



City of Saint Paul

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

Minutes - Final

City Council

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

Wednesday, February 16, 2011

3:30 PM

Council Chambers - 3rd Floor

Public Hearings will begin at 5:30 p.m.

ROLL CALL

Council President Lantry called the meeting to order at 3:30 p.m.

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

Absent 1 - Councilmember Russ Stark

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 and considered separately.

Approval of the Consent Agenda

Consent Agenda Adopted

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

Nay: 0

Absent: 1 - Councilmember Stark

1 [RES 10-1189](#) Authorizing the City to enter into an agreement with the Minnesota Department of Transportation.

Sponsors: Thune

Adopted

- 2 [RES 11-247](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for a Parking Ramp (Note: This license is for a parking garage, which is located under an existing residential building. No new construction is proposed. This license is necessary because the owner of the parking spaces is leasing them for contract parking), for Imperial Parking US Inc., d/b/a Impark (ID #20100004691) at 240 Spring Street.
- Sponsors:** Thune
- Adopted**
- 3 [RES 11-203](#) Waiving the 45 day notice requirement of issuance of on-sale licenses for Frankensteen Taco LLC d/b/a the Rusty Taco.
- Sponsors:** Harris
- Adopted**
- 4 [RES 11-191](#) Approving adverse action against the Massage Practitioner license held by Victoria A. Lindblade d/b/a Victoria A. Lindblade located at 1801 St. Clair Avenue in Saint Paul.
- Sponsors:** Harris
- Adopted**
- 5 [RES 11-283](#) Approving adverse action against the Sidewalk Contractor license held by Gresser Companies, Inc. d/b/a Gresser for the City of Saint Paul.
- Sponsors:** Lantry
- Adopted**
- 6 [RES 11-284](#) Approving adverse action against the Mobile Food Vehicle license held by Joe Perales d/b/a Perales Roast Corn for the City of Saint Paul.
- Sponsors:** Lantry
- Adopted**
- 7 [RES 11-285](#) Approving adverse action against the Mobile Food Cart license held by Chris Pagan d/b/a The Sausage King of Chicago for the City of Saint Paul.
- Sponsors:** Lantry
- Adopted**
- 8 [RES 11-286](#) Approving adverse action against the Cigarette/Tobacco license held by Walgreen Co., d/b/a Walgreen Co. located at 734 Grand Avenue in Saint Paul.
- Sponsors:** Thune
- Adopted**

- 9 [RES 11-297](#) Memorializing City Council action taken on February 2, 2010 sustaining adverse licensing action against all licenses held by Mazatlan d/b/a Mazatlan located at 567 Stryker Avenue in the City of Saint Paul.

Sponsors: Thune

Adopted

- 10 [RES 11-315](#) Memorializing City Council action taken February 2, 2011 for properties at 1019-1021 CARROLL AVENUE 480 LAWSON AVENUE WEST, and 123 WAYZATA STREET.

Sponsors: Carter III

Adopted

- 11 [RES 11-304](#) Amending assessment for graffiti removal on private property from August 26, 2010 to September 3, 2010 for property at 2107 Stewart Avenue.

Sponsors: Harris

Adopted

- 12 [RES 11-306](#) Amending assessment for Certificate of Occupancy fees assessments, for fees reissued in August 2010 for property at 1673 Iglehart Avenue.

Sponsors: Stark

Adopted

- 13 [Min 11-2](#) Approval of the minutes of the September 1, 8, 15, 22 and 29; and October 6, 13 and 20, 2010 City Council meetings.

Sponsors: Lantry

Adopted

FOR DISCUSSION

Reader Shari Moore announced that Items 14 through 17 had been withdrawn.

