



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, June 15, 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 3:30 p.m.

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

Council President Lantry moved suspension of the rules.

Rules suspended

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

Nay: 0

Council President Lantry moved to amend the agenda to include four Legislative Hearing items that had been left off in error. Yeas - 7 Nays - 0

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 11-13** Letters from the Department of Safety and Inspections declaring 554 Charles Avenue, 755 Andrew Street, and 1440 Roblyn Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Sponsors: Carter III and Thune

Received and Filed

- 2 **AO 11-16** Approving the changes to the Planning and Economic Development Comprehensive Home Purchase and Rehabilitation budget.

Received and Filed

CONSENT AGENDA

Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda

Items 17 and 21 were removed from the Consent Agenda for separate consideration.

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

- 3 **RES 11-1067** Approving the 2011 Wage and Fringe Adjustment between the City of Saint Paul and the Operative Plasterers and Cement Masons International Association, Local 633 and the Plumbers, Local 34. (Laid over from June 15 for adoption)

Sponsors: Lantry

Laid over to June 22 for adoption

- 4 **RES 11-1043** Approving the Labor Agreement (January 1, 2011 - December 31, 2012) between the City of Saint Paul and the Saint Paul Manual and Maintenance Supervisors Association. (To be laid over one week from June 8 for adoption)

Sponsors: Lantry

Adopted

- 5 **RES 11-1044** Approving the Labor Agreement (January 1, 2011 - December 31, 2012) between the City of Saint Paul and the Classified Confidential Employees Association. (To be laid over one week from June 8 for adoption)

Sponsors: Lantry

Adopted

- 6 **RES 11-1061** Accepting the gift of conference registration, air transportation, and lodging from the Springboard for the Arts for Joe Spencer to attend the Americans for the Arts Conference in San Diego, California, June 16 - 18, 2011.

Sponsors: Lantry

Adopted

- 7 **RES 11-1093** Accepting a gift of travel and lodging expenses from the National League of Cities for the Mayor's Education Director Jane Eastwood to attend the Education Policy Advisors' Network and Post-Secondary Advisors' Network Conference in Denver, Colorado from June 28 - July 1, 2011.

Sponsors: Lantry

Adopted

- 8 **RES 11-1036** Authorizing the City Attorney's Office to accept a gift of \$1,874.75 for airfare, lodging, meals and other transportation expenses for Mike Seasily to attend the Domestic Violence Training Instructor Program in Coeur D' Alene, Idaho from May 2 - 6, 2011 to improve prosecution and policing policies and improve understanding of the dynamics of domestic violence.

Sponsors: Lantry

Adopted

- 9 **RES 11-1066** Approving the Mayor's appointments of Steve Baldinger, Lorrie Louder, Amoun Sayavong, Ben Cowan, Michael Belean, Rob Stoplestad, Courtney Henry, Curtis Klotz, Shawntera Hardy, Bonita Martin, and Steve Ubl; and reappointments of Ken Liddell, Kathleen Sundberg, Pat Mancini, John Wolf, Richard Dunn, Stan Theis, and Phil Owens to the Business Review Council.

Sponsors: Lantry

Adopted

- 10 **RES 11-1056** Memorializing City Council action taken on May 18, 2011 denying the request of Saldi, LLC to rezone property at 150 Cesar Chavez Street.

Sponsors: Thune

Adopted

- 11 **RES 11-956** Approving adverse action against the Solid Waste Hauler & Vehicle license held by Robert Logan Hauling, Inc., d/b/a Robert Logan Hauling, Inc., 845 Fuller Avenue.

Sponsors: Carter III

Adopted

- 12 **RES 11-1026** Authorizing the Department of Parks and Recreation to apply to be a host site for a Minnesota GreenCorps member to assist with citywide environmental programs and initiatives.

Sponsors: Lantry

Adopted

- 13 **RES 11-1031** Authorizing the City to enter into an agreement with the City of Minneapolis regarding the Federal Non-Motorized Transportation Pilot Project funds.

Sponsors: Lantry

Adopted

- 14 **RES 11-1071** Authorizing the City of Saint Paul to execute a grant contract amendment for a timeline extension with the State of Minnesota for the 2008 Homeland Security Grant for training and equipment for the Hazardous Materials Response Team.

