



# 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 Melvin Carter III*  
*Councilmember Russ Stark*  
*Councilmember Dave Thune*  
*Councilmember Chris Tolbert*

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Wednesday, May 1, 2013

3:30 PM

Council Chambers - 3rd Floor

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### Public Hearings at 5:30 p.m.

#### ROLL CALL

*The meeting was called to order by Council President Lantry at 3:31 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

#### COMMUNICATIONS & RECEIVE/FILE

- 1    **AO 13-12**    Authorizing the City of Saint Paul, Department of Parks and Recreation, to enter into a Lease Agreement with Alfred R. Sundberg Jr. to permit use of space for placement of vehicles and equipment at 84 Water Street.

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 - 13)

*Item 8 was withdrawn. Councilmember Thune 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     **RES 13-656**     Approving the acceptance of eight complimentary conference invitations for City of Saint Paul employees to attend the 2013 League of Minnesota Cities Annual Conference, June 19 to June 21, 2013, at the Saint Paul RiverCentre.
- Adopted**
- 3     **RES 13-635**     Approving the agreement and contract for the Mayor's Office to hire Lockridge Grindel Nauen, P.L.L.P. as lobbyists for the city.
- Adopted**
- 4     **RES 13-610**     Approving the Labor Agreement (January 1, 2013 - December 31, 2015) between the City of Saint Paul and District Lodge No. 77 International Association of Machinists and Aerospace Workers AFL-CIO. (Laid over from April 24 for adoption)
- Adopted**
- 5     **RES 13-614**     Authorizing the City of Saint Paul to apply for and execute a Limited Use Permit with the State of Minnesota Department of Transportation (MnDOT) for a regional trail within MnDOT owned property near Interstate 35E and Cayuga Avenue to install a segment of trail, a stream channel, and wetlands, as part of MN State aid project SP164-090-013 (Trout Brook Regional Trail) and the Trout Brook (Trillium) Nature Sanctuary project.
- Adopted**
- 6     **RES 13-609**     Approving the issuance of approximately \$1,372,000 of conduit tax-exempt notes for the Minnesota Safety Council, Inc.
- Adopted**
- 7     **RES 13-605**     Approving adverse action against the Retail Food (B) - Grocery 101-1000 sq. ft. license held by US Asian Meals on Wheel & Grocery, Inc., 217 Como Avenue, Suite 476F.
- Adopted**
- 8     **RES 13-604**     Approving adverse action against the Massage Center - A (Commercial) license held by Carol L. Jasin, d/b/a Tease Salon, located at 961 Seventh Street West.
- Withdrawn**
- 9     **RES 13-626**     Approving adverse action against the Massage Practitioner license held by Benjamin A. Lamb, 2301 Como Avenue.
- Adopted**

- 10    **RES 13-601**    Approving adverse action against the Cigarette/Tobacco license held by Maryland One Stop Food & Fuel Market, Inc., d/b/a Maryland Amoco/BP Market Place, 1200 White Bear Avenue North.

**Adopted**

- 11    **RES 13-603**    Approving adverse action against the Cigarette/Tobacco license held by Hana Co., d/b/a Premium Stop, 1529 White Bear Avenue North.

**Adopted**

- 12    **RES 13-652**    Approving an Entertainment B and a Liquor Outdoor Service Area (Patio) license for Mintahoe, Inc., d/b/a Mintahoe Catering & Events (License ID #20130001003), at 255 Sixth Street East.

**Adopted**

- 13    **Min 13-14**    Approving the minutes of the March 20 and 27, 2013 City Council meetings.

**Adopted**

**FOR DISCUSSION**

*Council President Lantry noted the retirement of long-time City Council staff member Mary Erickson.*

- 14    **RES 13-664**    Congratulating William R. Stephenson on his retirement after 33 years of serving the City of Saint Paul.

