



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 Russ Stark
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert*

Wednesday, February 5, 2014

3:30 PM

Council Chambers - 3rd Floor

**Library Board immediately following the 3:30 portion of the meeting.
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, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 14-5](#) Authorizing the Police Department to provide continental breakfast, beverage, and snacks purchased from various vendors for professional training courses conducted in the department during 2014.
Received and Filed

- 2 [AO 14-6](#) Authorizing the Police Department to purchase food and beverage for the Junior Police Academies in 2014.
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 - 44)

Item 41 was removed from the Consent Agenda for separate consideration.

Councilmember Thune moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

- 3** [RES 14-185](#) Approving the Mayor's appointments of Diane Krizan and Rena Moran to serve on the Saint Paul RiverCentre Convention and Visitors Authority.
Adopted
- 4** [Min 14-6](#) Approving the minutes of the January 15 and 22, 2014 City Council meetings.
Adopted
- 5** [RES 14-160](#) Approving the use of Neighborhood STAR Year-Round Loan Program Funds for a project in Ward 7.
Adopted
- 6** [RES 14-62](#) Preliminary Order setting the date of City Council Public Hearing for February 19, 2014 to consider approval for a street intersection redesign at Ames Place, White Bear Avenue North, and Case Avenue. (File No. 19158, Assessment No. 145400)
Adopted
- 7** [RES 14-163](#) Approving an amendment to Lease Agreement PR/10 for land abutting and incorporated into the Cayuga Playground to extend the term through April 30, 2016.
Adopted
- 8** [RES 14-103](#) Approving the City's cost of providing Collection of Vacant Building Fees billed May 9 to October 24, 2013, and setting date of Legislative Hearing for February 18, 2014 and City Council Public Hearing for April 2, 2014 to consider and levy the assessments against individual properties. (File No. VB1406, Assessment No. 148805)
Adopted
- 9** [RES 14-104](#) Approving the City's cost of providing Graffiti Removal services from October 8 to November 19, 2013, and setting date of Legislative Hearing for February 18, 2014 and City Council Public Hearing for April 2, 2014 to consider and levy the assessments against individual properties. (File No. J1405P, Assessment No. 148404)
Adopted

- 10 [RES 14-105](#) Approving the City's cost of providing Excessive Use of Inspection services from July 30 to October 25, 2013, and setting date of Legislative Hearing for February 18, 2014 and City Council Public Hearing for April 2, 2014 to consider and levy the assessments against individual properties. (File No. J1402E, Assessment No. 148301)
- Adopted**
- 11 [RES 14-106](#) Approving the City's cost of providing Boarding and/or Securing services during November 2013, and setting date of Legislative Hearing for February 18, 2014 and City Council Public Hearing for April 2, 2014 to consider and levy the assessments against individual properties. (File No. J1405B, Assessment No. 148104)
- Adopted**
- 12 [RES 14-107](#) Approving the City's cost of providing Collection of Certificate of Occupancy fees billed October 7 to 28, 2013, and setting date of Legislative Hearing for February 18, 2014 and City Council Public Hearing for April 2, 2014 to consider and levy the assessments against individual properties. (File No. CRT1406, Assessment No. 148205)
- Adopted**
- 13 [RES 14-153](#) Approving the City's cost of providing Demolition services during November 2013, and setting date of Legislative Hearing for March 4, 2014 and City Council Public Hearing for April 16, 2014 to consider and levy the assessments against individual properties. (File No. J1408C, Assessment No. 142007)
- Adopted**
- 14 [RES 14-154](#) Approving the City's cost of providing Emergency Abatement services during September 2013 at 617 Sims Avenue, and setting date of Legislative Hearing for March 4, 2014 and City Council Public Hearing for April 16, 2014 to consider and levy the assessments. (File No. J1409C, Assessment No. 142008)
- Adopted**
- 15 [RES 14-156](#) Approving the City's cost of providing Property Clean Up services from December 2 to 31, 2013, and setting date of Legislative Hearing for March 4, 2014 and City Council Public Hearing for April 16, 2014 to consider and levy the assessments against individual properties. (File No. J1406A, Assessment No. 148505)
- Adopted**