Sponsors: Lantry

Adopted

- 15 **RES 11-1072** Authorizing the City of Saint Paul to execute a grant contract amendment for a timeline extension with the State of Minnesota for the 2008 Urban Area Security Initiatives (UASI) Grant.

Sponsors: Lantry

Adopted

- 16 **RES 11-1073** Authorizing the City of Saint Paul to execute a grant contract amendment for a timeline extension with the State of Minnesota for the 2008 Homeland Security Grant for training, planning, and equipment for the tactical medic program.

Sponsors: Lantry

Adopted

- 18 **RES 11-1097** Approving the new precinct boundaries for those areas affected by redistricting.

Sponsors: Lantry

Adopted

- 19 **RES 11-990** Approving the Frogtown Entrepreneur Center (FEC) note, loan agreement, and mortgage amendment.

Sponsors: Carter III

Adopted

- 20 **RES 11-1103** Approving the use of grant funds through the Neighborhood STAR Year-Round Program for HIRED.

Adopted

FOR DISCUSSION

- 17 **RES 11-1096** Approving the polling location changes for the November 8, 2011 General Election.

Sponsors: Lantry

Councilmember Helgen noted a couple of polling changes in Ward 5 and highlighted the importance of making sure voters were informed. He moved approval of 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

- 21 RES 11-1119** Proclaiming June 21, 2011 to be known as Perinatal Mental Health Awareness Day in the City of Saint Paul in conjunction with the 6th Annual Beyond the Baby Blues Conference.

Sponsors: Carter III

Councilmember Carter read the resolution and presented it to Crystal Clancy, representing Pregnancy and Postpartum Support Minnesota. Ms. Clancy made brief comments.

Councilmember Carter moved approval of 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

- 22 RES 11-1004** Rescinding the Final Order for acquisition of 1200 Jackson Street. (Laid over from June 8 and June 15)

Sponsors: Helgen

Councilmember Helgen moved a one week layover.

Laid over to June 22

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

- 23 **Ord 11-55** Amending Chapter 409 of the Saint Paul Legislative Code to enable licensure of private non-profit colleges.

Sponsors: Lantry

Council President Lantry moved to lay over the second reading for one week so some changes could be made.

Second reading laid over to June 22

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

Nay: 0

First Reading

- 24 **Ord 11-53** Memorializing City Council action granting the application of Eugene Sitzmann for the rezoning of 45 Syndicate Street South from RM2 Medium-Density Multiple-Family Residential to TN1 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held May 18, 2011)

Sponsors: Harris

Laid over to June 22 for second reading

- 25 **Ord 11-61** Amending Chapter 409 of the Saint Paul Legislative Code to enable licensure of brewer taprooms.

Sponsors: Lantry

Laid over to June 22 for second reading

- 26 **Ord 11-56** Amending Chapter 310 of the Saint Paul Legislative Code to impose licensure fees for brewer taprooms.

Sponsors: Lantry

Laid over to June 22 for second reading

The meeting was recessed at 3:37 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:32 p.m.

Present 5 - Councilmember Dan Bostrom, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

Absent 2 - Councilmember Melvin Carter III and Councilmember Pat Harris

27 Ord 11-45 Amending Chapter 160 of the Saint Paul Legislative Code pertaining to Parking Meter Zones.

Sponsors: Carter III, Stark and Thune

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

Public hearing held and closed; laid over to June 22 for final adoption

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

Nay: 0

Absent: 2 - Councilmember Carter III and Councilmember Harris

28 Ord 11-47 Administrative Ordinance placing the classification titled Deputy Director I in the unclassified service pursuant to Section 12.03.02(H) of the City of Saint Paul Charter. (Must be approved by Civil Service Commission after adoption by City Council but prior to Mayor signature.)

Sponsors: Lantry

Council President Lantry withdrew the item.

Withdrawn

29 Ord 11-52 Administrative Ordinance placing the classification titled Deputy Director II in the unclassified service pursuant to Section 12.03.2(H) of the City of Saint Paul Charter. (Must be approved by Civil Service Commission after adoption by City Council but prior to Mayor signature.)