*Council President Lantry invited Bill Stephenson and Department of Safety and Inspections Director Ricardo Cervantes to the podium. She read the resolution and presented it to Mr. Stephenson. Mr. Cervantes and Mr. Stephenson made brief comments.*

*Councilmember Thune 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

**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**

- 15 Ord 13-20** Memorializing City Council action granting the applications of Raymond Condominiums and Lakes and Plains, LLC for the rezoning of 854-856 Raymond Avenue, 842 Raymond Avenue, and 2330 Long Avenue from RM2 Medium-Density Multiple-Family Residential and VP Vehicular Parking to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. [Public hearing held March 20, 2013].

*Councilmember Stark 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

**Second Reading**

- 16 Ord 13-24** Memorializing City Council action granting the application of the Housing and Redevelopment Authority (HRA) for the rezoning of 719 Burr Street from B1 Local Business to T1 Traditional Neighborhood and RT1 Two-Family Residential, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held April 3, 2013)

**Laid over to May 8 for third reading**

**First Reading**

- 17 Ord 13-22** Amending Legislative Code Chapters 60, 62, 63, 64, 65, and 66 pertaining to industrial zoning districts and regulation of industrial uses. (Public hearing to be continued to July 17)

**Laid over to May 8 for second reading**

- 18    **Ord 13-28**        Amending Chapter 2 of the Saint Paul Administrative Code to transfer the payroll function from the Office of Financial Services to the Office of Human Resources, and amending Chapter 3 of the Saint Paul Administrative Code to transfer the worker's compensation functions from the Office of the City Attorney to the Office of Human Resources.  
**Laid over to May 8 for second reading**
- 19    **Ord 13-30**        Creating Chapter 346 of the Saint Paul Legislative Code pertaining to the establishment of a license for Mobile Retail.  
**Laid over to May 8 for second reading**
- 20    **Ord 13-31**        Amending Chapter 310 of the Saint Paul Legislative Code pertaining to the establishment of a license fee for a Mobile Retail Vehicle.  
**Laid over to May 8 for second reading**

*The Council recessed at 3:40 p.m.*

#### **PUBLIC HEARINGS**

*The Council reconvened for public hearings at 5:30 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

- 21    **RES PH 13-83**    Approving the application of the Ordway Center For The Performing Arts for a sound level variance in order to allow amplified live band music between 6:00 p.m. and 10:00 p.m. on June 13, 20, & 27, July 11, 18, & 25, and August 1 & 8, 2013 in Rice Park.

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

**Adopted**

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

**Nay:**    0

**Absent:** 1 - Councilmember Bostrom

- 22 RES PH 13-84** Approving the application of Los Ocampo for a sound level variance in order to present amplified outdoor music in the parking lot of 1751 Suburban Avenue from 3:00 p.m. until 10:00 p.m. on Sunday, May 5, 2013.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 23 RES PH 13-81** Approving adverse action against Nazir M. Alsadi, an employee of Hana Co., d/b/a Premium Stop, 1529 White Bear Avenue North.

*Daphne Lundstrom, Assistant City Attorney representing the Department of Safety and Inspections, gave a staff report on the violation. She said the Department's recommendation was imposition of a \$50 fine.*

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

**Adopted (\$50 fine imposed)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

**24 RES PH 13-86** Approving adverse action against all licenses held by Kadi Brothers, Inc., d/b/a VAS Market, 169 Victoria Street North.

*Daphne Lundstrom, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violations. She said the public hearing was based on the Department's April 16 letter of intent to recommend revocation of all licenses. She said the licensee accepted and admitted the allegations, and the letter constituted the factual record for the public hearing. She reviewed the violations, including fencing of stolen property, EBT trafficking, narcotics sales, sale of single cigarettes, and possession of drug paraphernalia. She said the remaining owner and licensee claimed not to have been present for or aware of the criminal activity, and she noted that licensees are responsible for the criminal activities of their employees or owners. She reviewed the applicable City code, and explained DSI's recommendation of license revocation.*

*Councilmember Carter confirmed with Ms. Lundstrom that all of the allegations in the second notice had been admitted to.*

*In opposition:*

*Ismail Hussein (2113 Central Avenue N.E., Minneapolis) appeared on behalf of the licensee. He said the licensee admitted to some of the facts but was out of the state when the illegal activities were taking place and was a victim to those to whom the business was entrusted. He said the employees involved were terminated and the business partnership dissolved when the licensee learned of allegations. He addressed some of the other allegations, and said he didn't want to argue the facts but wanted to set the record straight. He said they were asking the City for a second chance and would agree to any penalty short of revocation.*

