



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, October 19, 2011

3:30 PM

Council Chambers - 3rd Floor

**Library Board meeting immediately following the 3:30 p.m. Council meeting
Council Public Hearings at 5:30 p.m.**

ROLL CALL

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

Councilmember Helgen excused

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

Absent 1 - Councilmember Lee Helgen

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 11-42** Amending the 2011 Police Department budget, Fund 436, to reflect overtime and fringes on the bidirectional communication project with the Department of Public Safety, Bureau of Criminal Apprehension. (RES11-607 and City Contract #02-15974-I)
- Received and Filed**
- 2 **AO 11-43** Authorizing the Fire Department to pay for all costs associated with the Fire District Chief Exam which will be administered at the Saint Paul RiverCentre, October 25-27, 2011.
- 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

Councilmember Thune moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

Absent: 1 - Councilmember Helgen

- 3 Min 11-28** Approving the minutes of the August 3 and 10, 2011 City Council meetings.
- Sponsors:** Lantry
- Adopted**
- 4 RES 11-2020** Authorizing the Police Department to enter into an agreement with Independent School District #625 to provide the School Resource Officer Program to schools in the City of Saint Paul from July 1, 2011 through June 30, 2014.
- Sponsors:** Lantry
- Adopted**
- 5 RES 11-1987** Deleting the assessment for Replacement of Lead Water Service Lines on private property during February to April 2011 for 873 SHERBURNE AVENUE. (File No. 1103LDSRP, Asmt No. 114933)
- Sponsors:** Carter III
- Adopted**
- 6 RES 11-1935** Approving the application with conditions, per the Deputy Legislative Hearing Officer, to Add a Malt Off Sale license to the existing Retail Food (C) Grocery 1001-3000 sq. ft., and Cigarette/Tobacco licenses, for Yasin Food Market (20020000728) at 741 Edmund Avenue.
- Sponsors:** Carter III
- Adopted**

- 7 **RES 11-2056** Memorializing City Council action taken on October 5, 2011 sustaining adverse licensing action against all licenses held by Mazatlan LLC, d/b/a Mazatlan, 567 Stryker Avenue.

Sponsors: Thune

Adopted

- 8 **RES 11-2041** Approving adverse action against the House Sewer Contractor license application submitted by Dean's Professional Plumbing, d/b/a Dean's Professional Plumbing.

Sponsors: Lantry

Adopted

- 9 **RES 11-1207** Adoption of the Hamline, Victoria, and Western Station Area Plans.

Sponsors: Carter III and Stark

Adopted

- 10 **RES 11-2071** Approving the use of grant funds through the Neighborhood STAR Year-Round Program for a project in Ward 5.

Sponsors: Helgen

Adopted

FOR DISCUSSION

- 11 **RES 11-2079** Honoring the Mayor's Council on Disabilities for their work on revising ADA requirements for sidewalk cafes in Saint Paul.

Councilmember Thune invited members of the task force to the podium. The resolution was read; Mark Hughes, co-chair of the Mayor's Council on Disabilities, accepted the resolution and made brief comments.

Councilmember Thune moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Helgen

- 12 PH 11-27 Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by V & HM Plus, LLC, d/b/a El Pantano Plus at 586 Rice Street. (Public hearing held October 5)

Sponsors: Carter III

Councilmember Carter requested a brief staff report from Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections (DSI). Mr. Lundgren reviewed the adverse actions of May and November 2010, the findings of the Administrative Law Judge (ALJ), and DSI's exceptions to the ALJ's conclusion that the May violation had not been proven. He said the circumstantial evidence of the presence of the intoxicated underage individual just outside the establishment and the X on his hand like those commonly used to mark bar patrons' hands was included in ALJ report and supported DSI's position. He said the February, March and November 2010 adverse actions provided a substantial and compelling reason for the Council to deviate from the matrix penalty for a third violation - a ten day suspension and \$2000 fine. He said multiple violations in an adverse action provided grounds to depart from the presumptive penalty, and in this case there were multiple violations in the February and November adverse actions.

Councilmember Carter said he concurred with DSI's conclusions based on the evidence cited, and he moved to adopt the findings of fact, conclusions amended by DSI's exceptions, and to revoke the license.

Motion of Intent - Adopted the Findings of Fact, Conclusions of Law as amended by DSI's Exceptions, and Recommendations of the Administrative Law Judge as amended by DSI (license revoked)

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

Nay: 0

Absent: 1 - Councilmember Helgen

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

- 13 Ord 11-106 Memorializing City Council action granting the application of Rolando Aguilar, et. al. for the rezoning from RT1 Two-Family Residential to T2 Traditional Neighborhood of portions of 908 Arcade Street and 833 York Avenue and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

Sponsors: Bostrom

Laid over to October 26 for third reading

First Reading

- 14 **Ord 11-102** Amending Chapter 86 of the Saint Paul Administrative Code to correct the title of the Department of Human Rights and Equal Economic Opportunity, clarify signature authority, and impose a fee for affirmative action plan certificates of compliance.

Sponsors: Carter III

Laid over to October 26 for second reading

- 15 **Ord 11-107** Amending Chapter 362 of the Saint Paul Legislative Code, to update outdated language and to add requirements for displaying business names and license numbers, adhering to industry standards for tree work, and registering with the State Department of Agriculture.

Sponsors: Helgen

Laid over to October 26 for second reading

- 16 **Ord 11-108** Amending Chapter 409.06 of the Saint Paul Legislative Code regarding liquor licenses for private colleges to clarify the amendment of July 13, 2011.

Sponsors: Lantry

Laid over to October 26 for second reading

The Council recessed at 3:45 p.m.

The Council convened as the Library Board to consider Library Board Resolution 11-1119 - Amending the Library spending and financing plans to address a reduction in local aid from the State of Minnesota.

The Library Board adjourned.

