



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 Amy Brendmoen
Councilmember Nathaniel Khaliq
Councilmember Russ Stark
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, August 21, 2013

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 5:30 p.m.

ROLL CALL

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

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 13-23](#) Letter from the Department of Safety and Inspections declaring 461 Beaumont Street a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed

- 2 [AO 13-27](#) Administrative Order: Authorizing payment of actual costs including airfare, mileage, meals, and lodging for assessors that will assist in evaluating the Police Department's candidates for the commander position.
Received and Filed

- 3 [AO 13-29](#) Administrative Order: Transferring \$46,459.38 of capital maintenance contingency to the Department of Safety and Inspections for emergency drainage and foundation repairs at the Animal Control building.
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 4 - 24)

Item 17 was withdrawn. Item 24 was removed from the Consent Agenda for separate consideration.

Councilmember Thune moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

- 4** [RES 13-1138](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Hatch/Agate area paving/lighting project, constructed as part of the 2013 Residential Street Vitality Project (RSVP). (File No. 19138, Assessment No. 135202)
Adopted
- 5** [RES 13-1167](#) Approving the City's cost of providing Collection of Vacant Building Fees billed November 8, 2012 to May 17, 2013, and setting date of Legislative Hearing for September 17, 2013 and City Council Public Hearing for January 2, 2014 to consider and levy the assessments against individual properties. (File No. VB1401, Assessment No. 148800)
Adopted
- 6** [RES 13-1168](#) Approving the City's cost of providing Graffiti Removal Services from April 22 to July 10, 2013, and setting date of Legislative Hearing for September 17, 2013 and City Council Public Hearing for January 2, 2014 to consider and levy the assessments against individual properties. (File No. J1401P, Assessment No. 148400)
Adopted
- 7** [RES 13-1169](#) Approving the City's cost of providing Property Clean Up Services from June 28 to July 31, 2013, and setting date of Legislative Hearing for September 17, 2013 and City Council Public Hearing for January 2, 2014 to consider and levy the assessments against individual properties. (File No. J1401A, Assessment No. 148500)
Adopted

- 8 [RES 13-1170](#) Approving the City's cost of providing Trash Hauling Services from July 3 to July 31, 2013, and setting date of Legislative Hearing for September 17, 2013 and City Council Public Hearing for January 2, 2014 to consider and levy the assessments against individual properties. (File No. J1401G, Assessment No. 148700)
- Adopted**
- 9 [RES 13-1219](#) Approving the City's cost of providing Collection of Certificate of Occupancy Fees from March 21 to May 23, 2013, and setting date of Legislative Hearing for September 17, 2013 and City Council Public Hearing for January 2, 2014 to consider and levy the assessments against individual properties. (File No. CRT1401, Assessment No. 148200)
- Adopted**
- 10 [RES 13-1180](#) Approving the Memorandum of Agreement between the City of Saint Paul and Saint Paul Supervisors' Organization (SPSO) regarding the classification of Information Services Manager and retirement qualifications and eligibility.
- Adopted**
- 11 [RES 13-1192](#) Approving the change in the rate of pay for the classification of Building Maintenance Supervisor-Police Department, occ code 488B (formerly Building Maintenance Supervisor-Public Safety) from Grade 04U to Grade 043, in the Manual and Maintenance Supervisors, EG 10 Salary Schedule.
- Adopted**
- 12 [RES 13-1190](#) Approving a partial waiver of the Sustainable Building Policy for the restroom facility for the Trout Brook Nature Sanctuary and Regional Trail project at 1202 Jackson Street.
- Adopted**
- 13 [RES 13-1111](#) Authorizing the acceptance of a \$589 scholarship grant from the Minnesota State Historical Society for two Heritage Preservation Commissioners and one staff to attend Commission Assistance Mentoring Program (CAMP), in Red Wing, July 18 and July 19, 2013.
- Adopted**
- 14 [RES 13-1177](#) Authorizing the Police Department to enter into a lease for the use of Arden Hills Army Training Site Grounds and Facilities for mobile field force training.
- Adopted**