*Rashad Badae (169 Victoria St. N), licensee, said he was in Arizona getting married during the time the violations took place, and he took corrective steps when he returned. He said he had other stores that did not have these problems, and in this situation he had misplaced his trust. He asked the Council for a second chance.*

*Farham Al Mandor, employee, said he'd been in America since 1996 and had a clean record. He said it was part of their culture to help others, and some of the violations resulted from mistakes made while trying to help someone.*

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

*Councilmember Carter said some circumstances merited second chances, but this appeared to be a business model rather than an isolated incident, and all of the allegations had been admitted to. He said was unfortunate because it sounded like the licensee was not directly responsible but it also sounded like there was some inaction on the part of the licensee. He moved to approve the resolution.*

**Adopted (all licenses revoked)**

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

**Nay:** 0

**25 ABZA 13-3**

Public hearing to consider the appeal of Stephen Prokop to a decision of the Board of Zoning Appeals (BZA) denying a variance to allow continued use of three off-street parking spaces as part of the 2013 street reconstruction project in the Madison/Benson RSVP area.

*Yaya Diatta, Department of Safety and Inspections, gave a staff report on the variance application, the BZA decision, and the appeal. In response to questions from Councilmember Thune he said the front yard parking was needed because of gardens in the side and back yards, and that the street was scheduled to be worked on in the summer.*

*Appellant:*

*Steve Prokop (2275 Benson Avenue) said there was no other place to put the cars and he didn't want to park on the street. He said none of the neighbors objected, and he noted a letter of support that had been submitted by a neighbor.*

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

*Councilmember Tolbert said he found that the BZA had erred. He said the parking had been there for quite a long time, there were practical difficulties associated with compliance, the plight of the homeowner was due to circumstances unique to the property, and the variance would not alter the character of the property or neighborhood. He moved to grant the appeal and said he hoped Mr. Prokop would work with Public Works to get the proper curb cut.*

**Motion of intent - Appeal granted**

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

**Nay:** 0



**26 ABZA 13-4**

Public hearing to consider the appeal of Luis Mota to a decision of the Board of Zoning Appeals (BZA) denying a variance of the minimum floor area ratio (FAR) in order to construct a new building for Qdoba Mexican Grill Restaurant in the T2 Traditional Neighborhood zoning district at 2081 Ford Parkway. (Public hearing held May 1; laid over from May 8)

*Yaya Diatta, Department of Safety and Inspections, gave a staff report on the variance application, BZA decision, and appeal.*

*Councilmember Stark asked whether extra landscaping counted towards the floor area ratio (FAR). Mr. Diatta said it did not.*

*Appellant:*

*Luis Moto (10252 Flintridge Dr., Villa Park, CA), construction manager for Qdoba, said the floor plan was a prototype of optimum size. He said they had worked with the Highland District Council and had met their requirements. He said they had designed with aesthetics and the character of the neighborhood in mind. He said one big concern expressed by neighbors behind them was parking in the alley, and additional spaces had been added in response to that concern. He explained that the change made in the square foot percentage in the variance had to do with requirement to include half of the alley.*

*Brad Duvall (8239 W. Hoover Pl., Littleton, CO) reviewed accommodations made in response to the District Council's concerns. Mr. Moto said the plan and floor plan submitted were based on that input.*

*Tia Anderson (2091 Pinehurst Avenue), representing the Highland District Council, read statement of support. She said the property had been a vacant lot for two years, had begun to attract criminal activity, and was an overgrown with weeds in the summer. She said she felt the design met the spirit of traditional neighborhood zoning requirements, and she reviewed steps taken by Qdoba to make the design consistent with other neighborhood elements. She said additional square footage would not be visible from the right of way and would take space away from rear off-street parking.*

*Josh Bloom (790 S. Cleveland Avenue), Highland District Council member, said he worked in retail real estate, and most retailers couldn't make a site of that size work economically. He said the tenant had listened to neighbors and made changes.*

