



# 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**

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Wednesday, January 5, 2011

3:30 PM

Council Chambers - 3rd Floor

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#### ROLL CALL

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

**Present** 7 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

#### CONSENT AGENDA (Items 1 - 22)

**NOTE: ALL ITEMS LISTED UNDER THE CONSENT AGENDA WILL BE ENACTED BY ONE MOTION, WITH NO SEPARATE DISCUSSION. IF DISCUSSION ON AN ITEM IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

*Items 3 and 14 were removed from the Consent Agenda for separate consideration.*

#### Approval of the Consent Agenda

*Councilmember Thune moved approval of the Consent Agenda as amended.*

**Consent Agenda adopted as amended.**

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

**Nay:** 0

**1 RES 11-36** Appointing Paul Williams as Deputy Mayor of the City of Saint Paul.

**Sponsors:** Lantry

**Adopted**

**2 RES 11-37** Appointing Jane Eastwood to serve as Assistant to the Mayor IV, effective December 15, 2010.

**Sponsors:** Lantry

**Adopted**

- 4      **RES 11-33**      Approving the appointments, by Mayor Coleman, of Stephanie Battle, Jennifer Lee, Der Yang, Leila Paye, Gene Gelgelu, Naomi Trevino, and Sara Marasuka; and the reappointments of Noemi Alcocer, Cameron Cegelske, Mary DesJarLais, Ali Egal, Elizabeth Emerson, JaPaul Harris, and Daryll Spence to serve on the Human Rights Commission.

**Sponsors:** Lantry

**Adopted**

- 5      **RES 11-7**      Approving the appointments, by Mayor Coleman, of Paul Williams to serve as Acting Mayor in the absence of Mayor Coleman; Erin Dady to serve as Acting Mayor in the absences of Mayor Coleman and Paul Williams; and Nancy Homans to serve as Acting Mayor in the absences of Mayor Coleman, Paul Williams and Erin Dady.

**Sponsors:** Lantry

**Adopted**

- 6      **RES 10-1487**      In the matter of the assessment of benefits, cost, and expenses for Collection of Vacant Building Fees (Re-Invoiced) October, 2010. File No. VB1103, and setting date of Legislative Hearing for February 01, 2011 and City Council Public Hearing for February 16, 2011.

**Sponsors:** Lantry

**Adopted**

- 7      **RES 10-1543**      In the matter of the assessment of benefits, cost, and expenses for Emergency Boarding and Securing, and/or Boarding of Vacant Buildings during the month of September, 2010. File No. J1102B, and setting date of Legislative Hearing for February 01, 2011 and City Council Public Hearing for February 16, 2011.

**Sponsors:** Lantry

**Adopted**

- 8      **RES 10-1544**      In the matter of the assessment of benefits, cost, and expenses for Re-Assessment (Address Correction) at 230 7th St W for Collection of Vacant Building Fees (Re-Invoiced) August, 2010. File No. VB1105, and setting date of Legislative Hearing for February 01, 2011 and City Council Public Hearing for February 16, 2011.

**Sponsors:** Lantry

**Adopted**

- 9      **RES 10-1545**      In the matter of the assessment of benefits, cost, and expenses for Graffiti Removal on Private Properties during the time period of September 28, to October 28, 2010. File No. J1107P, and setting date of Legislative Hearing for February 01, 2011 and City Council Public Hearing for February 16, 2011.