- 16 [RES 14-157](#) Approving the City's cost of providing Trash Hauling services from December 4 to 26, 2013, and setting date of Legislative Hearing for March 4, 2014 and City Council Public Hearing for April 16, 2014 to consider and levy the assessments against individual properties. (File No. J1406G, Assessment No. 148705)
- Adopted**
- 17 [RES 14-110](#) Approving assessment costs and setting date of City Council Public Hearing to ratify the assessments for construction of sanitary sewer connections, as requested by the property owners, in connection with the Central Corridor Light Rail Transit Project/Downtown. (File No. 19083C, Assessment No. 126008)
- Adopted**
- 18 [RES 14-108](#) Approving assessment costs and setting date of City Council Public Hearing to ratify the assessments for construction of sanitary sewer connections, as requested by the property owners, in connection with the Madison/Benson RSVP. (File No. 19139C, Assessment No. 146002)
- Adopted**
- 19 [RES 14-111](#) Approving assessment costs and setting date of City Council Public Hearing to ratify the assessments for construction of sanitary sewer connections, as requested by the property owners, in connection with the Central Corridor Light Rail Transit Project/University Avenue. (File No. 19082C, Assessment No. 126007)
- Adopted**
- 20 [RES 14-201](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for installation of a sanitary sewer stub at 2505 University Avenue West in connection with the Central Corridor Light Rail Transit Project/University Avenue. (File No. 19082CST, Assessment No. 126009)
- Adopted**
- 21 [RES 14-121](#) Approving assessment costs and setting date of City Council Public Hearing to ratify the assessments for construction of sanitary sewer connections, as requested by the property owners, in connection with the Arlington/Rice RSVP. (File No. 19123C, Assessment No. 146001)
- Adopted**

- 22 [RES 14-122](#) Approving assessment costs and setting date of City Council Public Hearing to ratify the assessments for construction of sanitary sewer connections, as requested by the property owners, in connection with the Hatch/Agate RSVP. (File No. 19138C, Assessment No. 146000)
Adopted
- 23 [RES 14-215](#) Granting preliminary approval to the issuance of certain general obligation and revenue bonds as approved in the 2014 budget, and authorizing City finance staff and advisors to take certain actions with respect to the sale of such bonds.
Adopted
- 24 [RES 14-143](#) Creating the classification of Engineering Division Manager-Saint Paul Regional Water Services, occ code 497B in the Saint Paul Supervisors Organization, Employee Group 09 Salary Schedule, Grade 030.
Adopted
- 25 [RES 14-181](#) Approving the Memorandums of Agreement for the January 1, 2014 Wage and Fringe Adjustments between the City of Saint Paul and the Elevator Constructors, Local 9 and The Sprinkler-Fitters, Local 417.
Laid over to February 12 for adoption
- 26 [RES 14-200](#) Approving the Memorandum of Agreement between the City of Saint Paul and the Professional Employees Association regarding work schedules.
Laid over to February 12 for adoption
- 27 [RES 14-90](#) Authorizing the Fire Department to enter into an agreement with the Imperial Order of Fire and Brimstone Ltd. for the use of the Saint Paul Fire Department training facilities.
Adopted
- 28 [RES 14-162](#) Authorizing the Como Park Zoo and Conservatory Education Department to purchase food in the amount not to exceed \$15,000 for educational programs in 2014.
Adopted
- 29 [RES 14-161](#) Authorizing the Department of Parks and Recreation, Como Park Zoo and Conservatory Volunteer Services, to purchase items in an amount not to exceed \$4,000 for Volunteer Recognition events in 2014.
Adopted

