



**SUMMARY MINUTES OF THE
SAINT PAUL CITY COUNCIL
Wednesday, August 18, 2010 - 3:30 p.m.**

PUBLIC HEARINGS - 5:30 P.M.

**CITY COUNCIL CHAMBERS, 3RD FLOOR
City Hall and Court House
15 West Kellogg Boulevard**

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.stpaul.gov/council and click on Watch the Live Webcast.

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

Present – 7 – Bostrom, Carter, Harris, Helgen, Lantry, Stark, Thune
Absent – 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

(No items)

CONSENT AGENDA (Items 1 - 14)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Bostrom moved approval of the Consent Agenda.

Adopted Yeas – 7 Nays – 0

1. Resolution – 10-874 – Approving the May 1, 2010 through April 30, 2013 Maintenance Labor Agreement between the City of Saint Paul and the Bricklayers and Allied Craftworkers Local 1 Minnesota/North Dakota. [Laid over from August 11 for adoption]
Adopted Yeas – 7 Nays – 0
2. Resolution – 10-875 – Approving the Independent School District (ISD) 625 Labor Agreements for Bricklayers and Allied Craftworkers Local 1, Minnesota/North Dakota, from May 1, 2010 through April 30, 2013, and United Union of Roofers, Waterproofers and Allied Workers Local No. 96 from May 1, 2010 through April 30, 2013. [Laid over from August 11 for adoption]
Adopted Yeas – 7 Nays – 0

3. Resolution – 10-898 – Approving the Memorandum of Agreement between the City and the International Union of Painters and Allied Trades District Council #82, 2010 Wage and Fringe Adjustment. [To be laid over one week for adoption]
Laid over to August 25 for adoption Yeas – 7 Nays – 0
4. Resolution – 10-899 – Changing the rate of pay for the classification titled Vehicle Mechanic Trainee, which can be used in various City departments, at Grade 09U of Employee Group 05, International Association of Machinists and Aerospace Workers-District Lodge No. 77.
Adopted Yeas – 7 Nays – 0
5. Resolution – 10-900 – Changing the rate of pay for the classification titled Parts Runner, which can be used in various City departments, at Grade 10U of Employee Group 05, International Association of Machinists and Aerospace Workers-District Lodge No. 77.
Adopted Yeas – 7 Nays – 0
6. Resolution – 10-901 – Authorizing the Department of Parks and Recreation to accept a play equipment discount and installation of the equipment free of charge from Xccent Play, a Minnesota play equipment manufacturer, at Ryan Park, 618 Avon Street.
Adopted Yeas – 7 Nays – 0
7. Resolution – 10-902 – Memorializing City Council action taken July 7, 2010 imposing adverse action against all licenses held by Andrew Kappas, Inc., d/b/a Gopher Bar, 241 East 7th Street.
Adopted Yeas – 7 Nays – 0
8. Resolution – 10-903 – Approving adverse action against all licenses held by Axmed S. Cali, d/b/a Lounge 280, 2418 University Avenue West.
Adopted Yeas – 7 Nays – 0
9. Resolution – 10-904 – Approving adverse action against all licenses held by Capitol City Meat Markets, LLC, d/b/a Capitol City Meat Market, 537 Rice Street.
Adopted Yeas – 7 Nays – 0
10. Resolution – 10-905 – Authorizing the Department of Planning and Economic Development to accept a Scholarship Grant in the amount of \$710.00 from the Minnesota Historical Society for staff attendance at the 30th Annual Preservation Conference on September 16 and 17, 2010 at the Winona County Historical Society in Winona, MN.
Adopted Yeas – 7 Nays – 0

11. Resolution – 10 -906 – Approving full application be submitted to the federal Community Challenge and TIGER II grant programs for the following projects: Central Corridor Accessory Units Study, Climate Action Plan, Streetcar Feasibility Plan, Complete Streets Policy Plan, Saint Paul Bicycle Action Plan, and Reconstruction of the Dale Street Bridge over I-94.
Adopted Yeas – 7 Nays – 0

12. Resolution – 10-907 – Authorizing the Department of Public Works to enter in a cooperative agreement with Ramsey County for construction of a permanent signal at the Arlington Avenue and Jackson Street intersection.
Adopted Yeas – 7 Nays – 0

