



**SUMMARY MINUTES OF THE
SAINT PAUL CITY COUNCIL
Wednesday, September 15, 2010 - 3:30 p.m.**

PUBLIC HEARINGS - 5:30 P.M.

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

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

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

Present – 7 – Bostrom, Carter, Harris, Helgen, Lantry, Stark

Absent – 1 – Thune (arrived after Roll Call)

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Administrative Orders:
D002814 Authorizing the Fire Department to pay for all costs incurred to hold the graduation ceremony for the 2010-1 Recruit Academy Class.
D002815 Authorizing the Police Department to pay for SWAT training expenses including lodging and meals, not to exceed \$5,000.00.
On file with the City Clerk

CONSENT AGENDA (Items 2 - 10)

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

Councilmember Stark moved approval of the Consent Agenda.

Adopted Yeas – 7 Nays – 0

2. Resolution – 10-1017 – Celebrating Constitution Week September 17 to 23, 2010.

Adopted Yeas – 7 Nays – 0

3. Resolution – 10-1018 – Approving the appointment of Emily Nesse, by Mayor Coleman, to the Business Review Council.
Adopted Yeas – 7 Nays – 0

 4. Resolution – 10-1019 – Approving the appointment of Melanie McMahon, by Mayor Coleman, to the Capitol Improvement Budget Committee.
Adopted Yeas – 7 Nays – 0

 5. Resolution – 10-1020 – Approving the reappointments of Pat Carlson, Robert Tracy, Barbara LeTourneau, John Heiderscheidt, Marissa Hendrickson, Thomas Kottke, David Muhovich, Regina Ripple, and Kerri-Elizabeth Sawyer, by Mayor Coleman, to the Community Health Services Advisory Committee.
Adopted Yeas – 7 Nays – 0

 6. Resolution – 10-1021 – Approving the modification of Neighborhood STAR Program Funds for the First Tee of Saint Paul Training Facility.
Adopted Yeas – 7 Nays – 0

 7. Resolution – 10-1022 – Authorizing the Department of Parks and Recreation to enter into an agreement with the State of Minnesota, Pollution Control Agency, to host a MN GreenCorps Green Infrastructure Corps Member for an 11-month term beginning in September 2010.
Adopted Yeas – 7 Nays – 0

 8. Resolution – 10-1023 – Setting date of public hearing for October 6, 2010 for Right-of-Way Maintenance Assessment Program charges to be assessed against benefited properties.
Adopted Yeas – 7 Nays – 0

 9. Resolution – 10-1024 – Setting date of public hearing for November 3, 2010 for proposal of 2011 Right-of-Way Maintenance Assessment Program charges to be assessed against benefited properties. (GS 3117357-Ward 7)
Adopted Yeas – 7 Nays – 0

 10. Preliminary Order – 10-1025 – In the matter of acquiring property rights for and the construction of a bicycle/pedestrian path with bridges on the west side of Lexington Avenue from Energy Park Drive to Minnehaha Avenue, and setting date of public hearing for October 6, 2010. [AE2010-02]
Adopted Yeas – 7 Nays – 0
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FOR DISCUSSION

11. Resolution – 10-1026 – Providing for the sale of Taxable General Obligation Capital Improvement Bonds, Series 2010E in order to finance a portion of the Payne Maryland Joint Recreation Center and Library Project and the Highland and Como Pool Rehabilitation and Reconstruction Projects; fixing the form and specifications; directing the execution and delivery; and providing for the payment of and levying a tax.

Council President Lantry clarified that some actions had already been taken at the Public Library Agency meeting. She said the next four items would be amended with numbers provided by Todd Hurley (Office of Financial Services) from the previous day's bond sale.

Mr. Hurley said \$20.7 million in bonds had been sold the previous day, taking advantage of the strong market, the City's very strong credit rating and very good finance team. He said the issuance of \$11.5 million in Build America Bonds and \$4.7 million in Recovery Zone bonds versus traditional tax exempt issuance resulted in a savings of \$2.6 million in debt service over the life of the issue. He said the interest rate, after taking into consideration the credits for the Build America and Recovery Zone bonds, was 2.73%.

Councilmember Harris moved approval.

Adopted as amended Yeas – 7 Nays – 0

12. Resolution – 10-1027 – Providing for the sale of Taxable General Obligation Capital Improvement Bonds (Build America Bonds – Direct Pay), Series 2010F in order to finance the costs of the renovation and reconstruction for the Como Aquatics Center and the Highland Pool and Bath House Renovation; fixing the form and specifications; directing the execution and delivery; and providing for the payment of and levying a tax.

Councilmember Harris moved approval.

Adopted as amended Yeas – 7 Nays – 0

13. Resolution – 10-1028 – Providing for the sale of Taxable General Obligation Capital Improvement Bonds (Recovery Zone Economic Development Bonds – Direct Pay), Series 2010G in order to finance a portion of the Payne Maryland Joint Recreation Center and Library; fixing the form and specifications; directing the execution and delivery; and providing for the payment of and levying a tax.