Sponsors: Lantry

Council President Lantry withdrew the item.

Withdrawn

Councilmember Carter joined the meeting at this time.

- 30 RES PH 11-937** Approving the application of HSR Events for a sound level variance in order to present amplified music from 12:00 Noon until 10:00 p.m. on July 30, 2011 during the Lowertown Roots Music Festival in Mears Park.

Sponsors: Thune

In support:

Steve Heckler, representing HSR Events, described the event.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 31 ABZA 11-4 Public hearing to consider the appeal of Guadalupe Alternative Programs to a decision of the Board of Zoning Appeals (BZA) adding conditions to three variances granted for lot coverage, rear and side yard setbacks in order to build a new single family home at 472 Concord Street.

Sponsors: Thune

Appellant:

James Grosso (3498 Coachman Road, Eagan), from Guadalupe Alternative Programs (GAP) (381 East Robie Street), described the variance request, and showed photographs of the property and of another house on Concord with a similar setback. In response to a question from Councilmember Thune, he said 80% of the rehab work would be done by students.

A drawing of the proposed project was displayed.

No one appeared in opposition; Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0

At Council President Lantry's request, Yaya Diatta, Department of Safety and Inspections (DSI), described the variance conditions. Councilmember Thune asked Mr. Rosso whether GAP accepted the conditions. Mr. Rosso said all they were looking for was the walk-out. Councilmember Thune asked whether that was at odds with the Board of Zoning Appeals (BZA) recommendation. Mr. Diatta said he felt a front walk-out would encourage parking at the front, which was not allowed under the zoning code, and he felt the second floor bay windows would invite use as a duplex.

Deputy City Attorney Gerald Hendrickson clarified the conditions. Mr. Grosso said they were only appealing the condition that there not be excavation at the front. He displayed a plan of the proposed walkway and retaining walls.

Councilmember Thune moved to grant the appeal of the condition restricting excavation at the front of the house, and uphold the condition related to a second door at the front of the house.

Appeal granted with conditions

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

Nay: 0

Absent: 1 - Councilmember Harris

- 32 RES PH 11-929 Amending the financing and spending plans in the Fire Department budget in the amount of \$141,425.00 to accept the 2010 Homeland Security Grant for the Collapse Rescue and Hazardous Materials teams to purchase equipment and provide training.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 33 RES PH 11-938** Amending the financing and spending plans in the Fire Department budget in the amount of \$245,869.00 to accept the 2010 Metropolitan Medical Response System (MMRS) Grant to provide a MMRS Regional Planner position, purchase personal protective equipment for EMS responders, and maintain ambulance equipment.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 34 RES PH 11-939** Amending the financing and spending plans in the Fire Department budget in the amount of \$83,700.00 to accept the 2010 Pre-Disaster Mitigation (PDM) Grant to update and establish a FEMA compliant hazard mitigation plan for the City of Saint Paul.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 35 RES PH 11-940** Amending the financing and spending plans in the Police Department in the amount of \$30,000 for the services agreement with the State of Minnesota, Second Judicial District entered into with Res 11-765.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 36 RES PH 11-947** Amending the financing and spending plans in the Police Department in the amount of \$882,849 for a Port Security grant.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 37 RES 11-75** Ordering the razing and removal of the structures at 472 CONCORD STREET within one hundred twenty (120) days after the February 16, 2011, City Council Public Hearing. (Continued from February 16)

Sponsors: Thune

Legislative Hearing Officer Marcia Moermond said it was her understanding that the nonprofit agency was going to go ahead with the demolition. She recommended allowing 120 days to remove the building.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 38 **RLH RR 11-27** Ordering the rehabilitation or razing and removal of the structure(s) at 922 WESTMINSTER STREET within fifteen (15) days after the June 15, 2011 City Council public hearing. (Request referral back to Legislative Hearing on July 19, 2011 and City Council on August 3, 2011)

Sponsors: Helgen

Legislative Hearing Officer Marcia Moermond requested a layover to give the County's 4R program a chance to develop a work plan. She said the \$5000 bond had been posted, which was the condition she had set for a layover.

