



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
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City Council Minutes - Final

*Council President Kathy Lantry
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Melvin Carter III
Councilmember Russ Stark
Councilmember Dave Thune
Councilmember Chris Tolbert*

Wednesday, February 15, 2012

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dave Thune and Councilmember Chris Tolbert

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 12-4** Approving five new Neighborhood STAR Year-Round Program awards and two new Commercial Corridor Program awards; closing remaining balances on five previously funded Year-Round STAR Program projects; and correcting an accounting unit on two previously closed Neighborhood STAR Program projects.

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 2 – 18)

Item 14 was withdrawn.

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

Consent Agenda adopted as amended

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

Nay: 0

- 2 **Min 12-5** Approving the minutes of the August 17 and 24; and September 7, 14, 21 and 28, 2011 City Council meetings.
Sponsors: Lantry
Adopted
- 3 **Min 12-6** Approving the minutes of the February 1 and February 8, 2012 City Council meetings.
Sponsors: Lantry
Adopted
- 4 **RES 12-275** Approving the Memorandum of Agreement (January 1, 2012) between the City of Saint Paul and the International Union of Elevator Constructors, Local 9 - 2012 Wage and Fringe Adjustment. (Laid over from February 8 for adoption)
Sponsors: Lantry
Adopted
- 5 **RES 12-115** Authorizing the Como Park Zoo and Conservatory to accept "in kind" donations of plants and plant-related goods, whose individual value is under \$100, from various donors during the calendar year of 2012.
Sponsors: Stark
Adopted
- 6 **RES 12-118** Authorizing the Horticulture Department at the Marjorie McNeely Conservatory to apply for a grant of up to \$400 from the Mid-America Orchid Congress for the purchase of orchid plants in the year 2013.
Sponsors: Stark
Adopted
- 7 **RES 12-289** Authorizing the Department of Parks and Recreation, and specifically Michael Hahm, Director of Parks and Recreation, and Mark Granlund, Arts and Gardens Coordinator, to solicit donations for the Blooming Saint Paul program.
Sponsors: Lantry
Adopted
- 8 **RES 12-224** Authorizing the Police Department to accept a grant/donation from the Saint Paul Police Foundation for the department's training program.
Sponsors: Lantry
Adopted

- 9 **RES 12-301** Authorizing the Police Department to enter into Organized Crime Drug Enforcement (OCDETF) agreements with the United States Department of Justice for the period of January 1, 2012 through December 30, 2012 to participate in any Federal Bureau of Investigation or Drug Enforcement Agency task force operations for this period.
Sponsors: Lantry
Adopted
- 10 **RES 12-174** Authorizing the release of Utility Easements within the Saint Paul Port Authority's Beacon Bluff Development.
Sponsors: Bostrom
Adopted
- 11 **RES 12-256** Authorizing the release of City Easements within the Saint Paul Port Authority's Beacon Bluff Development.
Sponsors: Bostrom
Adopted
- 12 **RES 12-258** Amending a City Slope Easement within the Saint Paul Port Authority's Beacon Bluff Development.
Sponsors: Bostrom
Adopted
- 13 **RES 12-257** Amending the legal description of a previous vacation resolution for Vernon Place to correct for a potential gap in the legal description of the east line of the West 96 feet.
Sponsors: Bostrom
Adopted
- 14 **RES 12-277** Approving adverse action against the Cigarette/Tobacco license held by Dollar Plus, Inc., d/b/a Dollar Plus, 560 University Avenue West.
Sponsors: Carter III
Withdrawn
- 15 **RES 12-304** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Gas Station, Malt Off Sale, Retail Food (C) - Grocery 1001-3000 sq. ft., Cigarette/Tobacco, and Laundry/Dry Cleaning Pick Up Station licenses for Aly's Market (ID #20110004476), 1530 Sherwood Avenue. (Note: the Retail Food (C), Cigarette/Tobacco, and Laundry/Dry Cleaning Pick Up Station licenses have already been issued.)
Sponsors: Bostrom
Adopted
- 16 **RES 12-262** Approving the contract for Messerli & Kramer to provide lobbying services for the City of Saint Paul.
Sponsors: Lantry
Adopted

- 17 **RES 12-302** Approving the settlement agreement and release between the City of Saint Paul and Latasha M. Williams and her attorney, Richard D. O'Dea.

Sponsors: Lantry

Adopted

- 18 **RES 12-320** Approving the agreement between City of Saint Paul and Craig R. Spelbrink and Robert R. Geistfeld and the Gaskins, Bennett, Birrell, Schupp, LLP law firm in the amount of \$90,000.00 in full and final settlement for their claim for damages, medical bills and attorney's fees regarding the July 24, 2011, incident.

Sponsors: Lantry

Adopted

FOR DISCUSSION

- 19 **RES 10-532** Ordering the owner to remove or repair the building(s) at 694-696 FOURTH STREET EAST within fifteen (15) days from adoption of resolution. (Laid over from December 7, 2011)

Sponsors: Lantry

Council President Lantry said this was a tax-forfeited property and arrangements were being worked out with the county. She moved to lay the matter over to September 12, 2012.

Laid over to September 12, 2012

- 20 **RES PH 12-7** Approving the construction of the 2012 Residential Street Vitality Projects (RSVP). (Laid over from January 18)

Sponsors: Lantry

Council President Lantry said this item had generated a lot of public testimony from Ward 7, specifically about the Battle Creek RSVP. She introduced an amendment removing from the project those properties that had a sufficient petition.

Councilmember Stark asked how much of the area was removed. Council President Lantry; Rich Lallier, Public Works Director; and John Maczko, Public Works, reviewed the areas remaining. Mr. Maczko expressed concerns about the opt out streets being impacted by the work on adjacent streets. He said he would prefer to have a larger area of streets opt out.

Council President Lantry said perhaps the opt out policy should be changed, but the people who had completed the procedure for opting out should be allowed to. Mr. Maczko said the policy stated that a petition meant the Council would consider the opt out request but it was not a guarantee. He said it didn't make sense to do some streets and not others.

Councilmember Stark suggested the policy be revisited for next year, but people didn't understand that the opt out petition was just to have the Council consider it.

Council President Lantry said changes should be considered going forward; she expressed concern about the long term impact of the rising cost of RSVP projects and people opting out strictly for financial reasons. Councilmember Brendmoen agreed, and also said Public Works projects were bid based on the economy of scale, and opt outs raised costs further.

