



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Phone: 651-266-8560

## Minutes - Final

### City Council

*Council President Kathy Lantry*  
*Councilmember Dan Bostrom*  
*Councilmember Melvin Carter III*  
*Councilmember Pat Harris*  
*Councilmember Lee Helgen*  
*Councilmember Russ Stark*  
*Councilmember Dave Thune*

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Wednesday, August 3, 2011

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 Vice President Helgen at 3:31 p.m.*

**Council President Lantry excused.**

**Present** 6 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, Councilmember Dave Thune and Councilmember Russ Stark

**Absent** 1 - City Council President Kathy Lantry

#### COMMUNICATIONS & RECEIVE/FILE

- 1      **AO 11-26**      Adjusting the 2011 Financing Budgets to accommodate the transfer of the 2011 Adopted Budget into the City's financial management system.
- Councilmember Helgen highlighted the item and said he hoped the other Council members had had the opportunity read it and direct any questions to staff.*
- Received and Filed**
- 2      **AO 11-29**      Transferring \$12,250 of capital maintenance contingency to the Department of Parks and Recreation to complete emergency air handler repairs at Battle Creek Recreation Center.
- 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**

*Item 5 was withdrawn. Items 6 and 7 were removed from the Consent Agenda for separate consideration.*

*Councilmember Bostrom moved approval of the Consent Agenda as amended.*

**Consent Agenda adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 3 Min 11-22** Approving the minutes of the June 1, 8, 15, and 22, 2011 City Council meetings.
- Sponsors:** Lantry
- Adopted**
- 4 RES 11-1389** Approving the Memorandum of Agreement between the City of Saint Paul and Tri-Council Operating Engineers Local 49 for the purpose of establishing premium rates in the Department of Parks and Recreation Forestry Division.
- Sponsors:** Lantry
- Adopted**
- 5 RES 11-1387** Approving adverse action against all licenses held by Ashama Grocery & Meat Market, Inc., d/b/a Ashama Grocery & Meat Market, 804 University Avenue West.
- Sponsors:** Carter III
- Withdrawn**

- 6**      **RES 11-1406**      Requesting that the Planning Commission conduct a zoning study on student housing in the area surrounding the University of St. Thomas, and put into effect a moratorium on new student housing in the described area.

**Sponsors:**      Stark

*Councilmember Stark clarified that this was a bridge resolution to accompany the ordinance that would come forward later in the meeting.*

*Councilmember Harris asked that the Planning Commission expedite the process and set the boundaries in a way that ensured the moratorium didn't result in the problem being pushed to other areas. Councilmember Stark said staff was cognizant of that issue.*

*Councilmember Harris said he would like to amend the resolution to address purchase agreements executed prior to July 15. Councilmember Stark, Councilmember Harris, and Assistant City Attorney Rachel Tierney discussed appropriate language. Councilmember Stark expressed concern that the resolution would be watered down. Councilmember Harris clarified his intentions. It was decided that the matter would be laid over to the 5:30 portion of the meeting to allow time for Ms. Tierney to draft the amendment.*

*Councilmember Stark moved to lay the matter over to 5:30.*

**Laid over to the 5:30 portion of the meeting**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 7        **RES 11-1441**        Approving major modifications to the Victoria Park Master Plan.

**Sponsors:**        Thune

*Councilmember Thune asked for a brief staff report.*

*Lucy Thompson, Planning and Economic Development (PED), gave a staff report on the changes to the Victoria Park Master Plan, necessitated by terms of the settlement with Exxon which limited use of the site to park space. She displayed drawings of the original and proposed plans; she noted that the new plan included the footprint for Nova Classical Academy and some associated changes to street segments. She noted some minor language changes and said the Planning Commission recommended approval of the modifications. She said there had been a lot of discussion related to concerns about the the Nova building blocking views from Sholom. She said PED was still recommending the changes with the direction that Housing and Redevelopment Authority (HRA) staff and Nova continue to talk to Sholom about alternative building configurations.*

*Councilmember Thune said he felt the item should be passed. He discussed the issue involving Nova and Sholom. He said discussions between Nova and Sholom had not resulted in any changes, but the new plan had strong community support. He moved approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**FOR DISCUSSION**

- 8        **RES 11-1308**        Declaring August 6, 2011 as Community Gardening Day 2011 in the City of Saint Paul.