*In opposition:*

*Bob Lineski, owner property next door to Qdoba site, said the vacant lot had become a problem because Walgreen's wasn't taking care of it. He said the zoning was changed from B to T two years before to encourage an increase in density, and a plan was needed which would be consistent with those standards over the long run. He said accepting the Qdoba plan would be to go back to the old way, and the City needed to have the courage to say no. He said a larger building could be built and a portion rented out. He said the property would be a nonconforming legal use if allowed to go forward, and that affected property values.*

*Council President Lantry stressed that the only thing being argued was whether the BZA erred in denying the variance.*

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

*Councilmember Tolbert moved to lay the matter over to May 8.*

**Public hearing held and closed; laid over to May 8**

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

**Nay:** 0

- 27 RES PH 13-56** Ratifying the assessments for Replacement of Lead Water Service Line on private property from November 2012 to January 2013. (File No. 1302LDSRP, Assmt. No. 134001)

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

**Nay:** 0

- 28 RES PH 13-57** Ratifying the assessments for Repair of Sanitary Sewer Line on private property from November 2012 to January 2013. (File No. SWRP1302, Assmt. No. 133001)

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

**Nay:** 0

- 29 RES PH 13-75** Final Order to consider approval for new sidewalk improvements along the west side of Jackson Street - Wheelock to Larpenteur. (File No. S1308, Assmt. No. 135308)

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

**Nay:** 0

- 30 RES PH 13-76** Final Order to consider approval for new sidewalk improvements along the west side of Kent Street - Orange to Wheelock. (File No. S1307, Assmt. No. 135307) (Public hearing held May 1; laid over from May 8)

*In opposition:*

*Corrine Mitsch (property owner at 1309-1311 Kent Street) said she opposed the sidewalk because there wasn't sidewalk on any other blocks of Kent, and no one would use the sidewalk because it didn't connect to anything. She said the people on the west side were the only ones paying for it, and she would be charged \$2,419 for a sidewalk no one used. She submitted into the record two letters of opposition from neighbors.*

*Mary Paklonsky (renter at 1309 Kent Street) said the assessment would cause her rent to go up and possibly force her to have to move in a tough rental market. She brought a letter from a neighbor who would lose landscaping if a sidewalk was put in.*

*Stuart Nelson (560 Wheelock Parkway West) said a sidewalk would be a detriment rather than improvement. He said he felt the sidewalk would impinge on his privacy, damage or kill his spruces, was unneeded, and was against the character of the neighborhood. He said he had paid for enough projects recently, and couldn't afford to pay for someone else's unnecessary wants. He said the added sidewalk would be an additional 66 lineal feet for him to shovel.*

*In support:*

*Deborah Kuebler (1283 Kent Street) said people drove faster because of the hill, and sidewalks would make it safer for pedestrians. She said it was a duty of the community to keep citizens safe. In response to a comment made by Ms. Mitsch, she said the sidewalk would connect to Wheelock. Kathryn Kuebler said she would feel safer going to friends' houses if there was a sidewalk.*

*Ryan Mooney (1291 Kent Street) said the area where the sidewalk would go was City right of way, and residents who did landscaping there did so at their own risk. He said maintenance of the sidewalk would just be an extension of doing the driveway.*

*D'Ann Lesch (552 Wheelock Parkway W.) said she lived on the opposite side of the street and would not have to pay for the sidewalk. She said Kent Street had been a safety concern in the 13 years she'd been there, and she wished the issue weren't splitting the neighborhood. She said there had been a neighborhood meeting, and there seemed to have been enough interest to bring the issue forward. Michael Lesch said he walked down Kent to get to school. He said cars went fast there because of the hill, and it was hard to walk on the street especially when cars were parked on the street.*

*Councilmember Brendmoen asked how many of the residents on the block were in support. Ms. Lesch said 4 or 5 of the 9 households on the block were in favor.*

*Mara Cleveland (1302 Kent Street) said she also lived on the other side of the street and wouldn't have to pay, and had sympathy for the feelings of those who did. She said the sidewalk would be a connection to Wheelock.*