PUBLIC HEARINGS

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

Present 6 - Councilmember Dan Bostrom, Councilmember Pat Harris,
Councilmember Lee Helgen, City Council President Kathy Lantry,
Councilmember Dave Thune and Councilmember Russ Stark

Absent 1 - Councilmember Melvin Carter III

17 **RES PH 11-1118** Amending spending and financing plans to address a reduction in local aid from the State of Minnesota.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Carter III

Councilmember Carter joined the meeting at this time.

- 18 **Ord 11-98** Amending Chapter 88 of the Legislative Code pertaining to water meters, to define new metering system technology and installation requirements, and to permit customers to select alternative metering systems, and imposing additional charges for manual reads of alternative metering systems.

Sponsors: Harris

Steve Schneider, Director of St. Paul Regional Water Services, gave a brief staff report on the recommended changes. He described the standard and alternative installations, and gave estimates of associated fees. He said staff recommended that charging of fees not begin until the project was complete.

Councilmember Stark asked whether automated and manual reading would be done by one staff person on a given route. Mr. Schneider said the current assumption, based on their own calculations and information from other municipalities, was that the manual reads would be put into separate routes.

In opposition:

Leo Cashman (1445 Ashland Avenue) identified himself as a health educator with background in physics. He said he had become increasingly aware of people with electromagnetic sensitivities, and he did not feel there should be a financial disincentive to choosing the safe option. He also expressed concerns about whether comprehensive, complete, up-to-date information was being provided to the public.

Petra Brockman (1031 Colby Street) said she wanted to keep St. Paul as the most livable city. She expressed appreciation for the availability of the alternative program, but said she felt the \$12 fee was onerous and inaccurate. She said drivers could read both types of meters. She questioned whether customers should be responsible for wire maintenance and replacement, and expressed concern about the communication related to that. She asked that full information about the existence of a controversy be shown on the web site.

Beverly Ferguson (2122 Carroll Avenue), 40-year resident of Merriam Park, said she was treated rudely by staff when she asked questions about the new meters. She said she did not have time to inform herself before she was pressured to have the new meter installed and threatened with water shut-off. She asked whether she could have her automated meter removed. She said research should be completed before the program was started.

Kristin Lehrstrom (1032 Colby Street) read a statement in opposition, noting the uncertainty surrounding the safety of radio-frequency electromagnetic fields. She cited examples of materials once thought to be safe and later found to be hazardous. She encouraged the Council to reexamine the fee and expectation of cable maintenance since the effects were unknown.

Robert Belzer (no address given) made a strong statement that radio waves were not safe and the City would face lawsuits in the future when people began to develop cancer. He said the fee was discriminatory.

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

Public hearing held and closed; laid over to October 26 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

- 19 Ord 11-99** Amending Chapter 91 of the Legislative Code pertaining to water meter removal, to update language to conform to new metering system technology.

Sponsors: Harris

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

Public hearing held and closed; laid over to October 26 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

- 20 Ord 11-100** Amending Chapter 94 of the Legislative Code pertaining to water meter removal, to update language to conform to new metering system technology.

Sponsors: Harris

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

Councilmember Harris said he appreciated the comments. He acknowledged the Commissioners and staff present, and said a lot of time had been spent working on the issue over the past few years. He said they didn't agree with all comments, but appreciated the respectful nature of the discussion. He said the Board of Water Commissioners had chosen a metering system long ago and had been accommodating in offering the alternative, but there were costs associated with it. He said the amount of the fee would be the subject of ongoing study. He said the Board of Water Commissioners believed in the system and its safety.

Councilmember Stark said he had done some research after the concerns were raised, and felt current scientific evidence indicated that this was a safe technology. He noted that fees would be adjusted over time if necessary to make sure they accurately reflected costs. In response to a question raised earlier by Ms. Ferguson, he said people who already had the new meters could have them removed.

Councilmember Helgen noted that the original proposed fee of \$18 had already been reduced to \$12.

Public hearing held and closed; laid over to October 26 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

Councilmember Harris welcomed Government teacher Mary Robison, visiting from Cretin-Derham Hall High School.

21 **Ord 11-101** Amending Legislative Code Chapters 63 and 65 pertaining to solar energy systems.

Sponsors: Lantry

Councilmember Thune introduced an amendment eliminating some restrictions to the distance an installation may extend above the ridge of a gable, gambrel, hip or mansard roof. Council President Lantry introduced an amendment to include parkways in the language related to free-standing installations.

Yeas - 7 Nays - 0 (Amendments introduced)

Kate Reilly, Planning and Economic Development (PED), gave a brief staff report. She reviewed the ordinance and the process leading to its development. She displayed photographs with examples of solar panels integrated into the roof design.

Councilmember Stark asked for clarification of the impact of the amendment made by Councilmember Thune. Ms. Reilly said the amendment made it more permissible to install solar panels on a roof than the original amendment. Councilmember Stark asked where the limit of three feet above the roof line had come from. Ms. Reilly said it was consistent with that in Minneapolis. Councilmember Stark asked whether the limit had to do with aesthetic concerns. Ms. Reilly said it addressed both aesthetic and structural issues.

Councilmember Helgen said the Council could expect to see a similar set of changes for rooftop wind turbines. He thanked Ms. Reilly for her work on moving the City forward in the area of alternative energy sources.

In opposition:

Chris Burda (4136 5th Avenue S., Minneapolis) expressed a word of caution against anything precluding innovation and growth, and said she hoped variances would be possible. She said the look of solar installations might become more acceptable over time.

Council President Lantry noted that zoning codes were eligible for variances.

David Boyce (323 Annapolis Street W.), solar home owner and board chairman of the Minnesota Renewable Energy Society, said Councilmember Thune's amendment addressed the organization's main point of opposition. He referred to section 63.110 relating to rooftop equipment and said "visual impact" was subjective and had the potential to be applied in a restrictive way. He thanked City staff, especially Ms. Reilly and Environmental Policy Director Anne Hunt.