**Sponsors:**        Lantry

*Councilmember Helgen invited visiting community gardeners to the podium. He read the resolution.*

*Nadja Berneche, Gardening Matters, accepted the resolution and made brief comments.*

*Councilmember Helgen moved approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 9        **RES 11-497**        Approving the application with conditions, per the Deputy Legislative Hearing Officer, for an Auto Repair Garage license for Pet Enterprises Motortech Inc., d/b/a Pet Enterprises Auto Repair (ID #20100004542) at 18 Acker Street East. (Laid over from July 27 and August 3)

**Sponsors:**        Helgen

*Councilmember Helgen said they were not quite in compliance; he moved an additional one week layover.*

**Laid over to August 10**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

#### **ORDINANCES**

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

#### **Second Reading**

- 10        **Ord 11-69**        Amending Chapter 310.10 of The Saint Paul Legislative Code to limit amounts on the refunds of fees.

**Sponsors:**        Lantry

**Laid over to August 17 for third reading/public hearing**

#### **First Reading**

- 11        **Ord 11-70**        Preserving the status quo within a specified area in the vicinity of the University of St. Thomas pending the completion and report of a zoning study and possible action on that study, including amending the City's official controls to regulate the conversion of one- and two- and three-family homes into student housing.

**Sponsors:**        Stark

*Councilmember Stark made an amendment to correct a typographical error.*

**Amended; laid over to August 10 for second reading**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

*The meeting was recessed at 3:54 p.m.*

## **PUBLIC HEARINGS**

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

**Present** 6 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, Councilmember Dave Thune and Councilmember Russ Stark

**Absent** 1 - City Council President Kathy Lantry

**RES 11-1406** Requesting that the Planning Commission conduct a zoning study on student housing in the area surrounding the University of St. Thomas, and put into effect a moratorium on new student housing in the described area.

**Sponsors:** Stark

*Councilmember Stark submitted amended language as discussed at the 3:30 portion of the meeting. Councilmember Harris moved the amendment. Yeas - 6 Nays - 0*

*Councilmember Stark moved approval.*

### **Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**12 Ord 11-59** Amending the Zoning Map of Saint Paul as recommended in the Saint Anthony Park Como 2030 Plan and Zoning Study.

**Sponsors:** Stark

*In support:*

*Jon Schumacher (2183 Commonweath), St. Anthony Park Community Foundation, expressed appreciation for the City planning department for their insight and guidance, and District 12 for providing community representation.*

*Gavis Nelson (206 Wheeler Street S.), Planning Commission representative co-chair for the study, commended the community for their participation.*

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

### **Public hearing held and closed; laid over to August 10 for final adoption**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 13      **RES PH 11-977**      Adopting the St. Anthony Park Como 2030 Plan as an amendment to the Saint Paul Comprehensive Plan.

**Sponsors:**      Stark

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 14      **RES PH 11-990**      Approving the application of Sarah VanSickle for a sound level variance in order to provide amplified music and the use of a P.A. sound system from 9:00 a.m. until 10:00 p.m. on August 12, 13, & 14, 2011 during the Irish Fair of MN at Harriet Island.

**Sponsors:**      Thune

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 15      **RES PH 11-991**      Approving the application of Andrea Jepsen & Brett Turner for a sound level variance in order to present amplified music during a wedding and reception from 6:00 p.m. until 11:30 p.m. on August 6, 2011 at 444 Laurel Avenue.

**Sponsors:**      Carter III

*Councilmember Carter said the staff recommendation was to change the variance period to 6:00 p.m. to 11:00 p.m.*

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 16      **RES PH 11-995**      Approving the application of Steve Heckler for a sound level variance in order to provide amplified music and the use of a P.A. sound system from 5:00 p.m. until 10:00 p.m. on September 9, 2011; from 12:00 noon until 10:00 p.m. on September 10, 2011; and from 1:00 pm. until 5:00 p.m. on September 11, 2011 during the Concrete & Grass Lowertown Festival at Mears Park.