Councilmember Bostrom moved approval.

Adopted as amended Yeas – 7 Nays – 0

14. Resolution 10-1029 – Relating to the sale of Taxable General Obligation Library Bonds (Recovery Zone Economic Development Bonds – Direct Pay) Series 2010H to be issued by the Saint Paul Public Library Agency for the library portion of the Payne Maryland Joint Recreation Center and Library Project and levying a tax for the payment thereof.

Councilmember Bostrom moved approval.

Adopted as amended Yeas – 7 Nays – 0

Councilmember Thune moved to recess the meeting of the City Council.

Yeas – 7 Nays – 0

Councilmember Thune called the meeting of the HRA to order.

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

Absent – 0

15. Certifying the Proposed Housing and Redevelopment Authority Property Tax Levy Payable in 2011.

Commissioner Helgen proposed an amendment to increase the levy by approximately \$531,000. He described specific targets for the additional funds and said his intent was to pay for new activities with new revenues.

Yeas – 1 Nays – 6

Amendment failed

Commissioner Lantry said there had been a good discussion on the issue that morning and Commissioner Helgen had raised good points about practices in place that hadn't gone through the HRA board but should become policies. She said the hope was that the Council would talk about developing policy on fund balance for the HRA, either in a budget or HRA meeting, and about paying for those activities and not using fund balance dollars that weren't always going to be available.

Commissioner Harris said he'd be interested in a further discussion of how the Capitol City Partnership fee could be taken off of the general fund.

Commissioner Bostrom said a regular HRA meeting would be the venue for that discussion to take place. He moved approval.

Adopted Yeas – 7 Nays – 0

Commissioner Lantry moved to adjourn the meeting of the HRA.

Yeas – 7 Nays – 0

Council President Lantry reconvened the meeting of the City Council.

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

Absent – 0

16. Resolution – 10-1030 – Adopting a maximum tax levy for the 2011 budget.

Councilmember Helgen introduced an amendment to increase the maximum levy to 4% to deal with the uncertainty associated with Local Government Aid (LGA) financing and other budget pressures. He asked for discussion on the amendment.

Councilmember Stark said he was generally supportive of the idea of a 4% levy increase but had mixed feelings because there was no agreement about where the funds from an increased levy would go.

Councilmember Carter said he had concerns about being able to sustain a flat levy and felt flexibility was important given the uncertainties being faced, but that adding additional funding and programs could also make matters worse rather than better in the long run.

Councilmember Stark said there had been a good discussion earlier in the day. He said the most likely scenario was that there would be less than \$62 million in LGA, and regardless of the disagreements within the Council, they should play a counterbalancing role with the Administration and work to increase the maximum levy if they agreed an increase was needed.

Council President Lantry said she felt they had had a great discussion that morning, and that in spite of disagreements, the Council and Administration had worked very well together to protect services. She said given the variables and uncertainties, she understood the Mayor's reason for putting together a budget using state law. She said the Council should keep in mind past experience and should be cognizant of the effect of the recession on property owners. She said the Council should focus on asking the state to be a partner and keep their word on LGA.

Councilmember Harris agreed that the Council should be cognizant of the economy, and said the City could operate within the constraints of a 0% increase. He expressed appreciation for the other philosophies, and said the budget conversations would be ongoing.

Councilmember Carter said services could be maintained with a zero levy increase if the City received the full certified LGA, but that hadn't happened in the time he'd been on the Council. He said the people who would find increased property taxes challenging were also those who relied on public services.

Councilmember Harris reiterated that services could be maintained under a variety of different financial scenarios.

Councilmember Stark said he appreciated the comments about the difficult economic times and didn't feel the City should increase spending, but he was concerned that the amount of LGA received from the state would be significantly less than \$62 million. He agreed with Councilmember Carter that the situation presented a conundrum.

Councilmember Bostrom said there had been significant increases in the levy over the previous five years. He said the Administration seemed confident in the ability to maintain services with a 0% increase and had indicated intentions to veto an increase. He said many couldn't afford to pay an increase, and he was in opposition.

Councilmember Thune said Mayor Coleman had set forth a balanced budget that challenged the City and partners to govern within their means, and he was happy to support it.

Councilmember Helgen said he appreciated the discussion; he withdrew the amendment. He said given the demand for services and unpredictability of LGA, the City should pursue revenue diversification as a Legislative policy and strategy. He presented a draft of a resolution relating to seeking authority around a food and beverage tax, and invited input from stakeholders. He also invited input on and discussion of alternate financing strategies for public projects. He said he felt the discussion needed to start publicly.

Councilmember Carter said the resolution was not something he was prepared to support but he did appreciate the thoughtfulness of Councilmember Helgen's comments given the volatility of LGA and the need for reliable funding streams.

