



City of Saint Paul

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

City Council Minutes – Final

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

Wednesday, December 21, 2011

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

The meeting was called to order by Council President Lantry at 3:32 p.m.

Present 6 - Councilmember Melvin Carter III, Councilmember Pat Harris,
Councilmember Lee Helgen, City Council President Kathy Lantry,
Councilmember Dave Thune and Councilmember Russ Stark
Absent 1 - Councilmember Dan Bostrom

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 11-49** Amending the 2011 spending budget for the Office of Technology and
Communications - Information Services.
 Received and Filed

- 2 **AO 11-50** Amending the 2011 budget of the Police General Fund.
 Received and Filed

CONSENT AGENDA

Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda

Councilmember Thune moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

- 3 RES 11-2440** Approving the Maintenance Labor Agreements (May 1, 2011 - April 30, 2014) between the Saint Paul Public Schools ISD 625 and the United Association of Steamfitters, Pipefitters, and Service Technicians, Local Union No. 455, the United Association of Plumbers, Local 34, and the Sheet Metal Workers International Association Local 10 and the Memorandum of Agreement (May 1, 2011 - April 30, 2012) between the Saint Paul Public Schools ISD 625 and the International Union of Painters and Allied Trades, Local No. 61. (Laid over one week for adoption)
Adopted
- 4 RES 11-2541** Approving the Mayor's appointments of Kathi-Donnelly-Cohen, James McClean, and John Periard to serve on the Business Review Council.
Adopted
- 5 RES 11-2543** Approving the Mayor's reappointments of Shirley Hunt, Renee Skoglund, Sally Staggert, and Arlend 'Buzz' Wilson to the Mayor's Advisory Committee on Aging.
Adopted
- 6 RES 11-2544** Approving the Mayor's appointments of Sean Kealy and Julia Washenburger to the Mayor's Advisory Committee on People with Disabilities.
Adopted
- 7 RES 11-2548** Approving the Mayor's appointments of Jim McGuinn and Sharon DeMark to the Cultural STAR Board.
Adopted
- 8 RES 11-2549** Approving the Mayor's reappointments of Gloria Bogen, Vincent Courtney, and Daniel Ward to the Board of Zoning Appeals.
Adopted
- 9 RES 11-2558** Approving the Mayor's appointment of Steve Marchese and reappointment of Jeanette Sobania to serve on the Civil Service Commission.
Adopted

- 10 **RES 11-2550** Approving an amendment to the Twin Cities Public Health Departments in Minnesota PUBLIC HEALTH MUTUAL AID AGREEMENT between the City of Saint Paul and local public health and/or environmental health entities.
Adopted
- 11 **RES 11-2512** Authorizing the Department of Parks and Recreation to expend an amount not to exceed \$15,000 for the purpose of providing refreshments, marketing materials, and other incentives for various activities, programs and events throughout 2012.
Adopted
- 12 **RES 11-2438** Approval to accept a donation of Dry Erase Marker Boards from Building Material Supply, Inc. for use in the City of Saint Paul's recreation facilities.
Adopted
- 13 **RES 11-2452** Authorizing the Fire Department to accept a grant of \$20,000 from the F. R. Bigelow Foundation in support of the Saint Paul EMS Academy.
Adopted
- 14 **RES 11-2500** Authorizing the Fire Department to enter into a joint powers agreement with Inver Hills Community College to provide services for the EMS Academy January 9 through April 13, 2012.
Adopted
- 15 **RES 11-2502** Authorizing the Fire Department to accept the donation of two full size sheet cakes valued at \$70.00 from Sam's Club for the firefighter graduation on December 22, 2011.
Adopted
- 16 **RES 11-2533** Authorizing Police Department to accept a grant/donation from the St. Paul Police Foundation for Cops and Kids and Shop With Cops.
Adopted
- 17 **RES 11-2448** Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the facade improvement at Seestedt's, 282 Sixth Street East. (File No. 19126, Assessment No. 117000)
Adopted