13. Preliminary Order – 10-908 – In the matter of construction and/or reconstruction of sidewalk along the south side of Arlington Avenue East from Arkwright to Desoto Streets and from Westminster to Arkwright Streets, and setting date of public hearing for September 1, 2010. [S1003]
Adopted Yeas – 7 Nays – 0

14. Resolution – 10-909 – Appointing outside counsel services with the law firm of Kennedy and Graven in the matter of acquiring property rights to construct a left turn lane along Maryland Avenue at Rice Street.
Adopted Yeas – 7 Nays – 0

FOR DISCUSSION

15. Presentation of a Proclamation to Commemorate the 90th Anniversary of the founding of the League of Women Voters and the Passage of the 19th Amendment to the U.S. Constitution.

Council President Lantry introduced Sig Johnson and Phyllis Hallahan from the League of Women Voters, and read the proclamation on behalf of Mayor Coleman. Ms. Johnson made brief comments.

16. Presentation by the Minnesota Recreation and Parks Association (MRPA) of the 2009 Tommy Johnson Award and a 2009 Sustainability Award to the Saint Paul Department of Parks and Recreation.

Council President Lantry introduced Jon Oyanagi, President of the Minnesota Recreation and Parks Association (MRPA). Mr. Oyanagi presented the 2009 Sustainability Award to Parks staff for the Como Park Shuttle. He said the 2009 Tommy Johnson Award, for the St. Paul Pools

Green Initiative water treatment, would be presented at the MRPA Annual Meeting.

Parks and Recreation Director Michael Hahm made brief comments and thanked the Council for their support.

17. Resolution – 10-910 – Declaring August 21, 2010 as “*Community Gardening Day*” in the City of Saint Paul.

Council President Lantry invited Margaret Shields and other community gardening advocates to the podium. She read the resolution. Ms. Shields made brief comments and thanked the Council for the City’s support.

Councilmember Bostrom moved approval.

Adopted Yeas – 7 Nays – 0

18. Consideration of the appeal of the District 13 Planning Council to a decision of the Board of Zoning Appeals granting a variance to allow a 60 foot high business sign at 1460 University Avenue West (northwest corner of Pascal and St. Anthony Streets). [ZF 10-412-888] [Public hearing held June 16; laid over July 7]

Councilmember Carter said City staff had worked over a number of years to support the project, and Union Park members had extended themselves beyond their comfort zone, but the developer was unwilling to converse and there was no traction or anything to work on. He moved to grant the appeal, and said the Board of Zoning Appeals (BZA) had erred in finding that the property could not otherwise be put to reasonable use under the provisions of the code (Finding 1) and that the plight of the landowner was due to circumstances unique to the property (Finding 2).

Councilmember Harris said he would not support granting the appeal and still felt the project represented an opportunity. He said he shared Councilmember Carter’s frustration and confusion over the applicant’s unwillingness to talk about the development.

Councilmember Carter said it was an important opportunity and parcel of land, and the City would continue to try to work with the developer.

Councilmember Helgen noted the developer’s unwillingness to engage in conversations and questioned why they had not just withdrawn the item rather than forcing the Council to act on it.

Councilmember Stark echoed Councilmember Carter’s comments about the efforts on the part of the City and frustrations with the developer, and said he would support the motion.

Councilmember Bostrom said it was disappointing and he didn’t want the perception to be that the City was turning down a development opportunity over the size of a sign. He said he also wished the developer had just withdrawn the item. He said he didn’t want it to appear that the

City was not open for business, and he would vote in opposition to granting the appeal.

Councilmember Carter agreed that good economic development was essential to the City, but said the Council was not currently being presented with the opportunity to do anything at the site.