**Sponsors:** Lantry

**Adopted**

- 10      **RES 10-1546**      In the matter of the assessment of benefits, cost, and expenses for Property Clean-up on Private Properties from November 01 to December 02, 2010 (File No. J1108A) and setting date of Legislative Hearing for February 01, 2011 and City Council Public Hearing for February 16, 2011.
- Sponsors:      Lantry
- Adopted**
- 11      **RES 10-1558**      In the matter of the assessment of benefits, cost, and expenses for Removal of Diseased and/or Dangerous Trees on Private Properties in November, 2010 (File No. 1104T) and setting date of Legislative Hearing for February 01, 2011 and City Council Public Hearing for February 16, 2011.
- Sponsors:      Lantry
- Adopted**
- 12      **RES 11-11**      Memorializing City Council action taken November 3, 2010 reversing the decision of the Planning Commission and granting the appeal of Sandra Belisle for a Change in Nonconforming Use Permit to add a pet day-care and pet-boarding service for the property commonly known as 360 Clifton Street in Saint Paul.
- Sponsors:      Thune
- Adopted**
- 13      **RES 11-12**      Memorializing City Council action taken November 17, 2010 to overturn the decision of the Heritage Preservation Commission and grant the appeal of Richard Huss to obtain a building permit to replace three (3) casement windows on the north and south elevations at the property commonly known as 300 Maple Street, Dayton's Bluff Historic District.
- Sponsors:      Lantry
- Adopted**
- 15      **RES 11-43**      Authorizing the City to enter into an agreement with the Minnesota Department of Transportation (Lafayette Bridge [first] Mn/DOT Agreement).
- Sponsors:      Lantry
- Adopted**
- 16      **RES 11-41**      Authorizing the Fire Department to accept the donation of \$450.00 from Saint Patrick's Association.
- Sponsors:      Lantry
- Adopted**
- 17      **RES 11-5**      Accepting a gift of travel, hotel and meal expenses from Living Cities related to staff attending the Sustainable Communities Boot Camp at Harvard University on January 10-12, 2011.
- Sponsors:      Lantry

**Adopted**

- 18      **RES 11-40**      Amending the 1975 Phalen-Keller Regional Park Master Plan.

**Sponsors:**      Bostrom

**Adopted**

- 19      **RES 11-39**      Approving adverse action against all licenses held by MW #1, Inc. d/b/a Corner Meats & Grocery located at 516 Rice Street in Saint Paul.

**Sponsors:**      Carter III

**Adopted**

- 20      **RES 11-38**      Approving adverse action against the Auto Body Repair/Painting Shop license held by Perfect Auto Body, Inc. d/b/a Perfect Auto Body located at 204 Bates Avenue in Saint Paul.

**Sponsors:**      Lantry

**Adopted**

- 21      **RES 11-1**      Approving the settlement agreement between the City of Saint Paul and Clear Channel Outdoor, Inc.

**Sponsors:**      Lantry

**Adopted**

- 22      **RES 11-3**      Waiving the 45-day notice requirement for issuance of on-sale licenses for Los Ocampo Mexican Restaurant, 1751 Suburban Avenue.

**Sponsors:**      Lantry

**Adopted**

**FOR DISCUSSION**

- 3 RES 11-35** Approving the appointments, by Mayor Coleman, of Richard Dana, Renee Hutter, and Matt Hill; and the reappointments of Jennifer Haskamp, Richard Laffin, and Mark Thomas to the Heritage Preservation Commission.
- Sponsors:** Lantry
- Council President Lantry introduced an amendment including additional information about the appointee. She moved approval.*
- Adopted As Amended**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- 14 RES 11-44** Authorizing the Department of Parks and Recreation to accept a \$750 donation from Carolyn Mars for Palace Recreation Center.
- Sponsors:** Harris
- Councilmember Thune recognized Ms. Mars for her generous donation in tribute to her late husband. He moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- 23 RES 10-1526** Approving adverse action against all licenses held by Saigon, Inc. d/b/a Saigon located at 704 University Avenue West in Saint Paul.
- Sponsors:** Carter III
- Withdrawn**
- 24 RES 10-532** Ordering the owner to remove or repair the building(s) at 694-696 FOURTH STREET EAST within fifteen (15) days from adoption of resolution.
- Sponsors:** Lantry
- Council President Lantry moved an eight week layover.*
- Laid Over to March 2, 2011**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- 25 ALH 10-355** Appeal of Rick T. Wilson to a Summary Abatement Order at 2234 STILLWATER AVENUE.

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond said the Council had laid the matter over previously to allow more time for completion of the garage. She displayed photographs and said there had been little progress. She recommended denying the appeal and ordering demolition of the structure.*

**Appeal Denied**

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

**Nay:** 0

*The meeting was recessed at 3:35 p.m. and reconvened for public hearings at 5:33 p.m.*

**PUBLIC HEARINGS**

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

**Absent** 1 - Councilmember Lee Helgen

**26 Ord 10-54** An Ordinance amending Chapter 106 of the Saint Paul Legislative Code to clarify requirements for sidewalk cafés and sidewalk sales displays.

**Sponsors:** Thune, Lantry and Stark

*Councilmember Thune said the final version was the result of a lot of collaboration. Rachel Tierney, Assistant City Attorney representing DSI, reviewed and clarified the amendments. Councilmember Thune stressed that the ordinance requirements met or exceeded ADA guidelines. He moved the amendments.*

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

**Amended; public hearing held and closed; laid over to January 12 for fourth reading/final adoption**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

**27 Ord 10-55** Amending Section 61.302, Application forms and fees, of the Saint Paul Legislative Code, pertaining to fees for zoning reviews and applications.

