



City of Saint Paul

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

Minutes - Final

City Council

Council President Kathy Lantry
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Melvin Carter III
Councilmember Russ Stark
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, September 5, 2012

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 3:31 p.m.

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 12-21](#) Letters from the Department of Safety and Inspections declaring 774 Forster Street and 752 Jessamine Avenue East as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed

- 2 [CO 12-22](#) Letters from the Department of Safety and Inspections declaring 1278 Point Douglas Road South, 332 Thomas Avenue, and 1009 White Bear Avenue North 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 - 33)

Item 10 was withdrawn. Item 20 was removed from the Consent Agenda for separate consideration.

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

- 3** [RES 12-1469](#) Authorizing the Department of Parks and Recreation to accept a donation of field improvements from Kemp's LLC for the baseball field at Edgumbe Recreation Center.
Adopted
- 4** [RES 12-1474](#) Declaring Raymond Avenue and Energy Park Drive as Right-Of-Ways.
Adopted
- 5** [RES 12-1504](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Prior/Goodrich Phase I area paving/lighting project, constructed as part of the 2012 Residential Street Vitality Project (RSVP). (File No. 19092, Asmt No. 115137)
Adopted
- 6** [RES 12-1505](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Prior/Goodrich Phase II area paving/lighting project, constructed as part of the 2012 Residential Street Vitality Project (RSVP). (File No. 19092 2012, Asmt No. 125205)
Adopted
- 7** [RES 12-1506](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Hewitt/Tatum area paving/lighting project, constructed as part of the 2012 Residential Street Vitality Project (RSVP). (File No. 19122, Asmt No. 125202)
Adopted

- 8 [RES 12-1507](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Battle Creek/Upper Afton area paving/lighting project, constructed as part of the 2012 Residential Street Vitality Project (RSVP). (File No. 19121, Asmt No. 125203)
Adopted
- 9 [RES 12-1508](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for street reconstruction on Ruth Street between Upper Afton Road and Burns Avenue. (File No. 19106, Asmt No. 125208)
Adopted
- 10 [RES 12-1589](#) Preliminary Order setting the date of Public Hearing on October 3, 2012 for sidewalk improvements in Ward 4 in conjunction with the Central Corridor Sidewalk Completion Project. File:S1204 SA:125305
Withdrawn
- 11 [RES 12-1594](#) Authorizing the Police Department to accept the no cost, 2nd amendment to the Auto Theft Grant from the State of Minnesota, Department of Commerce.
Adopted
- 12 [RES 12-1596](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add a Malt Off Sale license to the existing Gas Station, Restaurant (1) - No Seats, Retail Food (C) - Grocery 1001-3000 sq. ft., and Cigarette/Tobacco licenses, for Northern Tier Retail LLC (I.D.# 20100004250), doing business as Superamerica #4359, at 950 Lexington Pkwy N.
Adopted
- 13 [RES 12-1601](#) Approving the City's cost of providing Replacement of Lead Water Line on private properties during May to July 2012 and setting date of City Council Public Hearing for October 3, 2012 to consider and levy the assessments against individual properties. (File No. 1206LDSRP, Asmt No. 124005)
Adopted
- 14 [RES 12-1602](#) Approving the City's cost of providing Repair of Sanitary Sewer Line on Private Properties during May to July 2012 and setting date of City Council Public Hearing for October 3, 2012 to consider and levy the assessments against individual properties. (File No. SWRP1205, Asmt No. 123005)
Adopted

- 15 [RES 12-1608](#) Authorizing the Parks and Recreation Department to apply for, and if awarded, accept a grant in the amount of \$10,000 from the metropolitan area agency on aging for the exploratory study toward comprehensive communities for a lifetime planning framework.
- Adopted**
- 16 [RES 12-1612](#) Approving assessment costs and setting the date of the City Council public hearing to ratify assessments for the 2012 Right-of-Way Maintenance Program and 2012 Above-Standard Lighting Operation and Maintenance Program. (File No. 12ROW FINAL, Asmt No. 120032)
- Adopted**
- 17 [RES 12-1636](#) Approving the use of grant funds through the Neighborhood STAR Year-Round Program for a memorial bench in memory of Ray Sammons in Arlington Arkwright Dog Park.
- Adopted**
- 18 [RES 12-1637](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for benefits, costs and expenses for the Seventh Place Mall operation and maintenance costs for 2011 (File No. 18428-12 Asmt No. 120199).
- Adopted**
- 19 [RES 12-1639](#) Preliminary Order setting the date of Public Hearing for October 3, 2012 to consider approval of the Seventh Place Mall operation and maintenance costs for 2012 (File No. 18428-13 Asmt No. 137200).
- Adopted**
- 20 [RES 12-1645](#) Accepting the gift of travel and lodging from the United States Department of Transportation (US DOT) for Department of Planning and Economic Development (PED) staff member Anton Jerve (amended to Christina Morrison) to travel to a workshop for TIGER II planning grantees, September 7, 2012 in Washington, DC.
- Councilmember Stark amended the resolution to change the staff member attending the workshop.*
- 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