- 30 [RES 14-192](#) Approving the Joint Powers Agreement between the City of St. Paul (Forestry) and Minnesota Department of Agriculture to allow partnering on emerald ash borer (EAB) detection branch sampling work, and reimbursement to the City of up to \$5,000 for related work performed removing and properly disposing of suspected EAB infected trees.
- Adopted**
- 31 [RES 14-145](#) Memorializing City Council action taken January 15, 2014 approving the Preliminary and Final Plat for Slomkowski Addition, and approving a variance of the parkland dedication fee in lieu of land. (Public Hearing held Jan. 15, 2014)
- Adopted**
- 32 [RES 14-139](#) Authorizing the Departments of Public Works and Parks and Recreation to submit project applications for federal funding under the Transportation Alternatives Program (TAP) solicitation, and authorizing the commitment of a 20% local funding match for any project(s) awarded the federal funding.
- Adopted**
- 33 [RES 14-113](#) Approving a Liquor Off-Sale license with one condition for Kowalski Companies Inc., d/b/a Kowalski's Grand Market (License ID #20130005179) at 1261 Grand Avenue.
- Adopted**
- 34 [RES 14-198](#) Approving a Liquor Outdoor Service Area (Patio) license for Sakana II, Inc., d/b/a Sakana Asian Bistro (License ID #20120003241) at 740 Cleveland Avenue South.
- Adopted**
- 35 [RES 14-171](#) Approving adverse action against the Cigarette/Tobacco license held by Bibi Hajran, d/b/a Hajran Gift Shop at 175 Tenth Street East.
- Adopted**
- 36 [RES 14-170](#) Approving adverse action against the Cigarette/Tobacco license held by Renaissance Marketing, LLC, d/b/a Corner Gas at 304 Larpenteur Avenue East.
- Adopted**
- 37 [RES 14-133](#) Approving adverse action against Auto Repair Garage and Auto Body Repair Shop licenses held by Ivo Fru Tabukum, d/b/a IT Auto Towing & Services at 33 Acker Street.
- Adopted**

- 38 [RES 14-164](#) Approving adverse action against the Tree Trimmer & 1 Vehicle, and Tree Trimmer - Each Add'l Vehicle license applications submitted by Michael R. Mickelson, d/b/a Arbor & Home Specialist.
- Adopted**
- 39 [RES 14-167](#) Approving adverse action against the Taxicab Driver (Provisional) license application submitted by William Chevre.
- Adopted**
- 40 [RES 14-193](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for an Auto Body Repair/Painting Shop license, for Simpson Brown (I.D. #20130005158), d/b/a Twin Cities Custom Creations at 744 Third Street East.
- Adopted**
- 41 [RES 14-213](#) Approving the City of Saint Paul's 2014 Legislative Agenda.
- Councilmember Thune moved an amendment to add a bullet point supporting legislation allowing the City to assess new sewer and water pipes at demolished building sites. He said Senator Pappas was carrying the item. He moved approval as amended.*
- Adopted as amended**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 42 [RES 14-57](#) Pertaining to an Amendment No. 3 to Site Lease Agreement with Sprint Spectrum Realty Company L.P. to address cable material allowed for upgrade at its Fridley Standpipe wireless site at 7501 Alden Way NE in the city of Fridley.
- Adopted**
- 43 [RES 14-58](#) Pertaining to an Amendment No. 1 to Site Lease Agreement with Sprint Spectrum Realty Company L.P. to address cable material allowed for upgrade at its Highwood Standpipe wireless site at 640 South McKnight Road in the city of Maplewood.
- Adopted**
- 44 [RES 14-59](#) Pertaining to an Amendment No. 1 to Site Lease Agreement with Sprint Spectrum Realty Company L.P. to address cable material allowed for upgrade at its Highland Water Tower No. 2 wireless site at 750 South Snelling Avenue in the city of Saint Paul.
- Adopted**

FOR DISCUSSION

- 45** [RES 14-179](#) Final Order approving the reconstruction of Virginia Street, from Marshall to Dayton, in connection with the 2014 RSVP. (File No. 19154, Assessment No. 145204) (Public hearing held January 15)
- Councilmember Thao said they would move ahead with the project and work with Public Works and the Heritage Preservation Commission on the details. He moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
-
- 46** [RLH RR 13-56](#) Ordering the rehabilitation or razing and removal of the structures at 438-442 BEACON AVENUE within fifteen (15) days after the January 2, 2014 City Council Public Hearing. (Public hearing held January 2; laid over from January 15) (Amended to remove only with no option for repair)
- Legislative Hearing Officer Marcia Moermond said the conditions set for granting additional time had not been met, and she recommended ordering removal within 15 days with no option for repair.*
- Councilmember Stark moved approval of the resolution as amended.*
- Adopted as amended (remove within 15 days with no option for repair)**
- Yea:** 6 - Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Bostrom
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- 47** [RLH TA 13-653](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1402, Assessment No. 148501 at 1138 FOREST STREET. (Amended to File No. VB1402A, Assessment No. 148809; amended to reduce assessment by half) (Public hearing held January 2)
- Legislative Hearing Officer Marcia Moermond said the Certificate of Code Compliance had been issued that day, and she recommended reducing the vacant building registration fee by 50%.*
- Councilmember Bostrom moved to adopt the resolution as amended.*
- Adopted as amended (assessment reduced from \$1,595 to \$782)**