Eduardo Barrera (1083 Osceola Avenue) said his concern was with screening language in 63.110, as screening would defeat the purpose. He said "visual impact" was subjective, and he encouraged continued work on the ordinance to make solar installations more accessible.

Mouli Vaidyanathan (655 Lexie Court, Eagan) manufacturer of solar pod freestanding installations, echoed the concerns about the subjective nature of "visual impact." He said the orientation of an installation was critical to its efficiency, and the clause restricting solar pods to back yards was restrictive. He said he would like the Council to consider the front yard as an option for free standing installations. He said solar pods were best suited for areas such as the Upper Midwest where the angle of the sun varied significantly.

Councilmember Thune asked why installations were restricted to the back yard.

Allan Torstenson, PED, said they were considered to be accessory structures, as was standard nationally, and accessory structures were not allowed in required front yards, which was also standard. Councilmember Thune said continuing the conversation at another time.

Monica Bryand (122 W Winifred), West Side Citizens' Organization board member, said the organization was working on their ten year comprehensive plan, and solar energy was going to be a big part of that. She said solar installations should be treated like other essential infrastructure such as telephone poles, and not as accessory structures.

In support:

Ralph Jacobson (2126 Roblyn Avenue), solar system installer, said he appreciated the effort to supply a little control and guidance, but he found that most building owners would not choose an installation that made their building less saleable. He said he didn't foresee many problems with roof installations but felt there was more potential for friction over the ordinance with free standing installations. He said he appreciated the openness in the development of the ordinance and suggested that there be a system to inform installers and give them a means to submit comments from customers.

Councilmember Thune moved to close the public hearing.

Amended; public hearing held and closed; laid over to October 26 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

- 22 **RES PH 11-1083** Approving the petition of Wayne Wermager to vacate a portion of a platted, unimproved alley abutting 1065 Juliet Avenue. (Public hearing held October 19)

Sponsors: Harris

In opposition:

Diana Thorne (368 Lexington Parkway), neighboring property owner, said she had paperwork from 1988 when she purchased her property stating that the area could not be vacated unless the owners of the outlots were also vacating. She said she did not feel she was receiving complete or accurate information about the scope of project. She said there had been strong opposition when townhomes had been built at the end of Juliet in 2006, and a former neighbor, a retired firefighter, had made sure a fire hydrant was put in to serve the townhouses and the back outlots. She expressed concerns about fire personnel being able to access the backlots if the Wermagers were allowed to extend their fence. She said she did use the access. She said the back outlots had been staked by a surveyor without her knowledge, and one neighbor had moved their stakes.

Council President Lantry asked for clarification of the location of Ms. Thorne's property related to the Wermager's property. Ms. Thorne clarified the location, and described the orientation of her fenced yard and access to the outlot, for which she had maintained a separate p.i.d.

Chris Thyen (412 Lexington Parkway S.) said he owned a vacant buildable lot within a ten feet of the access. He said his main concern was fire safety, with the potential for brush fires on the hillside, and the difficulty of fighting a fire on the small street with no cul de sac access. He said the property owners deserve back access and access to the buildable portions of their lots.

In support:

Todd Funke (388 Lexington Parkway S.), speaking on behalf of the Wermagers, said he had been hired by the Wermagers to rebuild the retaining wall around their pool. He displayed a drawing, and described the situation including accommodations offered to Ms. Thorne. He said the Wermager's property was now separated into two parts by the alley and they wanted to be able to fence the whole yard.

Council President Lantry confirmed that it was a platted alley that was not distinguishable from the rest of the yard.

Mr. Funke said the alley could not be used as a right-of-way for future homes. Council President Lantry agreed that the code wouldn't allow it.

In response to questions by Council members, Mr. Funke offered further explanation of the location of the alley in relation to the properties. He said the alley was grass and no longer a right of way.

Council President Lantry asked Mr. Funke why they were requesting the easement and the alley. Mr. Funke said they were asking for both in order to fence the pool. Council President Lantry asked when the pool was installed. Mr. Funke said it had been there "forever." He said they wouldn't necessarily need the whole east-west easement if that made things easier.

In response to questions from Council members, Mr. Funke said the existing ingress/egress easement probably couldn't accommodate emergency vehicles, and Ayd Mill Road could be used for emergency access.

Peggy Cerrito (1064 Juliet Avenue), said she lived in the northernmost townhome, closest to the easement, and had bought the unit because they were told the easement would go away when Rubbelkes no longer lived in their house. She said the easement was there for the Rubbelkes to get a boat in and out of their property. Ms. Cerrito said Ms. Thorne had good access to her backlot, and Ayd Mill Road provided better access for fire trucks.

Councilmember Harris moved to close the public hearing.

Yeas - 7 Nays - 0

Councilmember Harris said he still had some questions; he moved a two week layover.

Public hearing held and closed; laid over to November 2

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

Nay: 0

- 23 RES PH 11-1096** Approving residential permit parking fees.

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

- 24 RES PH 11-1094** Approving the Area 2 Residential Permit Parking Code changes.

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

- 25 **RES PH 11-1093** Approving the Area 3 Residential Permit Parking Code changes.

Sponsors: Carter III

No one appeared in opposition; Councilmember Carter 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

- 26 **RES PH 11-1095** Approving the Area 13 Residential Permit Parking Code changes.

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

- 27 **RES PH 11-1034** Ratifying assessments for Repair of Sanitary Sewer Connection on private properties during May to July 2011. (File No. SWRP1106, Asmt No. 118083)

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

- 28 **RES PH 11-1035** Ratifying assessments for Replacement of Lead Water Service Line on private properties during May to July 2011. (File No. 1104LDSRP, Asmt No. 114939) (To be laid over to October 19 for public hearing)

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

- 29 RES PH 11-1069** Ratifying the assessment of benefits, costs, and expenses for the 2011 Facade Improvement at the Great Northern Building, located at 300 Wall Street. (File No. 19127, Assessment No. 117001)

Sponsors: Thune

In support:

Katy Lindblad (300 Wall Street, Unit 702), Great Northern Lofts resident, thanked the Council, Councilmember Thune, PED staff Martin Schiek and Amy Spong, and inspections and assessment staff for their assistance with the program.

