



# 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, February 2, 2011

3:30 PM

Council Chambers - 3rd Floor

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

#### ROLL CALL

*The meeting was called to order by Council President Lantry 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 Russ Stark
- Absent** 1 - Councilmember Dave Thune

#### 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

*Items 15 and 16 were withdrawn. Items 21 and 22 were removed from the Consent Agenda for separate consideration.*

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

#### **Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune





**Sponsors:** Lantry

**Adopted**

- 14     [RES 11-169](#)     Amending assessment for property clean up on private property at 1068 SUMMIT AVENUE from July 16 to July 29, 2010.

**Sponsors:** Lantry

**Adopted**

- 15     [RES 11-171](#)     Approving adverse action against all licenses held by Career Systems Development d/b/a Hubert H. Humphrey Job Corps Center located at 1480 Snelling Avenue North in Saint Paul.

**Sponsors:** Stark

**Withdrawn**

- 16     [RES 11-172](#)     Approving adverse action against the Swimming Pool-Public license held by Impact Physical Medicine d/b/a Impact Physical Medicine located at 1600 University Avenue West, Unit #13 in Saint Paul.

**Sponsors:** Stark

**Withdrawn**

- 17     [RES 11-187](#)     Approving adverse action against the Massage Practitioner license held by Patricia F. MacDonald d/b/a Patricia F. MacDonald for the premises located 1415 Almond Avenue in Saint Paul.

**Sponsors:** Stark

**Adopted**

- 18     [RES 11-177](#)     Approving adverse action against the Pet Shop license held by Midwest Avian Adoption & Rescue Svcs, Inc. d/b/a MAARS located at 563 Payne Avenue in Saint Paul.

**Sponsors:** Thune

**Adopted**

- 19     [RES 11-190](#)     Approving adverse action against all licenses held by Mostafa H. Abdelhamid d/b/a Superstore Grocery located at 873 Rice Street in Saint Paul.

**Sponsors:** Helgen

**Adopted**

- 20     [RES 11-192](#)     Approving adverse action against the Laundry/Dry-Cleaning Plant license held by Yireh Carpet Cleaning d/b/a Yireh Carpet Cleaning for the City of Saint Paul.

**Sponsors:** Lantry

**Adopted**

*Councilmember Thune joined the meeting at this time.*

## FOR DISCUSSION

- 21      [RES 11-165](#)      Approving the application with conditions, per the Deputy Legislative Hearing Officer, for a Gas Station, Malt Off Sale, Cigarette/Tobacco, Restaurant (1) - No Seats, and Retail Fd (C) Grocery 1001-3000 sq ft licenses (note: this is for a change in ownership of an existing location), for Northern Tier Retail LLC, d/b/a Superamerica #4421 (ID #20100004256) at 970 University Avenue West.

**Sponsors:**      Carter III

*Councilmember Carter said some of the license conditions were still being worked out; he moved to lay the matter over for one week.*

**Laid over to February 9**

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

**Nay:** 0

- 22      [RES 11-85](#)      Approving the construction of the 2011 Residential Street Vitality Projects (RSVP).

**Sponsors:**      Lantry

*This item was placed on the agenda for the 3:30 portion of the meeting in error.*

*No one appeared to testify; Councilmember Bostrom moved to lay the matter over to the 5:30 public hearings portion of the meeting.*

**Laid over to February 2 at 5:30 p.m.**

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

**Nay:** 0

- 23      [ALH 10-557](#)      Appeal of Greg Ryan to a Code Compliance Report at 1644 BUSH AVENUE.

**Sponsors:**      Lantry

*Council President Lantry said the item had been laid over two weeks before so Council members could review a packet of information brought in by the appellant's attorney. She called on Assistant City Attorney Gerald Hendrickson for clarification of what was before the Council. Mr. Hendrickson said the only issue before the Council was the Code Compliance inspection report. He said the vacant building determination and fee and the code compliance fee could no longer be appealed. He noted that the vacant building fee had been paid.*

*Council President Lantry said someone from City inspections had met the owner at the property and reported back. She said based on that information she would move*

*to deny the appeal.*

**Appeal denied**

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

**Nay:** 0

**ORDINANCES**

**An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.**

**Final Adoption**

24     [Ord 10-60](#)     An Ordinance creating election rules for municipal elections under ranked voting.