Motion of Intent - Appeal granted

Yeas – 4 Nays – 3 (Bostrom, Harris, Helgen)

19. Resolution – 10-860 – Approving adverse action against the Taxicab Driver (Provisional) License application submitted by Andre James Tellis for the City of Saint Paul. [Public hearing held; laid over from August 4]

Assistant City Attorney Virginia Palmer gave a staff report; she said the item had been laid over for additional information. She said the Council could consider matters of rehabilitation and grant the license if they chose to. She reviewed the circumstances of the arrest and crime as requested by Councilmember Bostrom, and said there was no evidence of violence or weapons involved. She said Mr. Tellis was not on probation but had agreed to the condition of immediate license suspension in the event of an arrest for an offense related to the job of a taxicab driver.

Councilmember Thune moved to grant the taxi cab license with conditions.

Councilmember Bostrom thanked Ms. Palmer and said he was satisfied with the background information she had provided and would support granting the license.

Adverse action failed Yeas – 0 Nays – 7 (License granted with conditions)

Council President Lantry moved suspension of the rules to introduce the following resolution:
Yeas – 7 Nays – 0

Resolution – 10-912 – Approving a 45-day waiver notice requirement for issuance of on-sale malt (strong) and on-sale wine licenses for Taqueria Los Paisanos LLC, d/b/a Taqueria Los Paisanos at 835 E. Seventh Street.

Council President Lantry moved approval.

Adopted Yeas – 7 Nays – 0

ORDINANCES

NOTE: 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.

(See Items 20 and 21)

PUBLIC HEARINGS

20. Third Reading – 10-818 – An ordinance amending Chapter 409.26 of the Saint Paul Legislative Code to clarify penalties for on and off sale liquor establishments. Public hearing held and closed; laid over to August 25 for final adoption
Yeas – 7 Nays – 0
No one appeared in opposition; Councilmember Thune moved to close the public hearing. Yeas – 7 Nays – 0
Laid over to August 25 for final adoption
21. Third Reading – 10-855 – An ordinance amending Chapter 409.06 of the Saint Paul Legislative Code to clarify requirements for sidewalk cafes.

Councilmember Thune said he had received a communication from the editor of Access Press asking that the issue of sidewalk slope and safety, especially for wheelchairs, be part of the continuing discussion of sidewalk cafes.

Councilmember Stark noted that a constituent had sent a letter to all of the Council members asking that the City work towards catching up to national standards for clear distance requirements.

No one appeared in opposition; Councilmember Thune moved to close the public hearing.
Yeas – 7 Nays – 0
Laid over to August 25 for final adoption

22. Resolution – 10-858 – Approving the FY 2010 Neighborhood STAR Loan award including Business Subsidy Requirements. [Public hearing continued from August 4]

The following appeared in support:

George Barr (11670 61st Avenue, Plymouth, MN 55442), Minnesota Construction, said he'd been working with the property owner at 778 Smith Avenue. He referred to packets he'd distributed, and reviewed the history of the site and information on soil contamination. He said they had received DEED funds for clean-up, and construction on the deli had begun, but they didn't want to spend any more money until the STAR funds were approved by Council. He provided a letter of unanimous support from the West Side Citizens Organization.

No one appeared in opposition; Councilmember Thune moved to close the public hearing.
Yeas – 7 Nays – 0

Councilmember Thune said the Council wanted something to happen at that corner, but had just received the information three weeks before and there were still unanswered questions. He moved to lay the matter over for four weeks.

Councilmember Harris said he would support that. He asked whether the funds were a loan or a grant. Councilmember Thune said it was a loan that was not required to be paid back.

Councilmember Harris asked why the item being acted upon separately. Council President Lantry clarified that it had been part of the package but was pulled out for a public hearing because of the size of the subsidy.

Laid over to September 15 Yeas – 7 Nays – 0

Councilmember Harris left the meeting at this time.

Item 24 was taken out of order at this time.

24. Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Vonne X. Moua and Mee Lee Moua, d/b/a Malina's Sports Bar and Grill, 691 Dale Street North. [Public hearing continued from August 4]

Assistant City Attorney Virginia Palmer gave a staff report. She said the basis of the adverse action was the allegation of two violations of the license condition requiring that copies of surveillance tapes be provided upon request. The Administrative Law Judge (ALJ) had found that the City had proven one of the violations, but that the language of the license condition was confusing, and the City had not proven that the license holders failed to produce copies of surveillance tapes immediately on request of the St. Paul Police Department. Given the reasoning of the ALJ, the Department of Safety and Inspections (DSI) was requesting that the Council accept the report of the ALJ, findings of fact, conclusions and recommendation for penalty, but not accept the reasoning of the memorandum. Ms. Palmer asked that the license condition be amended to clarify DSI's intention that the license holder is responsible, upon request of the St. Paul Police Department for an immediate copy of the surveillance tape, to provide that. She distributed copies of the amended language.