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

*Councilmember Brendmoen said the area did not have a sidewalk but was part of an RSVP this year, and about 50% of the neighbors wanted the sidewalk and 50% didn't. She asked what was usually done in this type of situation.*

*Al Czaia, Public Works, said the sidewalk assessment was 100% to abutting property owners for new construction, and this neighborhood didn't have much sidewalk. He said there was a petition with signatures from 4 of the 10 neighbors requesting the sidewalk.*

*Councilmember Stark said the policy for assessing new sidewalks at 100% was from 1982 and needed to be changed. He said the original reason was so that new development would be responsible for 100% of the cost of added sidewalk, but it didn't make sense in cases of sidewalk in-fill.*

*Councilmember Brendmoen moved a one-week layover to allow time for more input from neighbors.*

*Council President Lantry asked if there would be time to explore a new financing system before the costs were assessed to property owners. Mr. Czaia said if the sidewalk was approved it would go onto the property as a pending assessment but would come back before the Council later as a final assessment.*

**Public hearing held and closed; laid over to May 8**

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

**Nay:** 0

**31 RES PH 13-82**

Authorizing the use of a Project Labor Agreement (PLA) on the construction of the Lowertown Ballpark Project, and authorizing appropriate city officials to execute such an agreement.

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

**Nay:** 0

**32 RES PH 13-80**

Amending the financing and spending plans in the Department of Public Works in the amount of \$1,725,139.98 in additional revenues, \$724,192.72 for transfer of appropriations, and (\$313,494.32) in reduced project budgets to cleanup, realign, and close out projects.

*Council President Lantry moved amendments with corrections and clarifications.  
Yeas - 7 Nays - 0*

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

**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 ITEMS REQUIRING DISCUSSION

- 40 RLH TA 13-195** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No. 138707 at 1269 EARL STREET. (Laid over from May 8 for public hearing)

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

*(Due to a miscommunication about the date of the public hearing, this item was recalled on May 8 and laid over to public hearings on May 15.)*

**Adopted (assessment reduced from \$360 to \$180, and payments spread over 2 years)**

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

**Nay:** 0

- 50 RLH TA 13-216** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307C, Assessment No.132006 at 315 LARCH STREET. (To be referred back to June 4, 2013 Legislative Hearing and July 10, 2013 City Council public hearing)

*Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on June 4, and the Council public hearing be continued to July 10.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to July 10.*

**Referred to Legislative Hearings on June 4; Council public hearing continued to July 10**

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

**Nay:** 0

**54 RLH TA 13-158** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306C1, Assessment No. 132011 at 576 MARYLAND AVENUE WEST (AKA 586 MARYLAND AVENUE WEST).

*Legislative Hearing Officer Marcia Moermond said the issue was an assessment for demolition of a structure in the amount of \$14,105.92. She said the property owner claimed not to have received proper notice and became aware of the order to abate a nuisance building after the demolition had taken place. She said the City met legal notification requirements based on address information in the County record, which was incorrect. She recommended that the Council approve the assessment and let the issue be handled in the correct venue.*

*Councilmember Brendmoen asked whether the property had changed hands recently and whether the notices were being sent to another owner. Ms. Moermond said there had been a number of work orders for maintenance issues.*

*In opposition:*

*Property owner Jon Greenlee read a prepared statement. He said he'd purchased 586 Maryland in late 2010. He said the City demolished it without notification and he was not given the opportunity to correct violations. He said a staff person from the Ramsey County Assessor's office was able to contact him in January 2011 regarding his purchase of the property, in spite of the fact that the property title did not have his correct mailing address. He said he didn't receive the notices for violations, but paid property taxes including assessments, and received email receipts. He asked that the assessment be deleted.*

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

*Councilmember Carter asked how long the observable portion of the demolition process took. Ms. Moermond reviewed the process and said there was about eight weeks between the property being placarded and the Council action on the order to remove or repair the property. She said contact information for the City was on the placards. Councilmember Carter said if the property owner learned of the demolition three weeks after the fact as was stated, it meant that the property owner had not been to the property for 11 weeks.*