Councilmember Thune moved approval.

Adopted Yeas – 5 Nays – 2 (Helgen, Stark)

17. Resolution – 10-858 – Approving the FY 2010 Neighborhood STAR Loan award including Business Subsidy Requirements. [Public hearing held and laid over from August 18]

Councilmember Thune introduced an amended Attachment A and moved approval.

Adopted as amended Yeas – 7 Nays – 0
(Attachment amended)

Councilmember Helgen moved suspension of the rules to introduce the following resolution:

Yeas – 7 Nays – 0

Resolution – 10-1067 – Approving the use of Neighborhood STAR Year-Round Loan Program funds for projects in Wards 5 and 6.

Council members Helgen and Bostrom described the projects. Councilmember Bostrom said they had been reviewed by the STAR Board and were recommended.

Councilmember Helgen moved approval.

Adopted Yeas – 7 Nays – 0

Councilmember Bostrom moved suspension of the rules to introduce the following resolution:

Yeas – 7 Nays – 0

Resolution – 10-1068 – Proclaiming September 4, 2010 as *Michael Jeffrey Kieffer, Sr.* Day in the City of St. Paul.

Councilmember Bostrom spoke about Mr. Kieffer as a neighborhood icon, and said he had passed away recently.

Councilmember Bostrom moved approval.

Adopted Yeas – 7 Nays – 0

Council President Lantry moved suspension of the rules to introduce the following resolution:

Yeas – 7 Nays – 0

Resolution – 10-1069 – Approving the Mayor’s appointment of Kay Baker to the RiverCentre Convention and Visitors Authority for a term to expire December 31, 2013. Council President Lantry moved approval.

Adopted Yeas – 7 Nays – 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

18. Second Reading – 10-1013 – An ordinance memorializing City Council action approving the rezoning from B2 Community Business to TN2 Traditional Neighborhood for property at 2186 Marshall Avenue. [ZF 10-511-437] [Public hearing held August 18, 2010]

Laid over to September 22 for third reading

19. Second Reading – 10-1014 – An ordinance amending Chapter 324.03 of the Saint Paul Legislative Code to update the definition of Tobacco and Other Regulations.

Laid over to October 6 for third reading/public hearing

20. Second Reading – 10-1015 – An ordinance amending Chapter 55 of the Saint Paul Legislative Code to clarify requirements for Tent Permits.
Laid over to October 6 for third reading/public hearing
21. First Reading – 10-1031 – An ordinance amending Chapters 87, 90, and 94 of the Saint Paul Legislative Code pertaining to the rules and regulations of the Board of Water Commissioners.
Laid over to September 22 for second reading

The meeting was recessed at 4:08 p.m. and reconvened for public hearings at 5:30 p.m.

PUBLIC HEARINGS

Present – 6 – Bostrom, Carter, Harris, Lantry, Stark, Thune
Absent – 1 – Helgen (excused)

22. Resolution – 10-1032 – Approving the application of Mark Hejhal for a sound level variance in order to present live outdoor music, with limitations, at 721 Watson Avenue from 2:00 p.m. to 7:00 p.m. on October 2, 2010.
No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve.
Adopted Yeas – 6 Nays – 0
23. Resolution – 10-1033 – Amending the budget in the Fire Department by establishing a Financing and Spending Plan for donations received in the amount of \$5,000 for the Grand Opening of the new Fire Department Headquarters and Fire Station 1 on September 10, 2010.
No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve.
Adopted Yeas – 6 Nays – 0
24. Resolution – 10-1034 – Amending the budget in Mayor’s Office by establishing a Financing and Spending Plan for the “Skill Up While Greening Up” grant received from the State of Minnesota in the amount of \$50,000.
No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve.
Adopted Yeas – 6 Nays – 0
25. Resolution – 10-1035 – Amending the budget in the Police Department by establishing a Financing and Spending Plan for a donation received from Target Corporation in the amount of \$2,000 to expand the communication, analysis, and community training initiatives in fraud prevention and education.

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

Adopted Yeas – 6 Nays – 0

26. Resolution – 10-1036 – Amending the budget in the Department of Parks and Recreation by establishing a Financing and Spending Plan for Federal transportation enhancement funds in the amount of \$2,580,247 for the Mississippi River Revetment project.

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

Adopted Yeas – 6 Nays – 0

27. Resolution – 10-1037 – Amending the budget in the Department of Parks and Recreation by establishing a Financing and Spending Plan for funds received from the Metropolitan Council in the amount of \$125,000 for the Como Park Shuttle Service.

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

Adopted Yeas – 6 Nays – 0

28. Resolution – 10-975 – Approving adverse action against all licenses held by Paul Kamp, d/b/a Kamp's, 1059 Western Avenue. [Public hearing continued from September 1]

Rachel Tierney, Assistant City Attorney representing the Department of Safety and Inspections, said the adverse action was for selling liquor to an underage buyer. She said recommendation from licensing was for a \$500 matrix penalty, which was the penalty for a first violation. She noted that this was considered the first violation, but was technically the fourth.