- 18 **RES 11-2368** Approving the City's costs for providing Repair of Sanitary Sewer services on private property during August to October 2011, and setting date of City Council Public Hearing for February 1, 2012 to consider and levy the assessments against individual properties. (File No. SWRP1201, Asmt No. 123000)
Adopted
- 19 **RES 11-2366** Approving the City's cost of providing Replacement of Lead Water Service Line services on private property during August to October 2011, and setting date of City Council Public Hearing for February 1, 2012 to consider and levy the assessments against individual properties. (File No. 1201LDSRP, Asmt No. 124000)
Adopted
- 20 **RES 11-2503** Approving the City's cost of providing Collection of Vacant Building Fees services during October 2011, and setting date of Legislative Hearing for January 17, 2012 and City Council Public Hearing for March 7, 2012 to consider and levy the assessments against individual properties. (File No. VB1203, Asmt No. 128802)
Adopted
- 21 **RES 11-2504** Approving the City's costs for providing Demolition services during November 2011, and setting date of Legislative Hearing for January 17, 2012 and City Council Public Hearing for March 7, 2012 to consider and levy the assessments against individual properties. (File No. J1206C, Assessment No. 122005)
Adopted
- 22 **RES 11-2506** Approving the City's cost of providing Boarding and Securing services during October 2011, and setting date of Legislative Hearing for January 17, 2012 and City Council Public Hearing for March 7, 2012 to consider and levy the assessments against individual properties. (File No. J1203B, Asmt No. 128102)
Adopted
- 23 **RES 11-2507** Approving the City's cost of providing Property Clean Up services from November 1 to 29, 2011, and setting date of Legislative Hearing for January 17, 2012 and City Council Public Hearing for March 7, 2012 to consider and levy the assessments against individual properties. (File No. J1205A, Asmt No. 128504)
Adopted

- 24 **RES 11-2509** Approving the City's cost of providing Trash Hauling services from November 2 to 30, 2011, and setting date of Legislative Hearing for January 17, 2012 and City Council Public Hearing for March 7, 2012 to consider and levy the assessments against individual properties. (File No. J1204G, Asmt No. 128702)
Adopted
- 25 **RES 11-2530** Memorializing City Council action taken on December 7, 2011 sustaining adverse licensing action against all licenses held by Axmed S. Cali, d/b/a Iftiin Hookah Lounge, 2418 University Avenue.
Adopted
- 26 **RES 11-2551** Approving adverse action against the Massage Practitioner license held by Susan J. Larson, d/b/a Susan J. Larson, 1563 Como Avenue.
Adopted
- 27 **RES 11-2552** Approving adverse action against the Tree Trimmer & 1 Vehicle and Tree Trimmer - Each Add'l Vehicle licenses held by TRM Tree Service, LLC d/b/a, Visions Tree Service, 895 Ivy Avenue East.
Adopted
- 28 **RES 11-2559** Approving commitment and assignment of fund balances and flow of resources in determining the composition of ending fund balance.
Adopted
- 29 **RES 11-2577** Resolution Approving Neighborhood STAR Commercial Corridor Awards.
Adopted
- 30 **RES 11-2571** Approving the use of grant funds through the Ward 5 Neighborhood STAR Year-Round Program for improvements to Como Park
Adopted
- 31 **RES 11-2576** Supporting the Asian Carp Action Plan to prevent and control the spread of Asian Carp to Minnesota's rivers and lakes.
Adopted

FOR DISCUSSION

- 32 **AHPC 11-1** Public hearing to consider the appeal of Shari Wilsey and Susan Foote to a decision of Heritage Preservation Commission Staff for conditionally approving a 78 feet by 34 feet galvanized steel panel fence with cedar posts and top in the front yard at 797 Summit Avenue, House of Hope Presbyterian Church, Hill Historic District. (Public hearing held July 20; laid over from December 21)

Councilmember Carter said one more two-week layover was needed to finalize the agreement.