- 21 [RES 12-1647](#) Memorializing Council Action taken on August 1, 2012 granting the appeal of Roberta Bonoff on behalf of Creative Kidstuff located at 1074 Grand Avenue.
Adopted
- 22 [RES 12-1658](#) Authorizing the Police Department to enter into an agreement with the State of Minnesota State Colleges and Universities, Century College to provide POST approved training.
Adopted
- 23 [RES 12-1664](#) Authorizing the Police Department to accept the grant/donation from the St. Paul Police Foundation in the amount of \$100,000 for the Gang Unit for years 2012-2013.
Adopted
- 24 [RES 12-1666](#) Authorizing submission of a proposal to Bloomberg Philanthropies' Mayors Challenge and accepting from Minnesota Philanthropy Partners an amount not to exceed \$5000 for grant-writing assistance
Adopted
- 25 [RES 12-1669](#) Approving adverse action against the Taxicab Driver license application submitted by Cody A. Fisher d/b/a Cody A. Fisher for the City of Saint Paul.
Adopted
- 26 [RES 12-1671](#) Approving adverse action against the Taxicab Driver (Provisional) license application submitted by Joseph J. Stephens d/b/a Joseph J. Stephens for the City of Saint Paul.
Adopted
- 27 [RES 12-1672](#) Approving adverse action against the Taxicab Driver license application submitted by Martha Spears Sekone d/b/a Martha Spears Sekone for the City of Saint Paul.
Adopted
- 28 [RES 12-1681](#) Identifying the need for livable communities transit-oriented development funding and authorizing applications for grant funds.
Adopted
- 29 [RES 12-1683](#) Approving the use of grant funds through the Neighborhood STAR Year-Round Program for the Schmidt Rathskeller Project.
Adopted

- 30 [RES 12-1692](#) Approving the application, per the Deputy Legislative Hearing Officer, to expand the liquor outdoor service area patio seating to the west of the building (approximately 25' x 25' in size), and build an addition onto the north side of the building approximately 2,000 square feet in size (where the current outdoor patio seating area is located) to expand the indoor liquor service area for an establishment with the following existing licenses: Liquor On Sale - 181-290 Seats, Liquor On Sale - Sunday, Liquor-Outdoor Service Area (Patio), Restaurant (5) - 151 and Over, Restaurant (D) - Add-on (Bar Only), Entertainment (B), Gambling Location, and Cigarette/Tobacco licenses, for Johnsen Food & Pub Inc. (I.D. #20010003342), doing business as Obb's Sports Bar & Grill at 1347 Burns Avenue.

Adopted

- 31 [RES 12-1694](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for the construction of two parking bays and a sidewalk along the west side of Prior Avenue No. between Feron and Oakley Ave. (File No. 19141, Asmt. No. 125401)

Adopted

- 32 [RES 12-1689](#) Approving the Maintenance Labor Agreement (May 1, 2012 - April 30, 2015) between the City of Saint Paul and the United Association of Plumbers, Local 34 and Sprinkler Fitters Local Union No. 417. (To be laid over one week for adoption)

Laid over to September 12 for adoption

- 33 [Min 12-30](#) Approving the minutes of the July 18 and 25, 2012 City Council meetings.

Adopted

FOR DISCUSSION

- 34 [RES 12-1696](#) Designating September 5, 2012, as Bill Gunther Day in the City of Saint Paul, Minnesota.

Councilmember Stark read the resolution and congratulated Mr. Gunther. Mr. Gunther spoke briefly. Council President Lantry thanked Mr. Gunther for his service and wished him the best of luck.

Councilmember Stark moved approval.

Adopted

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

Nay: 0

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

- 35** [Ord 12-52](#) Amending the Zoning Map of the City of Saint Paul as recommended in the Near East Side Roadmap and Zoning Study.

Laid over to September 12 for second reading

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

Councilmember Stark introduced an amendment with a minor language change.

Amended; laid over to September 12 for second reading

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

Nay: 0

The meeting was recessed at 3:40 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

37 [Ord 12-44](#) Creating Chapter 374 of the Saint Paul Legislative Code to establish a license for commercial pedal cars.

Councilmember Thune moved an amended version of the ordinance. Christine Rozek, Department of Safety and Inspections (DSI), gave a staff report on the changes, which had been drafted to address concerns raised in meetings with industry representatives. In response to a question from Councilmember Stark she said the routes were still to be defined. Amendments introduced. Yeas - 7 Nays - 0

Testimony:

Eric Olson (4820 Park Commons Drive, #238, St. Louis Park), co-owner of Pedal Pub (414 West 7th Street), distributed a handout listing the issues that still needed to be addressed and suggesting possible solutions.

Jon Oulman, with Amsterdam Bar and Hall, said they had a naming agreement with Amsterdam Pedals, a one-bike company that began and ended their routes at Amsterdam Bar and Hall. He said it had been good for their business, and good for downtown St. Paul.

Sarah Frakes (3712 Chatham Circle, Arden Hills), co-owner of Traveling Tap, said they had helped draft the handout submitted by Pedal Pub and felt the ordinance needed work and clarification. She said they would like to see cooperation between Minneapolis and St. Paul in terms of licensing drivers.

Lucas Miller, co-owner of Amsterdam Pedals, reiterated that the industry would like zones rather than routes. He said the sound restriction of 50 feet seemed like it would be hard to enforce and more restrictive than that on motorcycle noise or on loud music in cars.