In support:

Mark Oswald, Director of Ramsey County Property Records and Revenue, introduced other program representatives.

Councilmember Helgen said the property had been vacant for quite a long time; he asked how long it had been tax forfeited in the County's control. Kris Kujala, Supervisor for Tax Forfeited Land, reviewed the timeline. She said the property was forfeited on August 1, 2009, and the City was notified as per statute and placed a hold on it. The HRA's application to acquire the property was denied, and the property entered the 4R program.

Councilmember Helgen asked for a review of the 4R program's record of rehabilitating and removing properties. Ms. Kujala said the 4R program was a new program implemented in April 2010, and they had been spending time hiring contractors. She said they had razed one structure, and this was the second renovation. In response to a question from Councilmember Helgen, she said the process had been slow due to staff limitations.

Councilmember Helgen asked how long the property had been vacant before the County acquired it. Ms. Moermond said it had been vacant since May 29, 2009.

Councilmember Helgen said they'd heard from a neighbor and from neighborhood groups that this was property they'd like to see attended to or removed. He questioned whether a \$80,000 renovation on a house that would be worth \$105,000 would be a good investment for the County. He said the same amount of money could be spent to renovate and return a number of houses to the tax rolls. He asked whether the house was being brought to code compliance or to a higher standard of livability. Ms. Kujala said the house would be brought to code compliance and sold at public auction, with a minimum bid of the amount of the renovations. She described the renovations planned.

Councilmember Helgen noted that the property was on a substandard or unbuildable lot. Ms. Kujala said it would be considered an unbuildable lot unless the City granted a variance.

Councilmember Helgen reiterated his concerns about the time, effort, and money involved with rehabilitating the property. He said he preferred to see the structure removed, based on the wishes of the neighbors and the costs and benefits of rehabilitation.

Ms. Kujala said funding had been acquired and the property matched program criteria for being rehabable. She distributed copies of the timeline she'd developed.

Councilmember Bostrom said he didn't feel that investing \$80,000 on such a small lot made sense, especially with so many vacant homes which might be better

candidates. Ms. Kujala said the difference here was that this was tax forfeited property.

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

Councilmember Helgen said a private developer coming before the Council with the same proposal would be denied. He said the question was not whether the County had resources to do the project but whether the project should be done. He asked for the Council's input but said his recommendation would be to order the structure removed.

Councilmember Carter said the situation highlighted the opportunity and need to work cooperatively with other agencies to best serve constituents and taxpayers.

Councilmember Helgen moved to order the structure removed within 15 days.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 39 **RLH RR 11-28** Ordering the rehabilitation or razing and removal of the structures at 384 EARL STREET within fifteen (15) days after the June 15, 2011 City Council Public Hearing.

Sponsors: Lantry

Legislative Hearing Officer Marcia Moermond said the property was a registered vacant building slated for demolition. She said the occupant had attended the Legislative Hearing, at which they had discussed rehab options as well as an exit strategy for the occupant and her family. She noted that the occupant had since obtained representation by Southern Minnesota Regional Legal Services (SMRLS). She said Stonecrest Investment Opportunities, LLC had indicated their desire to rehabilitate the property, or demo it on their own if the Council did not grant time for rehab. She said she believed they had posted the bond or were prepared to post it presently. She said a "fuzzy" real estate transaction had resulted in the involvement of the owner-occupant and an investment organization. She said given the complexity of the situation, and the fact that she did not have the required materials and the steps taken by Stonecrest towards rehabilitation had been woefully inadequate, her recommendation was to order removal within 15 days with no option for rehabilitation.

David Mortenson (8425 Seasons Parkway, Suite 105, Woodbury), attorney representing Stonecrest, described Stonecrest's business model of rehabilitating properties and said it hadn't been their intention to step on the City's toes. He said it was his understanding that Stonecrest wanted to do the right thing and rehab the property. He said they had requested a Code Compliance inspection in April.

Council President Lantry asked whether the house was vacant at that time. Mr. Mortenson said the residents had moved out and the house was currently vacant. Council President Lantry asked whether the house had been vacant prior to the residents moving in. Mr. Mortenson said he didn't know.