The following appeared in opposition:

Paul Kamp (1059 Western Avenue N.) appeared. He said the violation had involved a young, inexperienced cashier who had been let go immediately. He said access to alcohol was now limited to managers. He asked that the penalty be reduced, and said he'd had a conversation with Councilmember Helgen.

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

Councilmember Harris moved to lay the matter over for one week so Councilmember Helgen could comment.

Laid over to September 22 Yeas – 6 Nays – 0

29. Resolution – 10-1038 – Approving the petition of the Saint Paul Port Authority to vacate portions of Seminary Avenue and Hubbard Street between Chatsworth and Milton Streets to assemble additional land for redevelopment purposes.

Councilmember Carter introduced an amendment. Yeas – 6 Nays – 0

Bruce Engelbrecht, Public Works, gave a brief staff report. He said the amendment clarified that the petitioners were originally the City and the Port Authority, because a portion of the area abutting the vacation area was owned by the City.

The following appeared in opposition:

Jeff Arnold, on-site property manager for the Minnehaha Business Center (753-775 N. Milton Street), read a letter of opposition. He said the 25,000 square foot building provided affordable office and retail space for small businesses, the majority of which were minority owned. He said the building had enjoyed many years of close to 100% occupancy, but the vacation of Seminary had resulted in a loss of access to Milton Street and had been financially devastating to the building owner and tenants' businesses. He said they had lost the benefits of access and truck route from a public street and been subject to the detriments of cut through traffic. He said the street was taken away without notice and they would like it back.

The following appeared in support:

Kelly Jameson, Port Authority Project Manager, displayed a schematic of the site and indicated the locations of Mr. Arnold's property, the Port Authority's existing properties, and the vacation request. She said it had always been the Port Authority's intention to connect the existing properties so they could be marketed for redevelopment. She said there was some restriction to access to the Minnehaha Business Center during the construction period, but there was now a new access from Milton as well as additional access points off of Seminary and Minnehaha.

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

Councilmember Carter said he appreciated the testimony on both sides. He said access from Milton had been a concern during construction but he felt it had been appropriately addressed. He moved approval.

Adopted as amended Yeas – 6 Nays – 0

30. Final Order – 10-1039 – In the matter of the Operation and Maintenance costs for the Arcade/Case and Grand/Snelling parking lots for 2012. [18744-11 & 18746-11]

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

Adopted Yeas – 6 Nays – 0

31. Resolution Ratifying Assessment – 10-1040 – In the matter of the assessment of benefits, cost, and expenses for the Arcade/Case and Grand/Snelling parking lots operation and maintenance costs for 2011. [18744-10 & 18746-10]

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

Adopted Yeas – 6 Nays – 0

- 32. Public hearing to consider the application of Zamzam, Inc. to rezone property from RM1 Low-density Multiple-Family Residential to B1 Local Business at 1555 Maryland Avenue East (between Hazelwood and Herbert Streets). [ZF 10-603-211]

Josh Williams (Planning and Economic Development) gave a brief staff report. He said the property in question was two lots. He described the rezoning request and said there had been a single family home and a duplex on the property at one time. He said both the Zoning Committee and Planning Commission had approved the application on unanimous votes, and the rezoning had the support of the District Council.

George Barr (11670 61st Avenue N., Plymouth, MN 55442) appeared representing Zamzam, Inc. He described the project and planned improvements, and said he had worked with Mr. Beech (Department of Safety and Inspections) on the site plan.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve. He said there had been serious issues at that location in the past, but the current ownership was addressing the problems head-on and making the property an asset to the neighborhood.

Motion of intent – Application granted Yeas – 6 Nays – 0

- 33. Resolution – 10-1041 – Ordering the owner to remove or repair the building(s) at 365 Burgess Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer’s recommendation is forthcoming)

Legislative Hearing Officer Marcia Moermond said the HRA was not interested in the property but a representative for Wells Fargo was present to testify about their interest in rehabbing the property. She recommended referring the matter back for a Legislative Hearing on September 28 and continuing the public hearing to October 20, with the understanding that the standard conditions be met by one week before the Council’s public hearing.

Rebecca Schiller (25 Dale Street N.) appeared representing Wells Fargo. She said Wells Fargo would post bond and was in the process of getting bids. She said the conditions would be met and she confirmed the deadline with Ms. Moermond.