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, 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.

Final Adoption

- 48 [Ord 14-5](#) Memorializing City Council action granting the application of the Franciscan Sisters of St. Paul to rezone property at 1388 Prior Avenue South from R3 One Family Residential to RM2 Multi Family Residential, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held December 18, 2013)

Councilmember Tolbert moved approval.

Adopted

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

Nay: 0

Second Reading

- 49 [Ord 14-9](#) Amending Chapter 225 of the Legislative Code to regulate use of bows, arrows, and crossbows in the City of Saint Paul.

Laid over to February 19 for third reading/public hearing

First Reading

- 50 [Ord 14-10](#) Amending Chapter 57.02 of the Administrative Code to create term limits for the Capital Improvement Budget (CIB) Committee. (To be withdrawn)

Councilmember Brendmoen asked that the item be withdrawn. (A replacement was brought in under suspension.)

Withdrawn

SUSPENSION ITEM

Councilmember Brendmoen moved suspension of the rules.

Rules suspended

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

Nay: 0

[Ord 14-13](#)

Amending Chapter 57.05 of the Saint Paul Administrative Code to codify the City's term limits policy for the Capital Improvement Budget Committee.

Councilmember Brendmoen introduced the item for first reading. She said the title of the item had been clarified.

First reading introduced under suspension; laid over to February 12 for second reading

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

Nay: 0

51 [Ord 14-11](#)

Amending Chapter 45 of the Legislative Code to update the location of the definition of overweight and commercial vehicles.

Laid over to February 12 for second reading

Councilmember Bostrom asked for a snow removal update from Public Works Director Rich Lallier. Mr. Lallier noted leadership changes made in December and said the biggest change was in working with labor and staff to respond to snow events in a more timely fashion and place bigger emphasis on pre-emergency preparation. In response to a question from Councilmember Thune he said working with flexible staff hours had allowed them to make those changes without increasing the budget for pre-emergencies. Councilmember Bostrom commended the Mr. Lallier on the good work but expressed concern about the narrowing of commercial corridors outside of downtown due to the amount of snow. Councilmember Thune echoed the concerns. Mr. Lallier said budget constraints prevented snow removal outside of downtown; he reviewed other measures being taken to address the problem. Councilmember Bostrom asked Mr. Lallier to come back before the Council with possible solutions for the remainder of this winter and future years.

Council members shared news about upcoming events in their wards.

The Council recessed at 3:54 p.m. and convened as the Library Board (see Library Board minutes).

PUBLIC HEARINGS

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

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

52 [Ord 13-62](#)

Amending Chapter 366 of the Saint Paul Legislative Code to require recycling at all community festivals.

Councilmember Tolbert read amendments stating that the purpose was to provide recycling options in proportion to trash collection service, and changing the effective date to January 1, 2015. Yeas - 7 Nays - 0

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

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

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

Nay: 0

53 [Ord 13-63](#)

Amending Chapter 366A of the Saint Paul Legislative Code to require recycling at all parades, races or assemblies.

Councilmember Tolbert read amendments stating that the purpose was to provide recycling options in proportion to trash collection service, and changing the effective date to January 1, 2015. Yeas - 7 Nays - 0

In opposition:

Chuck Repke (1365 Prosperity), Executive Director of the District 2 Community Council and member of the White Bear Avenue Business Association, expressed concerns about the effect of the ordinance on community parades with limited budgets and long routes. He said the ordinance put the burden on event organizers to prove materials were recycled, and that was a large burden with high cost. He said in the case of the White Bear Avenue Parade, the permitting process took place just 30-60 days prior to the event and there was no process for appealing the recycling requirements. He said the White Bear Avenue Parade sell or distribute anything that generated trash.