- 15 [RES 13-1106](#) Approving the issuance of approximately \$10,000,000 of conduit revenue bonds for Property Assessed Clean Energy (PACE).
Adopted
- 16 [RES 13-1187](#) Approving the changes to the City's Municipal State Aid Street (MSAS) Sytem as recommended by the Department of Public Works and needed for submission to the Commissioner of Transportation of the State of Minnesota for approval.
Adopted
- 17 [RES 13-1210](#) Approving adverse action against the Massage Center - A (Commercial) license held by Mella & Company, Inc., d/b/a Mella Day Spa at 1204 Grand Avenue.
Withdrawn
- 18 [RES 13-1214](#) Approving adverse action against the Second Hand Dealer - Motor Vehicle license held by Twin City Direct Auto Sale, Inc., d/b/a Twin City Direct at 1265 Arcade Street.
Adopted
- 19 [RES 13-1212](#) Approving adverse action against all licenses held by Mounds Park Lounge, Inc. at 1067 Hudson Road.
Adopted
- 20 [RES 13-1209](#) Approving adverse action against the Taxicab Driver license held by David M. Arth.
Adopted
- 21 [RES 13-1211](#) Approving adverse action against the Taxicab Vehicle licenses for Cab #781, Cab #783, Cab #1386, and Cab #1974 held by Twin Cities Airport Taxi & Limo Svc., Inc., d/b/a Twin Cities Airport Taxi & Limo Service.
Adopted
- 22 [RES 13-1213](#) Approving adverse action against the Taxicab Vehicle license for Cab #811 held by Bashir Ahmed Yusuf d/b/a Twin Cities Airport Taxi & Limo Service for the City of Saint Paul.
Adopted

- 23 [RES 13-1231](#) Waiving the 45-day notice requirement and approving issuance of a Liquor Outdoor Service Area (Patio) and a Liquor Outdoor Service Area Sidewalk Café license for E S B Food and Drink LLC, d/b/a Ward 6 (License ID #20120000549) at 858 Payne Avenue.

Adopted

- 24 [RES 13-851](#) Proclaiming August 27, 2013 to be "Kellogg-Briand Peace Pact Day" in Saint Paul on the 85th anniversary of the signing of the pact.

Councilmember Thune displayed a copy of the original Kellogg-Briand Pact, and read the resolution proclaiming August 27, 2013 as Kellogg-Briand Pact Day.

Steve McKeown, from the Minneapolis and St. Paul Chapter of Veterans for Peace, spoke about the history and significance of the Kellogg-Briand Pact. He said they were seeking approval of the resolution as part of their efforts to gain support for a National Day of Recognition, and to bring awareness to Frank Kellogg, the only Nobel Peace Prize winner from Minnesota.

Councilmember Thune moved approval.

Adopted

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

Nay: 0

FOR DISCUSSION

- 25 [RES 13-1084](#) Authorizing acceptance of HRA-owned parcels in connection with the Heritage Park Project.

Councilmember Bostrom moved approval.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, 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

- 26** [Ord 13-22](#) Amending Legislative Code Chapters 60, 62, 63, 64, 65, and 66 pertaining to industrial zoning districts and regulation of industrial uses.
- Councilmember Stark moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

Second Reading

- 27** [Ord 13-49](#) Amending Chapter 189 of the Saint Paul Legislative Code pertaining to timeframes for evaluation filing, creating a duty for an agent of a buyer to report missing TISH evaluations, and updating and eliminating redundant and outdated language.
- Laid over to September 4 for third reading/public hearing**

First Reading

- 28** [Ord 13-46](#) Amending Charter Section 2.05 relating to the filling of Council vacancies, pursuant to Minnesota Statutes § 410.12, subd. 7 (2012).
- Laid over to August 28 for second reading**
- 29** [Ord 13-47](#) Amending Charter Sections 2.07 and 2.07.1 relating to compensation, pursuant to Minnesota Statutes § 410.12, subd. 7 (2012).
- Laid over to August 28 for second reading**
- 30** [Ord 13-48](#) Amending Charter Section 6.08 relating to the adoption of ordinances and resolutions, pursuant to Minnesota Statutes § 410.12, subd. 7 (2012).
- Laid over to August 28 for second reading**

SUSPENSION ITEMS

Councilmember Thune moved suspension of the rules.