**Sponsors:**      Thune

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 17      **RES PH 11-997**      Approving the application of Visit Saint Paul for a sound level variance for the use of a P.A. system and amplified music on August 19, 2011 from 10:00 p.m. until 11:30 p.m., and on August 20, 2011 from 3:30 p.m. until 6:30 p.m. and 9:00 p.m. until 11:30 p.m. during the Visa Fan Fest at Rice Park. (Laid over from August 3)

**Sponsors:**      Lantry

*In support:*

*Adam Johnson, Vice President of Marketing with Visit St. Paul, distributed information and asked for an amendment to add a morning session. He said the music would be "background music" in the 85 dB range, and the variance request was for the same time period that was approved when the event was in St. Paul in 2006. He said Visit Saint Paul was cognizant of the City's concerns related to noise, and hoped the Council would pass the resolution.*

*Councilmember Thune asked whether there had been any contact with residents of the Lowry Building or Landmark Towers. Mr. Johnson said they were unable to connect with anyone.*

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

*Councilmember Thune said he thought it was a bad idea to play music until 11:30 p.m. right across the street from \$1 million to \$2 million condos. He asked to lay the matter over for a week so he could talk to Department of Safety and Inspections staff about exactly what 85 dB meant for residents of the Landmark Towers.*

*Councilmember Thune moved to amend the resolution to add the morning hours, and to lay the matter over for one week.*

**Amended (morning times added); laid over to August 10**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0



**Absent:** 1 - City Council President Lantry

**18 PH 11-16**

Public hearing to consider the application of the Housing and Redevelopment Authority (HRA) to rezone property at 852 Hathaway from I3 Restricted Industrial to T3M Traditional Neighborhood (Master Plan), T3 Traditional Neighborhood and I1 Light Industrial.

**Sponsors:** Thune

*In opposition:*

*Gaius Nelson (206 Wheeler Street S.), planning commissioner, said the process was not transparent and did not involve the neighborhood. He displayed copies of the notice postcard and list of addresses, and said he didn't feel the issue was adequately noticed. He expressed concern about what he felt might be a conflict of interest with HRA owning the land, submitting the application, and representing another developer, and PED also being involved, and he reiterated his concern about the lack of notice for neighbors. He questioned T3 zoning for a piece of land not allowed to have buildings on it.*

*Councilmember Thune asked about the public process. Lucy Thompson, Planning and Economic Development (PED), said notification by postcard was standard. She said none of specific addresses about which Mr. Nelson expressed concern were being proposed for rezoning. She said it was their intention to have the entire Victoria Park Master Plan area zoned the same and it was all T3.*

*Councilmember Thune asked whether there had been community meetings. Ms. Thompson said that was generally left to the district councils.*

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

*Councilmember Thune acknowledged that not everyone was happy with the change from the small condominiums and townhomes originally proposed; he said the realities of the marketplace put a stop to that type of housing. He said putting in an institutional use was seen as a great thing for the West Seventh neighborhood and was supported by the district council, and there had been a long process involving opportunities for the public to receive information and provide input. He moved approval.*

**Motion of Intent - Application granted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 19      **RES PH 11-1000**    Authorizing the Department of Planning and Economic Development to apply for, accept, and amend the 2011 Budget for, an additional \$25,000 grant from the Minnesota Department of Employment and Economic Development for the Accelerate MSP Program.

**Sponsors:**      Thune

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 20      **RES PH 11-998**    Approving the FY2011 Neighborhood STAR Loan and Grant Awards including business subsidy requirements.

**Sponsors:**      Lantry

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 21      **RES PH 11-948**    Ratifying assessments for Replacement of Lead Water Service Lines on private property during February to April 2011. (File No. 1103LDSRP, Asmt No. 114933)

**Sponsors:**      Lantry

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 22      **RES PH 11-949**      Ratifying assessments for Repair of Sanitary Sewer on private property during February to April 2011. (File No. SWRP1105, Asmt No. 118060)
- Sponsors:**      Lantry
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - City Council President Lantry

- 23      **RES PH 11-965**      Final Order approving the improvement to the alley bounded by Hoyt, Western, Nebraska, and Cumberland. (File No. 19120, Assessment No. 115000)
- Sponsors:**      Helgen
- No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - City Council President Lantry

#### **LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION**

- 24      **RLH RR 11-19**      Ordering the rehabilitation or razing and removal of the structure(s) at 936 EARL STREET within fifteen (15) days after the August 3, 2011 City Council Public Hearing. (To be referred back to November 22, 2011 Legislative Hearing and City Council public hearing continued to December 7, 2011)
- Sponsors:**      Bostrom
- Legislative Hearing Officer Marcia Moermond said the taxes had recently been paid and she would like additional time to determine whether someone had interest in rehabilitating the property, which had some historic interest.*
- No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to September 7.*
- Referred to Legislative Hearing on August 23; Council public hearing continued to September 7**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 25 RLH RR 11-34** Ordering the rehabilitation or razing and removal of the structures at 677-679 AURORA AVENUE within fifteen (15) days after the August 3, 2011, City Council Public Hearing.