**Sponsors:** Lantry

*Councilmember Harris requested background information on the new interim use permit fee; he questioned charging for an interim permit when there would be a*

subsequent charge for the full permit. Patricia James, Planning and Economic Development, said the interim use permit was similar to the conditional use permit, but went directly to the Council rather than through the Planning Commission. Council President Lantry clarified that there would not necessarily be a subsequent permit application. Ms. James gave an example of an interim permit application that had recently come before the Council. Councilmember Harris requested clarification of the use of an interim permit. Ms. James said she would provide that.

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

**Public Hearing held and closed; laid over to January 12 for fourth reading/final adoption**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 28      **Ord 10-59**      An ordinance amending Appendix G. Energy Park Utility Company Franchise - Port Authority of the Saint Paul Legislative Code pertaining to the Energy Park Utility Company (EPUC) franchise agreement.

**Sponsors:**      Stark

*Council President Lantry asked for an explanation of the amendments. Margaret Egan said some very minor changes had been made to the original document, including correction of typographical errors.*

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

**Amended; public hearing held and closed; laid over to January 12 for fourth reading/final adoption**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 29      **Ord 10-60**      An Ordinance creating election rules for municipal elections under ranked voting.

**Sponsors:**      Stark

*Councilmember Stark said there'd been a good work session on the topic that morning with Ramsey County election officials. He said his intention was to bring in an amended version on January 12 so that a public hearing could be held on the new version on January 19.*

*No one appeared in opposition; Councilmember Stark moved to continue the public hearing to January 19. Assistant City Attorney Gerald Hendrickson said the item also needed to be laid over to the 12th so the amendments could be introduced. Councilmember Stark moved to lay the matter over to January 12 and continue the*

*public hearing to January 19.*

**Laid over to January 12; public hearing continued to January 19**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 30 RES 11-46** Amending the budget in the Fire Department by establishing the financing and spending plan for the Minnesota Task Force 1 grant reimbursement from the City of Bloomington for the amount of \$49,249.93.

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 31 RES 10-978** Final Order to acquire property rights at 1190 and 1194 Payne Avenue for the Payne/Maryland Intersection Widening/Channelization Project.

**Sponsors:** Bostrom

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 32 RES 10-1361** Final Order to acquire property rights along Maryland Avenue East immediately east and west of Clarence Street for the Phalen Village Left Turn Lanes project.

**Sponsors:** Bostrom

*Chuck Repke, District 2 Community Council, said they were not in opposition but wanted to express for the record their concerns about the location of the sidewalks as depicted in drawings. He said they had raised their concerns with Public Works and with Councilmember Bostrom's office.*

*Councilmember Bostrom moved to close the public hearing and approve.*



**Adopted**

**Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, City Council President Lantry and Councilmember Thune

**Nay:** 0

**Absent:** 2 - Councilmember Helgen and Councilmember Stark

**33 RES 11-4**

Approving adverse action against the Taxicab Driver license held by Abdinasir M. Noh for the City of Saint Paul.

**Sponsors:** Lantry

*Rachel Tierney, Assistant City Attorney representing the department of Safety and Inspections (DSI), gave a staff report. She said the basis of the adverse action was a citation by a Saint Paul police officer for being on duty without a valid driver's license. The license had been suspended for failure to pay fines, and was reinstated shortly thereafter. Ms. Tierney said the Legislative Code called for taxi license revocation. She noted that Mr. Noh's driver's license had been suspended for failure to pay fines and not for traffic violations, and said the matrix penalty would be a \$500 fine if the Legislative Code didn't call for revocation. She said the staff recommendation was revocation because that was what the code called for, but reiterated that the matrix penalty would be a \$500 fine.*

*In opposition:*

*Appellant Abdinasir Noh (135 Winnipeg, #207) (via an interpreter), said he'd gotten a speeding ticket the previous July, and had rescheduled and then missed his hearing date. He said he had many roommates and didn't receive notice of the driver's license suspension. He said he was stopped by parking enforcement and informed of the driver's license suspension, and a police officer cut the driver's license and took the taxi license and car. He said he'd paid his fine and fees immediately, and his driver's license was reinstated and taxi license returned. He said he thought everything was fine until he received the public hearing notice.*