Council President Lantry confirmed with Mr. Mortenson that the property had been a Category 2 Vacant Building when Stonecrest had entered into a purchase agreement with the Stallman family. Mr. Mortenson said he believed that was the case.

Council President Lantry noted that there was an ordinance regulating the sale of registered vacant buildings; she asked whether the requirements had been met. Mr. Mortenson said they had not, but it was not the intention of Stonecrest to make an illegal transaction. He said they were prepared to take steps to remedy the situation. He said Ms. Stallman was present to represent her interest in maintaining the property and Stonecrest was present to try to facilitate that. He described the steps they were prepared to take.

Council President Lantry said the situation was troubling and she had little confidence in Stonecrest; she asked to hear from the Stallmans.

Jason Stallman (693 Western Avenue, #1) said they had purchased the property from Stonecrest on a contract for deed knowing it needed a lot of work. He described the work he had done, and said he believed Stonecrest was trying to reconcile. He said he understood the need to have inspectors come out but didn't see an issue with his family living there.

Council President Lantry asked who would be responsible for repairs going forward, and what would happen to the Stallmann's investment if Stonecrest decided to demolish the building. Mr. Stallman said his wife also had concerns about the contract if the value of the property increased with the rehab or if the property was

demolished. Mr. Mortenson said Stonecrest would pay for repairs, or help move the family into another Stonecrest property in the case of demo.

Council President Lantry said the Stallman's were victims and she had no sympathy for Stonecrest. She said she would consider a one-week layover if she thought it would allow Mr. Mortenson and Stonecrest to work with the family to recoup their investment. She asked whether there was an opportunity in the intervening week to figure out a way to make the Stallmans financially whole.

Mr. Mortenson said he needed time to discuss that with his client.

Councilmember Bostrom recommended ordering removal within 15 days with the understanding it could be reconsidered if something came up in the meantime.

Councilmember Helgen asked whether the contract would stay the same if property was rehabbed.

Mr. Mortenson said he wasn't sure of the details of the contract. He said Stonecrest did not desire to harm the Stallmans and could have just walked away. He said the business model involved selling properties at a profit but they understood that they might occasionally have to take a loss, and this was one of those situations.

Council President Lantry said she appreciated that Stonecrest was making a business decision but felt it was too bad they didn't see there were people affected.

Council President Lantry move to close the public hearing and, with regret, to order demolition within 15 days. She said if something changed in the intervening time the matter could be reconsidered and the demolition halted.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

40 RLH OA 11-2 Appeal of Michael J. Trost to an assessment for Street Lighting at 838 LAKE STREET NORTH.

Sponsors: Lantry

No one appeared in opposition; Council President Lantry moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

RLH TA 11-58 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109G Assessment No. 118065 at 1719 ORANGE AVENUE EAST.

Sponsors: Bostrom

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

RLH TA 11-36 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109G, Assessment No. 118065 at 1256 HARTFORD AVENUE.

Sponsors: Harris

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

RLH VBR 11-33 Appeal of John Norris to a Vacant Building Registration Notice at 315 LARCH STREET.

Sponsors: Helgen

Legislative Hearing Officer Marcia Moermond requested a two week layover. She said the appellant was unable to attend the public hearing. She noted that this was the second continuation at the appellant's request and no further continuations would be allowed.

No one appeared in opposition; Councilmember Helgen moved to continue the public hearing to July 6.

Public hearing continued to July 6

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

Nay: 0

Absent: 1 - Councilmember Harris

RLH RR 11-29 Ordering the razing and removal of the structures at 657 LAFOND AVENUE within fifteen (15) days after the June 15, 2011 City Council Public Hearing. (Public hearing continued from June 15)

Sponsors: Carter III

Legislative Hearing Officer Marcia Moermond requested a three week layover.

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to July 6.

Public hearing continued to July 6

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

Nay: 0

Absent: 1 - Councilmember Harris

LEGISLATIVE HEARING CONSENT AGENDA

Note: Items listed under the Consent Agenda will receive a combined public hearing and be enacted by one motion with no separate discussion. Items may be removed from the Consent Agenda for a separate public hearing and discussion if desired.