**Sponsors:** Carter III

*Legislative Hearing Officer Marcia Moermond said Fannie Mae was going to proceed with the removal of the property and would like a chance to confirm they could use the same bids the City had received. She recommended ordering removal within 30 days with no option for rehabilitation.*

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

**Adopted as amended (remove within 30 days with no option for rehabilitation)**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 29 RLH FCO 11-183** Appeal of William Coleman to a Fire Certificate of Occupancy Inspection Correction Notice at 1424 ARLINGTON AVENUE EAST.

**Sponsors:** Bostrom

*Legislative Hearing Officer Marcia Moermond asked for a two week layover to review revisions to the appeal.*

*No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to August 17.*

**Public hearing continued to August 17**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 33**      **RLH RR 11-37**      Ordering the razing and removal of the structures at 806 EDMUND AVENUE within fifteen (15) days after the August 3, 2011 City Council Public Hearing. (Public hearing continued from August 3)

**Sponsors:**      Carter III

*Legislative Hearing Officer Marcia Moermond said the County had just acquired the property through tax forfeiture and were interested in rehabilitating it; she asked to lay the matter over for 60 days to allow the County to develop plans.*

*Councilmember Helgen asked that the County be encouraged to move forward quickly.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to October 5.*

**Public hearing continued to October 5**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 43**      **RLH RR 11-38**      Ordering the razing and removal of the structures at 1027 MCLEAN AVENUE within fifteen (15) days after the August 3, 2011 City Council Public Hearing.

**Sponsors:**      Lantry

*Legislative Hearing Officer Marcia Moermond said HUD had sold the property for \$14,000 to a new owner who did not have the means to rehabilitate it and didn't know it was slated for demolition. She recommended a two week layover to allow time for the City Attorney's Office to assess the situation.*

*No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to August 17.*

**Public hearing continued to August 17**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 51      **RLH CO 11-2**      Appeal of Richard H. Nicholson to a Correction Notice at 260 SUMMIT AVENUE.  
(Public hearing held August 3; laid over from August 17)

**Sponsors:**      Thune

*Legislative Hearing Officer Marcia Moermond gave a staff report. She said the issue was a large screening wall that was in a state of significant disrepair in several areas. She reviewed the key questions related to the correction orders being appealed and said her conclusions were that the wall needed repair, the correction order was appropriate and was sent to the correct person. She described the easement situation and history and said there had been litigation on the matter in the past. At Councilmember Harris's request she clarified the easement and said it allows public access but the property owner is responsible for maintenance.*

**Appellant:**

*Michael Fleming appeared on behalf of the property owners and briefly outlined their position. He said the obligation to repair the wall as a public improvement was the City's with a contribution based on the benefit of the wall to the Nicholsons. He reviewed the history and said they differed with Ms. Moermond that the wall is a public right-of-way according to the terms of the easement. He displayed a survey of Nicholson property with easement highlighted indicating that the wall is within the easement. He noted that over the years most repairs and maintenance to the wall and stairs had been done by the City. A portion of the wall collapsed and stairs were closed a number of years ago and there were discussions with City but no agreement. The Nicholsons received a criminal citation and repaired the wall, hoping for contribution from the city. The Nicholsons won't make any further repairs without an agreement from city. The wall is integral to easement and has two functions: support and aesthetics. Mr. Fleming reviewed the engineer's report and spoke of costs. He said their position is that the City, as owner of the easement, has the responsibility...City has obligation to make repair subject to agreement by Nicholsons to pay a portion. He said they were willing to sit down with City staff to craft long term agreement, and would like to see the matter see handled by agreement rather than enforcement or litigation.*

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

*Councilmember Thune asked who had built the wall. Mr. Fleming said it was built by the Hill family as part of the agreement with the City.*

*Councilmember Thune questioned whether the City would be responsible for repairing his chain link fence if it fell onto the sidewalk. Mr. Fleming said the difference in this case was that the wall is within the easement and, according to the engineer, interconnected with the steps.*

*Councilmember Thune said a good case had been made for shared responsibility. He moved a two week layover to allow time for discussions between Public Works, the City Attorney's Office, the Nicholsons and their attorney.*

**Public hearing held and closed; laid over to August 17**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 57      **RLH AR 11-37**      Ratifying the assessments for Weekly Trash Hauling Services from April 6 to 27, 2011 (File No. J1110G, Assessment No. 118078)

**Sponsors:**      Lantry

*Legislative Hearing Officer Marcia Moermond read the amendment to the assessment for 475 St. Clair Avenue. She said the property owner had submitted a letter outlining their plans for caring for the property going forward. Ms. Moermond said her recommendation was to approve the assessment currently being considered and reduce subsequent assessments if appropriate.*

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**SUSPENSION ITEM**

*Councilmember Thune moved suspension of the rules.*

**Rules suspended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- RLH TA 11-199**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1110G, Assessment No. 118078 at 475 SAINT CLAIR AVENUE.

