



City of Saint Paul

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

Minutes - Final

City Council

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

Wednesday, April 6, 2011

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 5:30 p.m.

ROLL CALL

The meeting was called to order by Council President Lantry at 3:31 p.m.

- Present** 5 - Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry and Councilmember Russ Stark
- Absent** 2 - Councilmember Dan Bostrom and Councilmember Dave Thune

CONSENT AGENDA

Councilmembers Bostrom and Thune joined the meeting.

Approval of the Consent Agenda

Items 22, 28 and 40 were removed from the Consent Agenda for separate consideration.

Councilmember Carter moved approval of the balance of the Consent Agenda.

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 [Min 11-8](#) Approving the minutes of the February 2, 9, 16 and 23, 2011 City Council meetings.

Sponsors: Lantry

Adopted

- 2 [RES 11-503](#) Approving the Labor Agreement (January 1, 2011 - December 31, 2012) and Memorandum of Agreement (2011 - 2012) between the City of Saint Paul and District Lodge No. 77 International Association of Machinists and Aerospace Workers AFL-CIO. (Laid over from March 23 for adoption)

Sponsors: Lantry

Adopted

- 3 [RES 11-504](#) Approving the Labor Agreement (May 1, 2010 - April 30, 2011) between the City of Saint Paul and the North Central States Regional Council of Carpenters. (Laid over from March 23 for adoption)

Sponsors: Lantry

Adopted

- 4 [RES 11-630](#) Approving the Collective Bargaining Agreement (January 1, 2011 - December 31, 2012) between the City of Saint Paul and Tri-Council: Local 120, General Drivers; Local 132, Laborers; and Local 49, Operating Engineers. (Laid over from April 6 for adoption)

Sponsors: Lantry

Laid over for one week under Consent Agenda

Laid Over to April 13 for adoption

- 5 [RES 11-626](#) Accepting a gift of conference registration, travel and hotel accommodations from The Funders Network for Smart Growth and Livable Communities for Nancy Homans to attend their annual conference and participate in a panel entitled Working with Government - The Promise and the Problems.

Sponsors: Lantry

Adopted

- 6 [RES 11-692](#) Authorizing the Police Department to pay for travel-related expenses including airfare, lodging, meals, etc. for Audrey Liquard of the Saint Paul Intervention Project, who is not a city employee, to attend a Domestic Violence Response and Investigations: Special Issues for Law Enforcement Conference sponsored by Battered Womens Justice Project (BWJP) from March 14 - 16, 2011 in San Diego, California.

Sponsors: Lantry

Adopted

- 7 [RES 11-157](#) Authorizing the Department of Parks and Recreation to accept a donation of \$250.00 from Dennis and Bettina Hoye to be used for recreational activities at Merriam Park Recreation Center.

Sponsors: Stark

Adopted

- 8 [RES 11-361](#) Authorizing the Department of Parks and Recreation to enter into a two-year lease agreement with District 16 Community Council for office space at Linwood Recreation Center.
- Sponsors:** Thune
- Adopted**
- 9 [RES 11-303](#) Authorizing the Department of Parks and Recreation to enter into a two-year lease agreement with District 15 Community Council for office space at Hillcrest Recreation Center.
- Sponsors:** Harris
- Adopted**
- 10 [RES 11-363](#) Authorizing the Department of Parks and Recreation to enter into a two-year lease agreement with District 14 Community Council for office space at Edgcombe Recreation Center.
- Sponsors:** Harris
- Adopted**
- 11 [RES 11-362](#) Authorizing the Department of Parks and Recreation to enter into a two-year lease agreement with District 12 Community Council for office space at South Saint Anthony Recreation Center.
- Sponsors:** Stark
- Adopted**
- 12 [RES 11-599](#) Authorizing the Department of Parks and Recreation to apply for and enter into an agreement with the Minnesota Department of Natural Resources Community Forest Bonding Grant program to plant 293 native trees.
- Sponsors:** Stark
- Adopted**
- 13 [RES 11-399](#) Authorizing the Department of Parks and Recreation to accept organizations to the 10% Club List of Eligible Recipients for 2011.
- Sponsors:** Lantry
- Adopted**
- 14 [RES 11-575](#) Authorizing the Department of Parks and Recreation to accept the donation of jersey barriers from Highway Technologies to help contain flood waters.
- Sponsors:** Lantry
- Adopted**

- 15 [RES 11-590](#) Authorizing the Department of Parks and Recreation to solicit and accept donations for the 25th Annual Spring Cleanup event and the 4th Annual Neighborhood Litter Campaign on April 9, 2011.
- Sponsors:** Lantry
- Adopted**
- 16 [RES 11-600](#) Authorizing the Department of Parks and Recreation to accept a \$150 donation from Anderson Windows and Doors for the Adaptive Recreation Program.
- Sponsors:** Lantry
- Adopted**
- 17 [RES 11-601](#) Authorizing the Department of Parks and Recreation to accept a \$1,000 donation from Midway Mens Club for the Adaptive Recreation Program.
- Sponsors:** Lantry
- Adopted**
- 18 [RES 11-607](#) Authorizing the Police Department to enter into a Joint Powers Agreement amendment (city contract #02-15974-I) with the State of Minnesota, Commissioner of Public Safety, Bureau of Criminal Apprehension (MN BCA), Minnesota Justice Information Services (State).
- Sponsors:** Lantry
- Adopted**
- 19 [RES 11-608](#) Authorizing the Police Department to enter into an agreement with the State of Minnesota, Minnesota State Colleges and Universities, Dakota County Technical College for facility rental for law enforcement training (Emergency Vehicle Operation Course) [EVOC].
- Sponsors:** Lantry
- Adopted**
- 20 [RES 11-579](#) Authorizing the City to enter into Mn/DOT Agreement No. 98143 with the Minnesota Department of Transportation to provide for payment by the State to the City for work on a construction project upon, along and adjacent to Trunk Highway No. 5 from Wordsworth Avenue to Mounds Boulevard and from Trunk Highway No. 61 to McKnight Avenue.
- Sponsors:** Thune, Lantry and Harris
- Adopted**
- 21 [RES 11-564](#) Approving the Gillette Children's Specialty Healthcare registered land survey.
- Sponsors:** Thune
- Adopted**

