use light rail. She urged the Council consider carefully.

Patty George, owner of salongearge (856 Raymond Avenue), said she had been in business at the location for six years and would be affected by the loss of parking spaces in front of her salon. She said she hadn't been included in community meetings until about the last year and felt the plans were being chosen by members of the small task force who were not directly affected. She said she was a 2nd generation St. Paul business owner, had looked for two years for her location, and parking had been the biggest consideration. She said 50 parking spaces lost would be a detriment to the community, and it was not wise to go forward before the effects of light rail were known. She asked the Council to reconsider.

Renee Flacksbarth (867 Raymond Avenue) said parking saturation had increased over the years, and the loss of parking spaces would change the flavor of the neighborhood. She expressed concerns about having enough parking for family and for entertaining.

Terry Pfaff (898 Raymond Avenue), said he had purchased rental property in 1980 with no off-street parking, and there were other buildings and grandfathered duplexes with no or limited off-street parking. He said the street had been in in okay shape

during all of the years he'd owned property, although the curbs and gutters could be replaced and intersections tightened. He said he didn't feel it was a traffic-calming project. He said the project planning had begun in August 2006 but assessments and loss of parking had not come up until August of 2011.

Bill Miller (2388 University Avenue), property owner at University and Raymond, said those in opposition had brought a petition with several hundred names. He said he'd been in the area for 20 years and felt any problems could be addressed for a lot less money. He questioned the fairness, the need, whether there had been an economic impact assessment, whether businesses had been polled or effects on residents studied, and whether it would really calm traffic. He asked for the facts of the fact-based study.

Laurie Spear (2341 Ellis Avenue), St. Anthony Greens Townhomes Association board member, referred to a letter from association member Louis Furlong. She said she supported the need to improve infrastructure and safety and understood the complexity, but was concerned about the loss of parking and its effect on businesses and the tax base, and about the transfer of private property to commercial property. She said an alternate plan proposed by the city engineers added to both private and commercial properties.

In support:

Matt Hass (987 Raymond Avenue), District 12 Community Council member, said the task force started meeting in 2006 with help from the Community Council and input from the community via public meetings. He said District 12 supported the proposal because it completed the bike route on Raymond, improved infrastructure, improved pedestrian safety, improved stormwater management, added green space, and was consistent with the District 12 community plan. He said the Community Council looked forward to continuing to work on parking solutions.

John Sigveland (895 Raymond) distributed and read a letter of support. He spoke about his concerns with traffic and safety.

Leslie Everett (1988 Brewster Street, #109) said Raymond was the only north-south connection between Como and University west of Lexington except Snelling, which was not bike friendly. He said there was considerable under-utilized parking lot space, and the increasing density of the area meant that parking issues would need to be addressed regardless.

Tim Wulling (1495 Raymond Avenue), member of the Environment Committee of the St. Anthony Park Community Council, said in addition to traffic and utility improvements, the project would result in 1/4 acre of pavement being converted to green space, and would provide consistent lighting all long Raymond.

Ann Commers (939 Cromwell Avenue), said she had lived a block and a half off Raymond for 13 years and was a member of the Raymond Avenue task force. She said Raymond was dangerous because of curves and speed, and traffic calming was necessary so pedestrians could cross the road. She said the lighting and plantings would bring the scale down to the pedestrian level and make drivers more aware.

Ferdinand Peters, representing the owner of the commercial property at 842 Raymond, said the owners supported the project, understood the need for the improvements and assessments, and felt the parking issues could be addressed.

Steven Mastey (856 Raymond), business delegate to the District 12 Community Council, and member of the Raymond Avenue traffic calming project task force,

reiterated key points in support of the proposal, and asked for the Council's support.

Councilmember Stark moved to close the public hearing. Yeas - 6 Nays - 0 (Harris not present for vote)

Councilmember Stark said there was limited right of way and a lot of competing needs, but the process had been good overall. He said he had been making a point to monitor parking density, and felt the loss of spaces was manageable now but might not be later and was a legitimate concern. He said there would be opportunities in the future to explore options for managing the parking. He moved approval.

Councilmember Thune said he appreciated the increase in green space and other improvements but was concerned that the loss of parking was not listed as an adverse effect. He asked why staff hadn't addressed it. Councilmember Stark said staff had taken steps to minimize the number of parking spaces lost. He said the two block area in question was residential on the west side and a mix of residential and commercial on the east, and the parking on the west was being eliminated. He said currently the spaces on that side were not used a lot and the area was two full blocks removed from the real commercial area. He reiterated that he felt there would be opportunities to pursue solutions to parking problems and to manage parking.