Rules suspended

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

Nay: 0

[RES 13-1228](#)

Authorizing the proper City officials to enter into a cooperative agreement with Ramsey County for the reconstruction of east bound Warner Road Bridge over Childs Road, and construction of two Samuel Morgan Regional Trail bridges.

Council President Lantry said the item was being brought in under suspension because of a timing issue; she moved approval.

Adopted

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

Nay: 0

The Councilmembers shared news about events from their wards.

The Council recessed at 3:42 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:30 p.m.

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

31 [Ord 13-43](#)

Amending Appendix F, District Heating Franchise-District Energy St. Paul, Inc., to extend the term of the franchise to September 1, 2033.

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

Public hearing held and closed; laid over to August 28 for final adoption

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

Nay: 0

- 32** [Ord 13-45](#) Amending Appendix K, District Cooling Franchise-District Cooling St. Paul, Inc., to extend the term of the franchise to September 1, 2033.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing.*
- Public hearing held and closed; laid over to August 28 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
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- 33** [Ord 13-44](#) Amending Legislative Code Chapter 65 pertaining to Auto Body Shops.
- In support:*
Ron Fiscus with Planscape Partners appeared representing ABRA Auto Body and Glass. He described ABRA's current situation and said ABRA had been an active participant in neighborhood conversations about the future of the neighborhood and believed they could be a supportive part of the redevelopment effort. He said they believed Councilmember Khaliq's proposal to include Auto Body Repair as a conditional use in the T4 district was a nice solution to the problem, and there had been broad support of the interim zoning six years before. He said the property owner had some interest in being an active participant in the redevelopment of the property, and the size of the property and location of the building lent itself to the introduction of additional uses. He asked for the Council's support.
- No one appeared in opposition; Councilmember Khaliq moved to close the public hearing.*
- Public hearing held and closed; laid over to August 28 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
-
- 34** [RES PH 13-194](#) Approving the application of Bedlam Theatre for a sound level variance in order to present amplified music (guitars, amps, drums, and vocals) from 6:30 p.m. until 10:00 p.m. on August 28, 2013 during a musical performance in conjunction with Bedlam Theatre's college internship program at the Union Depot at 214 Fourth Street East.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

- 35** [RES PH 13-196](#) Approving the application of PCL Construction for a sound level variance in order to use various construction equipment for site demolition/construction of 46 Fifth Street East from 7:00 a.m. to 10:00 p.m. from August 22, 2013 to April 1, 2014.
- Councilmember Thune introduced an amendment to change the ending date of the variance to September 19, 2013. He said DSI would be working on standards for downtown construction, which could be applied to a new variance after the expiration of the interim one. Yeas - 7 Nays - 0 (Amendment approved)*
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (variance approved from August 22 to September 19, 2013)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 36** [RES PH 13-206](#) Approving adverse action against all licenses held by Checker Bar, Inc. at 992 Arcade Street.
- Daphne Lundstrom, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violation of a license condition requiring that videos be made and kept for 30 days. She said DSI's recommendation was a \$500 fine.*
- In opposition:*
- Mai Her (992 Arcade Street), president and owner of Checker Bar, said she did not know that the video recorder was not working, and she had since bought a new one. She asked that the \$500 fine and the violation be removed. She said she'd be happy to consider another penalty.*
- Councilmember Bostrom moved to close the public hearing. Yeas - 7 Nays - 0*
- Councilmember Bostrom said providing the videos was a significant issue, and it was necessary and needed to protect citizens and for police to prosecute. He said he supported DSI's recommendation. He said because of a failed compliance check and complaints about noise he would also like to move an additional 10-day license suspension to be stayed for 18 months.*
- Adopted as amended (\$500 fine and stayed 10-day license suspension imposed)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