*Councilmember Carter confirmed with Mr. Noh that he hadn't been aware his driver's license was suspended.*

*Councilmember Carter moved to close the public hearing. Yeas - 6 Nays - 0*

*Councilmember Carter said driving with a suspended license was not something to be taken lightly, but Mr. Noh seemed to be recognize the seriousness and had taken steps immediately. He noted that the license was suspended for only three days before Mr. Noh was made aware of it and had it reinstated. He asked for input, but said his sense was to impose the matrix penalty of \$500.*

*Councilmember Thune recommended staying the fine for twelve months as long as there were no same or similar violations.*

**Adopted as amended (\$500 fine, stayed for 12 months as long as there are no same or similar violations)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

**34 RES 11-42**

Approving adverse action against the Auto Body Repair/Painting Shop license held by Perfect Auto Body, Inc. d/b/a Perfect Auto Body located at 204 Bates Avenue in Saint Paul.

**Sponsors:** Lantry

*Rachel Tierney, Assistant City Attorney representing the Department of Safety and Inspections (DSI), said a \$500 fine imposed against the licensee on October 6, 2010 hadn't been paid, and the Council had just approved a license suspension on the Consent Agenda. She said the new zoning and license conditions violations being considered were very similar to the earlier ones, and staff was recommending a \$1000 penalty. She noted that these violations had taken place a couple of weeks after the previous ones.*

*In opposition:*

*Marco Martinez (204 Bates Avenue), owner of Perfect Auto Body, said he'd come into compliance after first violation, but hadn't attended the public hearing because he hadn't known about it. He said he'd called the inspector after receiving the letter about the \$500 fine and been told that there was still garbage on the property. He said he'd recently received another letter from the inspector ordering removal of the trailers, and had tried to explain to the inspector that the trailers were needed for the business. He expressed frustration that the inspector would not allow vehicles in the lot to be parked in a configuration that differed from that in the plan. He said the photographs in the file were from June. Council President Lantry said the Council did have November photographs. Mr. Martinez said the photographs didn't accurately reflect the condition in the parking lot at the time of the inspection.*

*Council President Lantry moved to close the public hearing. Yeas - 6 Nays - 0*

*Council President Lantry said she drove past the property regularly and knew what it looked like. She said she had driven past that week and called in a complaint about the sidewalk not being shoveled. She moved the recommendation of DSI to impose a \$1000 fine.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

**35 RES 11-45**

Approving adverse action against the Cigarette/Tobacco license held by Super Day, Inc. d/b/a Super Day, Inc. located at 281 Snelling Avenue North in Saint Paul.

**Sponsors:** Stark

*Rachel Tierney, Assistant City Attorney representing the Department of Safety and Inspections, said the violation was a tobacco compliance failure. She said it was third violation in 18 months and the penalty matrix called for a 30-day suspension of the tobacco license. She noted that there had been an additional violation in July 2007. She said DSI's recommendation was a 30-day suspension.*

*In opposition:*

*Deanna Pavolny said her husband owned the store, and she expressed apologies. She said all new employees completed an online training course in tobacco*

compliance, and she described store policies for verifying age. She said policies were not followed and math errors were made in this case, and the employee was new and was terminated. She said they had since invested in a scanner and instituted no-tolerance policy. She stated that over 90% of their customers purchased tobacco products, and a suspension would result in the store having to close, causing 2 full time and 11 part time employees to lose their positions. She asked that the suspension not be imposed and that they be given one more chance.

Councilmember Stark move close the public hearing. Yeas - 6 Nays - 0

Councilmember Stark said the violation was very serious, but the owners were taking it seriously and had made corrections. He said it was too bad it had taken the threat of a license suspension for changes to be instituted. He noted the testimony about economic hardship and said he recognized the difficult times being faced, but felt a license suspension was appropriate. He moved a five-day suspension with the remaining 25 days stayed for 18 months unless there were same or similar violations.

Council President Lantry clarified that the suspension was of the tobacco license only.

**Adopted as amended (30 day license suspension, all but five days stayed for 18 months unless there are same or similar violations)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 36 RES 10-1488** Approving the assessment of benefits, cost and expenses for the installation of a fire protection system at Hamernick Decorating, located at 1381 N. Rice St.