- 14 [RES 11-328](#) Providing for the Issuance of and Accepting a Proposal on the Sale of General Obligation Street Improvement Special Assessment Bonds, Series 2011B; Fixing the Form and Specifications of the Series 2011B Bonds; Providing for the Issuance of the Series 2011B Bonds; and Levying a Tax for the Payment of the Series 2011B Bonds

Sponsors: Lantry

Withdrawn

- 15 [RES 11-329](#) Awarding the Sale of General Obligation Capital Improvement Bonds, Series 2011A in Order to Finance Certain Capital Improvements and Refund Certain Prior Capital Improvement Bonds; Fixing the Form and Specifications of the Series 2011A Bonds; Directing the Execution and Delivery of the Series 2011A Bonds; and Providing for the Payment of and Levying a Tax for the Series 2011A Bonds and the Refunding of the Prior Bonds

Sponsors: Lantry

Withdrawn

- 16 [RES 11-332](#) Supplemental Resolution #9 Supplementing the General Resolution (CF 88-835) Relating to Sewer Revenue Bonds and Providing for the Issuance of Sewer Revenue Bonds, Series 2011C; Awarding the Sale of the Series 2011C Bonds; and Fixing the Form and Specifications of the Series 2011C Bonds

Sponsors: Lantry

Withdrawn

- 17 [RES 11-336](#) Authorizing the Issuance and Sale of Water Revenue Refunding Bonds, Series 2011D and Series 2011E; Awarding the Sale thereof to the Purchasers Named Herein and; Fixing the Form and Specifications of the Water Revenue Refunding Bonds, Series 2011

Sponsors: Lantry

Withdrawn

SUSPENSION ITEMS

Councilmember Carter moved suspension of the rules.

Rules suspended

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

Nay: 0

Absent: 1 - Councilmember Stark

- [RES 11-294](#) Memorializing City Council action taken on February 2, 2010 sustaining adverse licensing action against all licenses held by MW # 1 Inc., d/b/a Corner Meats and Grocery located at 516 Rice Street in the City of Saint Paul.

Sponsors: Carter III

Councilmember Carter stated the resolution memorializes City Council action taken on February 2, 2010 sustaining adverse licensing action against all licenses held by MW # 1 Inc., d/b/a Corner Meats and Grocery located at 516 Rice Street.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Stark

Councilmember Carter moved suspension of the rules.

Rules suspended

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

Nay: 0

Absent: 1 - Councilmember Stark

RES 11-295

Memorializing City Council action taken on February 2, 2010 sustaining adverse licensing action against all licenses held by V & HM Plus LLC d/b/a El Pantano Plus located at 586 Rice Street in the City of Saint Paul.

Sponsors: Carter III

Councilmember Carter stated this resolution memorializes City Council action taken on February 2, 2010 sustaining adverse licensing action against all licenses held by V & HM Plus LLC d/b/a El Pantano Plus located at 586 Rice Street.

Adopted

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

Nay: 0

Council President Lantry moved suspension of the rules.

Rules Suspended

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

Nay: 0

Council President Lantry amended the public hearings agenda to insert Res 11-125 following Item 35. The item was noticed but left off the agenda in error.

Yeas - 7 Nays - 0

The meeting was recessed at 3:34 p.m. and reconvened for public hearings at 5:30 p.m.

PUBLIC HEARINGS

Present 5 - Councilmember Dan Bostrom, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

Absent 2 - Councilmember Melvin Carter III and Councilmember Pat Harris

- 18 [Ord 11-2](#) Creating a new Chapter 33B in the Administrative Code entitled Reimbursement for technology expense.

Sponsors: Thune

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

Laid over to February 23 for final adoption

Yea: 5 - Councilmember Bostrom, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Carter III and Councilmember Harris

- 19 [Ord 11-3](#) Amending Chapter 33 of the Administrative Code regarding transportation reimbursement.

Sponsors: Thune

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

Laid over to February 23 for final adoption.

Yea: 5 - Councilmember Bostrom, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Carter III and Councilmember Harris

20 [Ord 11-12](#) Amending Charter Section 7.04 regarding elections.