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 Harris, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Helgen

- 30 RES PH 11-1110** Amending the spending and financing plans for the Ruth Street Bike Lanes project and setting up a new project for work related to the emergency reconstruction of the failing retaining wall at 220 Marshall Avenue.

Sponsors: Lantry

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 Harris, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Helgen

- 31 RES PH 11-1112** Amending the spending and financing plan for the 2010 Signalized Intersection Safety Improvement Program to reflect additional Trunk Highway Funding for the Robert - Cesar Chavez Traffic Signal Project.

Sponsors: Lantry

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 Harris, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Helgen

- 32 RES PH 11-1114** Amending the spending and financing plans for the 2011 Signalized Intersection Safety Improvement Program to reflect additional Trunk Highway funding for the Arcade - Minnehaha Traffic Signal Reconstruction Project.

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 Harris, City Council President Lantry, Councilmember Thune and Councilmember Stark

Nay: 0

Absent: 1 - Councilmember Helgen

- 33 RES PH 11-1102** Amending the 2011 Budget for the Energy Efficiency and Conservation Block Grant.

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

- 34 RES PH 11-1120** Amending the 2007 CIB budget and 2011 debt service operating budget in the amount of \$126,741 to reflect required technical changes to close out the Western District Police Station project.

Sponsors: Lantry

No one appeared in opposition; Councilmember Carter 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

- 35 RES PH 11-1086** Authorizing a joint powers agreement with the State of Minnesota, Department of Agriculture, to provide \$60,000 for Emerald Ash Borer related costs; and authorizing the Department of Parks and Recreation and the proper City officials to adjust the 2011 Budget to reflect this additional funding.

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

- 36 RES PH 11-1116** Amending the budget in the Department of Parks and Recreation by adding a \$20,000 Financing and Spending Plan for a CRWD contribution towards pervious pavers for construction of the Crosby-Elway Parking Lot.

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

- 37 RES PH 11-1098** Authorizing the Department of Parks and Recreation to increase the 2011 Budget in its Arts and Gardening activity by \$25,350 to reflect the increased revenue received as a result of the services provided in the agreement with Public Works.

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

- 38 **RES PH 11-1105** Authorizing the Department of Parks and Recreation to accept donated funds of \$65,000 from AMVETS Post #5, and amending the current capital budget to construct the Plaza de Honor memorial on Harriet Island.

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

- 39 **RES PH 11-1115** Authorizing the Fire Department to accept a donation of \$400 from the Residential Mortgage Group (RMG) Inc. to continue to provide public safety and community education.

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

- 40 **RES PH 11-1103** Authorizing the Police Department to enter into the agreement(s) with the FBI to participate in the Minnesota Cyber Crime Task Force and to amend the financing and spending plans in the Police Department in the amount of \$5,000.

Sponsors: Lantry

No one appeared in opposition; Councilmember Bostrom 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

- 41 **RES PH 11-1104** Accepting the 2011 Edward Byrne Memorial Justice Assistance Grant (2011 JAG) and amending the finance and spending plans in the Police Department in the amount of \$50,000.

Sponsors: Lantry

No one appeared in opposition; Councilmember Bostrom 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

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 49 **RLH TA 11-333** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1116A1, Assessment No. 118144 at 1210 ALBEMARLE STREET. (Public hearing continued from October 5)

Sponsors: Helgen

Legislative Hearing Officer Marcia Moermond gave a staff report and showed a video of the clean-up. She recommended approving the assessment and spreading the payments over three years.

In opposition:

Property owner Siu Lui Fung (via an interpreter) said the garbage was from interior construction. He said the City had damaged the garbage door, wall, and some interior design materials, and he felt he should be reimbursed. He said there were two companies working during that time; he gave the license number for one of them. He said he'd called a company on Sept 12 at 9 am but they were late and then failed to appear. He said the video proved that the door, fence, and materials were removed. He said the company with the license number mentioned should be responsible for the amount; he said he couldn't find them anymore. He said he had found a new company and given them more money. He said he had a big loss on the project and the companies had never finished the work. He asked for understanding and help.

Councilmember Helgen asked whether project materials were taken along with the trash and junk. Mr. Fung said materials he had purchased for the project were taken.

Councilmember Helgen moved to close the public hearing. Yeas - 5 Nays - 0 (Bostrom and Carter not present for vote)

Councilmember Helgen moved to reduce the assessment to \$2000.

Adopted as amended (assessment reduced to \$2000 payable over 3 years)

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

- 48 **RLH TA 11-363** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1113A, Assessment No. 118136 at 1340 SEVENTH STREET WEST. (Public hearing continued from October 5)

Sponsors: Thune

Legislative Hearing Officer Marcia Moermond gave a staff report on the Vacant Building Fee assessment, and said the renovation was underway with a completion deadline of the end of the year. She recommended prorating the fee, and said it could be re-invoiced if the work wasn't done by the deadline.

In opposition:

Bill Lindsay (1857 Rolling Green Curve, Mendota Heights), representing the property owner Dram Properties, said they had taken possession of the property on June 20. He said the building was going to be a car wash and work had been going on since the property was acquired. He said they appreciated the reduction but had been writing checks for three months with no revenue yet.

Council President Lantry asked whether the building was occupied. Mr. Lindsay said it had been occupied since they bought it. He said it had been completely gutted and rebuilt. He said he'd been aware the previous owner had been charged for non-occupancy, but as new owners they had occupied the building the first day. He reiterated that he appreciated the proration, but questioned why there was an assessment at all. He asked that it be deleted.