Councilmember Bostrom noted that there were streets in Ward 6 that were long overdue for maintenance, and property owners were anxious to have them done.

Councilmember Carter said the City had a responsibility to maintain the infrastructure, but with more and more people opting out for financial reasons, changes to the system were needed.

Mr. Lallier said he looked forward to a conversation, and to including the Office of Financial Services. He said they were currently working within the framework available.

Council President Lantry moved the amendment. Yeas - 7 Nays - 0

Adopted as amended

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

Nay: 0

- 21 RLH CO 11-2** Appeal of Richard H. Nicholson to a Correction Notice at 260 SUMMIT AVENUE. (Public hearing held August 3, 2011; laid over from December 7, 2011)

Sponsors: Thune

Councilmember Thune moved a seven week layover. He said Legislative Hearing Officer Marcia Moermond would adjust the orders to coincide with the layover.

Laid over to April 4, 2012

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

Nay: 0

ORDINANCES

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

Final Adoption

- 22 Ord 12-2** Memorializing City Council action granting the application of MGM Properties LLC to rezone portions of 1105, 1111, 1117, 1121, and 1125 California Avenue West from R4 One-Family Residential to B2 Community Business and to amend Saint Paul Legislative Code Chapter 60 pertaining to the Saint Paul zoning map to reflect the same. (Public Hearing held December 21, 2011.)

Sponsors: Brendmoen

Councilmember Brendmoen moved approval.

Adopted

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

Nay: 0

Third Reading, No Public Hearing

- 23 **Ord 12-3** Memorializing City Council action granting the application of Wulff Family Mortuary for the Rezoning from R4 Single-Family Residential to VP Vehicular Parking at 1756 Nebraska Avenue East and 1755 Nevada Avenue East, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held December 21, 2011)

Sponsors: Bostrom

Laid over to February 22 for final adoption

Second Reading

- 24 **Ord 12-5** Memorializing City Council action granting the application of Apex Auto Salvage, Inc to rezone the property at 198 Minnehaha Avenue East from I1 Light Industrial to I2 General Industrial, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held January 18)

Sponsors: Thune

Laid over to February 22 for third reading

- 25 **Ord 12-8** Amending Chapter 157, Traffic Code, General Parking Restrictions, to restore no-parking zone and limited-term parking zone violation language to the Code, which language was inadvertently deleted from the September 28, 2011 revisions.

Sponsors: Lantry

Councilmember Thune amended the ordinance to reinstate language about school buses.

Amended; laid over to March 7 for third reading/public hearing

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

Nay: 0

First Reading

- 26 **Ord 12-10** Memorializing City Council action granting the application of Marquette Apartments Llc to rezone the property at 204-208 Western Avenue N. from RM2 Medium-Density Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held February 1, 2012).

Sponsors: Carter III

Laid over to February 22 for second reading

The meeting was recessed at 3:50 p.m.

PUBLIC HEARINGS

The meeting was reconvened for public hearings at 5:31 p.m.

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dave Thune and Councilmember Chris Tolbert

- 27 **RES PH 12-45** Approving the application of HSR Events for a sound level variance in order to present amplified live music from 4:00 p.m. until 10:00 p.m. on June 29, 2012; and from 12:00 noon until 10:00 p.m. on June 30, 2012 during the Twin Cities Jazz Festival at Mears Park.

Sponsors: Thune

Steve Heckler, event director, said the applicant was the Twin Cities Jazz Festival and not HSR Events. He described the event and said there had never been a noise complaint.

Adopted

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

Nay: 0

- 28 **RES PH 12-52** Approving adverse action against all licenses held by MW #1, Inc., d/b/a Corner Meats & Grocery, 516 Rice Street. (Public hearing held February 15)

Sponsors: Carter III

Meghan Kisch, Assistant City Attorney representing the Department of Safety and Inspections (DSI), described the violations. She said DSI recommended imposition of a \$450 matrix penalty, for two critical minor violations present at a third reinspection (\$200 for the first and \$250 for the second). She noted that one of the conditions still existed at a January 31 reinspection. Council President Lantry confirmed with Ms. Kisch that the license was suspended until the fine was paid.

In opposition:

Business manager Antar Wazwaz (1651 Hazelwood Street) stated that a pest control company had been providing service twice a month for the previous two years, but the apartments above weren't treated and mice came into the business from above.

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

Councilmember Carter asked for a clarification of the nature of the violations. Ms. Kisch said one violation had to do with vacuum packaging of meat and the other with pest control. She said inspectors found rat droppings in two areas of the business.

Councilmember Carter asked whether evidence of pest control service had been provided. Ms. Kisch stated that there were some pest control invoices provided in the packet, the most recent one from September 1. In response to a question from

Councilmember Carter, Ms. Kisch said there were still rat droppings present on January 31. Mr. Wazwaz said he had a contract with the pest control company and they had come every month for the last two years, except when the business was closed for a time last year.

Councilmember Carter said the problems with the building went beyond the store, but that shouldn't affect meat packaging. He moved to lay the matter over for one week to work on addressing the rodent problem throughout the building.

Public hearing held and closed; laid over to February 22

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

Nay: 0

29 ABZA 12-3

Public hearing to consider the appeal of Walter Jirik to a decision of the Board of Zoning Appeals to approve two setback variances in order to build a new parking lot at 1170 Selby Avenue. (Public hearing held February 15)

Sponsors: Carter III

Corinne Tilley, Department of Safety and Inspections (DSI), gave a staff report on the the business location, zoning, and the setback variance application for the proposed parking lot. She showed an aerial photo of the area, and a plan drawing showing the locations of the requested setbacks. She said the Board of Zoning Appeals (BZA) approved the variance requests on a vote of 5-1 on December 27. She said neighbors had concerns about the amount of traffic generated by the business and about safety.

In support of the appellant:

Eunice Smith (1156 Dayton Avenue) said the reasons for for the appeal included concerns about traffic and pedestrian safety. She said the use of 1170 Selby as a parking lot would be unworkable even with a variance, would be detrimental to neighborhood quality of life, and violate the intent and purpose of the zoning code.

Bettine Hermanson (1173 Hague Avenue) said street parking was plentiful and additional parking was not needed. She said the variance was in violation of comprehensive plan and the parking lot would have negative effects on her adjacent property. She said ordinances were intended to protect citizens, and she questioned hardship to Pizza Luce. She said the issue for Pizza Luce was off street parking but for neighbors it was neighbors safety.