- 23 [RES 11-583](#) Approving the Saint Paul Neighborhood Network Bylaws as amended by its Board of Directors on March 8, 2011.
Sponsors: Lantry
Adopted
- 24 [RES 11-602](#) Authorizing submission of the FY2011 Consolidated Plan (CDBG,ESG,HOME).
Sponsors: Lantry
Adopted
- 25 [RES 11-584](#) Authorizing conveyance of a vacated City-owned parcel to the Saint Paul Port Authority for development purposes.
Sponsors: Carter III
Adopted
- 26 [RES 11-537](#) Approving adverse action against the Restaurant (L) - Limited license held by Sabrina M. Yang, d/b/a Tea Vana located at 217 Como Avenue, Unit #107 in Saint Paul.
Sponsors: Carter III
Adopted
- 27 [RES 11-617](#) Approving adverse action against the Restaurant (1) - No Seats license held by Lucky Pizzas & Pastas, LLC, d/b/a Lucky Pizzas & Pastas located at 1215 Randolph Avenue in Saint Paul.
Sponsors: Harris
Adopted
- 29 [RES 11-621](#) Approving adverse action against the Taxicab Vehicle license held by Mark D. Mailer, d/b/a Mark D. Mailer for the City of Saint Paul.
Sponsors: Lantry
Adopted
- 30 [RES 11-547](#) Deleting property clean-up assessment for work done on private property at 417 ARLINGTON STREET EAST from August 31 to September 16, 2010. [J1104A] (Laid over from January 19th)
Sponsors: Helgen
Adopted

- 31 [RES 11-553](#) Preliminary Order setting the date of Public Hearing for May 4, 2011 for sidewalk improvement along the south side of Energy Park Drive from Raymond Avenue to Highway 280.
- Sponsors: Stark
- Adopted**
- 32 [RES 11-563](#) Preliminary Order setting the date of Public Hearing for May 4, 2011 for sidewalk improvement along the north side of St. Anthony Avenue from Syndicate to Griggs.
- Sponsors: Carter III
- Adopted**
- 33 [RES 11-614](#) Approving the City's cost of providing Tree Removal services in November 2010 at 1344 4th Street E., and setting date of Legislative Hearing for May 3, 2011 and City Council Public Hearing for May 18, 2011 to consider and levy the assessments against individual properties. (File No. 1104T2)
- Sponsors: Lantry
- Adopted**
- 34 [RES 11-615](#) Approving the City's cost of providing Collection of Vacant Building Fees services in January 2011, and setting date of Legislative Hearing for May 3, 2011 and City Council Public Hearing for May 18, 2011 to consider and levy the assessments against individual properties. (File No. VB1107)
- Sponsors: Lantry
- Adopted**
- 35 [RES 11-616](#) Approving the City's cost of providing Boarding and Securing services in December 2010, and setting date of Legislative Hearing for May 3, 2011 and City Council Public Hearing for May 18, 2011 to consider and levy the assessments against individual properties. (File No. J1106B)
- Sponsors: Lantry
- Adopted**
- 36 [RES 11-618](#) Approving the City's cost of providing Graffiti Removal services from January 18 to February 9, 2011, and setting date of Legislative Hearing for May 3, 2011 and City Council Public Hearing for May 18, 2011 to consider and levy the assessments against individual properties. (File No. J1110P)
- Sponsors: Lantry
- Adopted**

- 37 [RES 11-619](#) Approving the City's cost of providing Property Clean Up services from January 31 to February 25, 2011, and setting date of Legislative Hearing for May 3, 2011 and City Council Public Hearing for May 18, 2011 to consider and levy the assessments against individual properties. (File No. J1111A)

Sponsors: Lantry

Adopted

- 38 [RES 11-620](#) Approving the City's cost of providing Trash Hauling services from February 1 to February 23, 2011, and setting date of Legislative Hearing for May 3, 2011 and City Council Public Hearing for May 18, 2011 to consider and levy the assessments against individual properties. (File No. J1108G)

Sponsors: Lantry

Adopted

- 39 [RES 11-629](#) Memorializing City Council action taken on March 16, 2011 affirming the decision of the Board of Zoning Appeals and denying the appeal of MJ Properties of Saint Paul for the property commonly known as 1440 Randolph Avenue in Saint Paul.

Sponsors: Harris

Adopted

FOR DISCUSSION

- 22 [RES 11-634](#) Approving petitions from building owners to the 2009 - 2010 Downtown PILOT Façade Improvement Program to proceed with assessments for improvements to downtown historic building façades, and amending the Façade Improvement Program schedule.

Sponsors: Thune

Councilmember Thune moved to lay the matter over to April 20.

Laid over to April 20

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

Nay: 0

- 28 [RES 11-535](#) Approving adverse action against all licenses held by JSR, Inc., a Minnesota Corporation, d/b/a Lonetti's Lounge located at 1091 Rice Street in Saint Paul.

Sponsors: Helgen

Councilmember Helgen moved to lay the matter over to April 20.

Laid over to April 20

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

Nay: 0

- 40 [RES 11-682](#) Recognizing the outstanding leadership of Senator Ellen Anderson.

Sponsors: Helgen

Councilmember Helgen said the resolution had been presented to Senator Anderson the previous night at her farewell party recognizing her years of leadership in the Senate. 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

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.