File No. FP2010-04 Assessment No. 115135

**Sponsors:** Helgen

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 37 RES 10-1473** Approving assessment in the matter of the assessment of benefits, cost and expenses for the installation of a fire protection system on the 3rd and 4th floor of the Lowry Square located at 345 Wabasha Street.

File No. FP2010-03 Assessment No. 105132

**Sponsors:** Thune

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

*hearing and approve.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 38 RES 11-9** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for Property Clean Up on Private Property from July 16, 2010 to July 29, 2010 [RE Project J1101A].

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond clarified the amendments to the assessment roll.*

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

**Adopted as amended**

**Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Harris and Councilmember Helgen

- 39 RES 11-10** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for Property Clean Up on Private Property from July 30, 2010 to August 12, 2010 [RE Project J1102A].

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond read the amendments to the assessment roll.*

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

**Adopted**

**Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Harris and Councilmember Helgen

- 40 RES 11-13** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for property clean up on private properties from August 13 to August 30, 2010 [RE Project #J1103A].

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond clarified the amendments to the*

assessment roll.

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

**Adopted**

**Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Harris and Councilmember Helgen

- 41 RES 11-14** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for weekly garbage hauling on private property between July 21 to July 28, 2010 [RE Project #J1101G].

**Sponsors:** Lantry

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

**Adopted**

**Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Harris and Councilmember Helgen

- 42 RES 11-15** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for garbage hauling on private property from August 4 to August 28, 2010 [RE Project #J1102G].

**Sponsors:** Lantry

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

**Adopted**

**Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Harris and Councilmember Helgen

- 43 RES 11-16** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for graffiti removal on private property from July 2 to July 12, 2010 [RE Project #J1101P].

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 44 RES 11-17** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for graffiti removal from private property on July 28, 2010 [RE Project #J1102P].

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 45 RES 11-18** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for graffiti removal on private property from August 2 to August 20, 2010 [RE Project #J1103P].

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 54 RES 10-1339** Ordering the razing and removal of the structures at 1066 LAFOND AVE within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

**Sponsors:** Carter III

*Legislative Hearing Officer Marcia Moermond said the property owner had been a no-show for the Legislative Hearing, and her recommendation was to order the building removed.*

*In opposition:*

*Paul Belmonte, property owner, said he'd been working on the property since the initial inspection in April of 2007. He said it had been made a vacant building immediately after the renter moved out and he hadn't been allowed time to complete the work. He said if he'd been allowed to continue to rent the property he could have*

completed the corrections. He provided photographs documenting the corrections made.

Councilmember Carter moved to close the public hearing. Yeas - 6 Nays - 0

Councilmember Carter recommended referring the matter back for a January 11 Legislative Hearing and continuing the public hearing.

Ms Moermond said posting bond and paying property taxes would need to be the first things addressed.

Mr. Belmonte said he might not be able to get time off work to attend the hearing. Councilmember Carter said the bond and taxes should be paid by January 11. He moved to refer the matter to Legislative Hearings on January 11 and continue the Council public hearing to January 12.

Mr. Belmonte asked whether he had the option of demolishing the house himself.

Councilmember Carter said he could, with the appropriate permits.

**Laid over to January 12**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

**56 RES 10-1338** Ordering the rehabilitation or razing and removal of the structures at 987 EUCLID ST within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond she had asked for \$5000 bond, the back taxes, and documentation of \$25,000 available for the rehabilitation, and none of the conditions had been met. She said she had received an email saying not enough time was given to meet the conditions.*

*Council President Lantry asked when the first Legislative Hearing had been. Ms. Moermond said it was on December 14.*

*In opposition:*

*Phico Alcenat, property owner, said he was looking for solution that would allow the house to be saved to the benefit of his family, the city, and the neighborhood. He said he had many of the materials and could do most of the work himself. He said he believed the Council was elected to preserve and maintain the integrity of St. Paul's neighborhoods. He said it was hard to come up with \$25,000 in two weeks, and asked for another chance and another three months to raise the money. He said the \$1100 vacant building fee was paid through June 2011. He said the City was willing to keep the house standing until June for HUD; he asked to be given until that time to get the money to rehabilitate the house.*

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

*Council President Lantry said she'd been following the property, was aware it was a*

Category 3 HUD house, and had been in contact with the real estate agent since the house had gone up for sale to try to prevent a situation such as this from occurring. She said there were structural problems and \$25,000 wouldn't be adequate for rehabilitation. She said status of the house should have been disclosed to Mr. Alcenat, but there was no choice now but to order demolition.