Mike Madden (1768 Iglehart) said there was on-street parking available, and no demonstrated need for the lot. He said the current lot was hazardous and chaotic, and the new lot would increase the hazard and chaos. He said additional parking was inconsistent with the District 13 Community Plan which supported walking, biking and busing. He asked people in support of the appeal to raise their hands.

In support of the applicant:

Carla Olson (Mississippi River Boulevard), president of the Union Park District Council, said the council had voted 14 in favor, 6 opposed, and 3 abstaining in support of the variances after a number of public meetings and hours of discussion among members. She said the appellants had requested an additional meeting and that would be granted as as soon as possible.

J. J. Haywood, Pizza Luce owner, reviewed the history of the business and relationship to the neighborhood. She said the neighbors had affirmed the need for more off street parking but had declined to approve an earlier parking and patio plan for an adjacent property purchased by Pizza Luce for that purpose. She reviewed the process and plans for 1170 Selby, including modifications made in response to neighbors and work with city staff. She said the lot met all city requirements, and she described variance request. She addressed points from appeal.

Ellen Tzeuschler (1192 Dayton Avenue) said Pizza Luce was a good neighbor and asset to the neighborhood and had always responded to concerns.

James Harrison (1122 Dayton) said he had seen Selby turn around, and Pizza Luce had been a big part of making it better. He said the noise and traffic would not go away if Pizza Luce left, and noted the close proximity of Central High School. He said a positive attitude toward business was needed.

Randy Treichel, on behalf of Youth Express, said businesses like Pizza Luce provided needed employment opportunities.

Councilmember Carter said good points had been presented on both sides. He said Pizza Luce was an asset, but the conversation had to be about a specific plan on a specific parcel. He said there were some legitimate concerns, and he moved to lay the matter over to March 14 to work with staff and people on both sides of issue.

Public hearing held and closed; laid over to March 14

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

Nay: 0

30 ABZA 12-7

Public hearing to consider the appeal of Mark Berhow, for Summit Hill Association; and McClay Alton Real Estate, LLC to a decision of the Board of Zoning Appeals approving a parking variance for seven off-street parking spaces in order for Cupcake Restaurant to obtain a wine and beer license at 949 Grand Avenue.

Sponsors: Thune

YaYa Diatta, Department of Safety and Inspections (DSI), gave a staff report and distributed a late-arriving email. He reviewed the history of the variance request and Board of Zoning Appeals (BZA) action. He said the BZA had approved the variance request 6-0 after three layovers, and with conditions.

Councilmember Thune confirmed that there were three existing parking spots and seven more were required, and the agreement with Anderson provided six.

Council President Lantry noted that one of the conditions was that a lease or shared agreement for additional parking be provided, yet it was discovered that Anderson Cleaners didn't actually have the spots available to lease. She said the conditions for the variance weren't met and she questioned whether an appeal was necessary. Mr. Diatta said the BZA felt the licensee was working towards complying with the code.

Council President Lantry said the intent was that valid a parking agreement be in place before the business opened. Mr. Diatta said there was no shared parking agreement but there was a lease, and the BZA felt that was adequate.

In response to questions from Councilmember Thune, Mr. Diatta stated that Anderson Cleaners had 11 spots and was required to have 11 spots. He said it was

acceptable for Cupcake to use some of the spaces as long as the hours of business didn't overlap.

Councilmember Stark asked for clarification of notes in the file documents indicating that at some times only four spaces would be available. Mr. Diatta said Anderson Cleaners said they had four spaces which could be leased to Cupcake and two additional which could be made available if need be. Councilmember Stark asked whether the BZA had been aware of that. Mr. Diatta said that is why there was a condition specifically requiring six, and not four spaces.

Council President Lantry asked where the additional two would come from. Mr. Diatta said they would come from either Anderson Cleaners or another location still to be determined.

Councilmember Thune asked whether loss of parking spaces would result in the loss of the liquor license. Mr. Diatta said Cupcake would have to come back to the BZA. Wendy Lane, DSI, said the beer and wine license was conditioned on the parking spaces, and loss of the lease would require Cupcake to come back before the BZA to have the condition changed or be subject to adverse action.

Council President Lantry clarified that Cupcake was required to have ten spaces. They currently had three on-site and needed seven more. The BZA had given a one-space credit for having a bike rack.

Councilmember Tolbert confirmed that the business could operate without the additional parking, but couldn't sell liquor.

Appellants:

Mark Berhow (756 Fairmount), on behalf of the Summit Hill Association (SHA), said the SHA would love to have Cupcake on Grand Avenue but wanted to do it in such a way that it didn't put undue pressure on neighboring businesses and residents. He said the concern was that lease agreement would expire and variance would remain as a property right.

Brian Alton (951 Grand Avenue), on behalf of McClay Alton, said they had owned the property and had offices at 951 Grand for 25 years. He said the issue with respect to the Anderson Cleaners agreement was that the eleven spots were for the four apartments and two businesses in the building, and the building needed all of those spaces. He said the Cupcake lease was for exclusive use of six spaces, which would leave the Anderson Cleaners building in violation, so the lease was not valid. He also noted that the lease was only for five years but the variance would remain. He said such a large variance was unprecedented. He said the Council had decided a couple of years ago to relax parking standards in the zoning code but also to keep the standards for businesses with beer and wine licenses. He said the business could open as a restaurant without the variance, and only wanted the beer and wine license for the economic benefit it provides. He reiterated that once the property was a bar, it was a bar, and could turn onto anything in the future. He said the comprehensive plan didn't support granting a variance.

In support of the appellant:

James Harrison (969 Lincoln Avenue), 44 year resident of the neighborhood and former chair of the zoning and land use committee of the SHA, said that based on his review of the documents posted online, the District Council got it right in its letter to the BZA opposing the variance, BZA staff got it right in their opposition, but the BZA got it wrong. He asked the the Council reverse the BZA action.

Elizabeth Wefel (977 Goodrich Avenue, #4) said parking was an issue in the neighborhood, and this was a significant variance request.

Applicant:

Mark Prokop (2197 Stanford Avenue), property owner, said there had been four tenants in the space in the past five or six years. He said it was a small lot but taxes were \$28,000, and it was hard for a small business to come in and pay the rent. He said this was a situation in which a small business wanted to come in and employ people and invest in the building, but was running into parking issues. He acknowledged that parking was a problem on Grand but said he hoped the Council would support this building and Cupcake because times were tough, and Cupcake would be an asset to Grand Avenue and to St. Paul.