*Councilmember Brendmoen said it was an unfortunate situation that Ramsey County didn't have accurate information, but based on the condition of the property and the point made by Councilmember Carter, she felt there were plenty of opportunities to do the right thing. She moved to adopt the recommendation of the Legislative Hearing Officer.*

**Adopted (assessment ratified and payable in one installment)**

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

**Nay:** 0

**56 RLH FCO  
12-597**

Appeal of Margaret Uriah, Mendota Properties LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 602 MENDOTA STREET. (Public hearing held April 17 and May 1; laid over from May 1)

*Legislative Hearing Officer Marcia Moermond said the issue was the parking surface. She said the alley was asphalt so the requirement was for the parking surface to be asphalt as well. She said she also discovered that eight parking spaces were required per a 2009 re-establishment of a nonconforming use agreement, and only two spaces were currently being provided. She said the owner claimed it was not possible to have eight spaces. She recommended ordering that an asphalt surface be installed by July 1.*

*In opposition:*

*Ferdinand Peters said he had been retained that afternoon to represent the property owner. He said they were asking for an extension to September 1 to allow time for survey work and submission of a site plan for the parking spaces. He said Xcel had a pole with guy wire in the parking area. He also noted that Mendota Street Properties, LLC was the correct name for the appellant.*

*Council President Lantry said the eight parking spaces were a critical piece of the 2009 nonconforming use re-establishment. She moved to close the public hearing and lay the matter over to 3:30 portion of the August 7 Council meeting, and said the property should be compliance at that time.*

**Public hearing held and closed; laid over to August 7**

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

**Nay:** 0

**60 RLH TA 13-14**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1302B, Assessment No. 138807 at 1161 NORTON STREET.

*Legislative Hearing Officer Marcia Moermond said she had asked for a layover in February in the hopes that the work would be completed by this time so she could reduce the assessment. She said a code compliance inspection had been applied for in early January but no permits had been pulled since. She recommended approval of the full assessment.*

*In opposition:*

*Property owner Ray Vorderbruggen said he had always done everything by himself, but was realizing he'd have to hire someone. He said within 30 days he could get it started up again.*

*Councilmember Brendmoen asked Mr. Vorderbruggen if he pulled permits for the work he did himself. Mr. Vorderbruggen said he pulled permits for work that required them, but he had not done any work since the matter was before the Council in February.*

*Councilmember Brendmoen moved to close the public hearing and approve the resolution as amended.*

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

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

**Nay:** 0

**62 RLH TA 13-101** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1305A, Assessment No. 138813 at 1587 PARK STREET.

*Legislative Hearing Officer Marcia Moermond said the work was completed by the deadline; she asked that the assessment be reduced to \$625.*

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

**Adopted as amended (assessment reduced to \$625)**

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

**Nay:** 0

**65 RLH AR 13-5** Ratifying the assessments for Tree Removal Services during Spring 2005 at 771 PIERCE BUTLER ROUTE. (File No. 0501T3, Assessment No. 139003) (Public hearing continued from May 1) (Amended to delete the assessment)

*Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on May 7, and the Council public hearing be continued to May 15.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to May 15.*

**Referred to Legislative Hearings on May 7; Council public hearing continued to May 15**

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

**Nay:** 0

**66 RLH TA 13-87** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 0501T3, Assessment No. 139003 at 771 PIERCE BUTLER ROUTE. (Public hearing continued from March 20 and May 1) (Amended to delete the assessment)

*Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on May 7, and the Council public hearing be continued to May 15.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to May 15.*

**Referred to Legislative Hearings on May 7; Council public hearing continued to May 15**



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

**Nay:** 0

- 80 RLH RR 12-31** Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days.