Approval of the Consent Agenda

Public hearing held and closed; Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

43 RLH RR 11-23 Ordering the razing and removal of the structures at 1509 SEVENTH STREET EAST within fifteen (15) days after the June 15, 2011 City Council Public Hearing.

Sponsors: Bostrom

Adopted

45 RLH RR 11-26 Ordering the razing and removal of the structures at 984 MINNEHAHA AVENUE EAST within fifteen (15) days after the June 15, 2011 City Council Public Hearing.

Sponsors: Lantry

Adopted

- 55 **RLH FOW 11-43** Appeal of Patricia Ware to a Fire Certificate of Occupancy Correction Notice at 1209 DAYTON AVENUE.
Sponsors: Carter III
Adopted
- 56 **RLH FOW 11-54** Appeal of Edward Anderson to a Fire Certificate of Occupancy Correction Notice at 979 MARSHALL AVENUE.
Sponsors: Carter III
Adopted
- 57 **RLH FOW 11-53** Appeal of Carol Mack to a Fire Certificate of Occupancy Correction Notice at 976 SUMMIT AVENUE.
Sponsors: Thune
Adopted
- 58 **RLH FOW 11-36** Appeal of Steven Davis to a Fire Certificate of Occupancy Correction Notice at 1537 SAINT CLAIR AVENUE.
Sponsors: Harris
Adopted
- 59 **RLH FOW 11-38** Appeal of Joshua Geurts, on behalf of Lynn Larsen, to a Fire Certificate of Occupancy Correction Notice at 1670 FORD PARKWAY.
Sponsors: Harris
Adopted
- 60 **RLH FOW 11-40** Appeal of Allison Klis to a Fire Certificate of Occupancy Correction Notice at 958 WILDER STREET SOUTH.
Sponsors: Harris
Adopted
- 61 **RLH FOW 11-44** Appeal of Dana Verdeja, on behalf of Danalex Partners, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1896 GRAND AVENUE.
Sponsors: Harris
Adopted
- 62 **RLH FOW 11-52** Appeal of Edsil Investments, LLP to a Fire Certificate of Occupancy Correction Notice at 1810 and 1812 FORD PARKWAY.
Sponsors: Harris
Adopted

- 71 **RLH FCO 11-70** Appeal of Alvin Henke to a Fire Certificate of Occupancy Correction Notice at 880 DAYTON AVENUE.
Sponsors: Carter III
Adopted
- 72 **RLH FCO 11-87** Appeal of Jean Schroeffer to a Correction Notice Re-Inspection Complaint at 783 CARROLL AVENUE.
Sponsors: Carter III
Adopted
- 73 **RLH FCO 11-78** Appeal of Mark Pasvogel, on behalf of Marpe Holdings, to a Fire Certificate of Occupancy Correction Notice at 748-750 DESOTO STREET.
Sponsors: Thune
Adopted
- 74 **RLH FCO 11-90** Appeal of Cheri Kappas to a Fire Inspection Correction Notice at 241 SEVENTH STREET EAST. (Laid over from May 18)
Sponsors: Thune
Adopted
- 77 **RLH FCO 11-102** Appeal of Samuel Ng to a Re-inspection Fire Certificate of Occupancy with Deficiencies at 1621 MARSHALL AVENUE.
Sponsors: Stark
Adopted
- 78 **RLH FCO 11-110** Appeal of Matt Brown, on behalf of Brown Hanf Properties, to a Fire Certificate of Occupancy Correction Notice at 430 CASE AVENUE.
Sponsors: Helgen
Adopted
- 79 **RLH FCO 11-113** Appeal of Mark Schwarzhoff to a Fire Certificate of Occupancy Correction Notice at 934 CLARK STREET.
Sponsors: Helgen
Adopted
- 80 **RLH FCO 11-112** Appeal of Doobay Bhola to a Fire Certificate of Occupancy Correction Notice at 1497 and 1499 SEVENTH STREET EAST.
Sponsors: Bostrom
Adopted

- 81 **RLH FCO
11-117** Appeal of Daniel Eggers to a Fire Certificate of Occupancy Correction Notice at 1553 SEVENTH STREET EAST.