Sponsors: Lantry

Greg Copeland, 612 S. Cook Avenue, appeared. He said he was a past chair of the Charter Commission for 12 years and was on the Commission the last time the city did redistricting. The statutory fees for people who want to run for office in a first class city, and the Charter controls it at this point, is \$20. The current fees, according to Mr. Mansky's staff (Ramsey County Elections) are \$50 for both the Mayor and City Council. This proposal would raise the fees for the Mayor from \$50 to \$500, ten times the current rate. For City Council the rate would go from \$50 to \$250. Unlike occupational fees and business licenses, someone who files for public office is not embarked on a private enterprise seeking re-numeration but rather is embarked on a public service. It is a public process and the ballot is a public document. When a person files for public office, they are seeking to have their name recorded on the ballot for voters to choose from. He feels there is a big distinction to be made between raising fees and raising a tax which is how it appears to be in this case. He compared it to a toll booth that is erected to block people of lesser means from getting on the ballot and said that is not how Black History Month should be celebrated. The fees are not proportional, Copeland said. They don't recognize that for \$2 a person can run citywide as a school board candidate. It's one thing to have some discretion to go beyond what the state statute is with a charter city but the purpose of being a charter city is not to exceed the statute to the degree that this charter amendment would propose doing. There should be some balance and the Council should keep in mind that the public policy that is being passed is onerous and, arbitrary, and an undue burden. He has not seen an analysis of why this fee is on but that it came from Mr. Mansky's office in the original IRV rule proposal. The IRV ballot measure was not a permission from the voters to raise the fees for running for office. Some discretion can be exercised to avoid an abuse of authority to see this fee within the parameters of what the statute already is providing. There has been no evidence for a fee increase, he said.

Councilmember Stark moved to close the public hearing. Yeas – 6 Nays – 0

Council President Lantry stated the fee can be zero if someone brings in a petition.

Laid over to February 23 for final adoption.

Yea: 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Carter III

21 [Ord 11-13](#) Amending Charter Section 2.05 regarding elected officials.

Sponsors: Lantry

No one appeared in opposition; Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0

Laid over to February 23 for final adoption

Yea: 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Carter III

22 [Ord 11-14](#) Amending Charter Section 4.01.3 regarding decennial redistricting.

Sponsors: Lantry

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

Laid over to February 23 for final adoption

23 [Ord 11-10](#) Amending Chapter 376.06 Of The Saint Paul Legislative Code To Clarify Notice Requirements In The Case Of Insurance Cancellation For Nonpayment Of Premium For Taxi Licenses.

Sponsors: Lantry

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

Laid over to February 23 for final adoption

24 [RES 11-185](#) Amending the financing and spending plans in the Fire Department in the amount of \$9,400.00 for the contribution received from the Minnesota Board of Firefighter Training and Education.

Sponsors: Lantry

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Carter III

- 25 [RES 11-255](#) Accepting Contamination Cleanup Grants from the Department of Employment and Economic Development and the Metropolitan Council for the Hazelden/615 Drake, Schmidt Brewery Bottle and Brew House, West Side Flats, and Pioneer/Endicott Sites, and amending the 2011 Budget.

Sponsors: Thune

No one appeared in opposition; Councilmember Thune extended his thanks to the Met Council and the State and said it's a great move forward for a number of great projects.

Councilmember Thune moved to close the public hearing and approval.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Carter III

- 26 [RES 11-215](#) Approving adverse action against the Cigarette/Tobacco license held by Tom Super USA, LLC d/b/a Super USA located at 976 Seventh Street East in Saint Paul.

Sponsors: Bostrom

Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections, gave a staff report. The violation occurred on December 7, 2010 and notice of the violation was sent out on January 11, 2011. A tobacco compliance check was conducted based on a complaint of selling to minors. A 16 year-old entered the store, asked to purchase cigarettes, showed his correct ID showing he was underage, and he was sold cigarettes. Mr. Lundgren requested the Council impose a matrix penalty of \$200. This is the first violation for this licensee.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Carter III

27 [PH 11-4](#)

Public hearing to consider the application of Phillip Gustafson for preliminary plat approval for Melissa Hill Addition to create seven residential parcels at 589 Burlington Rd.