- 37 [PH 13-14](#) Public hearing to consider the report of the Administrative Law Judge concerning the Taxicab Driver license held by Mahad Hussein Jama .
(An Arabic interpreter was present for the licensee.)
- Daphne Lundstrom, assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violation involving smoking marijuana while driving a taxicab, and said the Administrative Law Judge (ALJ) found that the department had proven the allegations. She said DSI's initial recommendation to the ALJ was license revocation, but the ALJ disagreed based on the facts from the case and because it was a first violation. She said DSI felt that revocation was appropriate given that the respondent violated the basic public trust and the basic conditions of the license. She said if the Council did not feel that revocation was the appropriate remedy, DSI was requesting at the very the least an upward departure to \$1000 based on the serious and core nature of the violation.*
- Councilmember Khaliq asked whether the license could be reapplied for if it was revoked. Ms. Lundstrom said it could.*
- No one appeared in opposition; Councilmember Khaliq moved to approve the recommendation of DSI (license revocation).*
- Motion of intent - Adopted the Findings of Fact, Conclusions, and Recommendations of the Administrative Law Judge (license revoked)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 38 [RES PH 13-170](#) Ratifying the assessment for improving safety on St. Anthony Avenue and Syndicate Street by improving the lighting levels. (File No. 19133, Assessment No. 125101)
- No one appeared in opposition; Councilmember Khaliq moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 39 [RES PH 13-178](#) Ratifying the assessment for benefits, costs and expenses for the Seventh Place Mall operation and maintenance costs for 2012. (File No. 18428-13, Assessment No. 137200)
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 40 [RES PH 13-164](#) Ratifying the assessments for benefits, costs, and expenses for the Arcade/Case and the Grand/Snelling parking lots operation and maintenance costs for 2014. (File Nos. 18744-13 and 18746-13, Assessment Nos. 137201 and 137202)

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

Adopted

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

Nay: 0

- 41 [RES PH 13-171](#) Ratifying the assessment for installing above standard street lighting on Maryland Avenue from Albemarle Street to Park Street. (File No. 19084, Assessment No. 105125)

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

Adopted

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

Nay: 0

- 42 [RES PH 13-176](#) Ratifying the assessments for Repair of Sanitary Sewer Line on private property during February to May 2013. (File No. SWRP1303, Assessment No. 133002)

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

Adopted

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

Nay: 0

- 43 [RES PH 13-177](#) Ratifying the assessments for Replacement of Lead Water Service Line on private property during February to May 2013. (File No. 1303LDSRP, Assessment No. 134002)

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

Adopted

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

Nay: 0

- 44** [RES PH 13-179](#) Final Order approving the Seventh Place Mall operation and maintenance for 2013. (File No. 18428-14, Assessment No. 147200)

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

Adopted

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

Nay: 0

- 45** [RES PH 13-165](#) Final Order approving the Places to Park operation and maintenance costs for 2015. (File Nos. 18744-14 and 18746-14, Assessment Nos. 147201 and 147202)

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 Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 46** [RES PH 13-192](#) Authorizing the Department of Parks and Recreation to accept a donation in the amount of \$20,000 from the Minnesota Twins/Toro Field Rebuild Program, and to increase the 2013 budget in the Grant & Aid Fund to reflect the corresponding budget made available for field renovations.

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

Adopted

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

Nay: 0

- 47 [RES PH 13-208](#) Reciting a proposal for a Housing Finance Program for a multi-family rental housing development; giving preliminary approval to the project and the program pursuant to Minnesota Statutes, Chapter 462C; authorizing the Housing and Redevelopment Authority to issue conduit housing revenue bonds; and authorizing the preparation of necessary documents and materials in connection with said project and program (Lewis Park Apartments Project).