Sponsors: Bostrom

Adopted

- 82 **RLH FCO 11-67** Appeal of Ying Yang to a Fire Certificate of Occupancy Correction Notice at 1463 Third Street East.

Sponsors: Lantry

Adopted

- 83 **RLH FCO 11-80** Appeal of Gary Odeen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 784 PEDERSEN STREET.

Sponsors: Lantry

Adopted

- 84 **RLH FCO
11-108** Appeal of Nate Armstrong, on behalf of Calhoun Ventures, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1348 THIRD STREET EAST.

Sponsors: Lantry

Adopted

- 85 **RLH FCO
11-115** Appeal of DB1, LLC to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1303 FREMONT AVENUE.

Sponsors: Lantry

Adopted

- 87 **RLH TA 11-89** Ratifying assessments for Collection of Vacant Building Fees Services in June 2010 at 445 Page Street East (File No. VB1006B, Assessment No. 118991)

Sponsors: Thune

Adopted

- 41 **RES 11-301** Ratifying the assessment for Tree Removal Services at 1352 Galtier Street during October 2010. (File No. 1103T2, Asmt No. 119095) [Laid over from February 2, 2011 for separate consideration to Legislative Hearing May 17, 2011 and City Council public hearing June 15, 2011]

Sponsors: Helgen

Councilmember Helgen said there was a question about whether the tree was on the property or in an unimproved alley behind a fence. He moved that the assessment be reduced to \$400 and spread over two years.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

- 42 RLH RR 11-22** Ordering the razing and removal of the structures at 1212 DALE STREET NORTH within fifteen (15) days after the June 15, 2011 City Council Public Hearing.

Sponsors: Helgen

Legislative Hearing Officer Marcia Moermond said there had been a Legislative Hearings on May 24 with a follow-up on June 14, and the conditions set for rehabilitation had not been met. She said this was a long term problem property that would require clean-up because of drug activity, and her inclination was to recommend removal within 15 days with no option for repair.

In opposition:

Matthew Jones (4500 Park Glen Road, Suite 300, Minneapolis), on behalf of City Mortgage, said they had been unable to meet the deadlines for posting the performance bond and scheduling the Code Compliance, and would like to have until Friday. He said the local agent had secured the property and done an interior clean-up, and would be maintaining the property. He said the property was floreclosed on May 19, 2011 and was still in the redemption period.

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

Councilmember Helgen said based on the history and neighborhood complaints he would recommend removal in 15 days.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 44 RLH RR 11-18** Ordering the razing and removal of the structures at 1002 CONWAY STREET within fifteen (15) days after the June 1, 2011 City Council Public Hearing. (Laid over from July 6)

Sponsors: Lantry

Legislative Hearing Officer Marcia Moermond asked that the matter be laid over to July 6. She reviewed the progress made toward meeting the conditions for rehabilitation, and the items that remained.

Jared Goerlitz appeared on behalf of Bank of America, the servicer for the owner/lender. He said they were in favor of the recommendation for a layover. He said they believed the property was a candidate for rehabilitation and they were doing the things necessary to get that accomplished in short order.

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

Public hearing continued to July 6

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

Nay: 0

Absent: 1 - Councilmember Harris

- 46 **RLH VO 11-18** Appeal of Brad Nilles, on behalf of Calabash Properties, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus Vacant Building Registration Notice at 572-574 OTTAWA AVENUE.

Sponsors: Thune

Legislative Hearing Officer Marcia Moermond distributed a letter from the neighbors of the property. She said the building was condemned and ordered vacated on April 27 with a number of violations, including lack of water service due to the property having been stripped of copper. She reviewed the findings from the Legislative Hearing and said her recommendation was for the property to be a Category 1 Vacant Building with the fee waived for 60 days. She noted that the inspection had been based on a referral related to the plumbing, and said the Council could require issuance of a Certificate of Code Compliance before allowing re-occupation.