Charles Senkler, owner of Fabulous Ferns, said pedal pubs were an exciting new business, and he hoped the City would regulate it with a positive attitude so they prosper and help excite the city rather than being regulated out of it.

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

Ms. Rozek said she didn't anticipate that the ordinance would be implemented until the following year, and a layover to discuss additional changes would be fine. Councilmember Thune asked that DSI's response to industry concerns presented at the public hearing be submitted to Council members in writing.

Amended; public hearing held and closed; laid over to September 12 for final adoption

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

Nay: 0

- 38** [Ord 12-45](#) Amending Chapter 310 of the Saint Paul Legislative Code pertaining to the Pedal Car Driver and Pedal Car Vehicle License Fee Schedule.
- Councilmember Thune moved an amended version. Yeas - 7 Nays - 0*
- Al Boyce (3208 Edgewood Avenue S., St. Louis Park), Pedal Pub (414 West 7th Street), said they were fine with the fee schedule but suggested that the City consider a reciprocity agreement with Minneapolis.*
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and lay the matter over to September 12 for final adoption.*
- Amended; public hearing held and closed; laid over to September 12 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 39** [Ord 12-46](#) Amending Chapter 246 of the Saint Paul Legislative Code pertaining to the establishment of a Downtown Entertainment District.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and lay the matter over to September 12 for final adoption.*
- Public hearing held and closed; laid over to September 12 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 40** [Ord 12-47](#) Amending Chapter 409 of the Saint Paul Legislative Code pertaining to the creation of a Downtown Entertainment District.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and lay the matter over to September 12 for final adoption.*
- Public hearing held and closed; laid over to September 12 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 41** [Ord 12-48](#) Repealing Chapter 367 of the Saint Paul Legislative Code pertaining to Tattoo Parlors.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and lay the matter over to September 12 for final adoption.*
- Public hearing held and closed; laid over to September 12 for final adoption**

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

Nay: 0

- 42** [Ord 12-49](#) Amending Chapter 310 of the Saint Paul Legislative Code to remove Tattoo Parlors and Environmental Plan Review - Tattoo Parlors from License Fee Schedule.

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

Public hearing held and closed; laid over to September 12 for final adoption

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

Nay: 0

- 43** [Ord 12-50](#) Amending Chapter 310 of the Saint Paul Legislative Code to remove Tattoo Parlors from definitions section of code.

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

Public hearing held and closed; laid over to September 12 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

- 44** [Ord 12-51](#) Amending Title XXIX of the Saint Paul Legislative Code to remove Tattoo Parlors from Subtitle B. Class I and In General Subtitle A. Licenses.

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

Public hearing held and closed; laid over to September 12 for final adoption

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

Nay: 0

- 45** [RES PH 12-224](#) Amending the budget in the Fire Department by establishing the financing and spending plan for a grant reimbursement from the City of Bloomington for the amount of \$10,769.75.

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

- 46** [RES PH
12-249](#) Authorizing the Police Department to enter into a Joint Powers Agreement with Ramsey County regarding wireless network capability and amend the 2012 budget for service provided under the agreement.

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

- 47** [RES PH
12-250](#) Authorizing the Police Department to accept the Juvenile Accountability Block Grant - 2013 in the amount of \$23,054 with a \$2,562 match requirement from State of Minnesota, Department of Public Safety for the juvenile program and to amend the 2012 budget.

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

Adopted

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

Nay: 0

- 48** [RES PH
12-253](#) Authorizing the Police Department to accept the donations from the Saint Paul Police Foundation, totaling \$19,327.54, as granted to be used in the gang unit, for the 'Cops & Kid's and chaplain programs, and to purchase building security equipment, and to amend the department's special fund 2012 budget for these donations.

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

Adopted

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

Nay: 0

- 49** [RES PH](#) Authorizing the Police Department to accept a grant in the amount of
[12-254](#) \$53,760 from the Intital Teaching Alpabet Foundation for the after
school Police Activities League (PAL) and to amend the 2012 police
special funds budget.

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

Adopted

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

Nay: 0

- 50** [RES PH](#) Authorizing Police Department to the 2012 Edward Byrne Memorial
[12-256](#) Justice Assistance grant from the US Department of Justice in the
amount of \$288,811 and to amend the 2012 police special funds
budget.

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

Adopted

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

Nay: 0

- 51** [RES PH](#) Authorizing the Police Department to accept the third (3rd)
[12-270](#) amendment to the Auto Theft Prevention grant from the State of
Minnesota, Commissioner of Commerce and to approve a revision to
the 2012 police special fund budget for this amendment.

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

Adopted

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

Nay: 0

- 52** [RES PH](#) Amending the financing and spending plans in the general
[12-280](#) government activities to reflect rebates as required by the Patient
Protection and Affordable Care Act.

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

- 53** [RES PH
12-263](#) Approving the application of Steve Heckler for a sound level variance in order to provide amplified music and the use of a P.A. and an amplified sound system from 2:00 p.m. until 10:00 p.m. on September 6, 7, & 8, 2012 during the Twin Cities Jazz Festival for Concrete & Grass at Mears Park.

Mr. Heckler described the event.