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

Adopted

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

Nay: 0

- 48 [RES PH 13-214](#) Granting final approval to an increase in the Mandatory Tax Levy under Minnesota Statutes, Section 469.053, at the request of the Port Authority to provide security to be pledged to Taxable Ballpark Revenue Bonds to be issued by the Port Authority.

In opposition:

Greg Copeland (612 Cook Avenue) distributed a proposed amendment he had drafted to address the resolution's use of State Statute rather than City Charter requirements for referenda.

Councilmember Brendmoen asked Mr. Copeland whether he was suggesting that Charter language be inserted into the resolution, and what the point of that would be if the Charter applied. Mr. Copeland said the Charter did apply, and it would be prudent to have Charter language in the resolution, especially in a matter dealing with a bond issue.

Council President Lantry said Deputy City Attorney Gerald Hendrickson was looking up the State Statute. She said she thought what Mr. Copeland was saying was that if there needed to be a referendum it would be easier to follow the Charter versus State Statute.

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

Todd Hurley, Finance Director, said the resolution was drafted by the City's bond counsel, and met requirements applying to a bond issue by the Port Authority.

Mr. Hendrickson said City Charter requirements for referenda on Council actions were slightly different from the State Statute governing the bonding proposition being considered, and the State Statute cited applied specifically to levy increases for Port Authority purposes. He said the resolution language had been reviewed and drafted by competent bond counsel and therefore could be relied upon. He reviewed circumstances under which the inconsistency might present a problem, and said he didn't feel that had to be addressed immediately.

Council President Lantry noted that this had been part of a Port Authority process as well.

Mr. Hurley said the resolution was drafted by finance staff hand in hand with Port Authority staff and bond counsel to make sure legal requirements were met.

Councilmember Thune moved approval.

Adopted

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

Nay: 0

- 49** [RES PH 13-188](#) Approving the Southport Recycling Economic Development Tax Increment Financing (TIF) Plan.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution. He said he had heard that the meeting with the West Side Community Organization, neighbors, Gerdau, and the Port Authority had gone well.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
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- 50** [RES PH 13-204](#) Accepting Livable Communities Tax Base Revitalization Account Grants from the Metropolitan Council and amending the 2013 budget.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
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- 51** [RES PH 13-197](#) Amending the financing and spending plans in the Department of Public Works in the amount of \$132,825 in additional revenues; \$207,333 for transfer of appropriations; and \$4,415,417.65 in reduced project budgets to clean up, realign, and close out projects.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 52** [RLH FCO 13-98](#) Appeal of Curtis Collins, on behalf of Cynthia Collins, to a Fire Inspection Correction Notice at 1477 ARKWRIGHT STREET, UNIT E.

Legislative Hearing Officer Marcia Moermond gave a staff report on the Correction Notice appeal. She said the fire inspector had sought a second opinion from the mechanical inspector on the dryer venting. She displayed a photograph of plastic venting extending from the dryer up through ductwork on the basement ceiling, and said the situation was not legal and her recommendation was to deny the appeal. She noted for the record that the fire inspector had improperly revoked the Certificate of Occupancy prior to the Council's action on this appeal.

In response to a question from Councilmember Brendmoen, she said the dryer vent was the only correction remaining and was the basis for the appeal.

In opposition:

Property owner Cynthia Collins (1477 Arkwright) said she was told the mortar couldn't be drilled through to install a new vent at the current location, so she would just remove the dryer or move it so a metal vent could be installed at the existing opening. Ms. Moermond clarified what was needed for compliance.

Councilmember Brendmoen said the apartments were well maintained, and she thanked Ms. Collins. She moved to close the public hearing and deny the appeal.

Adopted

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

Nay: 0

89 [RLH SAO 13-31](#) Appeal of Ronald J. Adams to a Summary Abatement Order at 674 WELLS STREET, 676 WELLS STREET, and 680 WELLS STREET.

Legislative Hearing Officer Marcia Moermond said the appeal involved a Parks-owned property, an HRA-owned property, and a private property; and the issue was that the properties needed to be fenced to prevent access to dangerous conditions present. She said the dangerous conditions were related to the retaining walls and the condition of the house itself. She said her recommendation was to deny the appeal and order the fencing installed in front of the appellant's property at 676 Wells, as well as the City properties.