*Legislative Hearing Officer Marcia Moermond showed a photograph of the house, and said it had been turned over by Mr. Delisi and the Veterans Administration to Jim Erchul at the Dayton's Bluff Neighborhood Housing Services, who was going to rehabilitate the property. She said it had been a long and arduous process and everyone along the way had been fantastic. She recommended granting 8 months to remove or repair the building.*

*Council President Lantry added her thanks for the work and patience of those involved in achieving this outcome.*

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

**Adopted as amended (remove or repair within 8 months)**

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

**Nay:** 0

- 83 RLH VO 13-19** Appeal of Jennifer Jahangiri, St. Paul Tobacco Room, to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 152 UNIVERSITY AVENUE WEST. (To be referred back to Legislative Hearing on July 9, 2013 and City Council Public Hearing on August 7, 2013)

*Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on July 9, and the Council public hearing be continued to August 7.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to August 7.*

**Referred to Legislative Hearings on July 9; Council public hearing continued to August 7**

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

**Nay:** 0

- 86 RLH AR 13-20** Ratifying the assessments for Property Clean Up services during December 2012. (File No. J1306A, Assessment No. 138505)
- Legislative Hearing Officer Marcia Moermond asked that 1190 Sixth Street be removed from the roll so the assessment for that address could be deleted.*
- No one appeared in opposition; Council President Lantry moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (1190 6th Street removed from the roll for separate consideration - see Item 75, TA 13-292)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 
- 88 RLH AR 13-24** Ratifying the assessments for Demolition services in December 2012 at 315 Larch St. (File No. J1307C, Assessment No. 132006) (To be referred back to June 4, 2013 Legislative Hearing and July 10, 2013 City Council public hearing)
- Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on June 4, and the Council public hearing be continued to July 10.*
- No one appeared in opposition; Councilmember Carter moved to continue the public hearing to July 10.*
- Referred to Legislative Hearings on June 4; Council public hearing continued to July 10**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 
- 90 RLH AR 13-26** Ratifying the assessments for Property Clean Up services from January 2 to 31, 2013. (File No. J1307A, Assessment No. 138511)
- Legislative Hearing Officer Marcia Moermond asked that 537 Rice Street be removed from the roll for separate consideration.*
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (537 Rice Street removed from the roll for separate consideration)**
- 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 (Items 33 - 92)**

*No one appeared in opposition; Councilmember Stark 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 Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

- 33 RLH TA 13-225** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 856 ALBEMARLE STREET.  
**Adopted**
- 34 RLH TA 13-199** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 947 BEECH STREET.  
**Adopted**
- 35 RLH TA 13-182** Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1306, Assessment No. 138205 at 1270 BIRMINGHAM STREET.  
**Adopted**
- 36 RLH TA 13-207** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 606 CASE AVENUE.  
**Adopted**
- 37 RLH TA 13-200** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 738 CHARLES AVENUE.  
**Adopted**
- 38 RLH TA 13-215** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1207 COOK AVENUE EAST.  
**Adopted**
- 39 RLH VBR 13-16** Appeal of Richard G. Wolfgramm to a Vacant Building Registration Notice at 46 DELOS STREET WEST.  
**Adopted**

- 41     **RLH TA 13-180**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No. 138707 at 987 EDGERTON STREET.  
**Adopted**
- 42     **RLH TA 13-181**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A2, Assessment No. 138524 at 987 EDGERTON STREET.  
(Laid over from May 8 for public hearing)  
**Adopted**
- 43     **RLH TA 13-226**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 230 FRONT AVENUE.  
**Adopted**
- 44     **RLH TA 13-201**     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 280 FRONT AVENUE.  
**Adopted**
- 45     **RLH TA 13-220**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307B, Assessment No. 138106 at 795 GERANIUM AVENUE EAST.  
**Adopted**
- 46     **RLH TA 13-219**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 688 HAGUE AVENUE.  
**Adopted**
- 47     **RLH TA 13-217**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 357 HAMLIN AVENUE SOUTH.  
**Adopted**
- 48     **RLH TA 13-230**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1860 HAWTHORNE AVENUE EAST.  
**Adopted**
- 49     **RLH VBR 13-15**     Appeal of Louis W. Frillman to a Vacant Building Registration Notice at 461 HOLLY AVENUE, UNIT 4.  
**Adopted**