**Sponsors:**      Thune

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- 60      **RLH AR 11-38**      Ratifying the assessments for Graffiti Removal Services from March 30 to April 23, 2011 (File No. J1112P, Assessment No. 118079)

**Sponsors:**      Lantry

*Legislative Hearing Officer Marcia Moermond read amendments to the assessments for 1137 Grand and 38 West Hawthorne.*

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**SUSPENSION ITEM**

*Councilmember Helgen moved suspension of the rules.*

**Rules suspended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

- RLH TA 11-245**      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1112P, Assessment No. 118079 at 38 HAWTHORNE AVENUE WEST.

**Sponsors:**      Thune

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**SUSPENSION ITEM**

**Rules suspended**



**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**RLH TA 11-194** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1112P, Assessment No. 118079 at 1137 GRAND AVENUE.

**Sponsors:** Thune

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**72 RLH AR 11-29** Ratifying the assessments for Property Cleanup Services from April 1 to 27, 2011 (File No. J1113A, Assessment No. 118077)

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond amended the resolution to add an appeal for 475 St. Clair.*

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**SUSPENSION ITEM**

*Councilmember Thune moved suspension of the rules.*

**Rules suspended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**RLH TA 11-198** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113P, Assessment No. 118077 at 475 SAINT CLAIR AVENUE. (To be laid over to October 5, 2011 public hearing.)

**Sponsors:** Thune

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

#### **LEGISLATIVE HEARING CONSENT AGENDA**

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

#### **Approval of the Consent Agenda**

*No one appeared in opposition; Councilmember Thune moved approval of the Legislative Hearing Consent Agenda as amended.*

**Consent Agenda adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

**26 RLH WP 11-38** Appeal of Trikin Holdings to an Egress Window Non-Compliance Determination at 697 FIFTH STREET EAST.

**Sponsors:** Lantry

**Adopted**

**27 RLH FCO 11-204** Appeal of Dale Wobbe to a Revocation of Fire Certificate of Occupancy at 869 ALBEMARLE STREET.

**Sponsors:** Helgen

**Adopted**



- 38      **RLH WP 11-44**      Appeal of Mac Turnquist, Craft Masters Remodeling, on behalf of Jan Mehlhoff, to an Egress Window Non-Compliance Determination at 1491 KENT STREET.  
**Sponsors:**      Helgen  
**Adopted**
- 39      **RLH RR 11-36**      Ordering the razing and removal of the structures at 718 LAFOND AVENUE within fifteen (15) days after the August 3, 2011, City Council Public Hearing.  
**Sponsors:**      Carter III  
**Adopted**
- 40      **RLH WP 11-34**      Appeal of Emmanuel D'Huyvetter to an Egress Window Non-Compliance Determination at 1375 MARGARET STREET.  
**Sponsors:**      Lantry  
**Adopted**
- 41      **RLH FOW 11-87**      Appeal of Steve Fuller to a Fire Certificate of Occupancy Inspection Correction Notice at 1694 MARGARET STREET.  
**Sponsors:**      Lantry  
**Adopted**
- 42      **RLH FCO  
11-182**      Appeal of Kathleen M. Henderson to a Fire Certificate of Occupancy Inspection Correction Notice at 885 MARION STREET.  
**Sponsors:**      Helgen  
**Adopted**
- 44      **RLH WP 11-40**      Appeal of Bryan Horton, Renewal by Andersen, on behalf of Eva Smith, to an Egress Window Non-Compliance Determination at 1830 MECHANIC AVENUE.  
**Sponsors:**      Bostrom  
**Adopted**
- 45      **RLH FOW 11-86**      Appeal of Michael J. Ubl to a Fire Certificate of Occupancy Inspection Correction Notice at 1647 MIDDLETON AVENUE.  
**Sponsors:**      Harris  
**Adopted**
- 46      **RLH WP 11-37**      Appeal of Bryan Horton, Renewal by Andersen, on behalf of Craig and Connie Hecht, to an Egress Window Non-Compliance Determination at 789 NEVADA AVENUE EAST.  
**Sponsors:**      Helgen  
**Adopted**