Councilmember Carter asked for clarification of why the recommendation was to reject the memorandum. Ms. Palmer said the recommendation was to adopt the findings of fact and conclusion but not adopt the memorandum of reasoning related to the intent of the license condition.

Council President Lantry confirmed with Ms. Palmer that the final recommendation was a \$500 fine and amending the license condition.

The following appeared in opposition:

Vone Moua (693 N. Dale Street) stated that during one of the incidents he and the police officer had agreed there wasn't time for the officer to wait for a copy of the video, and the officer would pick it up the next day. He said they were out of the country when the other incident occurred, but the investigator had contacted them as soon as they were back and they had retrieved the tape for him. He said he still didn't understand why the City of St. Paul was using that against them when the communication had taken place. He said he voluntarily provided video evidence of crimes committed in the establishment and police didn't followed up, and he had also provided video for incidents in the neighborhood when requested by St. Paul authorities.

Mee Moua (693 N. Dale Street) said they'd been in business for ten years and knew the system and their license conditions, but the language was confusing and vague. She asked that the fine be dismissed because they felt they had done everything to comply.

Mr. Moua said the City did eventually have tapes for both incidents; he reiterated that they didn't understand why they were still being punished. He said they were happy that the City was making the license condition more clear.

Councilmember Carter moved to close the public hearing.

Yeas – 6 Nays – 0

Councilmember Thune confirmed with Mr. Moua that it was a digital recorder.

Councilmember Carter asked what the original language of the license condition was. Ms. Palmer read the original condition. She said the amended language clarified that in the case of a request from the police, the tape should be produced immediately.

Councilmember Carter noted that two different incidents had been included as part of one ALJ hearing. He said in the first incident it did appear that Mr. Moua had tried to comply, and the ALJ recommendation to dismiss that one was probably appropriate. He said the circumstances were different in the second instance when the Mouas were out of the country, and the conditions were not met for a long time. He agreed with Ms. Palmer that the original language was clear, and it was clear that there had been a violation of the license condition. He moved to adopt Ms. Palmer's recommendations.

Amended and Adopted the Findings of Fact, Conclusions, and Recommendation of the Administrative Law Judge (reasoning of memorandum not adopted; \$500 fine imposed; license condition amended) Yeas – 6 Nays – 0

23. Resolution – 10-911 – Creating a new Residential Permit Parking area in the Upper Landing neighborhood on portions of Spring, Walnut, Sherman, Elm, Washington, and Mill Streets with the restriction “2 Hour Parking, 8:00 a.m. to 6:00 p.m., Monday through

Friday, Except Holidays or Except by Permit, Area 30.”

Councilmember Thune introduced an amendment to extend the permit parking to both sides of Spring Street from Chestnut to Sherman (lines 23 and 24).

Yeas – 6 Nays – 0

The following appeared in opposition:

Janet Little (177 Elm Street) said she would like to see the two hour parking extended to 8:00 p.m.

The following appeared in support:

Daniel Patsy (284 Spring Street #310) spoke on behalf of the Upper Landing board. He said the resolution was the result of discussions over time with City staff and building residents, and represented the desire of the majority of Upper Landing homeowners. He asked those present in support to stand, and said they asked the Council to adopt the resolution without further delay.

Councilmember Thune moved to close the public hearing.

Yeas – 5 Nays – 0 (Bostrom not present for vote)

Councilmember Thune complimented the neighbors on their work and moved approval.