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

Councilmember Thune said he had a great deal of sympathy in this situation because they'd been wanting the property to be fixed and reused for a long time. He said it seemed counterproductive, and he moved to delete the fee starting from the time the building was occupied.

Council President Lantry asked whether vacant building inspectors monitored the building. Ms. Moermond said they went twice a month. Council President Lantry said the previous owner could also have said they had occupied the building, and it was a slippery slope.

Councilmember Thune said they had purchased the building, pulled permits, and it was under construction, and the city was making money on the property.

Councilmember Carter said he understood Councilmember Thune's logic in this situation but felt it was important to think about the policy implications of the decision.

Councilmember Thune said the Council had leeway. He said construction was proceeding at a rapid pace.

Councilmember Carter said vacant building inspectors were still monitoring the building, and perhaps a new vacant building definition was needed.

Councilmember Thune said his motion was to delete the assessment.

Ms. Moermond said the Council could choose to lay the matter over for four months.

Councilmember Thune asked Mr. Lindsay how much had been spent. Mr. Lindsay said they had spent \$300,000. Councilmember Thune said they would not be

walking away after spending that much. He reiterated that his motion was to delete the assessment for the current year.

Council President Lantry said the owners could have appealed the vacant building status at the time they purchased the property.

Councilmember Thune reiterated that the Council had latitude to look at facts and make a judgment, and did so all the time.

Councilmember Helgen said Ms. Moermond's recommendation was a reasonable compromise that did show latitude.

Councilmember Bostrom asked when the property was purchased. Mr. Lindsay said it was purchased in June. Councilmember Bostrom asked when the first permits had been pulled. Mr. Lindsay said the work started immediately but the first permit was pulled in the last 30 to 60 days.

Council President Lantry and Councilmember Thune noted that work had been started without permits.

Councilmember Thune moved to adopt Ms. Moermond's recommendation.

Adopted

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

Nay: 0

**85 RLH FCO
11-366**

Appeal of Joseph J. Skelly to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1231 KENNARD STREET.

Legislative Hearing Officer Marcia Moermond said the appellant was looking for more time for the modification of an existing heating system.

Property owner Joe Skelly said he'd owned the non-conforming duplex for ten years and didn't realize the furnace was non-compliant until he'd had a new one installed. He asked for an extension of three or four more months to explore converting the house to a single family rental or installing separate heating systems.

Council President Lantry asked whether a permit had been pulled on the furnace. Mr. Skelly said it had.

Councilmember Bostrom moved to close the public hearing and grant a four month extension.

Adopted as amended (extension granted to March 1, 2012)

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

Nay: 0

Councilmember Harris 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

**RLH FCO
11-382**

Appeal of Kendall Burton to a Fire Certificate of Occupancy Inspection Correction Notice at 899 JENKS AVENUE.

Sponsors: Bostrom

Legislative Hearing Officer Marcia Moermond gave a staff report. She recommended denying the appeal on the 6'6" ceiling height.

In response to questions by Council President Lantry, the appellant said he would like to use one of the two rooms as a sleeping room, and there were two other bedrooms.

In opposition:

Kendall Burton (362 Ruthie Lane, Hudson, WI), said he had a Section 8 tenant who had been there for two months, since the beginning of the inspection process, and he had lost two months rent. He said the tenant was a three bedroom Section 8 tenant and Section 8 had approved the house. He displayed photographs of the house and of the room, showing modifications he had made to increase the door height.

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

Councilmember Bostrom said he agreed with Ms. Moermond's recommendation; he moved to deny the appeal.

Adopted (appeal denied)

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

Nay: 0

**60 RLH FCO
11-327**

Appeal of Bee Vue to a Fire Certificate of Occupancy Correction Notice at 980 CONWAY STREET.

Sponsors: Lantry

Legislative Hearing Officer Marcia Moermond recommended granting the appeal on the bathroom ceiling height.

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

Adopted as amended (appeal granted)

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

Nay: 0

- 65** **RLH TA 11-386** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1113, Assessment No. 118119 at 909 DESOTO STREET

Sponsors: Helgen

Legislative Hearing Officer Marcia Moermond recommended approving the assessment.

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

Adopted as amended (assessment approved and payable in one installment)

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

Nay: 0

- 66** **RLH FOW
11-167** Appeal of Mark Syrstad to a Fire Certificate of Occupancy Inspection Correction Notice at 1121 EARL STREET.

Sponsors: Bostrom

Legislative Hearing Officer Marcia Moermond said she had made a simple amendment to her recommendation.

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

Adopted as amended (3-inch variance granted on egress window)

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

Nay: 0

- 81** **RLH TA 11-304** Reducing the Appealed Special Tax Assessment for Real Estate Project No. CRT1107A, Assessment No. 118134 at 1583 HAZELWOOD STREET.

Sponsors: Bostrom

Council President Lantry read Legislative Hearing Officer Marcia Moermond's amendment, decreasing the assessment from \$835 to \$635.

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

Adopted as amended (assessment reduced to \$635)

- 87 **RLH TA 11-374** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1116A, Assessment No. 118121 at 323 LAWSON AVENUE EAST.

Sponsors: Helgen

Council President Lantry read Legislative Hearing Officer Marcia Moermond's recommendation to delete the assessment.

No one appeared in opposition; Councilmember Helgen 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

- 100 **RLH VO 11-77** Appeal of Juliann Morris to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 633 PALACE AVENUE. (Also see RLH VO 11-78)

Sponsors: Thune

Withdrawn

- 113 **RLH FCO
11-418** Appeal of Bruce Ford to a Fire Certificate of Occupancy Inspection Correction Notice at 811 SHERBURNE AVENUE.

Sponsors: Carter III

Legislative Hearing Officer Marcia Moermond said there was a simple amendment granting another part of the appeal.