Second Reading

- 41 [Ord 11-31](#) Amending Chapter 30 of the Saint Paul Legislative Code pertaining to election signs.

Sponsors: Helgen

Laid over to April 20 for third reading/public hearing

- 42 [Ord 11-33](#) Repealing Administrative Code Chapter 96 pertaining to collection of registered bills, to replace it with an updated Chapter 96 pertaining to accounts receivable and clarifying certain procedures for collection.

Sponsors: Lantry

Council President Lantry moved a minor amendment at the request of OFS.

Amended; laid over to April 20 for third reading/public hearing

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

Nay: 0

First Reading

- 43 [Ord 11-30](#) Amending Chapter 28 of the Saint Paul Legislative Code regarding campaign financial reports.

Sponsors: Helgen

Laid over to April 13 for second reading

- 44 [Ord 11-34](#) Amending Chapter 246 of the Saint Paul Legislative Code pertaining to the regulation of drinking on streets and in parks.

Sponsors: Lantry

Laid over to April 13 for second reading

The Council recessed at 3:36 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:32 p.m.

- Present** 6 - Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark
- Absent** 1 - Councilmember Dan Bostrom

Councilmember Bostrom joined the meeting.

- 45 [Ord 11-27](#) Amending Chapters 60, 62, 63, 64, 65, 66, 67, 69 of the Legislative Code and the Zoning Map as recommended in the Central Corridor and Traditional Neighborhood Zoning Study. (Public testimony will be heard only on the amendments introduced on April 13.)

Sponsors: Stark and Carter III

Donna Drummond, Planning and Economic Development (PED), gave a staff report. She said the zoning study was an implementation step following the adoption of the Central Corridor Development Strategy and the Stationary Plans which are part of the City's Comprehensive Plan. She said existing zoning would not achieve the development vision detailed in those plans, and Traditional Neighborhood (TN) zoning appeared to be the best fit to achieve the vision. She said a new TN4 was being recommended which would allow more height and density where appropriate, and changes to existing TN districts were being proposed to better fit existing market conditions. She said the proposed zoning would protect adjacent low density residential areas, and new zoning requirements would primarily affect property owners and developers planning for new building construction. She said the TN zoning would significantly expand the development capacity along the corridor, enhance the design of new development, and would replace existing Central Corridor

overlay district set to expire on June 20, 2011. She said the Planning Commission had two large well-attended public hearings and made a significant number of changes in response to the public hearing testimony, and recommended follow-up studies on the following three topics:

Granting density bonuses in exchange for affordable housing or other public benefits;
Allowing accessory residential units in certain circumstances;
Studying City policy regarding shared commercial/residential alleys.

Ms. Drummond said PED and staff felt the recommendations struck a good balance between responding to community concerns and looking to the future potential of the corridor. Five written comment letters had been received and were distributed to Council members.

Councilmember Stark moved an amendment with a minor correction in wording.
Yeas - 7 Nays - 0

The following appeared in opposition:

Veronica Burt appeared with others representing the Preserve and Benefit Historic Rondo Committee. She distributed materials and described the mission of the organization. She gave a Power Point presentation on the five zoning issues her organization felt had not been addressed: Lack of a thorough neighborhood process; density and height concerns; use of alleys as through streets; neighborhood parking problems; long terms affordability in commercial and residential developments. She requested that the Council temporarily extend the overlay and postpone adoption of the new zoning until residents had an opportunity to become informed and engaged at the district council level.

Kit Donnelly, a law student at William Mitchell, said he'd been working with the Minnesota Center for Environmental Advocacy as well as a number of community groups in the Central Corridor region advocating for an inclusionary housing element in the zoning. He said inclusionary housing requirements were lawful, and the area's development goals could not be met without the use of the City's land use powers.

Eve Swan, Take Action Minnesota, said no provisions were made for home owners and business owners. She said gentrification was already occurring, and she recommended that the new zoning be held off until there were protections for homeowners.

Liz Xiong, Take Action Minnesota, said the current Central Corridor population was largely Hmong and poor. She said affordable housing could be addressed through zoning and had been done in Minneapolis. She expressed concern about current residents being displaced.

John Slade, organizer for the Metropolitan Interfaith Council on Affordable Housing (MICAH), gave examples of ways affordable housing could be addressed through zoning. He said the current plan would result in winners and losers. He asked when other means of protecting residents would be studied.

Anita Hill, co-pastor of St. Paul Reformation Lutheran Church and resident of the corridor, spoke on behalf of the St. Paul Pastors' Collaborative and Healthy Corridor for All Coalition. She said housing prices along the Corridor would go up and the City was not doing enough to meet the need for affordable housing. She cited examples from Minneapolis of using zoning to encourage affordability. She questioned whether the City was more concerned about scaring off developers than caring for existing businesses and homeowners. She commended the current administration's work on affordable housing and said addressing the issue through zoning would

compel future administrations to abide by the requirements around affordable housing.

Irna Landrum, Executive Director of the District 8 Planning Council, said the board of directors and staff had concerns about the zoning changes and felt the process had been rushed. She said community members had limited resources and scope of knowledge, and she requested a postponement of the new zoning until community members had the opportunity to meet with City planners. She said the board of directors supported the position of the Preserve and Benefit Historic Rondo Committee in asking that the current overlay be extended until the concerns of the neighborhood were studied and addressed.

Edward Swan said his mother used to own three properties, but property taxes had gotten so high she had lost them and he was now homeless. He said he was a veteran and a large proportion of homeless people were veterans, and high property taxes were causing people to lose their homes.

Andy Barnett, Twin Cities Habitat for Humanity, thanked the Council for their leadership on affordable housing. He said inclusionary zoning could be an effective tool for creating affordable housing, and he gave examples from other municipalities. He asked that the Council include inclusionary zoning provisions to help create a common cause between for-profit developers and the community development community.