Councilmember Carter moved to continue the public hearing to October 20

Public hearing continued to October 20 Yeas – 6 Nays – 0

34. Resolution – 10-1042 – Ordering the owner to remove ~~or repair~~ the building(s) at 547 Blair Avenue within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)
No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve.
Adopted Yeas – 6 Nays – 0
35. Resolution – 10-1043 – Ordering the owner to remove or repair the building(s) at 727 Blair Avenue within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)
No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve.
Adopted Yeas – 6 Nays – 0
36. Resolution – 10-1044 – Ordering the owner to remove ~~or repair~~ the building(s) at 375 Cook Avenue West within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)
No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve.
Adopted Yeas – 6 Nays – 0
37. Resolution – 10-1045 – Ordering the owner to remove or repair the building(s) at 947 Earl Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends continuing the public hearing to November 3)
No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to November 3 Yeas – 6 Nays – 0
38. Resolution Ratifying Assessment – 10-1046 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 941 Cypress Street on May 20, 2010. [J1010A1] [Laid over from September 1] (Legislative Hearing Officer recommends approval)

Legislative Hearing Officer Marcia Moermond read from a letter from Prime Asset disputing the assessment and providing documentation that the property had been subject to a complete trash out on April 8 and the lot had been mowed on May 4 and 18. She said the total amount of the assessment was \$300. The Council viewed a video of the abatement.

The following appeared in opposition:

Angie Senger, TangleTown Realty (1705 Marion Street), appeared representing Prime Asset. She provided photos and invoices from the vendors. She said the owner was asking that the assessment be waived or reduced given the size of the lot and the presence of the six-foot privacy fence.

Councilmember Bostrom moved to close the public hearing and approve.

Adopted Yeas – 6 Nays – 0

39. Resolution Ratifying Assessment – 10-1047 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 168 George Street on May 19, 2010. [J1010A2] [Laid over from September 1] (Legislative Hearing Officer recommends approval)

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

Adopted Yeas – 6 Nays – 0

40. Resolution Ratifying Assessment – 10-1048 – In the matter of the assessment of benefits, cost, and expenses for emergency boarding and securing and/or boarding of a vacant building at 1658 Idaho Avenue East in April 2010. [J1006B1] [Laid over from September 1] (Legislative Hearing Officer recommends approval)

No one appeared in opposition; Councilmember

Legislative Hearing Officer Marcia Moermond said there should have been a second address on the resolution; she asked that 694 Birmingham be referred back to Real Estate for resolution. She said her recommendation for 1658 Idaho Avenue East was approval of the assessment.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve. Yeas – 6 Nays – 0

(Additional address: 694 Birmingham referred back to Real Estate for resolution)

41. Resolution Ratifying Assessment – 10-1049 – In the matter of the assessment of benefits, cost, and expenses for collection of vacant building fee (re-invoiced) at 1028 Loeb Street in May 2010. [VB1005A] [Laid over from September 1] (Legislative Hearing Officer recommends continuing the public hearing to January 5, 2011)

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to January 5, 2011.

Public hearing continued to January 5, 2011 Yeas – 6 Nays – 0

42. Resolution Ratifying Assessment – 10-1050 – In the matter of the assessment of benefits, cost, and expenses for emergency boarding and securing and/or boarding of a vacant building at 706 Sims Avenue in April 2010. [J1006B2] [Laid over from September 1] (Legislative Hearing Officer recommends approval)

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

Adopted Yeas – 6 Nays – 0

43. Resolution Ratifying Assessment – 10-1051 – In the matter of the assessment of benefits,

cost, and expenses for collection of vacant building fee (re-invoiced) at 887 Third Street East in May 2010. [VB1005B] [Laid over from September 1] (Legislative Hearing Officer recommends continuing the public hearing to October 6)

No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to October 6.

Public hearing continued to October 6 Yeas – 6 Nays – 0

44. Resolution Ratifying Assessment – 10-1052 – In the matter of the assessment of benefits, cost, and expenses for tenant remedies action payment at 916 Marshall Avenue in 2010. [TR1001]

Legislative Hearing Officer Marcia Moermond said she didn't handle tenant remedies actions but could look into the matter if the Council wanted to refer it back to her.

The following appeared in opposition:

Bradley Beisel (282 U.S. Trust Building, 730 2nd Avenue S., Minneapolis, MN 55104) appeared representing MTGLQ Investments LP, the current property owner through a foreclosure. He said the situation had arisen from a dispute between the tenant and previous owner; he requested more time to get more information about the situation.

Councilmember Carter moved to refer the matter back for a Legislative Hearing on September 21 and continue the public hearing to October 6.

Public hearing continued to October 6 Yeas – 6 Nays – 0

45. Resolution Ratifying Assessment – 10-1053 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private properties from June 1 to 9, 2010. [J1011A] (Legislative Hearing Officer recommends the following:
2003 Conway Street – approve the assessment;
1245 Cook Avenue East – delete the assessment;
576 Charles Avenue – reduce the assessment from \$275.00 to a total of \$91.67;
1001 Jessie Street – approve the assessment;
1315 Minnehaha Avenue West – delete the assessment;
714 Rose Avenue East – approve the assessment; and
650 Van Buren Avenue – approve the assessment.)