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

- 54** [RES PH
12-269](#) Approving the application of Steve Heckler for a sound level variance in order to present an outdoor event, with live music, on September 15, 2012 from 10:00 a.m. to 10:00 p.m. in Kellogg Mall Park on or near the Robert Street bridge, along Kellogg Boulevard East.

Withdrawn

- 55** [RES PH
12-264](#) Approving the application of the Church of St. Pascal Baylon for a sound level variance in order to allow amplified music from 7:00 p.m. until 11:00 p.m. on September 15, 2012 at 430 White Bear Ave North, John Ryan Field.

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

- 56 [RES PH
12-265](#) Approving the application of the Greater Frogtown CDC for a sound level variance in order to allow the use of a PA system and amplified live music from 6:00 p.m. until 10:00 p.m. on September 13, 2012 at 533 North Dale Street.

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

- 57 [RES PH
12-266](#) Approving the application of Mark & Amalie Rhein for a sound level variance in order to present amplified music during a wedding from 6:00 p.m. until 11:00 p.m. on September 15, 2012 at 148 Wyoming Street East.

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

58 [RES PH](#)
[12-275](#)

Granting municipal consent for the Minnesota Department of Transportation's I-35E/Cayuga Project (S.P. 6280-308).

Councilmember Brendmoen requested a staff report. Mike Klassen, Public Works, described the project.

Councilmember Brendmoen stressed that this was municipal consent just for Phase 1, and some feedback received was best reserved for Phase 2 and the maintenance and funding agreement which were coming up. She read the amendments. Yeas - 7 Nays - 0

In opposition:

Andrew Singer (2103 Berkeley Avenue) said he was opposed because it was just a lane widening project, and the City shouldn't still be spending huge amounts of money on motor vehicle projects.

In support:

Al Oertwig, District 5, expressed support and listed additional items he would like addressed in the final project. He thanked Mr. Klassen and Councilmember Brendmoen.

Kerry Antrim, District 6, said they supported the resolution. She stressed the importance of having the trail continue beyond Maryland Avenue and of having the project link rather than divide the neighborhood. She expressed disappointment in the proposed use of wood for sound barriers, and said she hoped the bar could be set higher for the gateway to the Capitol City.

Tate Danielson Castillo, director of the Frogtown Neighborhood Association, said they were supportive of the work being done by MNDot but had concerns about some things in the process. He said the Public Housing Authority (PHA) had chosen not to consult their tenants before approving the project. He said he hoped that in the future, the PHA would engage the community. He asked that the topography of the area and the need for sound barriers be considered before final decisions were made, and said he hoped additional funds could be found to improve the quality of the materials for the walls.

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

Councilmember Brendmoen said she felt the amendments addressed the issues, and she reiterated that it was a phased project. She expressed appreciation for the comments from and work of the district councils, and especially the work of Mr. Klassen, who had been working on the project for over 20 years.

Councilmember Stark express support, especially for the transit advantage on the new section of freeway. He noted that a large amount of federal funding was going into the project.

Councilmember Bostrom added his thanks to Mr. Klassen. He spoke about the ways in which a similar project had benefited Phalen Boulevard.

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

59 [RES PH](#)
[12-211](#)

Final Order approving the improvements on Charles Avenue between Aldine Street and Park Street. (File No. 19140)

Councilmember Stark introduced an amendment setting the date by which improvements would be made. He said the project would be completed in phases, due to limited fund availability. Yeas - 7 Nays - 0

Christina Morrison, Planning and Economic Development (PED), gave a staff report on the process and project.

Paul St. Martin, Public Works (PW), spoke about the design elements, and described changes made to the project in response to concerns of businesses on Snelling.

In opposition:

Ferdinand Peters, attorney representing funeral home at 536 North Snelling, said his client was in favor of the project but felt a crossover at Charles was too dangerous and could be moved a little bit north.

John Smetana (1286 Charles Avenue) said Thomas Avenue was already a controlled and lit intersection and would be a better place for the bike lane to cross Snelling.

Tim Ellis, Ellis Drums (524 Snelling), said the plan would hurt his business.

Stephanie Digby (1682 Taylor) said she was in favor of bike lanes, but crossing at an uncontrolled intersection was unsafe. She said the plan ignored Sherburne and Thomas, which would make more sense for crossings. She said Councilmember Stark lived on Charles and should recuse himself.

David Olson (1787 Minnehaha Avenue W.) said he generally supported this type of thing, but this was a one-street solution for the whole neighborhood. He said Charles was one of the calmest streets in the area already, and more of the neighborhood would support a comprehensive, holistic, neighborhood plan.

Benita Warns (1440 Lafond Avenue) said she felt it was wrong to block off the intersections and Snelling and Charles, and Lexington and Charles. She said she was in favor of traffic calming but opposed the traffic circles, particularly the one on Pascal which is a night plow route. She said crossings should be at intersections that already had lights and infrastructure.

Pastor Ike Kingson (1198 Thomas Avenue), serving the church at 1632 Charles Avenue, said there were at least 250 rental units and a lot of traffic on Charles between Aldine and Asbury, and he expressed concern about safety there. He said the plan should be changed for those three blocks.

Joe Shanahan, manager of Charles Avenue Apartments (1604 Charles Avenue), said the plan would make it difficult for his residents to access the apartments and make it more difficult for him to get and retain tenants. He said he was opposed to the alternate approach on Sherburne because it would create increased traffic in an alley not designed for increased traffic, but he supported Thomas Avenue alternative.