Sponsors: Lantry

Patricia James, Department of Planning and Economic Development, gave a staff report. The applicant, Phillip Gustafson, is requesting preliminary plat approval to subdivide his property which is currently on platted land. Ms. James showed an aerial photo of the site which is along Burlington Road. The parcel size is 174,532 sq. ft. and there is 907 feet of frontage along Burlington Road. A plat is required and if it's approved, Mr. Gustafson will have one year to make any changes and submit a final plat. There is no zoning history to this property. Ms. James received a letter from the District 1 Community Council which expressed some concerns about tree preservation, storm water management, steep slopes, etc. She also received two e-mails from residents in the area who expressed concerns about the same things as well as the density and more housing in the area. (See attached staff report)

The preliminary plat complies with all of the applicable provisions of the Legislative Code. The lots meet the minimum lot area and each lot has the minimum frontage that is required in the R1 zoning district. The proposed subdivision will not be detrimental to the present or potential surrounding land uses. The plat is consistent with the surrounding land uses which are single-family homes. It will not be detrimental to present and future use of the surrounding land provided the proposed conditions are met, and as each lot is developed, it goes through the site plan review process as is required by the zoning code. The area surrounded by the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision. The area surrounding the plat is already largely developed and the development is consistent with the proposed plat. The subdivision is in conformance with the Land Use Chapter of the Comprehensive Plan and is in an established neighborhood made up largely of single-family homes. The Land Use and Housing Chapters also call for preserving, promoting and maintaining the character of these areas. The plat is consistent with this policy creating seven additional single family lots. The site preserves and incorporates the important existing natural features; steep slopes are the main feature of this site. The preliminary site plan has been approved by city staff, with conditions, including that each lot go through the site plan review process as it is developed including erosion control, a tree preservation plan, and an evaluation of impact on steep slopes and surrounding lots. A potential wetland has been identified at the western end of the site. One of the conditions is that prior to final plat approval, a wetland determination be made by a professional to determine if it is in fact a wetland. If it is, the specific lot would be combined with another lot and not built upon.

The sixth finding is that all land intended for building sites can be used safely without endangering residents by perilous flood erosion, high water tables, detrimental soil conditions and other factors.

The site plan for the preliminary plat was more general in nature but it laid out specific requirements as each lot is developed. Mr. Gustafson has said that he is not intending to develop the property himself but will sell each lot to an individual owner and they will be responsible for a housing plan, getting the building permits, and going through the site plan review process.

Councilmember Helgen asked if Mr. Gustafson is selling the lots individually and if someone buys a lot that is determined to be unbuildable, what would happen. Ms. James responded that one of the reasons the subdivision ordinance requires that a

preliminary plat with slopes of 12% or greater go through site plan review is to make sure that every lot that's created is potentially buildable. Staff who reviews site plans has gone over these and the only one they had question about was Lot No. 1. The rest of them are buildable, it's just a matter of making sure it's done right so erosion problems are not created. If something should come up, it would be between the buyer of the lot and the previous owner. The lot then may have to be attached to one of the adjacent parcels.

Council President Lantry asked who makes the determination on the wetland. Ms. James said there are people who work for the Department of Natural Resources and also private wetland management people and the applicant would have to hire a firm to determine if it's a wetland or not.

Councilmember Harris questioned how it would work if one individual wanted to buy all the lots or two lots and maintain one residence. Ms. James said that could be done. Ms. Lantry added that often people will do this and they choose to keep the underlying plat lines in case in the future they want to sell one. There is a process to combine them into one pin number. Ms. James said the property would have to be re-platted, erase a few lot lines, and re-number.

Phillip Gustafson, land owner, appeared and said he agrees with everything Ms. James laid out. He has every intention of complying with all of the requirements and restrictions of the area. He has met with the Planning Department, Zoning, and the District Council. The lots he is proposing conform to all the requirements and he is not asking for any variances. As Ms. James said, all the building permits will require another site plan review and he plans to inform all potential buyers of the restrictions and requirements that are in place in the area. The neighborhood is zoned residential and they will all be single-family home sites.

Appearing in opposition were the following:

Dave Kroonblawd (599 Burlington Road) who expressed concern with the wetlands and environmental aspect in general. He said the Highwood/Burlington/Battle Creek area looks very park-like, it's a quiet neighborhood, and he has concerns with losing that environment and having more traffic, more cars parked in the area, and increased noise pollution especially since it appears the driveways and houses will be close to the street. This is a unique part of St. Paul and he would like to see it kept that way. If the project moves forward, he questioned how it would affect home values.

Laura Hutton (601 Burlington Road) said she concurred with everything Mr. Kroonblawd said. She reiterated concerns that were in the District 1 Community Council letter about flooding and erosion, potential wetland determination, tree preservation plan, and whether the storm sewers are adequate for this additional amount of development.