W. K. "Skip" Melin with Cushman Wakefield Real Estate (3500 American Boulevard, Minneapolis) said the tenant met the conditions, and the BZA had correctly supported the variance unanimously. He said the basis of appeal was flawed with some undisclosed conflicts of interest, in that Mr. Alton's firm had represented Cupcake a number of years ago and Mr. Alton had a relative with a competing business in the neighborhood.

Lisa Erickson (920 Osceola), SHA and Grand Avenue Business Association board member, said she had made a point to monitor the block a dozen times a day after hearing about this, and always found open spaces. She said parking was not really a problem, and another SHA board member had spoken with business owners on the block who supported Cupcake and didn't feel parking was an issue. She said Mr. Alton's testimony at the SHA meeting indicated he felt a bar was opening next to him. She compared Cupcake to Cafe Latte in terms of the type of business but said it was a block away from a heavy parking area like that near Cafe Latte.

Councilmember Thune and Council President Lantry confirmed with Ms. Erickson that she was not speaking on behalf of the SHA.

Cupcake owner Kevin Vanderaa (640 Morgan Avenue, Minneapolis) described how he had learned of the parking requirement after having carefully selected and signed a lease for the location. He described the agreement with Jim Rossman from the building housing Anderson Cleaners, and said there were always available spaces in the lot and wasn't a lot of parking demand on that block of Grand. He said he had worked with the BZA who had been very thorough, he had met the requirements of the code, and was confused as to why there was still push back. He spoke about the success of his business in Minneapolis and great relationship with the neighborhood there. He stated that the need for a liquor license was an economic thing and gave him the ability to pay the rent and provide employees with benefits and pay more than minimum wage.

Councilmember Tolbert asked Mr. Vanderaa whether he would still open without a liquor license. Mr. Vanderaa said he absolutely would not, and that the business couldn't survive.

Councilmember Thune asked whether the beer and wine license brought in more customers. Mr. Vanderaa said it brought in dinner customers and upped the ticket price.

James White (1071 Fairmount) said he'd been on the SHA a number of years ago but was speaking as a resident. He said the parking issue on Grand was like a cat chasing its tail, and there was never a solution, but the reality was that there was always parking available on Grand.

Susannah Kyle (849 Laurel Avenue) said she was a fan of Cupcake in Minneapolis, felt it would be a great addition to the neighborhood, and would benefit other Grand Avenue businesses. She said the bakeries already on Grand had limited hours.

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

Councilmember Thune said despite of testimony on all sides, the issue was not one of whether the business was well-liked. He said parking had been an issue on Grand Avenue as long as he'd been in office and affected both businesses and residents. He said when parking was in short supply it moved into residential areas and created the demand for more permit parking areas. He said the decision was made to establish requirements and not grant variances, and people had been held to those requirements. He said liquor licenses were specifically addressed in the comprehensive and district plan, and this was straying far from what had been established as a precedent on Grand Avenue. He stated that he didn't find the case was made that Cupcake had exclusive parking in the Anderson Cleaners lot, and he didn't feel the Council could allow the liquor license to be added. He said it would be sad if the Cupcake restaurant didn't move in. He reiterated that it was strictly a matter of what had been established as a precedent and a law. He moved to grant the appeals for both SHA and McLay Alton on the basis that the BZA erred in granting the variance, which was not in harmony with the general purpose and intent of the zoning code. He stressed that he wanted businesses, especially new businesses, to succeed, but there was no question that the parking agreement did not meet the specific requirements for a shared parking agreement under Section 63.304. He noted that the requirements for shared parking agreements were adopted after careful study to allow for expanded parking options in areas where parking was at a premium. He stated again that Cupcake could open as a restaurant, and continue to try to meet requirements.

Councilmember Stark acknowledged that parking was an issue on Grand and had been for a long time, but said it was one of the most successful commercial corridors. He repeated a comment made earlier, that there wasn't parking problem but rather a walking problem because people didn't like to walk a couple of blocks. He asked how the building could be occupied, and said he felt the beer and wine license requirement was too high and that was something he would discuss later in the year. He said in this case the applicant was close to meeting the spirit of what was required, and the Council should err on the side of filling the spaces.

Councilmember Brendmoen said she felt the terms had been met. She said the Council seemed to be evaluating a lease agreement they didn't have, when evaluating the agreement was DSI's job. She said she would not support Councilmember Thune's motion.

Council President Lantry said it didn't matter who the applicant was, and the variance would stay with the property. She said the decision had to be based on whether they complied with the code. She noted that the item was laid over in the BZA for 3 1/2 months and the lease document was not provided. She said the code also stated that a variance could not be granted for economic considerations alone. She said she would support the motion because Cupcake did not meet the requirements of the code.

Councilmember Stark acknowledged that Council President Lantry made good points about the variance being entirely for economic considerations, but he asked why an under-utilized lot should not be used, and questioned acting to prevent on a theoretical problem when there wasn't an actual problem.

Councilmember Thune said every on-street parking space taken by a new business coming in would be one less available for adjacent businesses. He reiterated that the requirements had been thought through and specifically set out in the district plan

and the City's comp plan. He said it was the law and urged other Council members not to treat it too lightly.

Council President Lantry noted that the Anderson Cleaners parking lot was for the other tenants of the building as well as the Anderson.

Councilmember Stark said it was conceivable that another business not requiring a variance could move in and generate just as much traffic and parking demand, and it didn't make sense to him to single out this business because they wanted to serve beer and wine. Councilmember Thune reiterated that the requirements were intended specifically for businesses wanting to serve beer and wine.

Councilmember Stark noted that while the variance would stay with the property, the liquor license would not and the concern that this would allow the property to become a bar was not valid.

Councilmember Thune said it was the Council's job to make a decision based on current law and current zoning requirements. Councilmember Stark said the BZA had the same mission and found that the business met the code, and he didn't see enough cause to disagree with them.

Councilmember Brendmoen asked for a clarification of the role of the BZA. Council President Lantry said their job was to determine whether a business was in compliance with the code, but the Council was the "last stop."