**Sponsors:**     Stark

*Councilmember Stark said an amended version would be ready for the 5:30 portion of the meeting. He moved to lay the matter over to 5:30 p.m.*

**Laid over to February 2 at 5:30 p.m.**

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

**Nay:** 0

**SUSPENSION ITEMS**

*Councilmember Stark moved suspension of the rules to introduce the following resolution:*

**Rules suspended**

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

**Nay:** 0

[RES 11-260](#)     Waiving the 45 day notice requirement for issuance of on-sale and service area licenses for TEW, LLC d/b/a Gabe's by the Park.

**Sponsors:**     Stark

*Councilmember Stark 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

### Second Reading

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

**Sponsors:**       Thune

**Laid over to February 16 for third reading/public hearing**

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

**Sponsors:**       Thune

**Laid over to February 16 for third reading/public hearing**

### First Reading

- 27     [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

**Laid over February 9 for second reading**

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

**Sponsors:**       Lantry

**Laid over February 9 for second reading**

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

**Sponsors:**       Lantry

**Laid over February 9 for second reading**

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

**Sponsors:**       Lantry

**Laid over February 9 for second reading**

*The meeting was recessed at 3:40 p.m.*

**PUBLIC HEARINGS**

*The meeting was reconvened by Council President Lantry at 5:30 p.m.*

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

**Absent** 1 - Councilmember Dave Thune

**Ord 10-60**

An Ordinance creating election rules for municipal elections under ranked voting.

**Sponsors:** Stark

*Councilmember Stark moved an amendment. He said all parties were in agreement on the language.*

**Amended and laid over to February 9 for final adoption**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

31

**Ord 11-4**

An interim ordinance regulating the conversion of single-family homes in the District 9 Planning District.

**Sponsors:** Thune

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

**Public hearing held and closed; laid over to February 9 for final adoption**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

32

**Ord 11-5**

An interim ordinance preserving the status quo of land uses in the District 9 Planning Area.

**Sponsors:** Thune

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

**Public hearing held and closed; laid over to February 9 for final adoption**

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



**Nay:** 0

**Absent:** 1 - Councilmember Thune

*Councilmember Thune joined the meeting at this time.*

**33**      [Ord 11-6](#)

Amending Chapter 160.04 Of The Saint Paul Legislative Code To Update References.

**Sponsors:**      Lantry

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

**Public hearing held and closed; laid over to February 9 for final adoption.**

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

**Nay:** 0

**34**      [Ord 11-7](#)

Amending Chapter 167.01 of the Saint Paul Legislative Code to update references.

**Sponsors:**      Lantry

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

**Public hearing held and closed; laid over to February 9 for final adoption.**

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

**Nay:** 0

**35**      [RES 11-57](#)

Authorizing the Police Department to enter into a sub-grantee agreement with Ramsey County to provide officers to work overtime on their 2011 Pilot Enforcement Project, and amending the financing and spending plans in the Police Department in the amount of \$97,028.

**Sponsors:**      Lantry

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

**Adopted**

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

**Nay:** 0

- 36      [RES 11-97](#)      Amending the financing and spending plans in the Department of Planning and Economic Development in the amount of \$704,550 to accept Livable Communities Development Account Grants from the Metropolitan Council for the Prior-University, Phalen Village, Fifth Street Lofts, and the PPL/West 7th Street Sites.

**Sponsors:**      Thune and Stark

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

**Adopted**

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

**Nay:** 0

- 37      [RES 11-183](#)      Granting municipal consent to the Minnesota Department of Transportation for the I-94 Rehabilitation Project.