Conrad Warner (591 Burlington Road) said he is also concerned about increased traffic and noise and said he was attracted to the area by the open space. There is no parking allowed on that side of the street so they would be parking on his side of the street. He also voiced concern about buried electrical saying he doesn't want that done at his house. He acknowledged that the lot size requirements have been met but he feels it will look like an apartment building with homes so close together. He would prefer to see two or three houses rather than seven.

Barry Farrell (561 Burlington Road) said he and his wife moved to this area just a few months ago also for the quietness of the neighborhood. He expressed the same

concern about seven lots and said he would prefer, if the land is developed, that there be larger lots, preferably two or three.

Council President Lantry moved to close the public hearing Yeas – 5 Nays – 0 (Bostom not present)

Council President Lantry said she understands what neighbors are saying but the Council has to follow the Code. There is almost 1,000 front feet and what is required in that neighborhood for zoning is an 80 ft. lot for frontage and 100 ft. deep so a minimum lot size of 8,000 sq. ft. The minimum lot size on these are 15,000 so it's almost double what the minimum requires. The Highwood Plan calls for a plan if Totem Town should ever vacate. The plan for that piece of land is that it would not be developed into housing even though the underlying zoning is residential. There would have to be a lot of changes for housing to occur there. She said she's required to look at all the required findings and whether or not someone can plat their land. The potential wetland is a concern so it might have to go from seven to six lots if the one lot is determined to be a wetland. Change can be difficult but someone has a right to subdivide their land if it meets all the requirements, Lantry said. All the required findings are there so there is no reason not to approve it. If higher valued homes are put in that location, it will increase surrounding property values, she said.

Council President Lantry moved to accept the preliminary plat and grant the application for the Melissa Hill Addition.

Councilmember Harris concurred with Lantry saying people have a right to develop their land and he feels additional cars would be almost negligible.

Ms. Lantry said staff did look at the avoidance of creating lots that might soon come back for variances because there are different zoning overlays in this area.

Motion of Intent; application granted

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

28 [RES 11-222](#)

Ratifying Vacant Building Demolition Assessments for work performed with CDBG funds in September 2010. (File No. J1103C, Assessment Number 118978)

Sponsors: Lantry

Councilmember Stark questioned if it actually was CDBG funds being used and asked that staff re-check that. Council President Lantry asked Trudy Moloney to look into it and respond with an e-mail.

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

Adopted

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

- 29 [RES 11-326](#) Ratifying graffiti removal assessments for work done on private properties during the time period of September 28, to October 28, 2010 [RE Project #J1107P, Assessment #118001 J1107P].

Sponsors: Lantry

Shari Moore noted that the resolution refers to 207 Snelling Avenue and it should read 202 Snelling Avenue.

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

Adopted as amended

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

- 30 [RES 11-330](#) Ratifying Emergency Boarding and Securing services during the month of September, 2010. (File No. J1102B, Asmt No. 118007)

Sponsors: Lantry

Trudy Moloney, Director of City Council Operations, stated the owners of 843 Edmond did not have a Legislative Hearing so it was scheduled for March 1 and a City Council public hearing on March 2.

Alan Gear, 901 1st Street East, Hastings, MN, property owner of 1627 Minnehaha Avenue, said on or about July 1, 2010 he rented the property and found the renter had many personal issues and he started proceedings to evict him. Around September 1, 2010, there were broken windows and other property damage done by the tenant. He said he did the best he could while he was occupying the house to keep it safe for the children. When he got his court date in mid-September, he had the tenant evicted and the three children were removed from his custody. He said he did everything he could as a landlord but the police came in and used a "burglery in process" to apprehend a criminal (the tenant). The police kicked in the door and Mr. Gear does not feel he should be responsible for the assessment for this damage.

Council President Lantry noted that Mr. Gear's emergency boarding assessment is \$423.90. Mr. Gear referred to the police report which indicates there was a man in the house and he would not open the door.

Ms. Moloney said Legislative Hearing Officer Moermond's recommendation was to approve the assessment.

*Council President Lantry moved to close the public hearing. Yeas - 5 Nays - 0
(Bostrom not present)*

Council President Lantry moved approval as amended (to include 843 Edmond) and approval of the assessment for 1627 East Minnehaha.