Councilmember Carter asked what could be done about the fact that HUD had sold the house. Council President Lantry noted that Mr. Alcenat had purchased the house "as is" for \$13,000. Councilmember Carter said the situation should be documented and brought to the attention of the congressional delegation and federal officials. Councilmember Harris concurred and suggested that the Council action include a request for a background report on HUD's actions with the property.

Council President Lantry said her office would work to get assistance for Mr. Alcenat.

Council President Lantry moved to order the structure removed with no option for repair.

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

**Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Helgen and Councilmember Thune

**59 ALH 10-462**

Appeal of Dan Parker, Custom Remodelers, Inc. on behalf of Zonqua and Malina Xiong to an Egress Window Non-Compliance Determination at 704 IOWA AVENUE EAST.

**Sponsors:** Bostrom

*Legislative Hearing Officer Marcia Moermond said the appeal was of a replacement window permit denial for windows with a 13 inch openable height. She said she was willing to grant variances down to 16 inches but only if there was compensating width. She said the appellant felt the language on the building permit was ambiguous as to egress window installation, and she had spoken with the building official about addressing that. She said other available sources of information were clearer.*

*In opposition:*

*Chase Anderson, Dan Parker*

*Mr. Anderson said the home was stucco and plaster, and the homeowner was adamant that the windows not be changed. He provided photographs of the house before the windows were replaced. He showed a copy their building permit from April 2010, and said they'd noted changes in the language on permit forms between April 2009, when the fire code was implemented, to April 2010. He read from the April 2010 form that windows could be replaced with windows of same type and size; he said the language changed between the ordering of custom windows and installation. He said an unintended consequence of the code was that homeowners were opting to leave bedroom windows unchanged when others in the house were replaced.*

*Council President Lantry asked when the permit had been applied for and when the windows had been installed. Mr. Anderson said the permit application was in April 30, 2010, and the windows were installed in July. Council President Lantry confirmed with Mr. Anderson that the window size had not been questioned at the time the permit was applied for.*



Councilmember Bostrom moved to close the public hearing. Yeas - 5 Nays - 0  
(Thune not present for vote)

Council President Lantry asked for a clarification of the codes. Ms. Moermond said the state building code, fire code and city's legislative code did not reconcile, and the City Attorney had reviewed the codes and come up with a amalgam policy. She said 13 inches was grossly noncompliant.

Council President Lantry asked whether the building permit did state that windows could be replaced with like windows. Ms. Moermond said the language was ambiguous.

Councilmember Bostrom moved to grant the appeal. He said they were discouraging people from replacing windows with a same-sized, more energy efficient windows, and until things were clarified he felt the appeal should be granted.

**Appeal granted**

**Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Helgen and Councilmember Thune

60 ALH 10-519

Appeal of Keith Frank to a Fire Inspection Correction Notice at 1604 EUCLID STREET.

**Sponsors:** Lantry

Legislative Hearing Officer Marcia Moermond said she had recommended variances for the egress windows appealed but was recommending denial of the appeal of the order related to the electrical panel for the upstairs unit. She said the electrical panel for the upper unit could only be accessed through the lower, which was a violation of the electrical and fire codes.

*In opposition:*

Keith Frank, property owner, said the arrangement had been that way since 1963. He said there was an area on the lower level that could be made a common area for access to the panel, but doing that would take space away from the lower unit.

Council President Lantry asked why access to the panel was necessary. Ms. Moermond said the residents should have control over their own electrical supply. Mr. Frank said he preferred that the tenants notify him of electrical problems rather than addressing them themselves.

Council President Lantry asked how large the common area was. Mr. Frank said it was about 10 by 20 feet.

Council President Lantry moved to close the public hearing and grant the appeal.

**Appeal granted**

**Yea:** 4 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Harris, Councilmember Helgen and Councilmember Thune

**46 RES 11-19** Ratifying assessments for graffiti removal on private property from August 26, 2010 to September 3, 2010 [RE Project #J1104P].

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond said the public hearing on the assessment roll had been noticed for January 19; she asked that the public hearing be continued to that date.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to January 19.*

**Public hearing continued to January 19**

**Yea:** 4 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Harris, Councilmember Helgen and Councilmember Thune

**47 RES 11-20** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for excessive consumption of inspection services billed from June 3, 2010 to July 8, 2010 [RE Project #J1101E].