Joel Franklin, St. Paul NAACP, said they had strong concerns that the proposed rezoning would have an adverse effect on residents, and asked that the Council extend the overlay and postpone implementation of the changes until residents had a chance to become informed. He said areas of concern included the level of community involvement, height and mass issues, alley traffic, parking, and affordable housing.

Johnny Howard, 638 Van Buren, said plans should reflect the ideas and values of the people who live in the geographic area affected. He described specific concerns related to alleys.

Tait Danielson Castillo, Frogtown Neighborhood Association, referred to a November 2010 board resolution and December 2010 e-mail in the Council packet, and reiterated board's conclusions: City staff should send a certified letter to each property owner and tenant along Sherburne and Aurora from Rice to Highway 280 informing them of the proposed changes to alley access and the desire to make the alleys secondary circulation routes; the board opposed any changes to the zoning code that would allow more University Avenue businesses to use their alleys for patron and/or delivery access. He noted that Riverview Economic Development Association and District 3 were given an opportunity to engage the community about TN zoning along Cesar Chavez for two years, but the University Avenue process was City-run. He said area plans and the comprehensive plan had always been done by the community, and this should be no different.

Steve Ficker, member of the Central Corridor Community Agreements Coordinating Committee, Affordable Housing and Equitable Development Work Group, Metropolitan Interfaith Council on Affordable Housing (MICAH), and resident of the Prospect Park neighborhood of Minneapolis, said he supported MICAH in advocating for the 50-50 plan to require a consistent standard of affordable housing development all along the corridor. He said a publicly funded transit project should serve those most dependent on public transportation.

Vic Rosenthal, Executive Director of Jewish Community Action, commended the Council for finding creative solutions to affordable housing problems in the past and said creative solutions were called for in this situation. He said housing decisions needed to be linked specifically to the Summit University and Frogtown segments of the corridor where needs were greatest. He gave examples of ways affordable housing could be addressed through zoning, and said he supported a delay of the zoning changes to allow more time for the community to be involved in the decision-making.

In support:

Mike Latuff, Latuff Brothers Auto Body, said his family had been in business at their location since 1933 serving primarily the neighborhood. He said they had initially been in opposition, but the PED had made changes in response to their concerns. He said the proposed zoning allowed enough flexibility that they could continue to operate.

Guy Peterson, representing the Metropolitan Council, said they supported changes facilitating transit-oriented development which helped neighborhoods prosper.

Paul McGinley, incoming chair of the Midway Chamber of Commerce, said they'd had concerns but supported the end result. He thanked the Planning Committee and Council for listening.

Councilmember Helgen noted that there were other places throughout the City where businesses could relocate and be successful.

Eric Molho, on behalf of the Union Park District Council, spoke in support of the proposed zoning changes and specifically of the new TN4 category, and said the Planning Commission plan incorporated their recommendations. He recommended an inclusionary zoning provision in the code and expressed support for a comprehensive city strategy to address affordable housing and commercial properties, but said there were complexities associated with regulating and/or incentivizing increased affordable housing. He expressed support for the Planning Commission's recommendation that further studies be undertaken, and for the Planning Commission's response to Union Park's recommendation of postponement of permanent zoning for industrial areas west of Prior Avenue until the West Midway task force completed its work.

Damien Goebel, St. Paul Smart Trips, read a statement of support, specifically of three points: Removing the parking requirements at station areas to allow a balance between parking and marketable square footage; application of Travel Demand Management (TDM) plans to downtown St. Paul; and establishment of bike parking requirements.

Marvin Liszt, on behalf of Rihm Kenworth, said the business had been at University and Cleveland for a little over 70 years. He said the original proposal to change all three Rihm parcels to restricted industrial (IR) would have caused serious problems for the Rihm facility. He said he had met with City staff, who were receptive and understanding, and the three parcels were changed to I1 (the original zoning for two of the parcels), an outcome that was satisfactory to Rihm Kenworth. He complimented staff for listening to their concerns.

Barb Thoman, Transit for Livable Communities, read a statement of support. She said TLC believed existing residents and employers should be protected, and new residents and employers encouraged to come to St. Paul. She said TLC and members were involved in a public engagement process from 2006 to 2008 around

the zoning overlay, and now supported the zoning changes as proposed.

*Councilmembers Stark and Carter moved to close the public hearing.
Yeas - 7 Nays - 0*

Councilmember Carter said he appreciated the comments, and he shared his own concerns around preserving and protecting the existing community. He asked Ms. Drummond for more information about the process, specifically about community involvement. Ms. Drummond said staff began to meet and develop recommendations in late 2009 and early 2010. She said there were four public open houses to solicit input during the summer of 2010, including two targeted specifically to property owners, one targeted to district councils, and one to the development community. A mailing had gone to all property owners within the rezoning area, and presentations were offered to other organizations. There were additional meetings with a couple of district council boards and committees, and other organizations along or interested in the corridor including the Business Review Council, Healthy Corridor for All, ISALAH, the Midway Chamber of Commerce, St. Paul Area Chamber of Commerce, Preserve and Benefit Historic Rondo Committee, and the Smart Trips board. She said there was an online survey. She said the Planning Commission public hearings were well attended and significant changes were made in response to community input.

Councilmember Carter said affordable housing would continue to be a topic of discussion going forward, but it was inaccurate to say that the proposed ordinance did nothing for affordable housing. He said development would benefit current residents and existing businesses.