**Sponsors:**      Stark

*The following appeared in opposition:*

*Chris Loth (2206 St. Anthony Avenue) said he opposed the noise barrier.*

*In support:*

*Kevin Molloy (2222 St. Anthony Avenue) spoke in favor of the noise barrier. He said the aesthetic concerns could be addressed, and he was particularly interested in the idea of a landscaping partnership between the City, MNDot and neighborhood volunteers.*

*Evron Enner (2244 St. Anthony Avenue) said they'd wanted a barrier and freeway noise had been a problem for years.*

*Orin Enner (572 Glendale Street) said he was speaking for his family and father, and they were strongly in support of noise barrier.*

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

*Councilmember Stark asked that MNDot staff in attendance address the issue of vegetation.*

*Eriks Ludins, Public Works, introduced Scott Pederson from MNDot. Mr. Pederson said there were two programs: one allowed residents to plant vegetation on MNDot property, and the second was the partnership between the City, residents and MNDot. He described the way the partnership was structured.*

*Councilmember Stark moved approval, and said they would definitely follow up on one of the two options to improve the aesthetics.*

**Adopted**

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

**Nay:** 0

**RES 11-85**

Approving the construction of the 2011 Residential Street Vitality Projects (RSVP).

**Sponsors:** Lantry

*Councilmember Thune said some streets had gone through the petition process to opt out of the 2011 projects, and additional streets could still be pulled if petitions were submitted.*

*Dan Haak, Public Works, said all of the streets that had opted out were in the Page Woodbury project. He displayed a map.*

*Councilmember Harris asked if there was a map of the district and how the opt-outs would affect the project. He noted that streets opting out would be in tough shape by the time they were back in the RSVP cycle. Mr. Haak said the opt-out streets would be put at the end of the program and would be scheduled again in 2019 or 2020.*

*Councilmember Harris asked how project costs were adjusted for the opt-outs. Mr. Haak said any surplus would be rolled forward to be used in 2012. Councilmember Harris said it might be worth examining whether there was an economy to doing the project at all after a certain percentage of opt-outs was reached.*

*The following appeared in opposition:*

*Steve Young (206 Prescott) said he hadn't known about the assessment until the previous Friday and couldn't afford \$2500 in this economy. He said he was not eligible for deferment and not familiar with the opt out option. He submitted a letter on behalf of a neighbor, and said a neighbor who was also on a corner lot was in opposition as well.*

*Councilmember Stark said he'd heard from constituents in the Blair Griggs project who hadn't noticed the option to put the assessment on the property tax bill and spread payments over 20 years. He said he didn't think the information was prominent enough.*

*Damita Hawkins (1166 Lafond) said she was struggling to keep her home, and couldn't afford the assessment.*

*Marc Hoffman said he owned a rental property on the corner of Mount Hope and Morton Streets. He said there were two different buildings and PIBs on the parcel so he was paying two assessments, but the City had not allowed him to split the property. He said the assessment would be deferred and charged back to renters and would affect affordability.*

*Lori Witskowski, 288 E. Prescott Street, said the street on one side of her corner property had opted out and they were working on a petition for other. She said she was concerned about run-off as well as money, and was opposed to more paving.*

*Beverly Knippenburg (304 East Morton Street) said her assessment was over \$6000, she was 67 years old, and she and her husband couldn't afford it. She said she had gone around with the petition but many of the neighbors didn't speak English or understand what was going on.*

*Cheryl Olson (250 E. Belvidere) appeared on behalf of her mother, owner of 216 and 257 Belvidere. She said the assessment was a hardship and she would be happy to opt out. She said the City should wait a few years until the economy was better.*

*Councilmember Thune said a petition could be provided; he reminded everyone that*

they would be opting out until 2020.

Councilmember Thune moved to close the public hearing and approve as amended.

Councilmember Harris requested a map of the project area adjusted for the opt-outs.

**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

38 [PH 11-1](#)

Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by MW #1, Inc. d/b/a Corner Meats & Grocery for the premises located at 516 Rice Street in Saint Paul.