Additional address:

333 Atwater Street – referred back to the September 21 Legislative Hearing and October 6 City Council public hearing

Legislative Hearing Officer Marcia Moermond read the changes and additions to her recommendations. She gave a brief staff report on 650 Van Buren. Summary Abatement orders were issued on May 26, 2010 with a compliance date of May 31, 2010. Conditions were worse

at the June 1, 2010 reinspection, and Parks conducted a clean-up. Ms. Moermond said the issue was whether the appellant had received notification; all indications from DSI were that proper notification was sent. She said her recommendation was to approve the full assessment for \$298.

The following appeared in opposition:

Michelle Do (650 Van Buren) stated that the work was done before she received the letter. She asked that the assessment be reduced.

Councilmember Carter moved to close the public hearing for all but 333 Atwater, and approve as amended.

Adopted as amended Yeas – 6 Nays – 0

46. Resolution Ratifying Assessment – 10-1054 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private properties from June 9 to 29, 2010. [J1012A] (Legislative Hearing Officer recommends the following:
1490 Burns Avenue – approve the assessment;
665 Case Avenue – reduce the assessment from \$476 to \$300 and spread the payments over 3 years;
61 Cook Avenue West – referred back to the September 21 Legislative Hearing and October 6 City Council public hearing;
775 Cook Avenue East – approve the assessment;
1249 Cook Avenue East – approve the assessment;
670 Desoto Street – referred back to the September 21 Legislative Hearing and October 6 City Council public hearing;
977 Edgerton Street – approve the assessment;
1641 Minnehaha Avenue East – approve the assessment;
1515 Selby Avenue – approve the assessment;
1457 Sherburne Avenue – delete the assessment; and
1752 Stillwater Avenue – approve the assessment.)

No one appeared in opposition; Councilmember Thune moved to close the public hearing for all but 61 Cook and 670 Desoto, and approve as amended.

Adopted as amended Yeas – 6 Nays – 0

47. Resolution Ratifying Assessment – 10-1055 – In the matter of the assessment of benefits, cost, and expenses for demolition of vacant buildings in June 2010 (non-CDBG funds). [J1008C] (GS 3115886) (~~Legislative Hearing Officer recommends the following:~~
~~1413 Beech Street – delete the assessment per DSI)~~

Legislative Hearing Officer Marcia Moermond said 1413 Beech Street was not on the tax roll or in the resolution, and was included in the title in error.

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

Adopted Yeas – 6 Nays – 0

48. Resolution Ratifying Assessment – 10-1056 – In the matter of the assessment of benefits, cost, and expenses for demolition of vacant buildings in June 2010 (CDBG funds). [J1009C] (Legislative Hearing Officer recommends approval)

Legislative Hearing Officer Marcia Moermond asked that the matter be referred back for a Legislative Hearing on September 21, and the public hearing continued to October 6.

No one appeared in opposition; Council President Lantry moved to continue the public hearing to October 6.

Public hearing continued to October 6 Yeas – 6 Nays – 0

49. Resolution Ratifying Assessment – 10-1057 – In the matter of the assessment of benefits, cost, and expenses for providing weekly garbage hauling service on private properties from June 3 to 9, 2010. [J1011G] (GS 3115882) (Legislative Hearing Officer recommends the following:

93 Sycamore Street West – approve the assessment)

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

Adopted Yeas – 6 Nays – 0

50. Resolution Ratifying Assessment – 10-1058 – In the matter of the assessment of benefits, cost, and expenses for providing weekly garbage hauling service on private properties from June 17 to 30, 2010. [J1012G] (Legislative Hearing Officer recommends the following:

93 Sycamore Street West – approve the assessment)

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

Adopted Yeas – 6 Nays – 0

51. Resolution Ratifying Assessment – 10-1059 – In the matter of the assessment of benefits, cost, and expenses for excessive consumption of inspection services for property code violations billed from March 11 to April 30, 2010. [J1004E] (Legislative Hearing Officer recommends approval)

Additional addresses:

642 Charles Avenue – approve the assessment;

945 Fremont Avenue – approve the assessment;

580 Thomas Avenue – delete the assessment per DSI;

572 Van Buren Avenue – approve the assessment.

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

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

Adopted as amended Yeas – 6 Nays – 0

52. Resolution Ratifying Assessment – 10-1060 – In the matter of the assessment of benefits, cost, and expenses for excessive consumption of inspection services for property code violations billed from May 3 to June 2, 2010. [J1005E] (Legislative Hearing Officer recommends the following:

191 Maple Street – delete the assessment)

Additional address:

670 Desoto Street – referred back to the September 21 Legislative Hearing and October 6 City Council public hearing

Legislative Hearing Officer Marcia Moermond asked that 670 DeSoto be referred back for a September 21 Legislative Hearing and the Council public hearing continued to October 6.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing for all but 670 DeSoto Street, and approve as amended.