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

Adopted as amended (appeal granted on Minnesota Crime Free Training Program requirement)

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

Nay: 0

- 117 **RLH TA 11-388** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1115P, Assessment No. 118123 at 1491 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Legislative Hearing Officer Marcia Moermond recommended deleting the assessment; she said a waiver was received.

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

Adopted as amended (assessment deleted)

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

Nay: 0

118 RLH TA 11-387 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1116A, Assessment No. 118121 at 1491 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Legislative Hearing Officer Marcia Moermond recommended approving the assessment.

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

Adopted as amended (assessment approved)

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

Nay: 0

Councilmember Bostrom 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

RLH AR 11-121 Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1113B1, Assessment No. 118145 at 636 EARL STREET.

Sponsors: Lantry

Council President Lantry read Legislative Hearing Officer Marcia Moermond's recommendation to delete the assessment.

No one appeared in opposition; Councilmember Bostrom 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

Councilmember Bostrom 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

RLH WP 11-71 Appeal of Paul Yang and Por T. Yang to a Building Permit at 1047 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Legislative Hearing Officer Marcia Moermond recommended granting the appeal.

No one appeared in opposition; Councilmember Bostrom 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

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

No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve the balance of the Legislative Hearing 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

42 RLH FOW Appeal of Andy Hybben to an Egress Window Non-Compliance Determination at **11-153** 1056 THIRD STREET.

Sponsors: Lantry

Adopted

- 43 **RLH RR 11-65** Ordering the rehabilitation or razing and removal of the structures at 698 FOURTH STREET EAST within fifteen (15) days after the October 19, 2011, City Council Public Hearing. (To be referred back to November 8, 2011 Legislative Hearing and December 7, 2011 City Council public hearing)
- Sponsors:** Lantry
- Referred back for a Legislative Hearing on November 8; Council public hearing continued to December 7**
- 44 **RLH WP 11-70** Appeal of Renewal by Andersen, on behalf of Nick Stark, to an Egress Window Non-Compliance Determination at 2057 FIFTH STREET EAST.
- Sponsors:** Lantry
- Adopted**
- 45 **RLH FOW
11-161** Appeal of William Perrson to a Fire Certificate of Occupancy Correction Notice at 783 SIXTH STREET EAST.
- Sponsors:** Lantry
- Adopted**
- 46 **RLH TA 11-382** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1115A1, Assessment No. 118133 at 1126 6TH STREET EAST.
- Sponsors:** Lantry
- Adopted**
- 47 **RLH TA 11-273** Deleting the Appealed Special Tax Assessments for Real Estate Project No. J1114P (new number J1114P1), Assessment No. 118105 (new number 118131) at 20 SEVENTH PLACE WEST and 408 ST. PETER STREET.
- Sponsors:** Thune
- Adopted**
- 50 **RLH VBR 11-61** Appeal of Gholamreza Ashrafzadehkian to a Vacant Building Registration Notice plus Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1119 ARUNDEL STREET.
- Sponsors:** Helgen
- Adopted**
- 51 **RLH VO 11-72** Appeal of Albert Miller to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2009 ASHLAND AVENUE.
- Sponsors:** Stark
- Adopted**

- 52 **RLH FOW
11-180** Appeal of Xu Yajcherthao to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1091 BEECH STREET.

 Sponsors: Lantry

 Adopted
- 53 **RLH FCO
11-316** Appeal of Dan Charles-Anthony Hekrdle to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 670 BELLOWS STREET.

 Sponsors: Thune

 Adopted
- 54 **RLH WP 11-68** Appeal of Renewal by Andersen, on behalf of Joe Briesler, to an Egress Window Non-Compliance Determination at 155 BELVIDERE STREET EAST.

 Sponsors: Thune

 Adopted
- 55 **RLH FCO
11-372** Appeal of Carla Goss to a Fire Certificate of Occupancy Inspection Correction Notice at 1136 BURR STREET.

 Sponsors: Helgen

 Adopted
- 56 **RLH FOW
11-163** Appeal of Nancy Pogue, Oaks California Drive LLC, to a Fire Certificate of Occupancy Correction Notice at 1167, 1168, 1179, 1180, 1191, 1192, 1201, 1202 and 1203 CALIFORNIA DRIVE.

 Sponsors: Helgen

 Adopted
- 57 **RLH FCO
11-344** Appeal of Michael Severin to a Correction Notice-Complaint Inspection at 367 CHARLES AVENUE.

 Sponsors: Carter III

 Adopted
- 58 **RLH SAO 11-32** Appeal of Alfred Hill to a Summary Abatement Order at 410 CHARLES AVENUE.

 Sponsors: Carter III

 Adopted
- 59 **RLH FCO
11-395** Appeal of Marcia and Philip Liniewicz to a Correction Notice-Complaint Inspection at 255 COLBORNE STREET.

 Sponsors: Thune

 Adopted

- 61 **RLH WP 11-76** Appeal of Blia Lee to an Egress Window Non-Compliance Determination at 1672 CONWAY STREET.
Sponsors: Lantry
Adopted
- 62 **RLH FOW 11-151** Appeal of Portoua Yang and Paul Yang to a Fire Certificate of Occupancy Inspection Correction Notice at 995 CYPRESS STREET.
Sponsors: Bostrom
Adopted
- 63 **RLH FOW 11-157** Appeal of Tony Swanson, Public Housing Agency, to a Fire Certificate of Occupancy Correction Notice at 1076 CYPRESS STREET.
Sponsors: Bostrom
Adopted
- 64 **RLH AR 11-111** Amending the Appealed Special Tax Assessment for 1336 DAYTON AVENUE. (File No. J1114A, Assessment No. 118086).
Sponsors: Carter III
Adopted
- 67 **RLH FCO 11-404** Appeal of Steven Thao to a Fire Certificate of Occupancy Inspection Correction Notice at 925 EUCLID STREET.
Sponsors: Lantry
Adopted
- 68 **RLH WP 11-65** Appeal of The Home Depot At-Home Services, on behalf of Robin Fate, to an Egress Window Non-Compliance Determination at 1191 FAIRMOUNT AVENUE.
Sponsors: Thune
Adopted
- 69 **RLH FOW 11-178** Appeal of Steve Gaertner, on behalf of Channel Properties, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1767 FORD PARKWAY.
Sponsors: Harris
Adopted
- 70 **RLH WP 11-69** Appeal of Renewal by Andersen, on behalf of Tom Collins, to two Egress Window Non-Compliance Determinations at 1865 FORD PARKWAY.
Sponsors: Harris
Adopted