In opposition:

Julie Swilar (567 Ottawa Avenue) spoke about the long term problems and pattern of bad tenants at the property, and she distributed records of police calls. She said the property wouldn't be fixed by fixing the pipes, and she thought it should remain as a Category 2 so it could be fixed to attract better tenants. She read a letter from a neighbor who could not attend, asking that the condemned status be upheld so the property would be upgraded to attract better tenants.

Jason Gray (581 Ottawa Avenue), said he wanted echo Ms. Swilar's comments that the property was a revolving door of problem tenants. He shared anecdotes about encounters with tenants and described conditions at the property. He said the neighborhood was nice with young families with small children, and he asked that the building remain a Category 2.

Andrew Paulson (566 Ottawa) said he had purchased and invested in his house and that it was a great neighborhood. He said the condition and conduct at property being appealed was constant and was bringing property values down. He asked for Category 2 classification.

Councilmember Thune asked whether neighbors had testified at the Legislative Hearings. Ms. Moermond said there had not been testimony from neighbors. She said Legislative Hearings did not have as much public notice. She also noted for the record that the history showed past orders related to the roof and retaining wall indicating possible code violations in other areas of the building.

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

Councilmember Thune said it was a shame that a property owner could do this to good neighbors and a great neighborhood. He said he felt the building should be a Category 2, the Code Compliance inspection should be scheduled as soon as possible, and the Vacant Building fee upheld.

Council President Lantry said Category 2 status was probably appropriate given that the seriousness of the violations related to the copper having been stripped.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

75 **RLH FCO**
11-107

Appeal of Julie Meyer to a Fire Certificate of Occupancy Correction Notice at 1304 JULIET AVENUE.

Sponsors: Harris

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

Adopted

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

Nay: 0

Absent: 2 - Councilmember Harris and Councilmember Thune

76 **RLH FCO**
 11-120

Appeal of Wier Properties to a Fire Certificate of Occupancy Correction Notice at 1218 JUNO AVENUE.

Sponsors: Harris

Legislative Hearing Officer Marcia Moermond said the issue was one of a sleeping room that exited onto a porch. She said the code was clear that there could not be an exit through another space, and she described options other property owners had used to remedy the situation. She said the issue had not come up in an inspection prior to the sale of the property to the current owner.

In opposition:

Pat Wier (1218 Juno Avenue) said the property had been rehabbed nicely, but he'd been unable to sell it and had become a reluctant landlord. He described the constraints of adding another window in the small room. He said building inspectors had signed off on the bedroom during the rehab, and when he spoke with the building inspector after receiving the egress window orders he was told he could come into compliance by removing windows in the enclosed porch. He provided photographs. He said it appeared the room had always been a sleeping room and the porch was an original feature of the house.

Council President Lantry said that since Councilmember Harris was not present they could lay the matter over for a week so he could have a chance to review the issue.

Councilmember Bostrom moved to close the public hearing and lay the matter over for one week. Yeas - 6 Nays - 0 (Harris not present for vote)

Councilmember Helgen asked for a clarification of modifications that could be made to the porch to satisfy the code. Councilmember Stark said it wasn't a question of not being able to get out of the porch but that the porch could also be on fire. Councilmember Bostrom noted that in any case there was a door to use for egress.

Councilmember Helgen said that given the circumstances, the item could perhaps just be granted.

Councilmember Bostrom suggested granting the appeal with the understanding that Councilmember Harris could bring it back before the Council the following week if he chose to.

Councilmember Bostrom moved to reconsider the item. Yeas - 6 Nays - 0

Councilmember Bostrom moved to grant the appeal.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

- 86 **RLH AR 11-30** Ratifying the assessments for Trash Hauling Services from March 2 - 30, 2011 (File No. J1109G, Assessment No. 118065)

Sponsors: Lantry

Legislative Hearing Officer Marcia Moermond amended her recommendation to refer 119 Winnipeg Avenue back for a June 21 Legislative Hearing and July 6 Council public hearing.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

ADJOURNMENT

Councilmember Helgen moved adjournment at 7:13 p.m.

Meeting adjourned

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

Nay: 0

Absent: 1 - Councilmember Harris

Council Meeting Information

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