Laid over to January 4, 2012

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

Nay: 0

Absent: 1 - Councilmember Bostrom

(Councilmember Bostrom joined the meeting at this time.)

Present 7 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dave Thune, Councilmember Pat Harris and Councilmember Lee Helgen

- 33 RLH VO 11-110** Appeal of Ahti Hujanen and Hillary Hujanen to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 971 CASE AVENUE. (Public hearing held December 7; laid over from December 21)

Legislative Hearing Officer Marcia Moermond requested a one-week layover.

Councilmember Bostrom moved to lay the matter over for one week.

Laid over to December 28, 2011

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

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.

First Reading

- 34 Ord 11-105** Amending Chapter 183 of the City of Saint Paul Legislative Code pertaining to human rights.
Laid over to December 28 for second reading
- 35 Ord 11-120** Amending Chapter 185 of the Legislative Code to move debarment determinations from the City Council to the Department of Human Rights and Equal Employment Opportunity.
Laid over to December 28 for second reading

- 36 **Ord 11-121** Memorializing City Council action taken on December 7, 2011, granting the application of Fort Road Coffee Company LLC to rezone property at 1518 Randolph Avenue from B1 Local Business to T2 Traditional Neighborhood and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. [Zoning File #11-282-365] [Public hearing held December 7, 2011].
Laid over to December 28 for second reading

The meeting was recessed at 3:37 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:30 p.m.

Present 7 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

- 37 **Ord 11-114** Amending Chapter 324.11 of the Legislative Code to enhance presumptive penalties for repeat violations.

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

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

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

Nay: 0

- 38 **Ord 11-117** Amending Chapter 31.05(d) of the Legislative Code pertaining to the tabulation of votes.

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

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

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

Nay: 0

- 39 **RES PH** Approving the application of Jam Entertainment and Creative Services
11-1215 for a sound level variance in order to allow 24/7 operation of chillers and generators from December 26, 2011 through January 17, 2012, and the use of an amplified sound system for the events on January 11, 2012 through January 14, 2012.

Bill Gunther, Department of Safety and Inspections, said there there had been five phone calls and one letter in opposition, not only to the noise but to traffic and parking issues.

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

Adopted

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

Nay: 0

**40 RES PH
11-1190**

Approving adverse action against all licenses held by GNJ Enterprises, LLC, d/b/a Tin Cup Bar & Restaurant, 1220 Rice Street.

Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections (DSI), reviewed the violation, and said DSI recommended the \$500 matrix penalty for a first offense.

In opposition:

Gidget Bailey, co-owner, said they were not serving food and beverages outside, and there was no tent. She said they did check with the Minnesota Department of Health first.

Jill Nippenberg, co-owner, said they were not aware of the distinction between state and city regulations, and took the word of the State Health Department. She said food and beverages were not served outside.

Robin Cole, bartender, said food and beverages are not allowed outside. He said the bistro tables outside were just for "lounging," and the preparation of food outside was due to lack of knowledge and wasn't the original complaint. He asked what was required to allow them to keep the bistro tables.

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

Councilmember Helgen said the need for an extension of the use permit was clear, and he moved to impose the \$500 matrix penalty. He said there was a process for establishing a permanent patio, and they should work with licensing and the district council.

Adopted (\$500 matrix penalty imposed)

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

Nay: 0

**41 RES PH
11-1195**

Approving adverse action against all licenses held by RAS Ethiopian Bar & Restaurant, LLC, d/b/a RAS Restaurant & Lounge, 2516 - 7th Street West.

Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections (DSI), reviewed the violation. He said the licensee admitted the facts and had requested a public hearing before the Council. He said there was no license history, and DSI recommended a \$500 penalty.

In opposition:

Zinash Made stated that the police didn't ask for the video during their original visit, but came back later and asked after the owner was gone. She said her husband was there waiting for ride but did not have key to the business and offered to provide the tape the next day.

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

Councilmember Harris said the video tape policy should not be too difficult to follow; he moved to impose DSI's recommendation.