Adopted Yeas – 6 Nays – 0

25. Public hearing to consider the application of Theodore Kvasnik to rezone property at 2180-2186 Marshall Avenue (southwest corner at Cretin Avenue) from B2 Community Business to TN2 Traditional Neighborhood. [ZF 10-511-437]

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

Motion of intent – Application granted

Yeas – 5 Nays – 0 (Thune not present for vote)

26. (No Item)

27. Resolution Ratifying Assessment – 10-913 – In the matter of the assessment of benefits, cost, and expenses for collection of delinquent certificate of occupancy fees (re-invoiced) at 812 Fuller Avenue in March 2010. [CRT1003A] (Legislative Hearing Officer’s recommendation is forthcoming)

Legislative Hearing Officer Marcia Moermond said the property owner had been a no-show at the previous day’s hearing; she recommended approving the assessment.

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

Adopted Yeas – 5 Nays – 0 (Thune not present for vote)

28. Resolution Ratifying Assessment – 10-914 – In the matter of the assessment of benefits, cost, and expenses for collection of delinquent vacant building fees (re-invoiced) in March 2010 at 998 Seventh Street East. [VB1003A] [Public hearing continued from July 21] (Legislative Hearing Officer recommends approving the assessment)

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

Adopted Yeas – 5 Nays – 0 (Thune not present for vote)

29. Resolution Ratifying Assessment – 10-915 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 615 Park Street on March 31, 2010. [J1007A1] [Public hearing continued from July 21] (Legislative Hearing Officer recommends deleting the assessment)

No one appeared in opposition; Councilmember Carter moved to close the public hearing and adopt the recommendation of the Legislative Hearing Officer.

Adopted as amended Yeas – 5 Nays – 0 (Thune not present for vote)

30. Resolution Ratifying Assessment – 10-916 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 800 Sims Avenue on April 6, 2010. [J1007A2] [Public hearing continued from July 21] (Legislative Hearing Officer recommends reducing the assessment from \$484 to a total of \$384 and spreading the payments over two years)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and adopt the recommendation of the Legislative Hearing Officer.

Adopted as amended Yeas – 5 Nays – 0 (Thune not present for vote)

31. Resolution Ratifying Assessment – 10-917 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 936 Galtier Street on March 31, 2010. [J1007A3] [Public hearing continued from July 21] (Legislative Hearing Officer recommends reducing the assessment from \$456 to a total of \$300)

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and adopt the recommendation of the Legislative Hearing Officer.

Adopted as amended Yeas – 5 Nays – 0 (Thune not present for vote)

32. Resolution Ratifying Assessment – 10-918 – In the matter of the assessment of benefits, cost, and expenses for demolition of a vacant building at 507 Dale Street North in March 2010 (non CDBG funds). [J1005C1] [Public hearing continued from July 21] (Legislative Hearing Officer recommends approving the assessment)

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

Yeas – 6 Nays – 0

Councilmember Carter said the City's cost for the demolition was \$102,000 and his concern was that the estimate given to the property owner was \$77,500. He said the additional charges included things that should have been foreseeable, as well as \$15,000 for "additional hazardous material abatement," \$11,000 of which was associated with an egress stairway and water-proofing ordered by the building inspector. He expressed frustration about the process that had led to City-hired contractors not being made aware of City inspectors' requirements for the demolition site. He asked for a clarification of the additional charges for the egress stairway.

Legislative Hearing Officer Marcia Moermond said bids weren't necessarily itemized, but the changes in cost were. She stated that part of the discrepancy arose as a result of the process the City used to do estimates, particularly hazardous material abatement estimates. She said some information was not available until the site was opened up, and she suggested that the Council might wish to get bids at a different point in the process. She said there had been general surprise at the level of instability of the structure at 507 Dale Street.

Councilmember Carter said he was also concerned about the accuracy of the information provided to the property owner; he said \$5,000 to fence the site was something that should have been foreseeable.

Councilmember Helgen questioned how much of the obligation was the City's. He said the property owner could do due diligence and undertake the demolition at their own expense. Councilmember Carter said the property owner was responsible for the cost either way, but City should provide accurate information so the property owner could make a cost benefit decision about whether to do the demolition themselves.

Councilmember Helgen asked whether the property owners had done that analysis. Councilmember said his point was that the word of the City should be valid and include all foreseeable costs.