Mark Hughes (739 Larson Lane) said he agreed that access should be moved north to make businesses easier for out-of-town visitors to access.

Chuck Rosner (1080 Charles Avenue) questioned why a traffic signal couldn't be installed rather than closing Lexington.

Dave Edquist, manager of the Holiday Station at 600 Snelling Avenue North, said crossing Snelling at Charles was not safe and the bike path should jog up to Thomas Avenue where there was already a controlled intersection. He said the median at Edmund already affected the business, and putting another median in and not allowing U-turns would significantly impact the business.

Alan Richardson Hohn (1138 Charles Avenue) said it was a waste of money current and future, and the money would be better spent improving existing bike routes.

Paul McGinley, Midway Chamber of Commerce, said they opposed the plan because of the effects on business, and felt the problem could be addressed better at Edmund Avenue.

In support:

Lars Christiansen (1358 Lafond Avenue) spoke of the community's involvement in developing the project and asked for Council's support.

Nancy Fisher (1358 Lafond) said going three or four blocks out of the way on a bike to reach a crossing at Edmund or Sherburne was more significant than going a block or two in a car.

Jessica Treat (1509 Lafond), Executive Director of Saint Paul Smart Trips, read a statement of support and reiterated the point that going an extra block as pedestrian was more significant than for car.

Steve Samuelson (1618 Charles), cab driver and member of transportation committee for Hamline Midway, said his priority on the committee was to provide the most efficient modes of transportation. He said it was important to provide access to downtown for cyclist and pedestrians.

Matthew Lang (1509 Lafond Avenue) expressed his support of the project, specifically the Snelling Avenue median.

Paul Nelson (1678 Van Buren Avenue) said he supported the complete project.

Andy Singer (2103 Berkeley Avenue) said the reason behind the project was that the LRT was kicking bikes off University. He expressed strong support for the project but said there were other options for controlling traffic at intersections. He noted that MNDot was also doing a study and he urged the Council to coordinate with them.

Tom Welna (1600 Grand Avenue) said a similar project at Grand and Snelling had had no visible impact on businesses there, and that controlled intersections were not always the safest.

Emily Sern (825 Charles Avenue) said there'd been a good community process leading to the plan and she wanted to respect that process.

Erin Pavlica (1226 Charles Avenue) said she'd put a lot of time into the project over the last two years and fully supported it. She said the intersection at Thomas and Snelling was not a safe crossing for bikes.

Anthony Schmitz (841 Thomas Avenue) said the route would help connect the neighborhood and build up the community.

Tom Selmer (1043 Charles Avenue) said the plan had potential to be a great green space and asset to neighborhood.

Steve Clark, program manager for Transit for Livable Communities, administrator of the federal funding, spoke of the benefits of this type of project.

Council President Lantry asked those in opposition, and then those in support to stand.

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

Councilmember Stark asked Mr. St. Martin to address the issue of which intersection provided the safest crossing. Mr. St. Martin said the proposed treatment at Charles was safe, and reiterated that controlled intersections weren't necessarily safer.

In response to a question from Councilmember Thune, Mr. St. Martin and Councilmember Stark described the project west of Snelling.

Councilmember Stark expressed appreciation for the testimony. He said there was no clear answer as to which intersection was safest, but Public Works had not found a way to allow left turns from Snelling to Charles while keeping the bike route on Charles. With regards to suggested alternate crossings he said it would be hard to describe a route if it made multiple jogs. He said Minnehaha and Thomas were designed to handle more traffic and there were different ways of calming traffic on those kinds of streets. He said they were looking at opening the median to allow left turns and U-turns at Sherburne as a compromise to allow easier access to businesses at Charles and Snelling. He said it was difficult when there were many neighbors both for and against the plan, but noted the strong grassroots involvement in its development.

Councilmember Carter echoed Councilmember Stark's points and voiced his approval.

Councilmember Thune said he didn't buy that an uncontrolled intersection was safer.

Councilmember Bostrom noted that the biking season was short, and he expressed concern about the ease of making a U-turn in the winter and about access for emergency vehicles. He encouraged waiting to see the effects of light rail before implementing the plan because it might be addressing a problem that didn't exist.

Councilmember Brendmoen expressed appreciation for the testimony from businesses and neighbors. She said she didn't feel that controlled intersections were necessarily safer, and that a direct route was best. She said she would support the plan but encouraged businesses to continue to provide feedback to the City.

In response to concerns raised by Councilmember Bostrom, Councilmember Stark said the design did take emergency vehicles into consideration, and the project was addressing the need to have safe ways for pedestrians to get around. He said Charles Avenue was chosen because it was a relatively calm route that would provide easy access to businesses on University, and the median allowed pedestrians to cross just one lane of traffic at a time. He said he wanted to continue discussions with Mr. St. Martin and affected businesses about signage plans or other ways to address business owners' concerns.

Council President Lantry said there was nothing in the project that prevented people from crossing at a controlled intersection if they chose to. She said it was clear that the project was the result of a long, thoughtful, inclusive process, and she would be supporting it.

Councilmember Stark moved approval.