**Sponsors:** Lantry and Thune

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

**Adopted**

**Yea:** 4 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Harris, Councilmember Helgen and Councilmember Thune

**48 RES 11-23** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for diseased and/or dangerous tree removal on private property in August 2010 [RE Project #1101T].

**Sponsors:** Lantry

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

**Adopted**

**Yea:** 4 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Harris, Councilmember Helgen and Councilmember Thune

**49 RES 11-25** Approving assessment, pursuant to Chapter 14 of the Saint Paul City Charter, in the matter of the assessment of benefits, cost, and expenses for emergency boarding and securing of vacant buildings during July of 2010 [RE Project #J1101B].

**Sponsors:** Lantry

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

**Adopted**

**Yea:** 4 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Harris, Councilmember Helgen and Councilmember Thune

**50 RES 11-26** Ratifying assessments for towing of abandoned vehicles from private property in June and July 2010 [RE Project #J1101V].

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to January 19.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to January 19.*

**Public hearing continued to January 19**

**Yea:** 4 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Harris, Councilmember Helgen and Councilmember Thune

**51 RES 11-27** Ratifying assessments for demolition of vacant buildings in August 2010 [RE Project #J1101C].

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to January 19.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to January 19.*

**Public hearing continued to January 19**

**Yea:** 4 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Harris, Councilmember Helgen and Councilmember Thune

**52 RES 11-28** Ratifying assessments for demolition of vacant buildings with non-CDBG fund in August 2010 [RE Project #J1102C].

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to January 19.*

*No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to January 19.*

**Public hearing continued to January 19**

**Yea:** 4 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Harris, Councilmember Helgen and Councilmember Thune

**53 RES 10-1336** Ordering the rehabilitation or razing and removal of the structures at 557-559 ELFELT ST within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

**Sponsors:** Carter III

*Legislative Hearing Officer Marcia Moermond said staff felt the property had some historic merit, and Ward 1 staff would be talking to the Frogtown CDC and PPL. She asked that the public hearing be continued for two weeks.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to January 19.*

**Public hearing continued to January 19**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

**55 RES 10-1331** Ordering the razing and removal of the structures at 620 MARYLAND AVENUE EAST within fifteen (15) days after the February 2, 2011 City Council Public Hearing.

**Sponsors:** Bostrom

*Legislative Hearing Officer Marcia Moermond asked for a one month layover to allow time for the development of rehabilitation plan. She said there had been some language issues in Legislative Hearings, and title to the property was registered with the county two days before the nuisance property declaration.*

*No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to February 2.*

**Public hearing continued to February 2**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 57      **RES 10-1337**      Ordering the razing and removal of the structures at 935 FRONT AVE within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

**Sponsors:**      Helgen

*Legislative Hearing Officer said the appellant had not appeared at the Legislative Hearing. She recommended ordering the structure removed within 15 days.*

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 58      **ALH 10-479**      Appeal of Hoang Dao to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 360 and 362 FULLER AVENUE.

**Sponsors:**      Carter III

*Legislative Hearing Officer Marcia Moermond said there'd been a complicated transfer of ownership at the same time as the condemnation and vacation of the building. She requested a four week layover to allow the new owners time to meet conditions.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to February 2.*

**Public hearing continued to February 2**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

- 61      **ALH 10-557**      Appeal of Greg Ryan to a Code Compliance Report at 1644 BUSH AVENUE.

**Sponsors:**      Lantry

*Council President Lantry moved to continue the public hearing to January 19 at the request of the property owner.*

*No one appeared in opposition; Council President Lantry moved to continue the public hearing to January 19.*

**Public hearing continued to January 19**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

**62 ALH 10-357** Appeal of Louie Teppen to a Re-Inspection Fire Certificate of Occupancy Deficiency List at 957 Minnehaha Avenue East.

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond said the orders being appealed had been addressed, and DSI had withdrawn them.*

**Withdrawn**

**63 ALH 10-561** Appeal of James Swartwood to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 931 MARION STREET.

**Sponsors:** Helgen

*Legislative Hearing Officer Marcia Moermond said there were a number of critical issues that still needed to be addressed at the property; she recommended denying the appeal.*

*No one appeared in opposition; Councilmember Harris moved to close the public hearing and deny the appeal.*

**Appeal denied**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

**ADJOURNMENT**

*The meeting was adjourned at 7:25 p.m.*

**Meeting adjourned**

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

**Nay:** 0

**Absent:** 1 - Councilmember Helgen

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