In opposition:

Appellant Ronald Adams said the fence installed by Parks at the back of 680 Wells was a picket fence that fell down and was left for two weeks, and there was already a fence at 674. He said the structure he had built at 680 had been fine six years ago and he wasn't sure what the City wanted. He said he knew he was being forced out of his house and was under unbelievable pressure. He said there was a fence at 676 Wells that prevented access and was better than the one at 680. He said he had submitted letters from neighbors opposing the fence and the boarding of the house. He said nobody had ever said anything about the retaining wall at 676 Wells.

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

Councilmember Bostrom said he had a soft spot for some of the things done at the property and for Mr. Adams' interest in neighborhood. He said he would like to allow more time if the Council thought it might work, but also understood the potential hazard and liability concerns. He said this had been going on for a long time.

Councilmember Tolbert said it was a dangerous situation that needed to be rectified. He moved to deny the appeal.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 1 - Councilmember Bostrom

90 [RLH SAO 13-33](#) Appeal of Ronald J. Adams to a Summary Abatement Order at 676 WELLS STREET.

Legislative Hearing Officer Marcia Moermond said the issue was an abatement order to board the property to prevent illegal access. She said the building had been condemned for over a year and was part of the registered vacant building program. She said a Legislative Hearing the following week would deal with a remove or rehabilitate order. She said the order to board the property had been written after Mr. Adams had said in a hearing related to fencing the property, that he was living in the property. She recommended ordering the property boarded by Monday (August 26).

In opposition:

Appellant Ronald Adams showed photographs that he said were more current than those in the Council file. He pointed out bars on the doors and windows, and the fence preventing access to 680 Wells. He said it was not a simple situation, that a lot of things would come out in the hearing, and he didn't think he had done anything wrong. He said he knew what happened to boarded houses, that it would be stripped, and he had worked long and hard on it. He said it was a nice house, and inspectors hadn't taken a look for a year. He said the police who came to arrest him for illegal occupancy said they didn't understand why it was condemned and they didn't arrest him. He said he had removed all of the things the inspectors had said were bad, and there were permits for everything long before the house had been condemned. He said he felt there was something going down that was bigger than law.

Greg Copeland (612 Cook Avenue) said he had known Mr. Adams since he (Mr. Copeland) came to St. Paul, and had worked with him on the District 5 Council in the 1990s. He asked that the Council consider taking the park and letting Mr. Adams keep his house. He said vacant homes were a burden to the city, and that Mr. Adams' property taxes were current. He asked what would be the danger of granting additional time.

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

Councilmember Bostrom said it was a difficult situation that had been going on for a lot of years, and he didn't know if giving more time would make a difference. He said there were significant issues and he didn't know if it was realistic to think it could be brought up to code.

Councilmember Tolbert said the Council and the City had to look at the situation from a public safety standpoint. He moved to deny the appeal.

Council President Lantry said it was clear the City needed to match Mr. Adams up with some support services.

Adopted as amended (appeal denied)

Yea: 6 - Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 1 - Councilmember Bostrom

59 [RLH TA 13-416](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No.138307 at 842 CLEAR AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the assessment for excessive consumption. She said the work wasn't done when the inspector visited, but was done by the time the summary abatement crew arrived. She said orders were written on February 26 with a compliance date of February 29, and the inspector went to the property on March 1. She displayed a photograph showing an ice-covered sidewalk. She said the crew went out on March 4 and the sidewalk was cleared, so there was no charge for clearing the sidewalk. She recommended ratifying the assessment for the inspection fee.

In opposition:

Property owner Tom Rogge said the photograph displayed was not accurate, and he had photos that were. He asked why there was an excessive consumption charge for a scheduled reinspection. He said his neighbor received same letter (to clear the walk), and the neighbor didn't finish clearing the walk but didn't get charged. He said he'd had disagreements in the past with Inspector Seeley. He displayed photographs he said were taken on February 28 showing a cleared sidewalk, and photos taken on March 4 showing new snow that had fallen and been cleared that same date. He said the letter he received indicated the inspector had come on March 4, and the inspector was unsure in the Legislative Hearing about what date she had inspected. He said he did the work and didn't want any more assessments from Inspector Seeley.