Councilmember Stark thanked those who testified and staff who had worked on the process, and he outlined changes and improvements made to the plan over the course of its development. He said affordable housing was a common goal, but the question lay in how to address it. He said he hoped the Planning Commission could review density bonuses, accessory structures, and shared commercial/residential alleys and come back before the Council within six months. He said the effect of inclusionary zoning on development was another area for further study, and suggested that a portion of all public housing dollars should be used for affordable housing. He thanked Healthy Corridor for All for identifying areas where the proposed zoning would not be enough to achieve goals set out in the Central Corridor Development Strategy. He said it would be helpful for the City to get an unbiased analysis of the potential impact of inclusionary zoning in St. Paul. He said there had been a lot of meetings but not a lot of outcomes related to affordable housing but he was confident that the ideas and policies developed would begin to be implemented over the next few months, and he planned to be an active participant in the process. He said it had been a long process and he felt it was important to move forward with the zoning changes in spite of the testimony, and then make additional changes or additions over the coming months.

Councilmember Carter agreed that further study and continued community engagement were important, especially around the trade-offs to the community related to increased development and density.

Councilmember Thune said he was glad the Council had been listening and made accommodations, but he questioned whether the community concerns had really been heard and addressed. He cited examples of problems experienced by Lowertown residents and businesses during the first phase of construction and said the same problems would occur all along the corridor. He said an eight story building next to single family homes, as allowed in TN3 zoning, would degrade the single family

properties, cause more flight, and allow developers to snatch up distressed properties. He said promises made in the past had been too generous and vague, and hadn't really addressed the practical realities. He said there was no rush, and it was important to make sure concerns were addressed.

Councilmember Bostrom said University Avenue in the area of Sherburne and Aurora developed with businesses up to the alley and well established residential neighborhoods behind, and changing the alleys to throughways would present serious problems for the residents. He also expressed concerns about the loss of street access for businesses on University, and said it was a very difficult situation. He cited challenges associated with redeveloping a mature city, and stressed the importance of being sensitive to the needs of residents and business owners.

Councilmember Carter said moving forward with the rezoning and continuing the conversation were not mutually exclusive.

Amended; laid over to April 13 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

46 [Ord 11-24](#)

Amending the Zoning Map of Saint Paul as recommended in the Highland Village Zoning Study.

Sponsors: Harris

Councilmember Harris said some properties within the study area merited further consideration and a longer conversation. He read those addresses and moved an amendment to remove them from Attachment A. He said the current zoning would be maintained for those parcels but the discussion could continue.

Merritt Clapp Smith from Planning and Economic Development displayed a map of the area.

Amendment Yeas - 5 Nays - 0 (Bostrom, Helgen not present for vote)

In opposition:

Julie Gerend (295 Woodland Avenue), property owner on Cleveland and Bayard, said the project had been under consideration by the Planning Commission and District Council since 2010, had been approved by District Council, and was consistent with what was being done in other neighborhoods. She said she had learned of the amendments at 4:44 p.m. that day and did not feel due process was done, and she asked for a layover of the amended ordinance to allow time for discussion. She said she owned three of the affected parcels, and all but one of the buildings faced commercial properties. She said they had invested hundreds of thousands of dollars to reface the buildings. She thanked the District Council and Planning Commission for the work and efforts throughout the lengthy and inclusive process, and said plans for a neighborhood should reflect the issues and desires of the neighborhood.

In support:

Tia Anderson (2091 Pinehurst Avenue), Highland District Council Community Development Committee Chair, reviewed the District Council's process starting in 2009 and continuing along with the City's formal study beginning August 2010. She said they were supportive of the zoning study as passed by the Planning

Commission.

Councilmember Harris moved to close the public hearing. Yeas - 6 Nays - 0
(Bostrom not present for vote)

Councilmember Harris thanked the Highland District Council for their work. He said the issues with the specific properties were something they'd just begun to think about and he thanked PED staff for making the property owner aware of the discussions. He reiterated that those properties could be taken up separately.

Amended; laid over to April 13 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

47 [Ord 11-23](#)

Amending Legislative Code Chapter 74 by enacting a new section designating the Victoria Theater, 825 University Avenue West, as a Saint Paul Heritage Preservation Site.

Sponsors: Carter III

In support:

Tait Danielson-Castillo, Frogtown Neighborhood Association (685 Minnehaha Avenue W.), said they were working to put pride back in the neighborhood and make Frogtown a destination with historic features such as the Victoria Theater.

Kurt Gegenhuber (4604 Pleasant Avenue, Minneapolis) said that while researching a recording called Moonshiner's Dance, included on the Anthology of American Folk Music, he'd learned the setting was Victoria Theater, the only location on the anthology outside of the south. He said HPC designation of the site would allow historians to interpret it, music fans to experience it, and the City and neighborhood to know and celebrate it.

Keith Johnson, business operator at 1953 University, expressed his interest in the Central Corridor development and said he'd spoken with the owner of the vacant Victoria Theater about his plans to sell it. Mr. Johnson said he'd consulted an architect, begun to seek investors, and started an organization called the Victoria Theater Project. He said HPC designation would allow eligibility for potential National Register capital grant programs, as well as act as a catalyst for more local redevelopment.

Denise Harris (786 Van Buren) said she was pleased to be before the Council to speak in support of something as magnificent in Frogtown.

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

Councilmember Carter said this was a perfect example of a way to honor, enhance, and preserve the existing Central Corridor community. He said it had been a truly grassroots effort.

Councilmember Harris encouraged the engagement of the City's cultural supports including Joe Spencer from the Mayor's office and the Cultural STAR program.

Laid over to April 13 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

48 [Ord 11-20](#)

Amending Chapter 2.02 Of The Saint Paul Administrative Code to move collection of SAC charges from the Real Estate Section.

Sponsors: Lantry

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

Laid over to April 13 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

49 [Ord 11-25](#)

Amending Chapter 77 of the Saint Paul Legislative Code to clarify the service availability charge and move the collection duties to the Department of Safety and Inspections.