Adopted as amended

Yea: 5 - Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 2 - Councilmember Bostrom and Councilmember Thune

60 [RES PH](#)
[12-241](#)

Final Order approving the construction of two parking bays and sidewalk along the west side of Prior Avenue North between Feronia and Oakley Ave. (File No. 19141, Asmt No. 125401)

No one appeared in opposition; Councilmember Thune moved approval of the resolution.

Adopted

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

Nay: 0

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

71 [RLH RR](#)
[12-27](#)

Ordering the razing and removal of the structures at 1673 COTTAGE AVENUE EAST within fifteen (15) days after the September 5, 2012 City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond reviewed the property history and recommended ordering its removal within 15 days.

Terry Daniels, representing Fannie May, said the mold remediation was done and they had bids to complete the other repairs. He said it was better for city to have the building repaired and occupied by a good family than to have the house torn down.

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

Councilmember Bostrom moved to lay the matter over for one week so the mold remediation could be confirmed, and that if the remediation wasn't completed he would order the building removed within 15 days. Council President Lantry clarified that Mr. Daniels should contact the inspector and make himself available for an inspection within the next week.

Laid over to September 12

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

Nay: 0

- 74** [RLH RR
12-50](#) Ordering the razing and removal of the structure(s) at 924 ELEANOR AVENUE within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (Public hearing continued from September 12)
- Legislative Hearing Officer Marcia Moermond recommended ordering the building's removal within 15 days with no option for repair. She said the item had been laid over to ensure that proper notification had occurred.*
- 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
-
- 77** [RLH RR
12-65](#) Ordering the rehabilitation or razing and removal of the structures at 980 EUCLID STREET within fifteen (15) days after the September 5, 2012 City Council Public Hearing. (Amended to remove or rehabilitate within 180 days)
- Legislative Hearing Officer Marcia Moermond said all conditions had been met, and her recommendation was to allow 180 days to remove or rehabilitate the building.*
- No one appeared in opposition; Council President Lantry moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (remove or repair within 180 days)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
-
- 79** [RLH RR
11-96](#) Ordering the rehabilitation or razing and removal of the structures at 869 FULLER AVENUE within fifteen (15) days after the February 1, 2012 City Council Public Hearing. (Public hearing continued from September 5)
- Legislative Hearing Officer Marcia Moermond asked that the matter be laid over to October 3. She said the property had been forfeited to Ramsey County, and she would know by October 2 whether the County was likely to rehabilitate the property. She said it was an important property in terms of massing and presence on that street.*
- No one appeared in opposition; Councilmember Carter moved to continue the public hearing to October 3.*
- Public hearing continued to October 3**

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

Nay: 0

Absent: 1 - Councilmember Tolbert

81 [RLH RR](#)
[12-28](#)

Ordering the rehabilitation or razing and removal of the structures at 466 IGLEHART AVENUE within forty-five (45) days after the September 5, 2012 City Council Public Hearing. (Public hearing held September 5; laid over from October 17)

Legislative Hearing Officer Marcia Moermond said it was an important property in the neighborhood but no owner was stepping forward to maintain or rehabilitate it. She recommended ordering the property removed or repaired within 45 days, but said she would be more than happy to work with the owner.

Councilmember Thune asked why property owners couldn't be ordered to fix up their properties, and if they didn't comply the City would do repairs and assess the owner.

Councilmember Carter said that lead right into the conversation he hoped to have about significant, rehab-able properties being lost due to neglect, and he asked that the conversation be continued after the public hearing.

The following spoke in support of saving both 451 Selby (Item 95) and 466 Iglehart.

In opposition:

Greg Donofrio (504 Selby Avenue) said the city shouldn't be able to demolish properties they themselves had designated as significant when private property owners in similar circumstances would not be allowed to. He said he and several neighbors were requesting a moratorium on City-initiated demolitions of Category 1, 2, or 3 historic properties in the Ramsey Hill Historic District. He said a task force or neighborhood advisory committee could be formed to work during the moratorium period to study alternatives to demolition and serve as a resource for property owners.

Gwen Schwebel (525 Holly Avenue) said they had moved into the neighborhood because they loved the old historic homes, and the homes were irreplaceable.

Greg Hotzler (193 Mackubin Street) said he would rather have a vacant house than a vacant lot. He asked all of those who had come to express their support to stand. He said there were a lot of resources and a lot of knowledge in the neighborhood, and they had been working with both property owners.

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

Councilmember Carter said he was excited about the neighborhood engagement and about the prospect of having a committee or task force to support property owners. He said this could give the City additional tools for dealing with significant properties in other areas of the city as well, and he made the distinction between nuisance and contributing properties. He moved to lay the matter over to October 3 to allow time for a meeting with owners to take place.

Ms. Moermond said she'd like to continue talking with the City Attorney's office about making some of these things happen.

Public hearing held and closed; laid over to October 3

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

Nay: 0

82 [RLH FOW
12-282](#)

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

Legislative Hearing Officer Marcia Moermond asked that the matter be continued to September 19.

No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to September 19.