Steve Heckler, Board Chair of the St. Paul Festival Association, said he had proposed a six-month study along with the City and County of how to make events more eco-friendly, and he committed to having his association coming up with a plan for their events.

Kris Hageman, Public Works, reviewed the issues the ordinance was meant to address.

Councilmember Thune asked for clarification of the requirement that there be documentation of proper disposal of materials. Ms. Hageman clarified the requirement and the types of documentation that might be provided.

Councilmember Tolbert referred to language in the ordinance asking that efforts be made, and said the intent was that event organizers start taking steps.

Council President Lantry said the additional year would allow time for plans to be developed. Councilmember Thune said it seemed the City was putting the hammer down on small festivals and parades with small potential gains in terms of an increase in recycling.

Councilmember Stark said he appreciated concerns expressed by Councilmember Thune but didn't feel it was a large hammer.

Councilmember Bostrom reiterated the concerns about recycling receptacles being used as trash cans, and the burden being on the organizer to separate the materials. He asked whether the requirements could be tried with a few events during the coming summer.

Councilmember Tolbert said he believed Parks already required recycling for events of over 1,000 people on Parks property. Ms. Hageman said City Parks crews handled trash and recycling in those cases. She added that the City had worked with a number of festivals and parades over the years to determine how things worked, and she acknowledged that parades presented challenges. She stressed that the waste management plan within the permitting process would have flexibility.

Councilmember Brendmoen asked whether there was an appeal process if the event organizer didn't feel the recycling plan set forth in the permit would work for them. Ms. Hageman said she wasn't involved in the Parks permitting process and couldn't

speak to that, but noted that the ordinance required the waste management plan to be presented at least 60 days prior to the event which would allow time for adjustments.

Councilmember Tolbert said it was his understanding that permit issues were appealable to the Council. Councilmembers Thune and Brendmoen asked for confirmation of whether there was an appeal process.

Councilmember Thao said the ordinance was a step in the right direction. He said the most difficult events would be the first ones and the City was in a position to work with event organizers on the initial plans.

Councilmember Thune said he would feel better if the City could study the issue and step in as a full partner to provide the service in a couple of years. He said he was afraid this would kill small events.

Councilmember Bostrom noted that the Payne Avenue Parade had been discontinued due to lack of funds.

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

Assistant City Attorney Rachel Tierney pointed out a typographical error in the resolution; Councilmember Tolbert moved an amendment to correct it. Yeas - 7 Nays - 0

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

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

Nay: 0

54 [Ord 14-3](#)

Amending Chapters 60 and 65 of the Legislative Code regarding source-separated organics.

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

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

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

Nay: 0

55 [Ord 14-6](#)

Amending section 24.03(B) of the Saint Paul Administrative Code regarding statements of economic interest.

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

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

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

Nay: 0

56 [Ord 14-8](#)

Authorizing the issuance of general obligation library bonds, in one or more series, of the Saint Paul Public Library Agency pursuant to Laws of Minnesota 2002, Chapter 390, Sections 36 through 38, and Minnesota Statutes, Chapter 475, as amended.

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

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

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

Nay: 0

57 [RES PH 14-29](#)

Approving adverse action against the Cigarette/Tobacco license held by Til B. Pokwal Chhetri, d/b/a Himalayan Grocery, Inc. at 1423 Rice Street.

Geoffrey Karls, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violation. He said it was the third compliance failure since the business was licensed 8 months before, and DSI was recommending the matrix penalty of an \$800 fine and 7-day license suspension for a third failure in 24 months.

In opposition:

Licensee Til Pokwal acknowledged the three violations, but said he was appealing because he and his clerks were all new to the country. He asked whether the penalty could be limited to either the fine or the license suspension since it was a new business and not doing very well. He said he would look into the matter and be very strict and undergo training going forward.