Sponsors: Lantry

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

Laid over to April 13 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Carter III

50 [RES 11-566](#)

Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified music, with limitations, from 12:00 Noon until 10:00 p.m. on June 24 and 25, 2011 in Mears Park.

Sponsors: Thune

Steve Heckler, Twin Cities Jazz Festival Director, described the event.

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

Adopted

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

- 51 [RES 11-580](#) Approving the application of Visit Saint Paul for a sound level variance in order to allow a sound system for a concert between 8:00 p.m. and 11:00 p.m. on April 9, 2011 on an outdoor stage on the Downtowner/Burger Moes parking lot at 242 West Seventh Street.

Sponsors: Thune

Councilmember Thune moved an amendment changing the ending time to 10:30 p.m. Yeas - 6 Nays - 0 (Carter not present for vote)

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

Adopted as amended

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Carter III

- 52 [RES 11-586](#) Approving the application of the St. Paul Saints Baseball Club, Inc. for a sound level variance in order to present amplified music, with limitations, from 2:00 p.m. until 10:15 p.m. on May 28 and 29, 2011 at Midway Stadium.

Sponsors: Stark

Tom Whaley of the St. Paul Saints described the event.

Councilmember Stark said he appreciated the 10:15 p.m. ending time and the neighbors did as well.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

- 53 [RES 11-613](#) Approving Energy Park Utility Company rates.

Sponsors: Stark

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

Adopted

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

Nay: 0

- 54 [RES 11-648](#) Approving the request of District Cooling St. Paul, Inc. to amend District Cooling rates.

Sponsors: Lantry

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

Adopted

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

Nay: 0

- 55 [RES 11-649](#) Approving the request of District Energy St. Paul, Inc. to amend District Heating rates.

Sponsors: Lantry

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

Adopted

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

Nay: 0

- 56 [RES 11-415](#) Transferring funds in the Parks and Recreation CIB Budget (\$60,449.58) from the Old Highland Bath House Roof Capital Project to the new Highland Bath House project to deal with unexpected construction issues.

Sponsors: Harris

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

Adopted

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

Nay: 0

- 57 [RES 11-427](#) Authorizing the Department of Parks and Recreation to develop a budget to rebuild the Excedra at Como Campus using various funding sources.

Sponsors: Stark

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

Adopted

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

Nay: 0

- 58 [RES 11-502](#) Approving the use of the Internal Loan Fund for the Department of Parks and Recreation's Como Pool Project Initiative for costs incurred to address unstable soil conditions in the Como Pool Project.

Sponsors: Stark

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

Adopted

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

Nay: 0

- 59 [RES 11-456](#) Amending the financing and spending plans in the Police Department in the amount of \$537,934 for the African Immigrant Muslim Community Outreach Program (AIMCOP) grant. (Council File #09-1231)

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

- 60 [RES 11-518](#) Establishing a financing and spending plan in the Fire Department for the 2010 Hazardous Materials Emergency Preparedness (HMEP) Grant in the amount of \$7,200 received from the State of Minnesota.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

- 61 [RES 11-551](#) Authorizing application for and acceptance of grants from the Minnesota Department of Employment and Economic Development, McKnight Foundation, and The Saint Paul Foundation for the Accelerate MSP program and amending the 2011 budget.

Sponsors: Thune

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

- 62 [PH 11-7](#) Approving adverse action against the Liquor Outdoor Service Area (Patio) license application submitted by Grand American Restaurant Company, d/b/a The Wild Onion located at 788 Grand Avenue in Saint Paul.

Sponsors: Thune

Rachel Tierney, Assistant City Attorney representing the Department of Safety and Inspections (DSI), described the three-tiered petition requirements the Council had adopted in July 2008 for patio liquor licenses applications, and summarized the circumstances under which applications similar to Wild Onion's had been granted since. She reviewed the history of the Wild Onion application, and said Licensing and the Legislative Hearing Officer had recommended approval of license, although the Legislative Hearing Officer had not addressed the issue of generally favorable disposition. She said neighbors testifying in opposition at the Legislative Hearing presented a petition including signatures from 22 people living inside of the area covered in the City's petition requirement, and Wild Onion's license application included 20-22 signatures in support. She said it was the City Attorney's opinion that 22 in favor and 22 opposed did not represent a generally favorable disposition towards the licensed activity, and the recommendation was to deny the license application.

Councilmember Helgen asked what percentage the 22 signatures in support represented. Ms. Tierney said it was 33%.

Applicant:

Peter Beck (80 South 8th Street, Minneapolis) appeared on behalf of Grand American, owners of Wild Onion. He reiterated points made in a letter he'd sent to the Council. He noted that the application was for an existing patio, and said the owners had agreed to the condition that the patio would close for both food and beverage service at 9:30 p.m. if the application was granted. He said the standard at issue was whether Wild Onion's efforts to secure consents demonstrated a generally favorable disposition from the surrounding community, not from the property owners within 300 feet of the establishment. He said 22 of the 27 property owners who responded had given consent, and all 27 tenants who responded had given their consent. He said Wild Onion had agreed to license conditions and addressed past problems, and the application had been recommended for approval by the Summit Hill Association, DSI, and the Legislative Hearing Officer. He said they didn't feel there was any real basis or common sense reason to deny the application.

In opposition:

Bob Debellis (781 Lincoln Avenue) said he'd been involved in collecting signatures in opposition, and 18 of 20 people on Lincoln on the same block as Wild Onion had signed. He said they had always pushed for Wild Onion to act as a good neighbor, but it seemed to be an insurmountable challenge for them.

Rich Laffin (797 Lincoln Avenue) said he remained frustrated and disappointed in the continuation of problems at Wild Onion. He said he was present at the meeting of Summit Hill Association, and felt the association was comprised of younger members who did not necessarily represent the views of the homeowners in neighborhood.