Public hearing continued to September 19

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

Nay: 0

84 [RLH OA
12-57](#)

Ordering the rehabilitation or razing and removal of the structures at 777 LAWSON AVENUE EAST within fifteen (15) days after the June 20, 2012 City Council Public Hearing. (Adopted File No. RLH RR 12-21 by Council on July 18, 2012) (Amended to removal within 5 days with no option for rehabilitation)

Legislative Hearing Officer Marcia Moermond said the bank was transferring the property to HUD; she amended her recommendation to order removal within 5 days with no option for repair.

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

Adopted as amended (remove within 5 days with no option for repair)

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

Nay: 0

87 [RLH RR
12-66](#)

Ordering the rehabilitation or razing and removal of the structures at 212 MAPLE STREET within fifteen (15) days after the September 5, 2012, City Council Public Hearing. (Amended to removal only with no option for rehabilitation)

Legislative Hearing Officer Marcia Moermond said her conditions had not been met; she recommended ordering the building's removal within 15 days.

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 repair)

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

Nay: 0

- 95 [RLH RR](#)
[12-29](#) Ordering the rehabilitation or razing and removal of the structures at 451 SELBY AVENUE within forty-five (45) days after the September 5, 2012 City Council Public Hearing. (Amended to grant 180 days.)

Legislative Hearing Officer Marcia Moermond said the property was deteriorated and no one had appeared for the Legislative Hearings. She said her recommendation was to lay the matter over for 30 days, along with the Iglehart address (Item 81).

Testimony:

Gwen Schwebel (525 Holly Avenue) reiterated her testimony from Item 81.

Erin Coryell (504 Selby Avenue) said it seemed enforcement was focused on those properties that were being maintained while vacant properties were allowed to fall into disrepair. She said she paid a lot of money for street assessments and felt there should be a means by which properties that were behind in payments could be acquired and put into better use.

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

Councilmember Carter acknowledged the frustrations created by the desire to preserve significant properties but remove those that have become nuisances. He moved to lay the matter over to October 3.

Public hearing held and closed; laid over to October 3

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

Nay: 0

- 97 [RLH FCO](#)
[12-393](#) Appeal of David Franzen to a Fire Certificate of Occupancy Inspection Correction Notice at 1009 SEMINARY AVENUE.

Legislative Hearing Officer Marcia Moermond said the appeal involved egress windows and the driveway, and the property owner was in the hospital. She said the driveway had been addressed, and the egress window issues set aside except for one which involved egress to a porch. She recommended granting an extension to November 1 for compliance.

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

Adopted as amended (extension granted to November 1)

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

Nay: 0

- 101** [RLH VO](#)
 [12-84](#)
- Appeal of Robert Bayer, on behalf of Coldwell Banker Commercial, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 620 SIMS AVENUE. (Public hearing continued from September 12)
- Legislative Hearing Officer Marcia Moermond said the property was a business with significant water damage and electrical issues. She recommended granting an extension to October 1 to complete the project.*
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (extension granted to October 1)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
-
- 106** [RLH TA](#)
 [12-398](#)
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A2, Assessment No. 128528 at 1725 THOMAS AVENUE.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

109 [RLH RR
12-68](#)

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

Legislative Hearing Officer Marcia Moermond said the work plan and financials submitted were inadequate, and her recommendation was to order the property removed. She said the property owner had not been notified of her recommendation, and she requested a two week layover so that could occur.

In opposition:

Alex Jerome said he purchased the property on July 19 and planned to rehabilitate it. He said he had experience rehabilitating properties and was confident he could do it. He said he waited two weeks for the Code Compliance inspection and another two weeks for the report, and had spent \$10,000 getting started on the work.

Councilmember Carter clarified the requirements for an adequate work plan and financials.

Mr. Jerome reiterated that he had already put a lot of money into the project and was confident he could do it. Mr. Jerome's wife and partner said they had purchased the property on July 20, and she had posted the \$5,000 bond on the 24th. She said the inspection was completed on August 9 and they received the report on the 22nd. She displayed a bank statement and said they also had a \$50,000 line of credit. She said the outside walls and some of the exterior electricity was done.

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

Council President Lantry noted that there were no permits pulled on the property.

Councilmember Carter moved a two week layover and said he would meet with the property owners the following day.

Public hearing held and closed; laid over to September 19

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

Nay: 0

110 [RLH AR
12-91](#)

Ratifying Collection of Vacant Building Fees from April 2012 (File No. VB1209, Assessment No. 128814).

Councilmember Thune asked that 474 Curtice be removed from the role and laid over for four weeks.

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

Adopted as amended (474 Curtice Street removed from assessment roll and laid over for four weeks)

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

Nay: 0

112 [RLH AR](#)
[12-94](#)

Ratifying Excessive Use of Inspection Services from February 22 to April 5, 2012 (File No. J1207E, Assessment No. 128310).

Councilmember Thune asked that 474 Curtice be removed from the role and laid over for four weeks.

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

Adopted as amended (474 Curtice Street removed from assessment roll and laid over for four weeks)

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](#)
[12-48](#)

Ordering the rehabilitation or razing and removal of the structures at 1132 CENTRAL AVENUE WEST within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (Public hearing continued from August 1, 2012) (Amended to removal only with no option for rehabilitation)

Legislative Hearing Officer Marcia Moermond said the standard conditions for allowing time for rehabilitation had not been met. She recommended ordering removal of the building within 15 days with no option for repair.