Adopted as amended Yeas – 6 Nays – 0

53. Resolution Ratifying Assessment – 10-1061 – In the matter of the assessment of benefits, cost, and expenses for towing abandoned vehicles from private properties from January to April 2010. [J1004V] (Legislative Hearing Officer recommends the following:

1027 Arkwright Street – approve the assessment

393 Bates Avenue – delete the assessment; and

431 Hyacinth Avenue East – forthcoming; approve the assessment)

Additional address:

1746 Beech Street – approve the assessment and spread the payments over five years

Legislative Hearing Officer Marcia Moermond read the changes and additions to her recommendations, and said someone was present to testify regarding 1027 Arkwright. She said the property owner had not appeared for the Legislative Hearing so she didn't have a report or recommendation for the Council.

The following appeared in opposition:

Vendee (1027 Arkwright St.) said she'd purchased a new vehicle and given the old one to her

brother. She said her brother went to Korea to teach and she had planned to donate the vehicle to a family, but the vehicle was towed. She said it had been her understanding that she could pay a fee to get the car out of the impound lot or could just leave it there, and she decided to leave it because she had other expenses. She asked that the assessment be waived. She said the house didn't have a garage, and the car was in a private driveway and not abandoned.

Council President Lantry asked whether the car was inoperable or had expired tabs. Ms. Vandee said the tabs were expired.

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

Adopted as amended Yeas – 6 Nays – 0

54. Resolution Ratifying Assessment – 10-1062 – In the matter of the assessment of benefits, cost, and expenses for excessive consumption of inspection services for emergency boarding and securing and/or boarding of vacant buildings in May 2010. [J1007B] (Legislative Hearing Officer recommends the following:

626 Armstrong/563 Drake Street – approve the assessment; and
1059 Burr Street – delete the assessment per DSI)

Additional address:

~~1138 Englewood Avenue~~ 1066 Lafond Avenue – referred back to the September 21 Legislative Hearing and October 6 City Council public hearing

Legislative Hearing Officer Marcia Moermond asked that 1138 Englewood Avenue be referred back for a September 21 Legislative Hearing and the Council public hearing continued to October 6. [The correct address for the appeal is 1066 Lafond Avenue; 1138 Englewood is the property owner's address.]

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing for all but 1066 and adopt as amended.

Adopted as amended Yeas – 6 Nays – 0

55. Resolution Ratifying Assessment – 10-1063 – In the matter of the assessment of benefits, cost, and expenses for graffiti removal on private properties from April 19 to June 1, 2010. [J1009P] (GS 3115878) (Legislative Hearing Officer recommends the following:
84 Bates Avenue – waiver received; delete the assessment;
263 Front Avenue – waiver received; delete the assessment;
1191 Payne Avenue – waiver received; delete the assessment; and
2389 University Avenue West (aka 767 Raymond Avenue) – waiver received; delete the assessment)

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

and approve as amended.

Adopted as amended Yeas – 6 Nays – 0

56. Resolution Ratifying Assessment – 10-1064 – In the matter of the assessment of benefits, cost, and expenses for graffiti removal on private properties from June 7 to 17, 2010. [J1010P] (Legislative Hearing Officer recommends approval)
No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 6 Nays – 0
57. Resolution Ratifying Assessment – 10-1065 – In the matter of the assessment of benefits, cost, and expenses for collection of delinquent certificate of occupancy fees (re-invoiced) in June 2010. [CRT1005] (Legislative Hearing Officer recommends the following:
1301 Seventh Street West – approve the assessment)
No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve.
Adopted Yeas – 6 Nays – 0
58. Resolution Ratifying Assessment – 10-1066 – In the matter of the assessment of benefits, cost, and expenses for collection of delinquent vacant building fees (re-invoiced) in June 2010. [VB1006] (Legislative Hearing Officer recommends the following:
1789 Case Avenue – approve the assessment;
320 Charles Avenue – delete the assessment per DSI;
734 Delaware Avenue – delete the assessment per DSI;
914 Eleanor Avenue – approve the assessment;
263 Front Ave – approve the assessment;
929 Flandrau Street – delete the assessment per DSI;
1058 Hague Avenue – delete the assessment per DSI;
718 Lafond Avenue – delete the assessment per DSI;
1566 Idaho Avenue East – delete the assessment per DSI;
~~121 Magnolia Avenue – approve the assessment;~~
2046 Magnolia Avenue East – delete the assessment per DSI;
212 Maple Street – delete the assessment per DSI;
1368 Marion Street – laid over to the October 12 Legislative Hearing and October 20 City Council public hearing;
1031 Marshall Avenue – approve the assessment;
457 Maryland Avenue East – delete the assessment per DSI;
811 Ottawa Avenue – delete the assessment per DSI;
445 Page Street – forthcoming; referred back to the November 16 Legislative Hearing and December 1 City Council public hearing;
1193 Payne Avenue – laid over to the October 12 Legislative Hearing and October 20 City Council public hearing;

776 Reaney Avenue – delete the assessment per DSI;
1361 Reaney Avenue – delete the assessment per DSI;
1107 Ross Avenue – delete the assessment per DSI;
726 Selby Avenue – delete the assessment;
854 Simcoe – delete the assessment per DSI; and
1116 Virginia Street – delete the assessment.)