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

At Councilmember Thune's request, Ms. Tierney reviewed the City Attorney's opinion and recommendation.

Councilmember Thune said he had been asked by the owners to recuse himself because they had spoken to him, but his decisions were always based on testimony heard by the full Council at the public hearing. He said he was always willing to help homeowners and businesses get along, but in this case the burden was clearly on the business owners to prove that they were good citizens and willing to work with the neighbors. He said given the record and the recommendation of the City Attorney, his recommendation was to deny the application.

Councilmember Helgen said he remembered the discussion leading to reduction of the petition threshold from 90% because of challenges due to vacant buildings and language difficulties, but in this case there was active opposition and nowhere close to 90% support in a neighborhood without high level of vacancies. He said denial made sense.

Council President Lantry noted that the record included the transcript from 2008, and the intention of that change to the ordinance was to address specific situations but not to allow a free pass. She said the Legislative Hearing was a means to gather information but not to make a decision for the Council.

Councilmember Harris noted that the intention of the ordinance had been to address specific challenges faced by businesses applying for licenses in certain situations, and it had been effective in addressing those challenges.

Motion of intent - application denied

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

Nay: 0

63 [PH 11-5](#)

Public hearing to consider the report of the Administrative Law Judge concerning the Auto Repair Garage license held by Mary Fasching, d/b/a M F Automotive located at 1728 Selby Avenue in Saint Paul.

Sponsors: Stark

Rachel Tierney, Assistant City Attorney representing the Department of Safety and Inspections (DSI) gave a staff report. She described the violations, and reviewed the chronology of inspections and correspondence. She said DSI was recommending a \$1000 fine and asking that the Council issue an order for compliance within 30 days. She said the upward departure from the \$500 matrix penalty was due to multiple

violations, and although there had been no adverse actions, tremendous staff time had been spent trying to get business into compliance. The Administrative Law Judge (ALJ) found the City proved three violations, supporting the upward departure, but was not clear on a deadline for compliance. Ms. Tierney said DSI was asking for a license suspension if the 30 day deadline was not met.

Licensee Mary Fasching reviewed the chronology of inspections and her communication with the inspector, and said she did not agree that there were violations remaining on January 6. She said she hadn't been aware of DSI's recommendation for an upward departure from the matrix penalty until the day of the hearing. She said there had been no adverse actions since 2005 and she still wasn't clear whether this was a second or first violation. She said she would also like the license conditions revisited and felt they represented an infringement on her land rights.

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

Councilmember Stark said this was a clear case of behavior not changing over time. He moved to adopt the findings of fact, conclusion and recommendation submitted by the Administrative Law Judge. He said the license conditions were agreed to 15 years ago and should not be changed.

Adopted the Findings of Fact, Conclusion and Recommendation submitted by the Administrative Law Judge (impose \$1000 fine, 30-day compliance deadline)

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

Nay: 0

64 [ABZA 11-2](#)

Public hearing to consider the appeal of Tuan Joseph Pham to a decision of the Board of Zoning Appeals denying a variance of the River Corridor setback standards in order to allow an existing statue structure in the rear yard on the bluff side of the property at 231 Isabel Street West to remain.

Sponsors: Thune

Yaya Diatta, Department of Safety and Inspections (DSI), provided photographs and background information. He said a complaint had been received in November regarding a statue within ten feet of the bluff line. The property owner applied for and was denied a setback variance.

In support of the appellant:

Tuan Joseph Pham (231 Isabel Street W.) said he'd read from a document relating to permits that landscaping taking up less than 250 square feet did not require a permit, so he had not applied for one for the statue. He said a city inspector had come out when the installation was almost done and said there was an anonymous complaint. Mr. Pham said there was no complaint or if there was, there was only one. He said no one had appeared in opposition at the District 3 or Board of Zoning Appeals (BZA) meetings, and he had a petition of support with 45 signatures. He pointed out neighbors present in support. He referred to the list of BZA findings and said he had trouble with numbers 1, 2 and 3. He said Mr. Diatta had tricked him into saying he'd allow public prayer at the statue when that was not his intention. He said he met requirements 4, 5 and 6 from the BZA decision. He said there was adequate setback on one side, and the setback on the other was under 20 feet, not 10 feet, and there were only trees below. He made further descriptions of his property and the bluff, and cited University research saying the area had been there for over 500,000,000 years.

He said there had been only one tornado in the past 200 years, and no mud slides or stone slides. He said he paid his taxes without complaint and had a dream to leave something permanent for St. Paul. He said his children could donate the statue to the Cathedral or to the City. He said he and his family were good citizens and he asked the Council for their help.

Mike Samuelson (1758 Hewitt Avenue) said he had met Mr. Pham when he (Mr. Samuelson) was a community organizer in Frogtown; he recalled that Mr. Pham was nominated to the Neighborhood Honor Roll in 1997 for his work in Frogtown. Mr. Samuelson said he was a former code enforcement officer and felt the statue was more of a garden extension, and he likened it to a big gnome. He said it was not covered under that portion of the zoning code.

Others present in support stood to be recognized.

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

Councilmember Thune said the codes and laws were very specific about bluff preservation and structures built at the bluff line, and the statue wasn't even close to meeting the required setback. He said he found no error in the BZA's findings and he moved to deny the appeal.

Councilmember Bostrom said the father of the person depicted in the statue had carved out the valley. He said he supported the appeal.

Councilmember Harris said he agreed, and felt it was a bit of a stretch to call the statue a development. He said the appellant met the burden of proof in terms of how the statue affected the slope and drainage channel, and he felt the guidelines were designed for issues of larger development than this.