**Sponsors:** Carter III

*Rachel Tierney, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report. She said an inspector had found hookah pipes and ashes in violation of the Clean Indoor Air Act, and the licensee had requested an Administrative Law Judge (ALJ) hearing. The ALJ found the City had proven the Violation of the Clean Indoor Air Act but the ALJ had interpreted the ordinances such that violations of the Clean Indoor Air Act had to be addressed through Chapter 331A rather than through adverse actions. Ms. Tierney said DSI disagreed with that interpretation and had filed exceptions to that effect. The licensee had one prior violation of their tobacco license for sale of cigarettes to a minor. Ms. Tierney said DSI was asking the Council to sustain the adverse action but issue no fine, given that the business was currently closed due to building condemnation. She said the recommendation of DSI was that the Council adopt the findings of fact and conclusions of law of the of the ALJ with specific exceptions, and waive the fine.*

*The following appeared in opposition:*

*Robert Foster (2812 Anthony Lane S., St. Anthony, MN), attorney for the licensee, appeared with store manger Antar Wazwaz (1651 Hazelwood Street). He said the business was closed due to circumstances that were not the fault of the licensee, and the licensee was working with the landlord to correct the code violations. He said there were two addresses at the premises, and the hookah pipe was found in an office in a small storefront adjacent to 516 Rice. He said the inspector did not observe anyone smoking at either address. He clarified that the previous tobacco sales license violation had been for selling individual cigarettes and not for selling to a minor; he said the manager had taken responsibility and paid the fine. He read from the ALJ report that the City had failed to show or even allege the licensee had allowed smoking in a prohibited place on more than one occasion and that the violation was unintentional and based on the proximity of the two buildings. He respectfully requested that Council adopt the findings of the ALJ, especially in light of the fact that the business was currently closed.*

*Mr. Wazwaz said he only smoked on empty side and would never smoke on the store side.*

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

*Councilmember Carter said the Council should have some sensitivity to the circumstances, and he appreciated the recommendation of DSI to impose no fine.*

*He said evidence was sufficient to conclude there was a violation; he asked for Ms. Tierney's opinion on the fact that the smoking took place in the adjoining building. Ms. Tierney said because the areas were interconnected and used as one establishment it should be considered as one establishment for the purposes of licensing.*

*Councilmember Carter moved to adopt the findings in fact and conclusions of the Administrative Law Judge with exceptions as forwarded by the City Attorney's Office, and waive the fine.*

**Adopted the Findings of Fact, Conclusions, and Recommendations of the Administrative Law Judge, as amended by the exceptions filed by the Department of Safety and Inspections (Adverse Action sustained; no penalty)**

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

**Nay:** 0

**39**      [PH 11-2](#)

Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by V & HM Plus, LLC d/b/a El Pantano Plus for the premises located at 586 Rice Street in Saint Paul.

**Sponsors:**      Carter III

*Rachel Tierney, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report. She said the alleged violations were of two license conditions: a requirement to card anyone who appeared to be under 30 years old, and a requirement that everyone show identification. She said police had observed someone who appeared to be intoxicated leaving the premises; the person did not have identification when police requested it. Employees at the establishment identified the person in question as a regular patron who used a Mexican Consular-issued identification. The Administrative Law Judge (ALJ) found the City failed to prove that the patron did not have identification. Ms. Tierney reviewed her exceptions to the ALJ report, including that consular identification is not an approved means of verifying age, and said DSI's request was to adopt the findings in fact and conclusions of law as amended by the exceptions filed. She said the current violation was considered the third, all in 2010, and the recommended matrix penalty was a \$2000 fine and ten day closure of the establishment.*

*The following appeared in opposition:*

*Boris Parker (220 S. 6th Street, Minneapolis), attorney for licensee, said the City did not meet their responsibility of showing guilt by a preponderance of evidence after nine hours of testimony before ALJ. He said the issue of the type of ID presented was brought up in the ALJ hearing, but no notice was provided either in the license conditions or by City staff that consular ID was not acceptable in St. Paul. He read from the ALJ report, and requested that the Council rely on the ALJ report rather than the synopsis provide to the Council by the City Attorney. He said prior violations should have no bearing on the factual matters.*

*Councilmember Helgen said state law governed the types of identification required to verify age and it was the bar owner's responsibility to be knowledgeable about and comply with the requirements.*

*Council President Lantry noted that the senior license inspector provided the licensee with a copy of the liquor manual which contained copies of license conditions, and all city and state regulations related to the licensed activity.*

Mr. Parker said the the original allegation that the person in question entered the establishment without ID was not proved. He said the type of ID accepted was a separate issue and should be clarified and enforced consistently.