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

Councilmember Bostrom reviewed that the file photos indicated they were taken on March 1, and the orders were issued on February 26. He asked Ms. Moermond whether Mr. Rogge had also contended in the Legislative Hearing that the inspector was being dishonest and the photograph date was falsified. Ms. Moermond said the hearing ended abruptly but that was correct. She said the photo was taken on March 1, but it was not clear whether the work order was issued on March 1 or the following Monday. She said the inspector was flustered in the hearing.

Council President noted that Mr. Rogge's neighbor had also been charged and assessed.

In response to questions from Councilmember Bostrom, Ms. Moermond clarified the amount of the assessment, and said the excessive consumption charge was imposed because inspector made a trip to the property and the work was not done at that time.

Councilmember Bostrom moved to approve the assessment.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, 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 (Items 52 - 96)

No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 53** [RLH SAO 13-27](#) Appeal of Fern Ewasiuk to a Summary Abatement Order at 1087 ARUNDEL STREET.
Adopted
- 54** [RLH SAO 13-28](#) Appeal of Lynn Taliaferro to a Summary Abatement Order at 1095 ARUNDEL STREET.
Adopted
- 55** [RLH VBR 13-45](#) Appeal of Justin Waggoner, JUT Capital, LLC, to a Vacant Building Registration Requirement at 361 BATES AVENUE.
Adopted
- 56** [RLH RR 13-38](#) Ordering the rehabilitation or razing and removal of the structures at 989 BURR STREET within fifteen (15) days after the August 21, 2013, City Council Public Hearing. (Public hearing continued from August 21 and September 18) (To be laid over to October 15, 2013 Legislative Hearing and October 16, 2013 City Council Public Hearing)
Referred to Legislative Hearings on September 10; Council public hearing continued to September 18
- 57** [RLH TA 13-477](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 1340 BUSH AVENUE.
Adopted
- 58** [RLH TA 13-427](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1310P, Assessment No.138409 at 573 CHARLES AVENUE.
Adopted

- 60 [RLH TA 13-418](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 667 FOURTH STREET EAST.
Adopted
- 61 [RLH FCO 13-157](#) Appeal of Mike Fitzgerald to a Correction Notice-Complaint Inspection at 2118 GRAND AVENUE.
Adopted
- 62 [RLH FCO 13-168](#) Appeal of Michael and Stephanie Huber to a Correction Notice-Fostercare Inspection at 1697 HUBBARD AVENUE.
Adopted
- 63 [RLH VBR 13-33](#) Appeal of Michelle Wilson to a Vacant Building Registration Requirement at 690 IGLEHART AVENUE.
Adopted
- 64 [RLH OA 13-62](#) Appeal of John Wade to a Fence Permit Denial at 1540 IOWA AVENUE EAST.
Adopted
- 65 [RLH TA 13-445](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 584 JESSAMINE AVENUE EAST.
Adopted
- 66 [RLH FCO 13-174](#) Appeal of Howard Merrill to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1080 MACKUBIN STREET.
Adopted
- 67 [RLH RR 13-37](#) Ordering the razing and removal of the structures at 1279 MACKUBIN STREET within fifteen (15) days after the August 21, 2013, City Council Public Hearing.
Adopted
- 68 [RLH VBR 13-44](#) Appeal of Adam of Ilfrich, LLC to a Vacant Building Registration Requirement at 910 MAGNOLIA AVENUE EAST.
Adopted
- 69 [RLH FCO 13-180](#) Appeal of Xuan Nguyen to a Fire Certificate of Occupancy Correction Notice at 1227 MAGNOLIA AVENUE EAST.
Adopted