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

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

Adopted as amended Yeas – 6 Nays – 0

59. Appeal of Alexander Bassey-Black to a Certificate of Occupancy Deficiency List for property at 1007 Oxford Street North. [Public hearing continued from August 18] (Legislative Hearing Officer recommends denying the appeal)

Legislative Hearing Officer Marcia Moermond gave a staff report. She said it was primarily a ceiling height issue. She reviewed the code requirements and read from the orders. She said the shortfall was significant and her recommendation was that the appeal be denied.

Daniel Kennedy (1494 Fairmount Avenue, St. Paul, MN 55130) appeared representing the appellant. He said the higher portion of the ceiling was 6’8” rather than 6’5” as Ms. Moermond had stated, and the ceiling height over the lower portions was restricted by ductwork. He provided photographs. He said the basement rooms were added in 2005 just before the ceiling height requirement was instituted, and the rooms had passed numerous Section 8 and rental inspections. He said the appellant had purchased the property in 2009 with the expectation that the basement rooms could be used as bedrooms. He said denying the appeal would cause the existing tenants to be displaced and represent a financial loss for the property owner. He asked that the appeal be granted.

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

Councilmember Carter said a similar case had come before the Council recently and it had been pointed out then that safety and accessibility for emergency responders was as important a consideration as tenant comfort. He said that particularly given the decision to use the basement for bedrooms, he would move to adopt the recommendation of the Legislative Hearing Officer.

Appeal denied Yeas – 6 Nays – 0

60. Appeal of Joe Isaacs to a Vacant building Registration Notice and Fee for property at 482 Lawson Avenue West. (Legislative Hearing Officer recommends denying the appeal)

Council President Lantry said that Councilmember Helgen had requested a layover because the appellant was not able to attend the hearing. Legislative Hearing Officer Marcia Moermond said it was her understanding that Councilmember Helgen also wanted the matter referred into Legislative Hearing for follow-up.

No one appeared in opposition; Councilmember Carter moved to refer the matter back for a Legislative Hearing on September 28 and City Council public hearing on October 6.

Public hearing continued to October 6 Yeas – 6 Nays – 0

61. Appeal of Wayne Swanson to a Certificate of Occupancy Deficiency List for property at 1635 Sherburne Avenue. (Ward 4) (Legislative Hearing Officer recommends granting variances on egress window size in Units 1, 4 and 20; denying the request for variances on egress window size in Units 2, 3, and 5; and granting the appeal on sill height with the condition that full-width ladders be installed with grab-bars on each side.)

Legislative Hearing Officer Marcia Moermond said the windows being appealed had openable dimensions of 13 inches high by 27 inches wide, which was too great of a shortfall. She said the sill height was 56 inches and the maximum allowed was 48 inches. She said non-compliant ladders had been installed and the department was asking that full-width ladders with grab bars be installed instead. She provided photographs.

The following appeared in opposition:

Wayne Swanson (1635 Sherburne) said he agreed with most of the recommendation. He said there was very little room for a 2-step stair unit and questioned whether a 34-inch wide ladder could be constructed to code. He asked for a variance to either install stair units with a single 9.5-inch rise step (2 inches higher than code) or install escape and rescue ladders such as the ones used in window wells. He provided manufacturer's information.

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

Councilmember Stark asked Ms. Moermond whether she had heard and considered Mr. Swanson's suggestions prior to the public hearing. Ms. Moermond said this was a situation in which the Building code and Fire code were not in agreement, and the Fire code took precedence. She said a step with a 9.75 rise was an acceptable solution; she strongly recommended a grab bar as well.

Councilmember Stark moved to adopt the recommendations of the Legislative Hearing Officer with the condition that one full-width 9.75-inch rise step be installed below each window, with grab-bars on each side.

Mr. Swanson asked whether the escape and rescue ladders could be installed in some apartments.

Councilmember Stark said it was a Fire code issue and only the steps could be installed.

Variances granted in Units 1, 4 and 20; variance request denied for Units 2, 3 and 5; appeal of sill height requirements granted with conditions (variance granted to install one 9.75-inch step below each window, with grab-bars on each side)

Yeas – 6 Nays – 0

Councilmember Thune moved to adjourn the meeting. Yeas – 6 Nays- 0

ADJOURNED at 6:55 P.M.

ATTEST:

Mary Erickson
Assistant Council Secretary

Kathy Lantry, Council President

Submitted by:

Minutes approved by Council