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

Councilmember Carter said consular ID was not valid ID per state law, and prior actions were relevant to penalty if not to the facts of the case. He moved to adopt the findings in fact and conclusions of law of the ALJ, as amended by the exceptions filed by the City Attorney.

Councilmember Thune asked whether the type of ID allegedly presented was a major factor in the final recommendation. He expressed concern that the state law was racist.

Ms. Tierney said the position of the department was that there was no ID.

**Adopted the Findings of Fact, Conclusions, and Recommendations of the Administrative Law Judge, as amended by the exceptions filed by the Department of Safety and Inspections (\$2000 fine and ten-day closure of the establishment imposed)**

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

**Nay:** 0

**40**      **PH 11-3**

Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Mazatlan, LLC d/b/a Mazatlan for the premises located at 567 Stryker Avenue in Saint Paul.

**Sponsors:**      Thune

Rachel Tierney, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report. She said there were two separate violations: after hours display and sale of alcohol in June 2010, and failure to wand in September. The Administrative Law Judge (ALJ) found the City did not prove its case in the after hours sale violation and DSI was recommending adoption of the ALJ's findings. The ALJ found that the City had proved the failure to wand violation, and the ALJ and DSI recommendation was a \$1000 fine. Ms. Tierney said it was the second violation in 18 months, and the first had also been for wandling.

The following appeared in opposition:

John Pecchia, 564 Winslow Avenue, said he lived behind the bar, and after-dark behavior at the bar had been an issue since he moved in two years ago. He said he had called police for yelling and fights, there was lots of police activity, and the bar drew a bad crowd and didn't represent neighborhood. He asked that the liquor license be taken away.

Thomas Alvarado (554 Winslow Avenue), said the bar was like a third world country. He said there'd been a shooting and the gunman had walked through his yard, and he had two young children. He said police were there all the time, and there was noise and profanity until 4:00 a.m.

Jorge Sanchez (569 Stryker Avenue, Apt. 2), licensee, introduced himself.

*Boris Parker, attorney for the licensee, said they agreed with the findings of the ALJ and asked that the Council adopt those findings.*

*James Hogan (88 West George Street) said he lived behind the bar and wanted the license taken away. He said DEA agents had visited the establishment, there were stabbings and shootings, and every neighbor adjoining the bar was present at the hearing.*

*Heather Brady (94 George Street W.), said there had been noise, gunshots, and stabbings. She expressed concern about her safety and frustration that tax dollars were being spent on police calls.*

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

*Councilmember Thune asked whether the Council could take away the license.*

*Ms. Tierney said it would be a significant deviation from the penalty matrix. She said a fourth violation within two years would result in revocation.*

*Councilmember Thune asked whether licensing was aware of the police reports. Ms. Tierney said they were.*

*Councilmember Thune moved to adopt the recommendation of DSI.*

*Councilmember Bostrom asked whether a license suspension could be imposed.*

*Councilmember Thune said the City Attorney had advised it was best to stick with the matrix penalty.*

*Council President Lantry asked for clarification of what information could be used to deviate from the penalty. Ms. Tierney said it was not appropriate for the Council to rely on incidents outside of the record in making their decision, although they could rely on the entire license history. She said she didn't feel the history provided substantial and compelling reasons to deviate from the penalty matrix in this case.*

**Adopted the Findings of Fact, Conclusions, and Recommendations of the Administrative Law Judge (\$1000 fine imposed for the wanding violation)**

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

**Nay:** 0

## LEGISLATIVE PUBLIC HEARINGS

- 41 [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 said the matter had been referred back to Legislative Hearing when it had been determined that the owner took possession before the "Bostrom ordinance" had taken effect. The owner had been unable to obtain funding and was allowing demolition to proceed.*

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



hearing and amend the resolution to order removal within five days.