- 51 RLH TA 13-179** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No. 138707 at 557 LAWSON AVENUE EAST/1019 EDGERTON STREET.  
**Adopted**
- 52 RLH TA 13-190** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 557 LAWSON AVENUE EAST/1019 EDGERTON STREET.  
**Adopted**
- 53 RLH TA 13-202** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306B1, Assessment No. 138112 at 1659 LUELLA STREET NORTH.  
**Adopted**
- 55 RLH TA 13-194** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No.138511 at 1500 MARYLAND AVENUE EAST.  
**Adopted**
- 57 RLH TA 13-196** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 164 MILFORD STREET.  
**Adopted**
- 58 RLH TA 13-197** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No.138511 at 766 MINNEHAHA AVENUE WEST.  
**Adopted**
- 59 RLH TA 13-189** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 549 NEVADA AVENUE EAST.  
**Adopted**
- 61 RLH TA 13-212** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1306, Assessment No. 138205 at 1010 OXFORD STREET NORTH.  
**Adopted**
- 63 RLH TA 13-191** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No. 138707 at 1264 PAYNE AVENUE.  
**Adopted**

- 64 RLH TA 13-192** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1264 PAYNE AVENUE.  
**Adopted**
- 67 RLH TA 13-174** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 460 PRIOR AVENUE NORTH.  
**Adopted**
- 68 RLH TA 13-185** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No.138707 at 1762 REANEY AVENUE.  
**Adopted**
- 69 RLH TA 13-186** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No.138511 at 1762 REANEY AVENUE.  
**Adopted**
- 70 RLH TA 13-223** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1307B, Assessment No.138106 at 909 RICE STREET.  
**Adopted**
- 71 RLH TA 13-173** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1755 SELBY AVENUE.  
**Adopted**
- 72 RLH TA 13-204** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306P, Assessment No. 138405 at 414 SEVENTH STREET WEST.  
**Adopted**
- 73 RLH TA 13-177** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1204 SEVENTH STREET EAST.  
**Adopted**
- 74 RLH FCO 13-81** Appeal of Joseph Kummer to a Fire Certificate of Occupancy Correction Notice - Complaint Inspection at 1021 SIMS AVENUE EAST.  
**Adopted**

- 75    **RLH TA 13-292**    Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 1190 SIXTH STREET EAST.  
**Adopted**
- 76    **RLH TA 13-188**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307B, Assessment No. 138106 at 597 SNELLING AVENUE NORTH.  
**Adopted**
- 77    **RLH TA 13-209**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 820 STELLAR STREET.  
**Adopted**
- 78    **RLH VO 13-15**    Appeal of Roblin Investment LLC to a Fire Certificate of Occupancy Revocation and Order to Vacate at 748 TATUM STREET.  
**Adopted**
- 79    **RLH TA 13-176**    Deleting the Appealed Special Tax Assessment for Real Estate Project No. 1304T, Assessment No. 139004 at 1730 TAYLOR AVENUE.  
**Adopted**
- 81    **RLH TA 13-178**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 305 THOMAS AVENUE.  
**Adopted**
- 82    **RLH TA 13-210**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1306, Assessment No. 138205 at 767 THOMAS AVENUE.  
**Adopted**
- 84    **RLH TA 13-183**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1306, Assessment No. 138205 at 1609 UPPER AFTON ROAD.  
**Adopted**
- 85    **RLH TA 13-184**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 101 WINNIPEG AVENUE.  
**Adopted**
- 87    **RLH AR 13-23**    Ratifying the assessments for Collection of Certificate of Occupancy Fees billed October 4 to 26, 2012. (File No. CRT1306, Assessment No. 138205)  
**Adopted**

- 89 RLH AR 13-25** Ratifying the assessments for Boarding and/or Securing services during December 2012. (File No. J1307B, Assessment No. 138106)  
**Adopted**
- 91 RLH AR 13-27** Ratifying the assessments for Trash Hauling services from January 1 to 31, 2013. (File No. J1307G, Assessment No. 138707)  
**Adopted**
- 92 RLH AR 13-28** Ratifying the assessments for Tree Removal services in November 2012. (File No. 1304T, Assessment No. 139004)  
**Adopted**

#### **ADJOURNMENT**

*Councilmember Brendmoen moved adjournment.*

**The meeting was adjourned at 7:33 p.m.**

**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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