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

Councilmember Brendmoen asked Mr. Karls whether the 7-day suspension prohibited just tobacco sales or the shop being open. Mr. Karls said the suspension was only of the tobacco license.

Councilmember Brendmoen said she appreciated the testimony and the plight of licensee, but three compliance failures in such a short period was very serious. She moved to adopt the recommendation of DSI.

Adopted (\$800 fine and 7-day license suspension imposed)

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

Nay: 0

- 58** [PH 14-2](#) Public hearing to consider the application of Bradshaw Group Inc. / The Waters Senior Living to rezone property at 678 Snelling Avenue South, on the corner of Eleanor Avenue, from B3 General Business to T3 Traditional Neighborhood.
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and grant the application.*
- Motion of intent - Application granted**
- Yea:** 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen
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- 59** [RES PH 14-28](#) Amending the financing and spending plans in the Emergency Management Department in the amount of \$990,000 for the 2013 Urban Area Security Initiative (UASI) Grant.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen
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- 60** [RES PH 14-5](#) Ratifying the assessment for a water service connection at 1965 Norfolk Avenue, completed during the Madison/Benson RSVP. (File No. 19139WC, Assessment No. 146101)
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen

- 61** [RES PH 14-6](#) Ratifying the assessments for water service connections completed during the Raymond Avenue streetscape project. (File No. 19097WC, Assessment No. 146100)
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 62** [RES PH 14-7](#) Ratifying the assessments for construction of sanitary sewer service connections, as requested by the property owners, in connection with the Raymond Avenue streetscape project. (File No. 19097C, Assessment No. 146003)
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 63** [RES PH 14-22](#) Diverting parkland and declaring permanent easement at Payne and Maryland.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 64** [RES PH 14-31](#) Reciting a proposal for a Housing Finance Program for a conduit multi-family rental housing development, giving preliminary approval to the project and the Program pursuant to Minnesota Statutes, Chapter 462C, authorizing the Housing and Redevelopment Authority to issue housing revenue bonds, and authorizing the preparation of necessary documents and materials in connection with said project and Program (Hamline Station West Project).
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**

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

Nay: 0

- 65** [RES PH 14-9](#) Amending the financing and spending plans in the Department of Public Works in the amount of \$206,448.03 in additional revenues, and \$14,043.91 for transfer of appropriations in order to clean up and realign projects.

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

Adopted

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

Nay: 0

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 67** [RLH RR 13-60](#) Ordering the razing and removal of the structures at 392 ARBOR STREET within fifteen (15) days after the January 2, 2014, City Council Public Hearing. (Adopted as amended February 5)

Legislative Hearing Officer Marcia Moermond said the property taxes were paid, the bond was posted, and Code Compliance inspection completed, but no work plan or proof of financing had been submitted. She said the owner wanted to work with someone to do the rehabilitation and then transfer the title, and it was not clear whether that arrangement was permissible under the Bostrom ordinance. She recommended ordering the structure's removal within 15 days.

In opposition:

Property owner Jan Loney (1734 Colvin Avenue) said she had solicited bids but didn't have them yet. She said she did have someone interested in purchasing the property after the recommended rehabilitation was done, but it was just a handshake agreement.

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

Councilmember Thune 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, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

91 [RLH VBR 14-3](#) Appeal of Lorie Miller, Camelot Estates, LLC to a Vacant Building Registration Fee at 1747 MARSHALL AVENUE.

Legislative Hearing Officer Marcia Moermond said the Department of Safety and Inspections (DSI) had waived the vacant building fee for six months. She said she felt it was appropriate for the City to send forward the bill for the full fee based on current status of rehab, and the amount could be appealed at the assessment phase if good progress was made.

In opposition:

Phil O'Brien appeared on behalf of property owner Lorie Miller. He reviewed the items that had been completed and signed off, and said the only outstanding items were some fire rated sheetrock on ductwork, and siding and concrete work which were weather dependent. He said it had been a large rehab project and they had spent over \$80,000 and done more than the minimum requirements. He said the vacant building fee was paid once at the time the property was purchased, and he asked for a little more time.

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

In response to a question from Councilmember Stark, Ms. Moermond said she felt the bill should be sent and any proration of fees could be handled at the assessment phase.