**Adopted as amended (remove within 5 days)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 42      [RES 10-1655](#)      Ordering razing and removal of the structures at 579 LEXINGTON PKWY SOUTH within fifteen (15) days after the February 2, 2011, City Council Public Hearing.

**Sponsors:**      Harris

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 43      [RES 10-1657](#)      Ordering the razing and removal of the structures at 859 FRONT AVE within fifteen (15) days after the February 2, 2011, City Council Public Hearing.

**Sponsors:**      Helgen

*Legislative Hearing Officer Marcia Moermond gave a staff report. She said the \$5000 performance deposit had been posted the previous day and a Code Compliance inspection was pending, but no financial information had been submitted. She recommended ordering removal of the property in 15 days with no option for rehabilitation.*

*The following appeared in opposition:*

*Property owner Soua Vang said this was his first rental property and he was just learning. He said he had spoken with Pat Fish and was in the process of filing applications. He said the bids had come in too high to do a demolition as originally planned, and he had financial information but didn't know who to give it to. He asked for more time.*

*Councilmember Carter asked how much the demolition bids were. Mr. Vang said they had been between \$15,000 and 16,000. He estimated the cost for rehabilitation to be \$25,000 but said it was hard to estimate without a Code Compliance.*

*Councilmember Helgen moved to close the public hearing. Yeas - 6 Nays - 0 (Thune not present for vote)*

*Councilmember Helgen asked whether anything in the property owner's comments changed Ms. Moermond's recommendation. He expressed concern about the quality of the rehab that would be done, and asked whether the house could be demolished and the assessment spread out.*



*Ms. Moermond said the City's demolition estimate was \$10,000 to \$12,000. She said the failure to meet conditions was not a good sign that the property owner would follow up and complete other requirements.*

*Councilmember Helgen moved to order removal within 15 days, and allow up to three years for payment of the assessment. He said the matter could be revisited if something changed in in the meantime.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 44      [RES 10-1658](#)      Ordering the razing and removal of the structures at 954 GALTIER ST within fifteen (15) days after the February 2, 2011, City Council Public Hearing.

**Sponsors:**      Helgen

*Legislative Hearing Officer Marcia Moermond recommended ordering the building removed within five days with no option for repair.*

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

**Adopted as amended (remove within 5 days)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 45      [RES 10-1659](#)      Ordering the razing and removal of the structures at 1268 DESOTO ST within fifteen (15) days after the February 2, 2011, City Council Public Hearing.

**Sponsors:**      Helgen

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 46      [RES 11-78](#)      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.

**Sponsors:** Thune

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

*(The item was noticed for a February 16 public hearing and put on the agenda in error.)*

**Withdrawn**

47      [RES 11-147](#)      Ratifying assessments for Certificate of Occupancy Services re-invoiced in October 2010. (File No. CRT1102, Assessment Number 118002)

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond gave a staff report on 46 E. Elizabeth. She said the question was whether it should be in the Certificate of Occupancy program.*

*Jose Luis Escoto (property owner) said his son lived at the property with his family and was making the house payments. He said his son worked hard to support his six children and was not on welfare. He said he didn't believe it was right to just put his son in the title.*

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

*Council President Lantry moved to grant the exception on 46 E. Elizabeth and adopt the remainder of the recommendations of the Legislative Hearing Officer.*

**Adopted as amended**

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

**Nay:** 0

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

48      [RES 11-148](#)      Ratifying assessments for Property Clean Up Services provided from September 30 - October 27, 2010. (File No. J1107A, Assessment Number 118005)

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond gave staff report on the two addresses for which people were present to testify: 1576 Ruth Street and 1641 Juno Avenue.*

*She said a couch and chair were removed by the City from under the carport at 1576 Ruth Street. She said orders were sent on September 30 and the clean-up work was done on October 8. The property owner claimed they hadn't received notice and the items removed were of value. Ms. Moermond showed a video of the clean-up of four mattresses and a couch.*