Adopted as amended

(843 Edmund Avenue referred to March 1 Legislative Hearings and March 2 City Council public hearings)

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

31 [RES 11-331](#) Ratifying Collection of Vacant Building services from the month of October, 2010. (File No. VB1103, Asmt No. 118004)

Sponsors: Lantry

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

Adopted

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

32 [RES 11-333](#) Ratifying Tree Removal services during the month of November, 2010. (File No. 1104T, Asmt No. 119091)

Sponsors: Lantry

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

Adopted

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

33 [RES 11-334](#) Ratifying Collection of Vacant Building services from the month of August, 2010 at 230 7th St W. (File No. VB1105, Asmt No. 118010)

Sponsors: Lantry

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

Adopted

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

- 34 [RES 11-337](#) Ratifying Property Clean Up services during the time period of November 01 to December 02, 2010. (File No. J1108A, Asmt No. 118015)

Sponsors: Lantry

Trudy Moloney, Director of City Council Operations, reported that the property owners of 525-527 Charles Avenue came to this meeting. Staff scheduled them for a Legislative Hearing on March 1 and a City Council public hearing on March 2.

Elaine Fluke, 1321 Reaney Avenue, said they moved from the property, filed bankruptcy, and they thought City Financial Bank took the house but found out later that they didn't. She said they would have been there cleaning up if they knew the house was still theirs. She asked if the assessment could be reduced.

Council President Lantry said there appears to have been a lot of confusion but the City did cut the grass. Legislative Hearing Officer Marcia Moermond's recommendation was to spread the payments over two years.

Council President Lantry moved to close the public hearing and approval as amended.

Adopted as amended

(525-527 Charles Avenue referred to March 1 Legislative Hearings and March 2 City Council public hearings)

Yea: 4 - Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 3 - Councilmember Bostrom, Councilmember Carter III and Councilmember Harris

- 35 [RES 11-340](#) Ratifying the assessment of Property Clean Up services against individual property. (File No. J1106A1), Laid Over from January 19, 2010.

Sponsors: Lantry

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

Adopted

Yea: 4 - Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 3 - Councilmember Bostrom, Councilmember Carter III and Councilmember Harris

SUSPENSION ITEM**RES 11-125**

Ratifying property clean-up assessments for work done on private property from August 31 to September 16, 2010. [J1104A] Laid over from January 19th

Sponsors: Thune

Trudy Moloney, Director of City Council Operations, reported that two parties showed up for this meeting and they had not had a Legislative Hearing. They were both scheduled for a Legislative Hearing on March 1 and City Council public hearing on March 2. The properties are 1383 Sylvan Street and 1152 Reaney Avenue.

No one appeared in opposition; Councilmember Stark moved to refer the above two addresses back to Legislative Hearings on March 1 and to continue the public hearing on the entire resolution to March 2.

Public hearing held and continued to March 2, 2011

(1383 Sylvan Street and 1152 Reaney Avenue referred to March 1 Legislative Hearings and March 2 City Council public hearings)

Yea: 4 - Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 3 - Councilmember Bostrom, Councilmember Carter III and Councilmember Harris

LEGISLATIVE PUBLIC HEARINGS

36

RES 11-69

Ordering the razing and removal of the structures at 49 WYOMING ST W within fifteen (15) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Thune

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

Adopted

Yea: 4 - Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 3 - Councilmember Bostrom, Councilmember Carter III and Councilmember Harris

37

RES 11-75

Ordering the razing and removal of the structures at 472 CONCORD ST within one hundred twenty (120) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Thune

No one appeared in opposition; Councilmember Thune moved to continue the public hearing for 120 days as the property owners will be dismantling the structure piece by piece.

Public hearing held and continued to June 15, 2011

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

- 38 [RES 11-77](#) Ordering the rehabilitation or razing and removal of the structures at 686 BRADLEY ST within fifteen (15) days after the February 16, 2011, City Council Public Hearing, and laying over for 180 days.

Sponsors: Thune

No one appeared in opposition; Councilmember Thune moved to close the public and continue the public hearing for 180 days.