- 71 **RLH FOW
11-169** Appeal of Floyd Johnson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 503 FOREST STREET.
- Sponsors: Lantry
- Adopted**
- 72 **RLH FCO
11-393** Appeal of Wayne A. Olson to a Fire Certificate of Occupancy Inspection Correction Notice at 953 FOREST STREET. (To be referred back to a Legislative Hearing on March 27, 2012 and City Council public hearing on April 18, 2012.)
- Sponsors: Bostrom
- Adopted**
- 73 **RLH FOW
11-164** Appeal of Shirley Olson to a Fire Certificate of Occupancy Correction Notice at 528-530 FRONTENAC PLACE.
- Sponsors: Stark
- Adopted**
- 74 **RLH TA 11-353** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1110E1, Assessment No. 118135 at 812 FULLER AVENUE. (Public hearing continued from October 5)
- Sponsors: Carter III
- Adopted**
- 75 **RLH TA 11-316** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1111E, Assessment No.118128 at 812 FULLER AVENUE.
- Sponsors: Carter III
- Adopted**
- 76 **RLH TA 11-354** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113G1, Assessment No. 118143 at 812 FULLER AVENUE. (Public hearing continued from October 5)
- Sponsors: Carter III
- Adopted**
- 77 **RLH FOW
11-148** Appeal of Olga Flores to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1526 and 1528 FURNESS PARKWAY.
- Sponsors: Bostrom
- Adopted**

- 78 **RLH FOW**
11-172 Appeal of Nick T. Carlson to a Fire Certificate of Occupancy Inspection Correction Notice at 705 GERANIUM AVENUE EAST.
- Sponsors:** Bostrom
- Adopted**
- 79 **RLH FCO**
11-208 Appeal of Aaron Jensen, Green Mill Restaurant, to a Fire Inspection Correction Notice at 1342 GRAND AVENUE.
- Sponsors:** Harris
- Adopted**
- 80 **RLH FOW**
11-150 Appeal of Lori Kustritz to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2037 GRAND AVENUE.
- Sponsors:** Stark
- Adopted**
- 82 **RLH FOW**
11-152 Appeal of JoAnn Erickson to a Fire Certificate of Occupancy Inspection Correction Notice at 767 HOLLY AVENUE.
- Sponsors:** Carter III
- Adopted**
- 83 **RLH WP 11-67** Appeal of Sandau Construction Co., Inc. to an Egress Window Non-Compliance Determination at 1937 JEFFERSON AVENUE.
- Sponsors:** Harris
- Adopted**
- 84 **RLH FOW**
11-155 Appeal of Tony Swanson to a Fire Certificate of Occupancy Correction Notice at 921 JESSIE STREET.
- Sponsors:** Helgen
- Adopted**
- 86 **RLH FCO**
11-391 Appeal of Thao Xiong to a Fire Certificate of Occupancy Inspection Correction Notice at 966 LAFOND AVENUE.
- Sponsors:** Carter III
- Adopted**
- 88 **RLH FOW**
11-142 Appeal of Koua Lee to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 522 LAWSON AVENUE EAST.
- Sponsors:** Helgen
- Adopted**

- 89 **RLH FOW**
11-171 Appeal of Carol Yeung to a Fire Certificate of Occupancy Inspection Correction Notice at 873 and 875 LINCOLN AVENUE.

 Sponsors: Thune

 Adopted
- 90 **RLH FCO**
11-274 Appeal of Rick Peloquin to a Fire Certificate of Occupancy Correction Notice at 2069 MANITOU AVENUE.

 Sponsors: Lantry

 Adopted
- 91 **RLH FCO**
11-383 Appeal of Brad Nilles/Calabash Properties to a Fire Certificate of Occupancy Correction Notice at 732 MARSHALL AVENUE.

 Sponsors: Carter III

 Adopted
- 92 **RLH FCO**
11-405 Appeal of Dennis Eiyneck to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2222 MARSHALL AVENUE.

 Sponsors: Stark

 Adopted
- 93 **RLH FOW**
11-147 Appeal of Michael and Marcia Conroy to a Fire Certificate of Occupancy Inspection Correction Notice at 881 MCKNIGHT ROAD NORTH.

 Sponsors: Lantry

 Adopted
- 94 **RLH FCO**
11-331 Appeal of Stephen Ersfeld to a Fire Certificate of Occupancy Inspection Correction Notice at 1736 NEBRASKA AVENUE EAST.

 Sponsors: Bostrom

 Adopted
- 95 **RLH FOW**
11-145 Appeal of Margaret Chyba to a Fire Certificate of Occupancy Correction Notice at 1620 NEVADA AVENUE EAST.

 Sponsors: Bostrom

 Adopted
- 96 **RLH FOW**
11-144 Appeal of Katherine Emmons to a Fire Certificate of Occupancy Correction Notice at 1842 NEVADA AVENUE.