In opposition:

Property owner Mohammed Shahidullah said he'd owned the property for almost 40 years, but it was in his brother's name. He said he had a summarized bid from the general contractor but could go back and ask for separate, itemized plans from each of the sub-contractors. He asked for additional time to get the details.

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

Councilmember Carter said a lot of time had already been time allowed with dismal progress, and he was not confident that additional time would change things. He moved to adopt Ms. Moermond's recommendation.

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

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

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 61** [RLH FCO](#)
[12-466](#) Appeal of Suyapa Miranda to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1526 ALBEMARLE STREET.
Adopted
- 62** [RLH FCO](#)
[12-489](#) Appeal of Lori Purdy to a Fire Certificate of Occupancy Approval With Corrections at 843 ASHLAND AVENUE.
Adopted
- 63** [RLH TA](#)
[12-378](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1210P, Assessment No.128409 at 198 BAKER STREET EAST.
Adopted
- 64** [RLH VO](#)
[12-74](#) Appeal of David J. Freeze and Odis Lewis to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1076 BRADLEY STREET, #1.
Adopted
- 65** [RLH TA](#)
[12-431](#) Amending the assessment of Appealed Special Tax Assessment for Collection of Vacant Building Fees Services from February 2012 at 820 BURR STREET (File NO. VB1207, Assessment No. 128807)
Adopted
- 66** [RLH TA](#)
[12-383](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1207E, Assessment No. 12830 at 899 BURR ST.
Adopted

- 67 [RLH RR](#)
 [12-64](#) Ordering the razing and removal of the structures at 849 CASE AVENUE within fifteen (15) days after the September 5, 2012 City Council Public Hearing.

 Adopted
- 69 [RLH TA](#)
 [12-485](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1209, Assessment No. 128814 at 522 CHARLES AVENUE.

 Adopted
- 70 [RLH TA](#)
 [12-377](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1207E, Assessment No. 128310 at 1545 CLARENCE STREET.

 Adopted
- 72 [RLH TA](#)
 [12-381](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209B, Assessment No. 128109 at 26 DALE STREET SOUTH 102.

 Adopted
- 73 [RLH FOW](#)
 [12-297](#) Appeal of Soua Her and Lee Vang to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 729 EDMUND AVENUE, LOWER UNIT (wire mesh gate over window)

 Adopted
- 75 [RLH TA](#)
 [12-344](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1209T, Assessment No. 129011 at 6 ELIZABETH STREET WEST. (Amended to Real Estate Project No. 1209T1, Assessment No. 129013)

 Adopted
- 76 [RLH TA](#)
 [12-394](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207E, Assessment No. 128319 at 930 EUCLID STREET.

 Adopted
- 78 [RLH TA](#)
 [12-374](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1207E, Assessment No.128310 at 1075 FRONT AVENUE.

 Adopted

- 93 [RLH TA](#)
 [12-385](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1209, Assessment No. 128814 at 576 MARYLAND AVENUE WEST.

 Adopted
- 94 [RLH FCO](#)
 [12-475](#) Appeal of George Stone to a Correction Notice-Complaint Inspection at 1079 MARYLAND AVENUE EAST.

 Adopted
- 96 [RLH TA](#)
 [12-424](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1209B, Assessment No. 128109 at 1664 SELBY AVENUE.

 Adopted
- 98 [RLH FOW](#)
 [12-284](#) Appeal of Tom Gergen, Ryan Whissler, and Tom Gallagher, on behalf of TR Group LLC, to a Fire Certificate of Occupancy Correction Notice at 1237 SEVENTH STREET EAST.

 Adopted
- 99 [RLH VO](#)
 [12-81](#) Appeal of Charles McCarty to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1734 SEVENTH STREET EAST.

 Adopted
- 100 [RLH FCO](#)
 [12-526](#) Appeal of Robert W. Overby to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2296 SEVENTH STREET WEST.

 Adopted
- 102 [RLH TA](#)
 [12-425](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1209, Assessment No. 128814 at 758 SIXTH STREET EAST.

 Adopted
- 103 [RLH TA](#)
 [12-386](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1209, Assessment No. 128814 at 1235 SIXTH STREET EAST.

 Adopted
- 104 [RLH TA](#)
 [12-389](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1207E, Assessment No. 128310 at 1636 TAYLOR AVENUE.

 Adopted

- 105 [RLH VO](#)
 [12-86](#) Appeal of Roxanne Kay DeFlorin to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 762 THOMAS AVENUE.

 Adopted
- 107 [RLH TA](#)
 [12-426](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209B, Assessment No.128109 at 1910 UNIVERSITY AVENUE WEST.

 Adopted
- 108 [RLH RR](#)
 [12-67](#) Ordering the razing and removal of the structures at 921 WELLS STREET within fifteen (15) days after the September 5, 2012 City Council Public Hearing.

 Adopted
- 111 [RLH AR](#)
 [12-93](#) Ratifying Graffiti Removal Services during April 19 to May 1, 2012 (File No. J1210P, Asmt No. 128409).

 Adopted
- 113 [RLH AR](#)
 [12-113](#) Ratifying Boarding and/or Securing Services during April 2012 (File No. J1209B, Assessment No. 128109).

 Adopted

ADJOURNMENT

Councilmember Carter moved adjournment.

The meeting was adjourned at 8:50 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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