*The following appeared in opposition:*

*Property owners Juavah and Alizabeth Lee said the items were stored nicely under a tarp and that was not shown in the video. They said the items belonged to a relative whose home had been foreclosed, and they could not afford to replace them. They said they hadn't received notice and they asked not to be assessed.*

*Ms. Moermond said 1641 Juno Avenue also involved a property clean-up. She said orders were mailed on August 31 about vegetation blocking the right of way, with a compliance date two weeks later. She said the property owners complied partially by trimming the branches, but the branches were not removed from the property. She showed a video of the clean-up.*

*Councilmember Harris asked whether the original orders were to trim the branches from the right of way and dispose of them.*

*Ms. Moermond said she believed orders generally did say that but she wasn't sure.*

*The following appeared in opposition:*

*Aaron Leventhal, property owner, said he had cut back the vegetation and was removing it in batches. He said he felt a \$456 assessment was a lot for the relatively small amount the City had removed, and he asked for a reduction.*

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

*Councilmember Bostrom asked Ms. Moermond to speak to the issue of notification of the owners at 1576 Ruth Street. Ms. Moermond said there had been no returned mail. She noted that the history at the property was good.*

*Councilmember Bostrom asked whether storage under a tarp was acceptable. Ms. Moermond said it was still non-compliant exterior storage.*

*Councilmember Bostrom moved to reduce the 1576 Ruth Street assessment to \$300 to be spread over three years.*

*Councilmember Harris moved to reduce the assessment for 1641 Juno to \$200.*

**Adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

**49**      [RES 11-149](#)

Ratifying Assessments for Trash Hauling Services performed from October 6 - October 27, 2010. (File No. J1104G, Assessment Number 118006)

**Sponsors:**      Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

55      [ALH 10-365](#)      Appeal of Robert Metzler to a Fire Inspection Correction Notice at 737 VAN BUREN AVENUE.

**Sponsors:**      Carter III

*Legislative Hearing Officer Marcia Moermond gave a staff report. She said she had met with the appellant prior to the hearing and clarified the window repairs required, and all other items had been agreed upon previously.*

*The following appeared in opposition:*

*Appellant Robert Metzler said he homesteaded the property, and he questioned the Certificate of Occupancy requirement. Councilmember Carter asked whose name was on the deed to the property. Mr. Metzler said the property had been in his family's name for over 60 years and was currently in his oldest brother's name. He said the house was paid for and no rent was being paid. He said he and his brother had just gone to the county recorder's office to put his name on the deed.*

*Councilmember Carter moved to close the public hearing. Yeas 6 Nays - 0 (Thune not present for vote)*

*Councilmember Carter moved to adopt the recommendation of the Legislative Hearing Officer (deny the appeal). He said the property could be removed from the Certificate of Occupancy program when the transfer of ownership took place.*

**Appeal denied**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

57      [ALH 10-473](#)      Appeal of Gaylen Melby to a Certificate of Occupancy Re-inspection Deficiency List at 803 SNELLING AVENUE NORTH.

**Sponsors:**      Stark

*Legislative Hearing Officer Marcia Moermond gave a staff report. She said the appeal involved a nonconforming duplex with separate locks.*

*The following appeared in opposition:*

*Gaylen Melby, appellant, said the property was built in 1911 as a Hamline University fraternity for 32 men in eight bedrooms, was classified as a group R3 duplex, and had been rented to students over its life time. He said the eight bedrooms were fitted with the original doors and hardware plus deadbolt locks. He said there'd been a fire ten years before and the City had approved the repairs including the replacement of two doors with solid core doors with deadbolt locks and door closers. He said the code referenced by the inspector was ambiguous and he could find nothing stating that deadbolt doors in a house were illegal. He said he provided locks on the doors for the students' security, and asked that the requirement be clarified or the deficiency be removed from his address. He requested an extension to June when leases ended if changes were required.*

*Council President Lantry asked Mr. Melby how long he'd owned the property. Mr. Melby said they'd owned it for 20 years. He said the previous owner rented it as four units, each with a bathroom and a bedroom, and he'd converted it to a duplex, with each unit having a kitchen, laundry room and four bedrooms.*

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

Councilmember Stark asked whether the locks were allowed under the code.