Council President Lantry said an estimate was never anyone's word, but as much information should be provided to the contractors as possible. She asked whether the fencing had been included in the bid. Ms. Moermond said she would have to pull the original for that information. She said all of the contractors went through the site carefully as they developed their bids.

Councilmember Carter said his biggest concern was that the contractor hired by the City was not aware of what was required by City's building inspectors at the job site. He said he felt that might be a problem that extended beyond the situation at hand. Council President Lantry said it appeared the additions all resulted from the need for the special egress stairway which no one

could have anticipated. Councilmember Carter questioned that it could not have been anticipated.

Ms. Moermond offered to craft a memo to the administration with the Council's concerns and questions.

Councilmember Bostrom speculated that the City had probably taken the lowest bid, and said he would be interested to know what the other bids had been.

Councilmember Carter said he was not seeking to change the assessment, but felt the situation presented the Council with an opportunity to look at how estimates and public notices were given.

Councilmember Bostrom compared the process to a remodeling project and said there was no way for City staff and contractors to foresee every expense. He agreed with Councilmember Helgen that some of the onus fell on the property owner.

Councilmember Stark said an important question was whether the City consistently underestimated job costs or whether this situation was an exception.

Councilmember Carter said a second question was whether the City was including all costs when the assessment was noticed. He reiterated that he wanted to make sure City-engaged contractors were clear about the City's expectations. He moved to approve the assessment and spread the payments over ten years.

Council President Lantry expressed concern about that length of time. Councilmember Carter said he would have to consult with the property owners. He moved a two-week layover.

Laid over to September 1 Yeas – 6 Nays – 0

33. Resolution Ratifying Assessment – 10-919 – In the matter of the assessment of benefits, cost, and expenses for graffiti removal on private property at 584 Minnehaha Avenue ~~East~~ West on March 2, 2010. [J1005P] [Public hearing continued from July 21] (Legislative Hearing Officer recommends deleting the assessment)

Council President Lantry corrected an error in the address.

No one appeared in opposition; Councilmember Carter moved to close the public hearing and adopt the recommendation of the Legislative Hearing Officer.

Adopted as amended Yeas – 5 Nays – 0 (Thune not present for vote)

34. Resolution Ratifying Assessment – 10-920 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 1431 Englewood Avenue on March 24, 2010. [1006A1] [Public hearing continued from July 7] (Legislative Hearing Officer's recommendation is forthcoming)

Legislative Hearing Officer Marcia Moermond gave a staff report on Items 34 and 35; she said the first assessment was for a clean-up and the second for garbage hauling. The City had dropped off garbage containers two days after the summary abatement compliance date, and a private hauler had been engaged at the same time. She said she took that into account in the hearing process; the assessment amount was \$50 each for drop-off and pick-up of the containers, and the service charge, but did not include a week of service as it normally would. She said she was vacillating on whether or not to delete the assessment. She said the clean-up assessment had been laid over several times in hearing, first because the Gold Card hadn't been returned, again because the property-owner was a no-show, and again because the Council referred it back.

Council members viewed the video of the clean-up.

Council President Lantry asked for the amount of the assessment. Ms. Moermond said the assessment for the clean-up was \$316 plus administrative and service charges for a total of \$456, and her recommendation was to approve the full amount.

Council President Lantry asked for clarification of the date of notice to provide garbage hauling. Ms. Moermond said the notice to provide garbage hauling was sent at the same time as the clean-up order. She said the orders were issued March 16 with a deadline of March 22, and the clean-up was done and containers dropped off on March 24.

The following appeared in opposition:

Gary Fabel (709 Woodridge Drive) said there was a fire on the third floor in October 2008 and the property was being rehabilitated and was not reoccupied until May 1. He said he hadn't received any notice. He said three bags of garbage and one construction container were hauled away; he questioned a \$456 charge for removal of those items. He said he wasn't clear as to what the \$256 garbage hauling charge covered. Council President Lantry clarified.

Council President Lantry asked Mr. Fabel whether he'd received the Gold Card. Mr. Fabel said the first notice he received was for the Legislative Hearing, and he'd come for the hearing on the wrong day.