Council President Lantry noted that Mr. Pham himself had said he had trouble with conditions 1, 2, and 3. She read the definition of development from the code, and said it was clear. She said if the code needed to be changed it was a separate discussion.

Councilmember Harris said he disputed that the statue represented a material change.

Councilmember Stark said he agreed with with Council President Lantry. He said the statue was a change to the land and the intention was that it be permanent.

Councilmember Carter said he was in the middle. He questioned what was a significant change to the land, and said he was having a hard time calling the statue a development.

Councilmember Helgen asked for a clarification of setback standards for gardens.

Council President Lantry said there were specific requirements for zoning within the river corridor; she gave examples.

Councilmember Thune noted that the BZA vote had been unanimous.

Councilmember Bostrom referenced the Council's position on the Wild Onion's license application and said in this case Mr. Pham had provided a petition in support and there had been nothing in opposition. Council President Lantry said variances didn't require a petition and were based on the code.

Councilmember Harris reiterated that the statue was not a development.

Councilmember Carter acknowledged Council President Lantry's point, but said none of the Council members were unmoved by the neighbors' show of support.

Councilmember Thune agreed but said the code was strict and the statue was not even close to meeting the required setback. He re-made his motion to deny the appeal.

Councilmember Helgen asked whether the demarcation of the bluff line was clear. Councilmember Thune said it was clear.

Motion of intent - appeal denied

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

Nay: 2 - Councilmember Bostrom and Councilmember Harris

65 [RES 11-413](#)

Final Order approving the installation of twin lantern style lighting and two driveway aprons abutting 1371 West 7th Street.

Sponsors: Thune

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

Adopted

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

Nay: 0

66 [RES 11-414](#)

Final Order approving the improvement to the alley bounded by Niles, Randolph, Brimhall, and Saratoga.

Sponsors: Thune

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

Adopted

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

Nay: 0

67 [RES 11-439](#)

Final Order approving the installation of a driveway apron and crossing at 241 Brimhall Street.

Sponsors: Harris

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

Adopted

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

Nay: 0

- 68 [RES 11-312](#) Ratifying assessments for Repair of Sanitary Sewer Connection services on private property from August to October 2010. (File No. SWRP1101, Asmt No. 118979)

Sponsors: Lantry

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

Adopted

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

Nay: 0

- 69 [RES 11-314](#) Ratifying assessments for Replacement of Lead Water Service Line services on private property from August to October 2010. (File No. 1101LDSRP, Asmt No. 114930)

Sponsors: Lantry

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

Adopted

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

Nay: 0

- 70 [RES 11-320](#) Ratifying assessments for Collection of Vacant Building Fees services in December 2010. (File No. VB1106, Asmt No. 118019)

Sponsors: Lantry

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

Adopted

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

Nay: 0

- 71 [RES 11-321](#) Ratifying assessments for Graffiti Removal services from November 17 to December 29, 2010. (File No. J1109P, Asmt No. 118025)

Sponsors: Lantry

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

hearing and approve the resolution.

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

72 RES 11-322

Ratifying assessments for Property Clean Up services from December 28, 2010 to January 28, 2011. (File No. J1110A, Asmt No. 118034)

Sponsors: Lantry

Legislative Hearing Officer Marcia Moermond added the Duchess Street address to her recommendation, and gave a staff report for 702 Wilson Avenue. She reviewed the chronology of orders and hearings, and showed photographs. She said the amount of the assessment was due to the City having to remove items in a frozen state.

In opposition:

Robert G. Wicker (702 Wilson Avenue) listed the neighborhood addresses he kept clean, and said there wasn't as much as a stitch of rubble or piece of paper at 702 Wilson. He distributed a packet of information related to his appeal. He said he had building permits at two addresses and was addressing an abatement order on the garage at 217-219 Bates, but reconstructing the garage required lumber. He said building materials for the Bates address were being stored at 702 Wilson. He said there was more debris on the property after the clean-up.

Council President Lantry clarified that the only question before the Council was whether the City did the work.

Mr. Wicker said he had requested an extension due to a snow storm but never heard back. He reviewed additional correspondence with the inspector and said he had not been allowed the 15-day extension Ms. Moermond had granted. He disputed statements he said were made by the inspector and by Ms. Moermond and said he was now out \$26,000. He said he was a good citizen and didn't want to cause the city any trouble, but wasn't going to pay \$1,600 because an inspector who didn't know what she was talking about said they owed \$1,600. He referred to the photographs and said the lumber was for 702 Wilson and 217-219 Bates, and couldn't be moved until the projects had received final inspections.

Council President Lantry moved to close the public hearing. Yeas - 7 Nays - 0

Council President Lantry said the inspector had first visited in August and there had been a lot of opportunities for compliance. She said the letter from October 25 was clear and the City didn't do the work until January. She moved to approve the assessment and spread payments over three years, and to adopt the remainder of the resolution as amended by Ms. Moermond.

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

- 73 [RES 11-323](#) Ratifying assessments for Trash Hauling services from January 5 to January 26, 2011. (File No. J1107G, Asmt No. 118035)

Sponsors: Lantry

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

Adopted

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

Nay: 0

- 74 [RES 11-324](#) Ratifying the assessment for Tree Removal services in November 2010 at 978 FREMONT AVENUE. (File No. 1104T1, Asmt No. 119094)

Sponsors: Lantry

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

Adopted

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

Nay: 0

- 75 [RES 11-325](#) Ratifying the assessment for Emergency Boarding and Securing services in September 2010 at 845 6th St East. (File No. J1102B1, Asmt No. 118042)

Sponsors: Lantry

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

Adopted

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

Nay: 0

ADJOURNMENT

Councilmember Carter moved to adjourn the meeting at 9:19 p.m.

Meeting adjourned

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

Nay: 0

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