Councilmember Carter noted that the bar was closed and locked at the time the request was made. Councilmember Harris said compliance was expected seven days a week, 365 days a year.

Adopted (\$500 matrix penalty imposed)

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

Nay: 0

- 42 PH 11-29** Public hearing to consider the application of Wulff Funeral Home to rezone property at 1755 Nevada Avenue East and 1756 Nebraska Avenue East from R4 to VP. (Public hearing to be continued to December 21)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and grant the application.

Motion of intent - Application granted

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

Nay: 0

- 43 PH 11-32** Public hearing to consider the application of Interworld Development LLC to rezone property at 1773 Selby Avenue from B2 Community Business to T2 Traditional Neighborhood.

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

Motion of intent - Application granted

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

Nay: 0

- 44 PH 11-33** Public hearing to consider the application of MGM to rezone the approximately northern 35 feet of 1105, 1111, 1117, 1121, and 1125 California Avenue W. from R4 to B2.

Councilmember Helgen requested a staff report; he said several action items were coming forward after the first of the year.

Penny Simison, Planning and Economic Development (PED), displayed a map of the areas being rezoned to allow a Walgreens to develop at Lexington and Larpenteur Avenues. She said MGM owned the parcels and all were rental, and one would be demolished and the others would have their garages demolished and rebuilt.

Councilmember Helgen said the District Council and Planning Commission had both been engaged in the process and supported the rezoning. He said follow-up would be important to make sure neighbors' conditions were met. He moved to close the public hearing and approve the resolution.

Motion of intent - Application granted

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

Nay: 0

Absent: 1 - Councilmember Thune

45 PH 11-34 Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Jonah Ogiamien, d/b/a Jonah Ogiamien, 508 Snelling Avenue North.

Assistant City Attorney Kyle Lundgren reviewed the two separate adverse actions: allowing liquor to be served on the premises and allowing someone under 18 to be on the premises without a parent. He said the Administrative Law Judge (ALJ) had upheld both, and the Department of Safety and Inspections (DSI) recommended imposing two \$1000 penalties, and the imposition of three license conditions. He said the first \$1000 was an upward departure due to circumstances present at the time of the violation.

In opposition:

Jonah Ogiamien (506 Snelling Avenue) said he had been renting the hall since 1994, had rented to hundreds of people, and hired security. He said he arrived at 1:30 a.m. and shut the party down, he didn't realize what had been going on there, and the intoxicated person had come from a car and was never in the premises. He said he tried to run the neighborhood safely and provide security, he wasn't a criminal, but was running a rental hall. He pleaded for leniency.

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

Councilmember Stark said much of the testimony differed from conclusions drawn by the ALJ after having all of the evidence. He said they were serious violations, and the DSI-recommended penalties seemed reasonable under the circumstances. He moved to uphold the Findings of Fact, Conclusions and Recommendations of the Administrative Law Judge.

Council President Lantry noted for record that this was Mr. Lundgren's last time presenting reports for DSI; she expressed appreciation for his work.

Motion of intent - Adopted the Findings of Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge (two \$1,000 penalties and three additional license conditions imposed)

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

Nay: 0

- 46 **RES PH** Final Order approving the improvement to the alley bounded by Milton, Victoria, Hatch and Orchard. (File No. 19129, Assessment No. 11-1149 125001)
- No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- 47 **RES PH** Final Order approving reconstruction of above standard decorative sidewalk on both sides of Ford Parkway from Mississippi River Boulevard South to Finn Street South, both sides of Cleveland Avenue South from Kenneth Street to Howell Street, and both sides of Cleveland Avenue South from Pinehurst Avenue to Bayard Avenue. (File No. S1201, Assessment No. 11-1178 125303)
- No one appeared in opposition; Councilmember Harris moved to close the public hearing. Yeas - 7 Nays - 0*
- Councilmember Harris amended the resolution to remove 1941 Ford Parkway from the assessment roll; he moved to approve the resolution as amended.*
- Adopted as amended (1941 Ford Parkway removed from assessment roll)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- 48 **RES PH** Amending the financing and spending plans in the Mayor's Office in the amount of \$17,025 to make them consistent with a multi-year grant. 11-1214
- No one appeared in opposition; Councilmember Harris moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- 49 **RES PH** Amending the revenue and spending budget for Payne-Maryland Development Stockholm Tree Planting Engineering Design reflecting a \$50,000 grant from the Capitol Region Watershed District. 11-1188
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**