Councilmember Stark said Cupcake was technically not required to have ten spaces if they were getting a variance of seven, and the BZA was comfortable giving them the variance of seven because Cupcake came close to getting to ten. Councilmember Thune said the error in BZA's findings were that Cupcake did not have the required parking spaces (Finding 1), and that the parking shortfall was created by Cupcake's business plan and not unique to a circumstance of the property (Finding 4). Council President Lantry said another requirement for a variance was that the circumstances causing the need for the variance not be created by the landowner.

Councilmember Tolbert said he felt the problem was with the code, and he would reluctantly support Councilmember Thune's motion.

Councilmember Carter said he would also support the motion.

Council President Lantry stressed the importance of consistency and following code.

Councilmember Thune renewed his motion.

Councilmember Bostrom said he appreciated Councilmember Thune's comments because they had experienced some of the same issues on the East Side in areas with very limited off street parking, and with variances carrying over to a new business when the business for which it was granted didn't succeed. He said he would also reluctantly support the motion.

Councilmember Thune said he couldn't believe there wasn't a solution, and felt the SHA and Grand Avenue Business Association would all work to try to find those last few parking spots.

Councilmember Bostrom suggested laying the matter over. Councilmember Brendmoen said she did not want to grant the appeal and asked whether a layover

would mean the Council wouldn't have to do that. Council President Lantry said they would not need a variance if they were able to find adequate parking. Councilmember Thune said he would like to dispense with the matter and extend the offer for assistance in finding a solution. Councilmember Bostrom said laying the matter over would lend a sense of urgency and send a message that the Council was willing help look for a solution.

Assistant City Attorney Peter McCall reminded the Council members that if the matter was laid over they could not participate in the solution.

Council President Lantry said the Council's discussion sent a message that the Council wanted to support businesses.

Motion of intent - appeal granted

Yea: 5 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 2 - Councilmember Brendmoen and Councilmember Stark

31 PH 12-2

Public hearing to consider the application of City View Apartments Inc. to rezone property at 743 E. 3rd Street from B2 Community Business to T2 Traditional Neighborhood.

Sponsors: Lantry

Sarah Zorn, Planning and Economic Development, gave a staff report on the rezoning request to have a residential unit on the first floor of the commercial building. She said the zoning committee and planning commission both recommended approval, and there had been no letters or speakers in support or opposition.

In opposition:

Diane May (243 Maria Avenue) said they had invested thousands of dollars and hundreds of hours into their historic house, and wanted to make sure the changes to 743 E. 3rd Street would fit in with the rest of the historic district.

Council President Lantry clarified that the new zoning would be more restrictive than the existing zoning.

In support:

Property owner George Trembulak (923 Payne Avenue) said there would be no exterior changes.

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

Council President Lantry moved to grant the application in spite of some concerns. She said she was disappointed it would be residential right off the bat, but the new zoning left the door open for other uses.

Motion of intent - application granted

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

Nay: 0

- 32 PH 12-5** Public hearing to consider the application of the Saint Paul Port Authority to rezone property in the area north of Wells Street between Forest Street and Russell Street from VP Vehicular Parking to I1 Industrial; from RM2 Medium Density Multiple-Family Residential to R4 One-Family Residential; and from I1 Industrial to R4 One-Family Residential.
- Sponsors:** Bostrom
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and grant the application.*
- Motion of intent - application granted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Thune
-
- 33 PH 12-6** Public hearing to consider the application of the Saint Paul Port Authority for preliminary and final plat approval for Beacon Bluff Business Center North to create two industrial parcels and five outlots. (Zoning File #: 10-918-220)
- Sponsors:** Bostrom
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and grant the application.*
- Motion of intent - application granted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Thune
-
- 34 PH 12-7** Public hearing to consider the application of the Saint Paul Port Authority for preliminary and final plat approval for Beacon Bluff Business Center South to create one I2 General Industrial parcel and one B3 General Business parcel. (Zoning File # 11-243-475)
- Sponsors:** Bostrom and Lantry
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and grant the application.*
- Motion of intent - application granted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Thune

- 35 RES PH 12-37** Approving the petition of the Saint Paul Port Authority to vacate portions of Wells Street, Duchess Street, and Russell Street, as dedicated in the plat of Auditors Subdivision No. 7, in the City of Saint Paul.
- Sponsors:** Bostrom
- Councilmember Bostrom moved an amendment. Yeas - 6 Nays - 0 (Thune not present for vote)*
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Thune
-
- 36 RES 12-236** Accepting the gift of travel, lodging, and conference registration, not to exceed \$1700, from the Strategy Institute, for Department of Planning and Economic Development staff member Christina Morrison to travel to the Urban Transportation Summit (UTS), March 6 and 7, in Toronto, Canada. (To be laid over to February 15 for public hearing)
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Bostrom and Councilmember Thune
-
- 37 RES PH 12-10** Ratifying the assessment for construction of sanitary sewer service connections, as requested by the property owners in connection with the Front/Victoria RSVP. (File No. 19080C2, Assessment No. 106062)
- Sponsors:** Carter III
- No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Bostrom and Councilmember Thune

- 38 **RES PH 12-13** Ratifying the assessment for sidewalk improvements along the north side of 5th Street East from Wacouta Street to Wall Street. (File No. S0711, Assessment No. 010774)

Sponsors: Thune

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

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 39 **RES PH 12-20** Final Order approving the street reconstruction and installation of traffic calming devices on Ohio Street from George Street to Isabel Street. (File No. 19130, Assessment No. 125206)

Sponsors: Thune

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

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 40 **RES PH 12-8** Ratifying the assessment for alley improvements on the north-south alley in Randolph Villas (bounded by Niles, Randolph, Brimhall, and Saratoga). (File No. 19116, Assessment No. 110582) (Public hearing held February 15)

Sponsors: Harris

In opposition:

Todd Richter (510 Brimhall Street) said the neighborhood had petitioned last year to have the alley paved and connected to City storm sewer, but the project was not completed as proposed. He said the alley was not connected to the City storm sewer and they continued to have drainage issues. He stated that they had tried to get some clarification on the assessment, which was the same as originally proposed. He requested a delay in ratification and help in setting up a meeting with Public Works.

Councilmember Tolbert said it was his understanding the amount of the assessment had been changed recently.

Lynn Moser, Office of Financial Services, said the actual costs for paving had come in higher, but Public Works had requested that the rate be reduced to that originally proposed. She said the original estimate was \$77.77 per front foot, and the final assessment was \$51.48 per foot.