Councilmember Stark asked why notice would not have been received. Mr. Fabel said it might have been sent to 1431 Englewood, but his address was correct in the tax rolls. Ms. Moermond looked up copies of the notice letters and the addresses to which they were sent, and confirmed with Mr. Fabel that the address was correct.

Councilmember Stark moved to close the public hearing Yeas – 6 Nays – 0
Councilmember Stark moved to approve the assessment for the clean-up, and reduce the
assessment for the garbage hauling to a total of \$50.

Adopted (Item 34) Yeas – 6 Nays – 0

35. Resolution Ratifying Assessment – 10-921 – In the matter of the assessment of benefits, cost, and expenses for weekly garbage hauling services on private property at 1431 Englewood Avenue on March 31, 2010. [J1006G1] (Legislative Hearing Officer's recommendation is forthcoming)

(See discussion with Item 34 above)

Adopted as amended (assessment reduced from \$215 to a total of \$50)

Yeas – 6 Nays – 0

36. Resolution Ratifying Assessment – 10-922 – In the matter of the assessment of benefits, cost, and expenses for collection of delinquent certificate of occupancy fees (re-invoiced) April, 2010. [CRT1004] (Legislative Hearing Officer recommends the following:

741 Edmund Avenue – approve the assessment;

1386 Furness Pkwy – reduce the assessment from \$395 to a total of \$117.)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the recommendations of the Legislative Hearing Officer.

Adopted as amended Yeas – 6 Nays – 0

37. Resolution Ratifying Assessment – 10-923 – In the matter of the assessment of benefits, cost, and expenses for graffiti removal on private property during February 17 to April 1, 2010. [J1007P] (Legislative Hearing Officer recommends the following:

1089 Albemarle Street – delete the assessment;

990 Galtier Street – delete the assessment.)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the recommendations of the Legislative Hearing Officer.

Adopted as amended Yeas – 6 Nays – 0

38. Resolution Ratifying Assessment – 10-924 – In the matter of the assessment of benefits, cost, and expenses for property clean-up on private properties during April 30 to May 13, 2010. [J1009A] (GS 3115341) (Legislative Hearing Officer recommends the following:

99 Acker Street East – ~~approve the assessment~~ referred back to August 31 Legislative Hearing and September 1 City Council public hearing;

1245 Cook Avenue East – approve the assessment;

670 Desoto Street – delete the assessment;

1196 Desoto Street – approve the assessment;

1196 Desoto Street – approve the assessment;

677 Dodd Road – approve the assessment;
1228 Park Street – approve the assessment;
1668 Prosperity Road – recommendation is forthcoming; reduce the assessment from \$571 to a total of \$296
1676 Prosperity Road – recommendation is forthcoming; delete the assessment;
803 Thomas Avenue – approve the assessment;
169 Victoria Street North – approve the assessment;
979 Wilson Avenue – delete the assessment;
847 Woodbridge Street – approve the assessment.)

Additional Address

1136 Ross Avenue – referred back to August 31 Legislative Hearing and September 1 City Council public hearing.

Legislative Hearing Officer Marcia Moermond read the changes and additions to her recommendations.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the recommendations of the Legislative Hearing Officer.

Adopted as amended Yeas – 6 Nays – 0

39. Resolution Ratifying Assessment – 10-925 – In the matter of the assessment of benefits, cost, and expenses for weekly garbage hauling service on private properties during May 5 to 12, 2010. [J1009G] (GS 3115338) (Legislative Hearing Officer recommends the following:

677 Dodd Road – approve the assessment;
93 Sycamore Street West – approve the assessment.)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the recommendations of the Legislative Hearing Officer.

Adopted as amended Yeas – 6 Nays – 0

40. Resolution Ratifying Assessment – 10-926 – In the matter of the assessment of benefits, cost, and expenses for emergency boarding and securing and/or boarding of vacant buildings during March 2010. [J1005B] (GS 3115342) (Legislative Hearing Officer recommends the following:

242-250 Fifth Street East – recommendation is forthcoming; approve the assessment;
716 Lawson Avenue East – delete the assessment;
261 Ruth Street N – recommendation is forthcoming; reduce the assessment from \$445.85 to a total of \$222.93;
975 Minnehaha Avenue East – delete the assessment.)