Councilmember Stark moved to adopt Ms. Moermond's recommendation.

Adopted (appeal denied)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, 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 (Items 66 - 114)

No one appeared in opposition; Councilmember Thune 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, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 66 [RLH TA 14-26](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 1800 AMES AVENUE (1801 LACROSSE AVENUE). (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
Adopted
- 68 [RLH VBR 14-2](#) Appeal of Truong Mai to a Vacant Building Registration Fee at 995 ARCADE STREET.
Adopted
- 69 [RLH TA 14-32](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 1741 ASHLAND AVENUE. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
Adopted
- 70 [RLH SAO 14-1](#) Appeal of Margarita Garcia to a Summary Abatement Order at 641 BEDFORD STREET.
Adopted
- 71 [RLH FCO
13-272](#) Appeal of Jason Durand to a Fire Inspection Correction Notice at 671 BLAIR AVENUE. (Public hearing continued from February 5)
Public hearing continued to February 19
- 72 [RLH OA 13-72](#) Appeal of Srinivas Pujari to a Code Compliance Report at 750 BUSH AVENUE.
Adopted
- 73 [RLH TA 14-47](#) Amending Council File RLH FCO 13-240, adopted December 4, 2013, to grant Vik Karr an additional extension for property at 314-332 CHESTER STREET.
Adopted
- 74 [RLH TA 13-738](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1404, Assessment No. 148263 at 455 COMO AVENUE.
Adopted
- 75 [RLH FCO 14-1](#) Appeal of Steven Ambli, Lift Pro, to a Fire Inspection Correction Notice at 2554 COMO AVENUE.
Adopted

- 76 [RLH TA 14-33](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 1530 CONCORDIA AVENUE. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
- Adopted**
- 77 [RLH VO 13-63](#) Appeal of Tovah Flygare, SMRLS, on behalf of tenant Mildred Radcliff to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.
- Adopted**
- 78 [RLH VO 13-65](#) Appeal of Allen Peterson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.
- Adopted**
- 79 [RLH TA 13-557](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401A3, Assessment No. 148512 at 1039 DESOTO STREET. (Public hearing continued from January 2)
- Adopted**
- 80 [RLH RR 13-63](#) Ordering the razing and removal of the structures at 872 DULUTH STREET within fifteen (15) days after the February 5, 2014, City Council Public Hearing.
- Adopted**
- 81 [RLH TA 14-36](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 249 FOURTH STREET EAST, Assessment Roll Under 247 FOURTH STREET EAST. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
- Adopted**
- 82 [RLH TA 14-27](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 99 HYACINTH AVENUE WEST. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
- Adopted**

- 83 [RLH TA 13-734](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1403T, Assessment No. 149002 at 2164 JEFFERSON AVENUE.
Adopted
- 84 [RLH VBR 14-5](#) Appeal of Michael Hawes to a Vacant Building Registration Requirement at 405 JESSAMINE AVENUE EAST.
Adopted
- 85 [RLH TA 14-29](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 1040 JESSIE STREET. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
Adopted
- 86 [RLH TA 14-34](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 60 LARPENTEUR AVENUE EAST. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
Adopted
- 87 [RLH TA 14-46](#) Amending Council File RLH AR 13-135 to delete the assessment for Towing of Abandoned Vehicle Services from January to May 2013 at 782 MAGNOLIA AVENUE EAST. (File No. J1401V, Assessment No. 148000)
Adopted
- 88 [RLH FCO
13-263](#) Appeal of John Rouleau to a Correction Notice - Complaint Inspection at 2000 MAGOFFIN AVENUE.
Adopted as amended (appeal granted to release the property from the Certificate of Occupancy program; existing exterior orders remain in force)
- 89 [RLH VO 14-3](#) Appeal of Robert Rani to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 96 MANITOBA AVENUE.
Adopted
- 90 [RLH TA 14-28](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 847 MARGARET STREET. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
Adopted