Scott Brimer, Public Works, said the storm sewer was proposed in original estimate, but the surveyor found that it was not required.

Mr. Richter said the request was made because of significant drainage issues; he showed photographs. He said he would like time to work with Public Works, and noted they had not seen an adjusted invoice.

Paul Flint (525 Saratoga) said the primary driver had been the drainage issue.

Councilmember Tolbert moved to close the public hearing and lay the matter over for three weeks.

Public hearing held and closed; laid over to March 7

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

Nay: 0

- 41 RES PH 12-11** Ratifying the assessment for sidewalk and driveway apron improvements at 241 Brimhall Street. (File No. 19118, Assessment No. 110791)

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 Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Thune

Nay: 0

Absent: 1 - Councilmember Tolbert

- 42 RES PH 12-9** Ratifying the assessment for alley improvements on the east-west alley in Denslow's Subdivision of Lots 54 and 47, Lake Como Villas (bounded by Front, Hatch, Kilburn and Ryde). (File No. 19090, Assessment No. 105130)

Sponsors: Helgen

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Tolbert

- 43 RES PH 12-35** Amending the 2012 budget in the Department of Planning and Economic Development in the total amount of \$2,675,000 to accept Livable Communities Demonstration Account Grants and Local Housing Incentives Account Grants from the Metropolitan Council.

Sponsors: Lantry

Councilmember Carter moved an amendment to correct an error. Yeas - 6 Nays - 0 (Tolbert not present for vote)

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

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Tolbert

- 44 RES PH 12-36** Authorizing the Police Department to accept the Juvenile Accountability Block Grant - Special Projects 2012 grant in the amount of \$57,200 with a \$6,356 match requirement from State of Minnesota, Department of Public Safety for the juvenile program and to amend the 2012 budget.

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 Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Thune

Nay: 0

Absent: 1 - Councilmember Tolbert

- 45 RES PH 12-44** Amending the financing and spending plans in the Fire Department in the amount of \$44,304.75 for the contribution received from the Minnesota Board of Firefighter Training and Education.

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 Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

SUSPENSION ITEMS

Councilmember Thune moved suspension of the rules.

Rules suspended

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

Nay: 0

RES PH 12-51 Approving the establishment of a Tax Increment Financing District and approving an amended and Restated Tax Increment Plan (Penfield Redevelopment Project).

Sponsors: Thune

James White (1071 Fairmount) referred to his letter to the editor in the Highland Villager. He said he felt the project was a boondoggle in the making which had already been rejected by two private developers, and he highly disagreed with the idea of using city funds.

Councilmember Thune moved to continue the public hearing to the 3:30 p.m. portion of the February 22 Council meeting.

Councilmember Tolbert said he felt the procedure for approval by the Council and HRA was confusing and the public was entitled to an explanation. Assistant City Attorney Peter McCall explained that it was a procedural matter in TIF law that required the City Council to approve the matter before the HRA did.

Public hearing continued to February 22 at 3:30 p.m.

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

Nay: 0

Councilmember Thune moved suspension of the rules.

Rules suspended

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

Nay: 0

RES PH 12-50 Approving the establishment of the Schmidt Brewery Redevelopment Project Area and the Schmidt Brewery Tax Increment Financing District, and approving a redevelopment plan and tax increment financing plan therefor.

Sponsors: Thune

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to February 22 at 3:30 p.m.

Public hearing continued to February 22 at 3:30 p.m.

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

Nay: 0

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 46 **RLH RR 11-97** Ordering the rehabilitation or razing and removal of the structures at 111 HOYT AVENUE WEST within one-hundred twenty (120) days after the February 1, 2012 City Council Public Hearing. (Public hearing continued from February 1)
- Sponsors:** Brendmoen
- Legislative Hearing Officer Marcia Moermond asked for an amendment to grant 120 days to remove or repair the structure.*
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (120 days to remove or repair)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 47 **RLH RR 12-3** Ordering the rehabilitation or razing and removal of the structures at 1333 MARGARET STREET within one-hundred fifty (150) days after the February 15, 2012 City Council Public Hearing.
- Sponsors:** Lantry
- Legislative Hearing Officer Marcia Moermond said the property owner had provided the required information. She recommended granting 150 days, with progress checks at six-week intervals.*
- No one appeared in opposition; Council President Lantry moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (150 days to remove or repair, with progress checks at six-week intervals)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen
- 55 **RLH RR 12-1** Ordering the razing and removal of the structures at 1084 FIFTH STREET EAST within fifteen (15) days after the February 15, 2012 City Council Public Hearing.
- Sponsors:** Lantry
- Legislative Hearing Officer Marcia Moermond said it had been a "no-show" Legislative Hearing. She described the property and reviewed the history. She said there was some historic interest but her recommendation was still to order removal.*
- Marc Guvednic (2729 26th Avenue S. Minneapolis) identified himself as the responsible party for the property and offered to relinquish the property.*
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*

Adopted

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

Nay: 0

- 80 RLH FCO 12-22** Appeal of Susan Costanzo to a Fire Certificate of Occupancy Correction Notice at 1809 MARSHALL AVENUE. (Public hearing continued from February 15)

Sponsors: Stark

No one appeared in opposition. At Legislative Hearing Officer Marcia Moermond's request, Councilmember Stark moved to continue the public hearing to March 7.

Public hearing continued to March 7

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

Nay: 0

- 85 RLH WP 12-9** Appeal of Bryan Horton, Renewal by Andersen, on behalf of Karla Koons to an Egress Window Non-Compliance Determination at 698 MONTANA AVENUE EAST.

Sponsors: Bostrom

Legislative Hearing Officer Marcia Moermond said the appeal involved an egress window measuring 15 inches high by 25 inches wide, a nine-inch shortfall in height with only an inch in accommodating width. She said it was her understanding that the window was installed before permit review, and she recommended denial of the appeal.

In opposition:

Bryan Horton, Renewal by Anderson, appeared on behalf of homeowner at 698 Montana. He said the window slipped through the cracks after variances were granted for two others at the home, and the homeowner would like to keep the style consistent.

Councilmember Bostrom and Mr. Horton discussed the window dimensions and style.

Councilmember Bostrom said the Council had been through this before. He said if the windows hadn't been changed to more efficient ones the issue wouldn't have come up. He moved to grant the appeal.

Adopted as amended (window variance granted)

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

Nay: 0

- 87 RLH OA 11-30** Appeal of Ron Staeheli to a Code Compliance Report at 633 PALACE AVENUE. (Public hearing continued from February 15)

Sponsors: Thune

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to April 18 at the property owner's request.