- 70 [RLH TA 13-440](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1310P, Assessment No. 138409 at 539 MANOMIN AVENUE.
Adopted
- 71 [RLH TA 13-417](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 1178 MARGARET STREET.
Adopted
- 72 [RLH TA 13-422](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 346 MARIA AVENUE.
Adopted
- 73 [RLH VO 13-39](#) Appeal of Josh Whaley to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 439 MARYLAND AVENUE EAST.
Adopted
- 74 [RLH TA 13-420](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No.138307at 1165 MINNEHAHA AVENUE EAST.
Adopted
- 75 [RLH TA 13-423](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1310P, Assessment No. 138409 at 1697 ORANGE AVENUE EAST.
Adopted
- 76 [RLH TA 13-429](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307at 1016 PACIFIC STREET.
Adopted
- 77 [RLH VO 13-33](#) Appeal of Kamran Mortezaee to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1221 PIERCE BUTLER ROUTE.
Adopted
- 78 [RLH VBR 13-48](#) Appeal of Teresa Mors to a Vacant Building Registration Requirement at 1064 ROSE AVENUE EAST.
Adopted

- 79 [RLH FCO 13-170](#) Appeal of Tammi Timm to a Correction Notice-Daycare Inspection at 1341 ROSS AVENUE.
Adopted
- 80 [RLH FCO 13-176](#) Appeal of Jeff DeLisle to a Fire Certificate of Occupancy Correction Notice at 538 SAINT PETER STREET.
Adopted
- 81 [RLH TA 13-369](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1307B, Assessment No. 138818 at 401 SELBY AVENUE. (Public hearing continued from June 19 and August 21)
Referred to Legislative Hearings on September 17; Council public hearing continued to October 2
- 82 [RLH VBR 13-42](#) Appeal of Philip J. Black to a Vacant Building Registration Notice and Summary Abatement Order at 773 SEVENTH STREET EAST.
Adopted
- 83 [RLH TA 13-425](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 1656-1658 SIXTH STREET EAST.
Adopted
- 84 [RLH TA 13-428](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 2386 TERRITORIAL ROAD.
Adopted
- 85 [RLH TA 13-424](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No. 138307 at 0 UNIVERSITY AVENUE WEST (PIN ID: 33-29-23-42-0009).
Adopted
- 86 [RLH FCO 13-164](#) Appeal of Leslie K. Lucht to a Correction Notice-Reinspection Complaint at 685 VAN BUREN AVENUE.
Adopted
- 87 [RLH FCO 13-171](#) Appeal of Tim Wolfgram, Minnesota Wild Offices, to a Fire Certificate of Occupancy Correction Notice at 317 WASHINGTON STREET.
Adopted

- 88 [RLH TA 13-433](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311B, Assessment No. 138113 at 1428 WELLESLEY AVENUE.
Adopted
- 91 [RLH TA 13-421](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306E, Assessment No.138307 at 773 WHITE BEAR AVENUE.
Adopted
- 92 [RLH AR 13-67](#) Ratifying the assessments for Boarding and/or Securing Services during April 2013. (File No. J1311B, Assessment No. 138113)
Adopted
- 93 [RLH AR 13-68](#) Ratifying the assessments for Graffiti Removal Services from April 2 to May 13, 2013. (File No. J1310P, Assessment No. 138409)
Adopted
- 94 [RLH AR 13-69](#) Ratifying the assessments for Demolition Services during April 2013. (File No. J1311C, Assessment No. 132012)
Adopted
- 95 [RLH AR 13-70](#) Ratifying the assessments for Demolition Services during April 2013. (File No. J1312C, Assessment No. 132013)
Adopted
- 96 [RLH AR 13-71](#) Ratifying the assessments for Excessive Use of Inspection Services billed February 14 to April 5, 2013. (File No. J1306E, Assessment No. 138307)
Adopted as amended (1741 Bush removed from the assessment roll for separate consideration)

ADJOURNMENT

Councilmember Brendmoen moved adjournment.

The meeting was adjourned at 6:51 p.m.

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

Nay: 0

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