- 56      **RLH WP 11-42**      Appeal of The Home Depot At-Home Services, on behalf of Thomas Lloyd, to an Egress Window Non-Compliance Determination at 264 WYOMING STREET EAST.  
**Sponsors:**      Thune  
**Adopted**
- 58      **RLH TA 11-157**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1110G, Assessment No. 118078 at 1256 HARTFORD AVENUE.  
**Sponsors:**      Harris  
**Adopted**
- 59      **RLH TA 11-186**      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1110G, Assessment No. 118078 at 119 WINNIPEG AVENUE.  
**Sponsors:**      Helgen  
**Adopted**
- 61      **RLH TA 11-182**      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1112P, Assessment No.118079 at 1014 ARCADE STREET.  
**Sponsors:**      Bostrom  
**Adopted**
- 62      **RLH TA 11-174**      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1112P, Assessment No. 118079 at 2017 BOHLAND AVENUE.  
**Sponsors:**      Harris  
**Adopted**
- 63      **RLH AR 11-39**      Ratifying the assessments for Boarding and Securing services in March 2011. (File No. J1109B, Assessment No. 118080)  
**Sponsors:**      Lantry  
**Adopted**
- 64      **RLH AR 11-40**      Ratifying the assessments for Excessive Inspection services billed from March 14 to April 8, 2011. (File No. J1108E, Assessment No. 118084)  
**Sponsors:**      Lantry  
**Adopted**
- 65      **RLH TA 11-158**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1108E, Assessment No. 118084 at 1270 CLEVELAND AVENUE SOUTH.  
**Sponsors:**      Harris  
**Adopted**

- 66      **RLH TA 11-153**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1108E, Assessment No.118084 at 255 COLBORNE STREET.  
**Sponsors:**      Thune  
**Adopted**
- 67      **RLH TA 11-155**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1108E, Assessment No.118084 at 1256 HARTFORD AVENUE.  
**Sponsors:**      Harris  
**Adopted**
- 68      **RLH TA 11-172**      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1108E, Assessment No. 118084 at 1632 SHERBURNE AVENUE (AKA 500 FRY STREET).  
**Sponsors:**      Stark  
**Adopted**
- 69      **RLH TA 11-165**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1108E, Assessment No.118084 at 850 SIMS AVENUE.  
**Sponsors:**      Bostrom  
**Adopted**
- 70      **RLH TA 11-152**      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1108E, Assessment No. 118084 at 536 SMITH AVENUE SOUTH.  
**Sponsors:**      Thune  
**Adopted**
- 71      **RLH TA 11-163**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1108E, Assessment No. 118084 at 811 SMITH AVENUE SOUTH.  
**Sponsors:**      Thune  
**Adopted**
- 73      **RLH TA 11-183**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No. 118077 at 696 FIFTH STREET EAST.  
**Sponsors:**      Lantry  
**Adopted**
- 74      **RLH TA 11-171**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No. 118077 at 1237 FIFTH STREET EAST  
**Sponsors:**      Lantry  
**Adopted**





- 83      **RLH TA 11-170**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No.118077 at 936 LAFOND AVENUE.  
**Sponsors:**      Carter III  
**Adopted**
- 84      **RLH TA 11-143**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No.118077 at 335 MAGNOLIA AVENUE EAST.  
**Sponsors:**      Helgen  
**Adopted**
- 85      **RLH TA 11-140**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No.118077 at 358 MAGNOLIA AVENUE EAST.  
**Sponsors:**      Helgen  
**Adopted**
- 86      **RLH TA 11-164**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No.118077 at 841 MAGNOLIA AVENUE EAST.  
**Sponsors:**      Bostrom  
**Adopted**
- 87      **RLH TA 11-187**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No. 118077 at 802 MOUND STREET.  
**Sponsors:**      Lantry  
**Adopted**
- 88      **RLH TA 11-144**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No. 118077 at 956 PROSPERITY AVENUE.  
**Sponsors:**      Bostrom  
**Adopted**
- 89      **RLH TA 11-147**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No. 118077 at 1730 SEVENTH STREET EAST.  
**Sponsors:**      Lantry  
**Adopted**
- 90      **RLH TA 11-176**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No. 118077 at 1339 SHERBURNE AVENUE.  
**Sponsors:**      Stark  
**Adopted**



**ADJOURNMENT**

*Councilmember Carter moved to adjourn the meeting at 6:51 p.m.*

**Meeting adjourned**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 1 - City Council President Lantry

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