Public hearing continued to April 18

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

Nay: 0

- 92 RLH SAO 12-3** Appeal of Joseph Zimlich, Sr. to a Summary Abatement Order at 880 ROSE AVENUE EAST.

Sponsors: Bostrom

Legislative Hearing Officer Marcia Moermond said the appeal involved a large exterior clean-up, and a willing property owner who was requesting additional time. She reviewed her recommended staggered deadlines and said the property owner had contacted the ward office about getting additional time.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution as amended (grant 30 additional days).

Adopted as amended

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

Nay: 0

- 94 RLH RR 11-99** Ordering the rehabilitation or razing and removal of the structures at 872 SELBY AVENUE within fifteen (15) days after the February 1, 2012 City Council Public Hearing. (Public hearing continued from February 15)

Sponsors: Carter III

Legislative Hearing Officer Marcia Moermond said the property owner had complied with all requirements and was waiting for the results of the Code Compliance inspection. She asked to refer the matter back to the March 13, 2012 Legislative Hearings and continue the City Council public hearing to March 21, 2012.

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to March 21.

Public hearing continued to March 21

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

Nay: 0

- 97 RLH TA 12-7** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 885 SIXTH STREET EAST.

Sponsors: Lantry

Legislative Hearing Officer Marcia Moermond said there was a minor amendment to add an assessment number.

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

Adopted as amended

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

Nay: 0

- 100 RLH TA 12-27** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1203TA, Assessment No. 129007 at 825 SYLVAN STREET. (Public hearing continued from February 15)

Sponsors: Brendmoen

Legislative Hearing Officer Marcia Moermond said Councilmember Brendmoen would like the matter referred back to Legislative Hearing on March 6 and Council public hearing on March 21.

No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to March 21.

Referred to March 6 Legislative Hearing and City Council public hearing continued to March 21

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

Nay: 0

- 101 RLH RR 12-4** Ordering the rehabilitation or razing and removal of the structures at 939-941 THIRD STREET EAST within fifteen (15) days after the February 15, 2012, City Council Public Hearing. (Public hearing continued from February 15)

Sponsors: Lantry

Legislative Hearing Officer Marcia Moermond said a bank and receiver were cooperating to fix up the property. She recommended referring the matter back to Legislative Hearing on March 13 and continuing the public hearing to March 21.

No one appeared in opposition; Council President Lantry moved to continue the public hearing to March 21.

Referred to Legislative Hearing on March 13; Council public hearing continued to March 21

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

Nay: 0

- 102 RLH FCO 12-39** Appeal of Birgir Hardee to a Fire Certificate of Occupancy Inspection Correction Notice at 598 THOMAS AVENUE.

Sponsors: Carter III

Legislative Hearing Officer Marcia Moermond said there was a simple clarifying amendment.

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

Adopted as amended

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

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 Bostrom 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 Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 48 RLH FOW 12-35** Appeal of Jackie Visnovec to a Correction Notice-Complaint Inspection at 1720 ASHLAND AVENUE.

Sponsors: Stark

Adopted

- 49 RLH FOW 12-30** Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 936 BARCLAY STREET.

Sponsors: Bostrom

Adopted

- 50 RLH TA 12-21** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1059 BURGESS STREET.

Sponsors: Carter III

Adopted

- 51 RLH TA 12-6** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1572 CASE AVENUE.

Sponsors: Bostrom

Adopted

- 52 **RLH WP 12-10** Appeal of Daniel Schmidt, on behalf of Saint Paul Ramsey County Department of Public Health, to two Egress Window Non-Compliance Determinations at 1699 CASE AVENUE.
Sponsors: Bostrom
Adopted
- 53 **RLH TA 12-62** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.J1202E, Assessment No.128301 at 927 CHARLES AVENUE.
Sponsors: Carter III
Adopted
- 54 **RLH FOW 12-31** Appeal of Tony Swanson, on behalf of the Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1728 CONWAY STREET.
Sponsors: Lantry
Adopted
- 56 **RLH FOW 12-37** Appeal of Osprey LLC to a Fire Certificate of Occupancy Inspection Correction Notice at 1237 FIFTH STREET EAST.
Sponsors: Lantry
Adopted
- 57 **RLH FOW 12-32** Appeal of Tony Swanson, on behalf of the Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1675 FREMONT AVENUE.
Sponsors: Lantry
Adopted
- 58 **RLH TA 12-8** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1133 GALTIER STREET.
Sponsors: Brendmoen
Adopted
- 59 **RLH TA 12-28** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1203T, Assessment No. 129002 at 2020 GRAND AVENUE.
Sponsors: Stark
Adopted
- 60 **RLH TA 12-34** Deleting the Appealed Special Tax Assessment for Real Estate Project No. 1203T, Assessment No. 129002 at 558 GROTTO STREET NORTH.
Sponsors: Carter III
Adopted

- 61 **RLH FCO 12-18** Appeal of Nathaniel A. Khaliq to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 844 HAGUE AVENUE.
Sponsors: Carter III
Adopted
- 62 **RLH FCO 12-50** Appeal of Nou Pao Thor to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 891 HAWTHORNE AVENUE EAST.
Sponsors: Bostrom
Adopted
- 63 **RLH FCO 12-19** Appeal of Marty Long to a Fire Certificate of Occupancy Inspection Correction Notice at 698 HOLLY AVENUE.
Sponsors: Carter III
Adopted
- 64 **RLH OA 12-11** Recommending that Ramsey County approve the application of Citi Mortgage for repurchase of tax forfeited property at 107 HOYT AVENUE WEST.
Sponsors: Brendmoen
Adopted
- 65 **RLH OA 12-13** Recommending that Ramsey County approve the application of Stephanie A Carlson (formerly Vasquez) for repurchase of tax forfeited property at 1148 HOYT AVENUE.
Sponsors: Brendmoen
Adopted
- 66 **RLH RR 12-2** Ordering the razing and removal of the structures at 686 IVY AVENUE EAST within fifteen (15) days after the February 15, 2012 City Council Public Hearing.
Sponsors: Bostrom
Adopted
- 67 **RLH FCO 12-9** Appeal of Steven J. Semple, Hoovers Pub, to a Fire Certificate of Occupancy Inspection Correction Notice at 755 JACKSON STREET.
Sponsors: Brendmoen
Adopted
- 68 **RLH OA 12-12** Recommending that Ramsey County approve the application of US Bancorp Service Providers, LLC for repurchase of tax forfeited property at 308 JENKS AVENUE.
Sponsors: Brendmoen
Adopted