Additional addresses

380 Randolph Avenue – laid over to September 1 City Council public hearing;
1407 Virginia Street – referred back to August 31 Legislative Hearing and September 15 City Council public hearing.

Legislative Hearing Officer Marcia Moermond read the changes and additions to her recommendations.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the recommendations of the Legislative Hearing Officer.

Adopted as amended Yeas – 6 Nays – 0

41. Resolution Ratifying Assessment – 10-927 – In the matter of the assessment of benefits, cost, and expenses for excessive consumption of inspection services for property code violations billed February 10 to March 10, 2010. [J1003E] (GS 3115348) (Legislative Hearing Officer recommends the following:

325 Maria Avenue – approve the assessment;

731 Maryland Avenue East – reduce the assessment from \$145 to a total of \$100 and spread the payments over two years.)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the recommendations of the Legislative Hearing Officer.

Adopted as amended Yeas – 6 Nays – 0

42. Resolution Ratifying Assessment – 10-928 – In the matter of the assessment of benefits, cost, and expenses for demolition of vacant buildings during May 2010 (non C.D.B.G. funds). [J1007C] (GS 3115337) (Legislative Hearing Officer recommends approval)

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

Adopted Yeas – 6 Nays – 0

43. Resolution Ratifying Assessment – 10-929 – In the matter of the assessment of benefits, cost, and expenses for collection of delinquent vacant building fees (re-invoiced) April 2010. [VB1004] (GS 3115352) (Legislative Hearing Officer recommends the following:

311 Barclay Street – delete the assessment;

1014 Burgess Street – delete the assessment;

1020 Bush Avenue – delete the assessment;

232 Charles Avenue – approve the assessment;

700 Conway Street – delete the assessment;

1048 Fourth Street East – reduce the assessment from \$1,235 to a total of \$500 and spread the payments over three years;

2220 Fourth Street East – delete the assessment per DSI.)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the recommendations of the Legislative Hearing Officer.

Adopted as amended Yeas – 6 Nays – 0

44. Appeal of Alexander Bassey-Black to a Certificate of Occupancy Deficiency List for property at 1007 Oxford Street North. (Public hearing continued from August 4) (Ward 5) (Legislative Hearing Officer recommends denying the appeal.)

Councilmember Helgen moved to continue the public hearing to September 15 at the request of the appellant.

Public hearing continued to September 15 Yeas – 6 Nays – 0

45. Appeal of Dennis Johnson to a Certificate of Occupancy Deficiency List for property at 263 Syndicate Street South. (Legislative Hearing Officer recommends denying the appeal.)

Legislative Hearing Officer Marcia Moermond provided a photograph of the stairway. She reviewed the code requirement for a handrail and the appellants' concerns with installing one. She said her recommendation was to order that a handrail be installed.

The following appeared in opposition:

Mary Katynski-Johnson described the stairway and door, and the constraints imposed by the width of the stairway. She said the 30-inch walls on each side of the steps acted as a safety measure, and she asked that the Council waive the requirement due to the narrow area and aesthetic considerations.

Council President Lantry asked whether there was a minimum length requirement for a handrail.

Ms. Moermond said that as not addressed in the Legislative Code. Ms. Katynski-Johnson said there were only three steps with a total rise of 21 inches.

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

Councilmember Thune said Councilmember Harris had asked that the matter be laid over for two weeks but his inclination was to waive the requirement. Councilmember Helgen agreed.

Council President Lantry said Councilmember Harris could recall the item if he chose to.

Councilmember Thune moved to grant the appeal.

Appeal granted Yeas – 6 Nays – 0

46. Appeal of Richard Kedrowski to a Certificate of Occupancy Deficiency List for property at 712 Thomas Avenue. (Legislative Hearing Officer recommends denying the appeal.)

No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve the recommendation of the Legislative Hearing Officer.
Appeal denied Yeas – 6 Nays – 0

Councilmember Thune moved adjournment. Yeas – 6 Nays – 0

ADJOURNED at 7:15 P.M.

ATTEST:

Mary Erickson
Assistant Council Secretary

Kathy Lantry, Council President

Submitted by:
Katie Burger

Minutes approved by Council