Ms. Moermond said the section of the Fire Code cited was incorrect. She said the presence of locks on the bedroom doors implied the use of the building as a rooming house under St. Paul Legislative Code 65.171, which was in the Zoning Code, and the use of separate leases reinforced that perception. She said the Council could grant the appeal, given the incorrect code citation, with the expectation that the orders would be reissued with the correct citation.

Council President Lantry said it seemed the property was being used as a rooming house; she asked whether the underlying zoning was correct. Ms. Moermond was not able to provide an answer.

Councilmember Stark agreed that it appeared the building was being used as a rooming house, but said that was not the issue before the Council. Ms. Moermond said there were two orders being appealed: one citing the Zoning Code and one incorrectly citing the Fire Code.

Councilmember Stark moved that the appeal of the Fire order be granted and of the Zoning order be denied with an extension granted to June 1. He said the characterization of the building use could be clarified in the meantime.

Ms. Moermond asked that the motion include a notation that the new Fire orders be written with the same June 1 deadline as the Zoning order.

**Appeal denied on Zoning Order with a compliance date of June 1, 2011. Appeal on Fire Code order granted and order will be re-issued with correct code citation and a compliance date of June 1, 2011.**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

50      [RES 11-150](#)      Ratifying Boarding and Securing and/or Boarding of Vacant Buildings assessments for services provided in August 2010 (File No. J1103B, Assessment Number 118008)

*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, Councilmember Helgen, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 1 - Councilmember Thune

51      [RES 11-151](#)      Ratifying Tree Removal Assessments for October 2010. (File No. 1103T, Assessment Number 119090)

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

52      [RES 11-220](#)      Ratifying Vacant Building Fee Assessments re-invoiced in September 2010 (File No. VB1102, Assessment Number 118993)

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

53      [RES 11-221](#)      Ratifying assessments for Graffiti Removal Service in August 2010 at 227 SNELLING AVENUE N. (File No. J1106P, Assessment Number 118009)

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

54      [RES 11-223](#)      Ratifying Excessive Consumption of Code Enforcement Services Assessments billed between August 10 and September 10, 2010. (File No. J1103E, Assessment Number 118003)

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond asked that the Council amend the resolution to delete the assessment at 1726 Ames Place.*

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

hearing and approve.

**Adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

56 [ALH 10-412](#)

Appeal of Philip Black and Dan Boler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 256 MARSHALL AVENUE.

**Sponsors:** Carter III

*Legislative Hearing Officer Marcia Moermond said the matter would be in District Court the following day with a tenant remedy action; she asked that the public hearing be continued to March 16.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to March 16.*

**Laid over to Legislative Hearing on March 8; City Council public hearing continued to March 16**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

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 asked that the matter be referred back for a February 15 Legislative Hearing, and the Council public hearing be continued to March 1. She said the conditions were being met.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to March 1.*

**Laid over to Legislative Hearing on February 15; City Council public hearing continued to March 1**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

59 [ALH 11-44](#)

Appeal of Omari Omari to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1019-1021 CARROLL AVENUE.

**Sponsors:** Carter III

*No one appeared in opposition; Councilmember Carter moved to close the public hearing and adopt the recommendation of the Legislative Hearing Officer (appeal denied and extension granted to February 7).*

**Appeal denied and extension granted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

60 [ALH 11-104](#)

Appeal of Yolanda Menchaca to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 480 LAWSON AVENUE WEST.

**Sponsors:** Helgen

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

**Appeal denied**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

61 [ALH 11-106](#)

Appeal of John H. Reed to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 123 WAYZATA STREET.

**Sponsors:** Helgen

*Legislative Hearing Officer Marcia Moermond recommended ordering that the volume of material within the unit be reduced by 75%.*

*Councilmember Helgen asked whether referrals had been made for counseling or additional services. Ms. Moermond said the appropriate referrals had been made.*

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

**Appeal denied**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune



**ADJOURNMENT**

*Councilmember Harris moved adjournment. The meeting was adjourned at 8:02 p.m.*

**Meeting adjourned**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

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