- 69 **RLH TA 12-24** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 991 JENKS AVENUE.
Sponsors: Bostrom
Adopted
- 70 **RLH TA 12-11** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1698 LAFOND AVENUE.
Sponsors: Stark
Adopted
- 71 **RLH TA 12-20** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1203P, Assessment No. 128402 at 561 LAUREL AVENUE UNIT 1.
Sponsors: Carter III
Adopted
- 72 **RLH TA 12-18** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1203P, Assessment No. 128402 at 561 LAUREL AVENUE UNIT 2.
Sponsors: Carter III
Adopted
- 73 **RLH TA 12-17** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1203P, Assessment No. 128402 at 561 LAUREL AVENUE UNIT 3.
Sponsors: Carter III
Adopted
- 74 **RLH TA 12-16** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1203P, Assessment No. 128402 at 561 LAUREL AVENUE UNIT 4.
Sponsors: Carter III
Adopted
- 75 **RLH TA 12-15** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1203P, Assessment No. 128402 at 561 LAUREL AVENUE UNIT 5.
Sponsors: Carter III
Adopted
- 76 **RLH TA 12-14** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1203P, Assessment No. 128402 at 561 LAUREL AVENUE UNIT 6.
Sponsors: Carter III
Adopted
- 77 **RLH FOW 12-33** Appeal of Tony Swanson, on behalf of the Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1636 LUELLA STREET NORTH.
Sponsors: Bostrom
Adopted

- 78 **RLH TA 12-25** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1092 MAGNOLIA AVENUE EAST.
Sponsors: Bostrom
Adopted
- 79 **RLH TA 12-9** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1118 MARGARET STREET.
Sponsors: Lantry
Adopted
- 81 **RLH OA 12-14** Recommending that Ramsey County approve the application of CitiFinancial Services, Inc for repurchase of tax forfeited property at 1816 MECHANIC AVENUE.
Sponsors: Bostrom
Adopted
- 82 **RLH TA 12-71** Deleting the Appealed Special Tax Assessment for Real Estate Project No. 1203T, Assessment No. 129002 at 334 MILTON STREET NORTH.
Sponsors: Carter III
Adopted
- 83 **RLH FOW 12-39** Appeal of JamJWA Investments LLC (Jim Wrich) to a Fire Certificate of Occupancy Correction Notice at 1081 MINNEHAHA AVENUE EAST.
Sponsors: Lantry
Adopted
- 84 **RLH TA 12-29** Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1203, Assessment No. 128202 at 1508 MINNEHAHA AVENUE WEST.
Sponsors: Stark
Adopted
- 86 **RLH FCO 12-48** Appeal of James L. Swift to a Fire Certificate of Occupancy Inspection Correction Notice at 497 OTIS AVENUE.
Sponsors: Stark
Adopted
- 88 **RLH FCO 11-563** Appeal of Por-Due Inc., Curt Wohlberg, to a Fire Certificate of Occupancy Correction Notice at 1080 PAYNE AVENUE.
Sponsors: Bostrom
Adopted
- 89 **RLH TA 12-22** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1339 PAYNE AVENUE.
Sponsors: Bostrom
Adopted

- 90 **RLH FOW 12-36** Appeal of Justin Fox to a Fire Certificate of Occupancy Inspection Correction Notice at 1381 REANEY AVENUE.
 Sponsors: Lantry
 Adopted
- 91 **RLH FCO 12-13** Appeal of Tamer Azzazi to a Fire Certificate of Occupancy Correction Notice at 1849 REANEY AVENUE.
 Sponsors: Lantry
 Adopted
- 93 **RLH WP 12-7** Appeal of Bryan Horton, on behalf of Renewal by Andersen, to an Egress Window Non-Compliance Determination at 1389 SCHLETTI STREET.
 Sponsors: Brendmoen
 Adopted
- 95 **RLH TA 12-19** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1132 SELBY AVENUE.
 Sponsors: Carter III
 Adopted
- 96 **RLH TA 12-23** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1743 SHERWOOD AVENUE.
 Sponsors: Bostrom
 Adopted
- 98 **RLH TA 12-10** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 950 SIXTH STREET EAST.
 Sponsors: Lantry
 Adopted
- 99 **RLH TA 12-100** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1203, Assessment No. 128202 at 1251 SIXTH STREET EAST.
 Sponsors: Lantry
 Adopted
- 103 **RLH TA 12-43** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205C, Assessment No. 122004 at 783 UNIVERSITY AVENUE WEST.
 Sponsors: Carter III
 Adopted
- 104 **RLH TA 12-44** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205C, Assessment No. 122004 at 785 UNIVERSITY AVENUE WEST.
 Sponsors: Carter III
 Adopted

- 105 **RLH TA 12-13** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1333 UNIVERSITY AVENUE WEST.
Sponsors: Stark
Adopted
- 106 **RLH TA 12-4** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1202E, Assessment No. 128301 at 1015 YORK AVENUE.
Sponsors: Bostrom
Adopted
- 107 **RLH AR 12-1** Ratifying the assessments for Graffiti Removal Services from September 18 to October 3, 2011. (File No. J1203P, Assessment No. 128402)
Sponsors: Lantry
Adopted
- 108 **RLH AR 12-2** Ratifying the assessments for Excessive Inspection Services during August 2011. (File No. J1202E, Assessment No. 128301)
Sponsors: Lantry
Adopted
- 109 **RLH AR 12-3** Ratifying the assessments for Demolition Services during October 2011 (CDBG Funds). (File No. J1205C, Assessment No. 122004)
Sponsors: Lantry
Adopted
- 110 **RLH AR 12-4** Ratifying the assessments for Tree Removal Services from October 2011. (File No. 1203T, Assessment No. 129002)
Sponsors: Lantry
Adopted
- 111 **RLH AR 12-5** Ratifying the assessments for Collection of Certificate of Occupancy Fees Services from October 2011. (File No. CRT1203, Assessment No. 128202)
Sponsors: Lantry
Adopted

ADJOURNMENT

Councilmember Bostrom moved to adjourn the meeting at 8:30 p.m.

Meeting adjourned

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

Nay: 0

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