 Sponsors: Bostrom

 Adopted

- 97 **RLH RR 11-63** Ordering the razing and removal of the structures at 627 OHIO STREET within fifteen (15) days after the October 19, 2011 City Council Public Hearing.
- Sponsors:** Thune
- Adopted**
- 98 **RLH RR 11-64** Ordering the razing and removal of the structures at 678 ORLEANS STREET within fifteen (15) days after the October 19, 2011 City Council Public Hearing.
- Sponsors:** Thune
- Adopted**
- 99 **RLH WP 11-75** Appeal of Renewal by Andersen, on behalf of Connie Smith, to two Egress Window Non-Compliance Determinations at 176 OTIS AVENUE.
- Sponsors:** Stark
- Adopted**
- 101 **RLH VO 11-78** Appeal of Ronald Staeheli to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 633 PALACE AVENUE. (Also see RLH VO 11-77.)
- Sponsors:** Thune
- Adopted**
- 102 **RLH FOW
11-149** Appeal of Joe Ryan to an Inspection Fire Certificate of Occupancy With Deficiencies at 639 PORTLAND AVENUE.
- Sponsors:** Carter III
- Adopted**
- 103 **RLH FOW
11-175** Appeal of Rev. Howard Googins to a Fire Certificate of Occupancy Inspection Correction Notice at 830 PORTLAND AVENUE.
- Sponsors:** Carter III
- Adopted**
- 104 **RLH WP 11-72** Appeal of Renewal by Andersen, on behalf of William Carroll, to an Egress Window Non-Compliance Determination at 1889 PRINCETON AVENUE.
- Sponsors:** Harris
- Adopted**
- 105 **RLH FOW
11-165** Appeal of Rosa E. Arias to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1026 PROSPERITY AVENUE.
- Sponsors:** Bostrom
- Adopted**

- 106 **RLH TA 11-381** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1110E, Assessment No. 118120 at 1139 RAYMOND AVENUE.
- Sponsors: Stark
- Adopted**
- 107 **RLH FCO** Appeal of Jessica L. Teske to a Fire Certificate of Occupancy Correction Notice at
11-387 2053 REANEY AVENUE.
- Sponsors: Lantry
- Adopted**
- 108 **RLH WP 11-66** Appeal of Mark Mason to an Egress Window Non-Compliance Determination at 1152
ROSE AVENUE EAST.
- Sponsors: Bostrom
- Adopted**
- 109 **RLH WP 11-64** Appeal of Renewal by Andersen, on behalf of Russell Klein, to Egress Window
Non-Compliance Determinations at 522 SARATOGA STREET SOUTH.
- Sponsors: Harris
- Adopted**
- 110 **RLH FCO** Appeal of James H. Gardner to a Correction Notice-Complaint Inspection and Fire
11-394 Inspection Correction Notice at 1222 SCHEFFER AVENUE.
- Sponsors: Harris
- Adopted**
- 111 **RLH FOW** Appeal of Robert Fenlon to a Fire Certificate of Occupancy Correction Notice at 2222
11-159 SCHEFFER AVENUE.
- Sponsors: Harris
- Adopted**
- 112 **RLH FCO** Appeal of Ludmila Bryskin to a Re-Inspection Fire Certificate of Occupancy With
11-384 Deficiencies at 677 SHERBURNE AVENUE.
- Sponsors: Carter III
- Adopted**
- 114 **RLH FOW** Appeal of Tony Swanson, Public Housing Agency, to a Fire Certificate of Occupancy
11-158 Correction Notice at 1081 SIMS AVENUE.
- Sponsors: Bostrom
- Adopted**

- 115 **RLH RR 11-66** Ordering the razing and removal of the structures at 846 SMITH AVENUE SOUTH within fifteen (15) days after the October 19, 2011 City Council Public Hearing.
- Sponsors: Thune
- Adopted**
- 116 **RLH WP 11-82** Appeal of Tim Braun, Public Housing Agency, to an Egress Window Non-Compliance Determination at 1584 TIMBERLAKE ROAD #A, 1588 TIMBERLAKE ROAD #A, 1604 TIMBERLAKE ROAD #G, 1612 TIMBERLAKE ROAD #G, and 1636 TIMBERLAKE ROAD #G.
- Sponsors: Helgen
- Adopted**
- 119 **RLH WP 11-74** Appeal of Department of Public Health, on behalf of owner, to an Egress Window Non-Compliance Determination at 830 VAN BUREN AVENUE, #1 & 2.
- Sponsors: Carter III
- Adopted**
- 120 **RLH FOW
11-166** Appeal of Gary Southward to a Fire Certificate of Occupancy Inspection Correction Notice at 1135 WESTMINSTER STREET.
- Sponsors: Helgen
- Adopted**
- 121 **RLH FOW
11-179** Appeal of Steve Gaertner, on behalf of Channel Properties, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 326 WHEELLOCK PARKWAY EAST.
- Sponsors: Helgen
- Adopted**
- 122 **RLH FCO
11-333** Appeal of Xiong Pao Chang to a Fire Certificate of Occupancy Correction Notice at 933 WHITE BEAR AVENUE NORTH.
- Sponsors: Bostrom
- Adopted**
- 123 **RLH WP 11-63** Appeal of Ker Moua to an Egress Window Non-Compliance Determination at 922 WILSON AVENUE.
- Sponsors: Lantry
- Adopted**
- 124 **RLH FOW
11-160** Appeal of Trang Vo to an Egress Window Non-Compliance Determination at 1217 WOODBRIDGE STREET.
- Sponsors: Helgen
- Adopted**

125 **RLH FCO** Appeal of Andrew Dick to a Fire Certificate of Occupancy Correction Notice at 693
 11-381 YORK AVENUE.

Sponsors: Bostrom

Adopted

126 **RLH FOW** Appeal of Alex Galonska, on behalf of Tia Park LLC, to a Fire Certificate of
 11-170 Occupancy Inspection Correction Notice at 1025 YORK AVENUE.

Sponsors: Bostrom

Adopted

ADJOURNMENT

Councilmember Carter moved to adjourn the meeting at 7:53 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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