Councilmember Harris said he agreed with the concerns especially when the light rail began running. He said intense focus would be needed going forward.

Council President Lantry said parking enforcement of the metered parking in the commercial area would be important.

Councilmember Thune reiterated his concerns about the amount of parking lost and the lack of proactive mitigation. Councilmember Stark said there had been parking challenges in the area for a long time and the neighborhood would need to come together to look for solutions with or without the project.

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 11-1129** Authorizing the Police Department to accept the Juvenile Accountability Block Grant from the State of Minnesota and amend the finance and spending plans in the amount of \$5,000.

Sponsors: Lantry

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

- 33 **RES PH 11-1131** Authorizing the Police Department to accept a vehicle donation from the State Farm Insurance Company with an "as is" value of \$1,450, to be used primarily as a "bait car" in the property crimes unit.

Sponsors: Lantry

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

- 34 **RES PH 11-1139** Authorizing the Department of Public Works Asphalt Plant to amend the spending and financing budget for the extraordinary repair and maintenance of four asphalt cement tanks to extend the useful life of the tanks and realize significant energy savings.

Sponsors: Lantry

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

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 45 **RLH RR 11-61** Ordering the razing and removal of the structures at 499 LYNNHURST AVENUE WEST within fifteen (15) days after the October 5, 2011 City Council public hearing. (Public hearing continued from November 2, 2011; to be referred back to Legislative Hearing on November 22, 2011 and City Council public hearing on December 21, 2011)

Sponsors: Stark

Legislative Hearing Officer Marcia Moermond said the mortgage holder intended to rehabilitate the property but had not completed the foreclosure and the title was clouded. She said the understanding was that if bond was posted by the following day, the Council would continue the public hearing.

No one appeared in opposition; Councilmember Stark moved to continue the public hearing to November 16.

Public hearing continued to November 16 (Legislative Hearing November 8)

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

Nay: 0

- 46** **RLH RR 11-70** Ordering the rehabilitation or razing and removal of the structures at 701 MARYLAND AVENUE EAST within fifteen (15) days after the November 2, 2011 City Council Public Hearing.

Sponsors: Bostrom

Legislative Hearing Officer Marcia Moermond said none of the conditions had been met. She recommended ordering removal within 15 days with no option for rehabilitation.

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

Nay: 0

- 56** **RLH RR 11-68** Ordering the razing and removal of the structures at 46 STEVENS STREET EAST within fifteen (15) days after the November 2, 2011, City Council Public Hearing.

Sponsors: Thune

Councilmember Thune said a neighbor had been present to testify but had left.

Legislative Hearing Officer Marcia Moermond recommended ordering removal within 15 days with no option for rehabilitation.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution as amended. He asked that the demolition contractor be instructed to try to save the fir tree and juniper bush on the property all for the betterment of the rest of the neighborhood and in concert with the City's urban forestation policies.

Adopted as amended (demolition contractor to save trees on property)

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 Bostrom moved to close the public hearing and approve 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

- 35** **RLH FCO** Appeal of Dwight Schuette to a Correction Notice-Complaint Inspection at 860
11-429 ARKWRIGHT STREET.
- Sponsors:** Helgen
- Adopted**
- 36** **RLH FCO** Appeal of Robert Andrews, Twin Cities Real Estate Holdings, to a Fire Certificate of
11-292 Occupancy Inspection Correction Notice at 327-329 AURORA AVENUE.
- Sponsors:** Carter III
- Adopted**
- 37** **RLH VO 11-83** Appeal of Anne M. Haney to a Notice of Condemnation as Unfit for Human
 Habitation and Order to Vacate at 317 BAKER STREET WEST.
- Sponsors:** Thune
- Adopted**
- 38** **RLH FCO** Appeal of Jeanine Sundberg to a Fire Certificate of Occupancy Inspection Correction
11-437 Notice at 1083 CHATSWORTH STREET NORTH.
- Sponsors:** Helgen
- Adopted**
- 39** **RLH FOW** Appeal of Carol Nuteson to a Fire Certificate of Occupancy Inspection Correction
11-176 Notice at 1162 EDGERTON STREET.
- Sponsors:** Bostrom
- Adopted**

- 58 **RLH FOW** Appeal of Rashad H. Badae to a Fire Certificate of Occupancy Inspection Correction
11-173 Notice at 1611 WESTMINSTER STREET.

Sponsors: Helgen

Adopted

Councilmember Carter remembered and honored Kwame McDonald.

Councilmember Bostrom remembered retired Police Officer George Meyer.

ADJOURNMENT

Councilmember Bostrom moved adjournment at 7:14 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

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