- 92 [RLH TA 14-49](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E2, Assessment No. 148304 at 749 MARYLAND AVENUE EAST.
Adopted
- 93 [RLH TA 14-30](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 1564 MCAFEE STREET. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
Adopted
- 94 [RLH AR 13-123](#) Ratifying the assessment for Demolition services during September 2013 at 584 MENDOTA STREET. (File No. J1404C, Assessment No. 142003)
Adopted
- 95 [RLH TA 14-31](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 719 MINNEHAHA AVENUE EAST, Assessment Roll Under 707 MINNEHAHA AVENUE EAST. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
Adopted
- 96 [RLH TA 14-35](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 350 MORTON STREET WEST. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
Adopted
- 97 [RLH TA 13-733](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1404, Assessment No. 148203 at 1250 RANDOLPH AVENUE.
Adopted
- 98 [RLH RR 14-3](#) Granting an extension for the rehabilitation or razing and removal of 1649 ROSS AVENUE. (Public hearing continued from February 5)
Public hearing continued to February 19

- 99 [RLH TA 14-37](#) Amending Council File RLH AR 13-86 to reduce the assessment for Collection of Certificate of Occupancy Fees billed March 21 to May 23, 2013 at 435 ROY STREET NORTH. (New File No. CRT1407, Assessment No. 148206; amended from File No. CRT1401, Assessment No. 148200)
- Adopted**
- 100 [RLH TA 13-731](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1404, Assessment No. 148203 at 1827 SAINT ANTHONY AVENUE.
- Adopted**
- 101 [RLH RR 13-62](#) Ordering the rehabilitation or razing and removal of the structures at 929 SEVENTH STREET WEST within one hundred eighty (180) days after the January 2, 2014, City Council Public Hearing. (Public hearing continued from January 2 and February 5; to be amended March 5, 2014)
- Referred to Legislative Hearings on February 25; Council public hearing continued to April 2**
- 102 [RLH VO 14-2](#) Appeal of Jerral Murray to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 917 SHERBURNE AVENUE.
- Adopted**
- 103 [RLH VBR 14-1](#) Appeal of Sengleuame Pahoua Ly to a Vacant Building Registration Renewal Notice at 755 THIRD STREET EAST.
- Adopted**
- 104 [RLH FCO 14-8](#) Appeal of Yvonne Arcilla to a Fire Inspection Correction Notice at 789 UNIVERSITY AVENUE WEST.
- Adopted**
- 105 [RLH FCO
13-270](#) Appeal of Mergens Properties, LLC to a Fire Inspection Correction Notice at 2441 UNIVERSITY AVENUE WEST.
- Adopted**
- 106 [RLH VO 14-4](#) Appeal of Tommie Moore, Jr. to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 946 WESTERN AVENUE NORTH.
- Adopted**

- 107 [RLH TA 13-730](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1404, Assessment No. 148203 at 255 WHEELOCK PARKWAY WEST.
Adopted
- 108 [RLH VBR 13-72](#) Appeal of Ronald Forster to a Vacant Building Registration Notice at 353 WHEELOCK PARKWAY WEST.
Adopted
- 109 [RLH TA 13-728](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1404, Assessment No. 148203 at 1465 WHITE BEAR AVENUE NORTH.
Adopted
- 110 [RLH TA 13-565](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401A, Assessment No. 148500 at 1050 WILSON AVENUE. (Amended to File No. J1401A1, Assessment No. 148506) (Public hearing continued from January 2)
Adopted
- 111 [RLH FCO 14-9](#) Appeal of Michael and Tiffany Roberts to a Correction Notice-Reinspection Complaint at 937 YORK AVENUE.
Adopted
- 112 [RLH AR 13-124](#) Ratifying the assessments for Demolition services during September 2013. (File No. J1405C, Assessment No. 142004)
Adopted
- 113 [RLH AR 13-125](#) Ratifying the assessments for Collection of Certificate of Occupancy Fees billed August 5 to September 13, 2013. (File No. CRT1404, Assessment No. 148203)
Adopted
- 114 [RLH AR 13-126](#) Ratifying the assessments for Tree Removal services during October 2013. (File No. 1403T, Assessment No. 149002)
Adopted

ADJOURNMENT

Councilmember Thao moved adjournment.

Meeting adjourned at 6:25 p.m.

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

Nay: 0

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