Public hearing held and continued to August 17, 2011

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

- 39 [RES 11-316](#) Ordering the razing and removal of the structures at 697 BRADLEY ST within fifteen (15) days after the February 16, 2011, City Council Public Hearing, and laying over for 180 days.

Sponsors: Thune

No one appeared in opposition; Councilmember Thune moved to continue the public hearing for 180 days.

Public hearing held and continued to August 17, 2011

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

- 40 [RES 11-79](#) Ordering the razing and removal of the structures at 1070 MCLEAN AVE within fifteen (15) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Lantry

No one appeared in opposition; Council President Lantry moved to close the public hearing and approval.

Adopted

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

- 41 [ALH 11-125](#) Appeal of Lafonda Shamsid-Deen to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 836 CARROLL AVENUE.
- Sponsors:** Carter III
- No one appeared in opposition; Councilmember Stark moved to deny the appeal and grant an extension to March 1, 2011 for compliance.*
- Appeal denied and extension granted to March 1, 2011**
- Yea:** 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 2 - Councilmember Bostrom and Councilmember Carter III
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- 42 [ALH 10-114](#) Appeal of William Wengler to a Fire Certificate of Occupancy Correction Notice at 857 GRAND AVENUE.
- Sponsors:** Thune
- No one appeared in opposition; Councilmember Thune moved to deny the appeal as amended.*
- Item 15 - appeal granted; Item 16 - appeal denied and extension granted to April 30, 2011; Item 18 - appeal denied; Item 20 - appeal denied and extension granted to September 30, 2011.**
- Yea:** 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 2 - Councilmember Bostrom and Councilmember Carter III
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- 43 [ALH 11-188](#) Appeal of David O'Loughlin, Crown Bluff Enterprises, on behalf of Mike Brodtmann, to an Egress Window Non-Compliance Determination at 1665 Juliet Avenue.
- Sponsors:** Harris
- No one appeared in opposition; Councilmember Harris moved to deny the appeal.*
- Appeal denied**
- Yea:** 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 2 - Councilmember Bostrom and Councilmember Carter III

44 [ALH 10-455](#)

Appeal of John Krenik to a Summary Abatement Order, Vehicle Abatement Order, and Correction Notice-Complaint Inspection at 817 Aldine Street.

Sponsors: Stark

Mark Thompson, attorney with Dudley and Smith and representing John Krenik, appeared. He noted that Legislative Hearing Officer Marcia Moermond gave Mr. Krenik until April 30, 2011 to complete the work on his property. He said the problem is with the scaffolding as Mr. Krenik was ordered to remove it by January 31 but due to City Council agenda scheduling problems, Ms. Moermond extended the date to Feb. 16, 2011.

On February 8 there was an inspection by Inspector Essling and he wrote up an excessive consumption charge which Mr. Thompson said they do not feel is valid because of the extended deadline they were given. Since November, when Mr. Krenik was ordered to remove the scaffolding, there has been weather issues. There is 48 inches of ice at the footings of the scaffolding making it extremely difficult to take down. He showed a photo taken on this date showing the scaffolding has been removed from the Aldine Street side and some has been removed from the back side so about half of it is now down. They will continue working on it and try to get it down as soon as possible, weather permitting. He asked for the deadline to be extended to April 30 along with the other deadlines in case it's not down before that.

Council President noted that the minutes indicate the project was started in 2001.

Councilmember Stark moved to close the public hearing. Yeas - 5 Nays - 0

Stark said it was his understanding that the mandate to remove the scaffolding by the end of January was the result of a nuisance complaint. The other deadline was a completion deadline for the overall project. He moved to deny the appeal and grant until April 30, 2011 to allow for removal of the scaffolding as well as completion of the other work. He requested an update from the inspector in 30 days.

Appeal denied and extension granted to April 30, 2011. Inspector to provide an update in 30 days.

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

45 [ALH 11-49](#)

Appeal of Ben Hill to a Vacant Building Registration Notice at 853 CONWAY STREET.

Sponsors: Lantry

No one appeared in opposition; Council President Lantry moved to close the public hearing and deny the appeal.

Appeal denied

Yea: 5 - Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

ADJOURNMENT

Councilmember Thune moved to adjourn the meeting at 6:45 p.m.

Meeting adjourned

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