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

Nay: 0

Absent: 2 - Councilmember Harris and Councilmember Helgen

50 RES PH Authorizing an amendment of the 2011 budget to accept a \$50,000
11-1191 grant from the Minnesota Department of Commerce for a Solar Electric Vehicle Charging Station.

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

Adopted

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

Nay: 0

Absent: 2 - Councilmember Harris and Councilmember Helgen

51 RES PH Approving a budget amendment allocating an additional \$110,000
11-1206 from Transit for Livable Communities to support the Sibley Bike Depot Community Partners Bike Library.

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

Adopted

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

Nay: 0

Absent: 2 - Councilmember Harris and Councilmember Helgen

52 RES PH Amending the 2010 Central Corridor Streetscape CIB budget and
11-1210 naming the Penfield Project as a Capital Improvement Project.

Councilmember Thune moved to continue the public hearing to December 22 just after 3:30 special HRA meeting.

Public hearing continued to December 22, in the Council Chambers immediately following the 3:30 p.m. special HRA meeting.

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

Nay: 0

53 RES 11-2567 Approving a Record of Internal Loan for the Penfield Project. (This item is a companion to RES PH 11-1210 and does not require a public hearing.)

Councilmember Harris said due to the need for some amendments the item would be withdrawn.

Council President Lantry confirmed that Councilmember Thune did not object to the item being withdrawn.

Withdrawn

**54 RES PH
11-1185**

Amending the financing and spending plans in the Fire Department budget in the amount of \$30,000 to accept the 2011 Emergency Management Performance Grant (EMPG) to provide emergency management support staff assistance and provide funding to attend training conferences.

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

Adopted

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

Nay: 0

**55 RES PH
11-1198**

Amending the financing and spending plans in the Fire Department in the amount of \$20,600 to make an adjustment in the 2008 Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

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

Adopted

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

Nay: 0

**56 RES PH
11-1202**

Amending the budget in the Fire Department in the amount of \$6,056.08 to establish the financing and spending plan for the grant reimbursement from the City of Bloomington for costs associated with the Homeland Security Exercise and Evaluation Program (HSEEP) training.

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

Adopted

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

Nay: 0

57 RES PH
11-1184 Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$45,000 to recognize increased funding for shore land and wetland restoration projects, and authorizing the appropriate City Officials to solicit and accept this funding from the Ramsey Conservation District, the Capitol Region Watershed District and the Ramsey-Washington Metro Watershed District.

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

Adopted

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

Nay: 0

58 RES PH
11-1158 Establishing the financing and spending plans in the Department of Parks and Recreation in the amount of \$201,966 to recognize funding from the FY 2012 Parks and Trails Legacy Fund Allocation to continue the Cherokee Regional Trail Improvements plan and authorize the appropriate city officials to enter into an agreement to accept this funding.

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

Adopted

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

Nay: 0

59 RES PH
11-1189 Establishing a revenue and spending budget in the Parks and Recreation Department to conduct a study for future restoration work of the stream at Swede Hollow Park using \$50,000 in Capitol Region Watershed District grant funding.

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

Council President Lantry thanked Parks Director Mike Hahm.

Adopted

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

Nay: 0

- 60 RES PH 11-1204** Amending the financing and spending plans in the Parks and Recreation Department in the amount of \$1,526,723 to recognize reimbursement grant funds being requested from Metropolitan Council Park Acquisition Opportunity Fund to purchase property at 1200 Jackson Street, and authorizing proper City officials to enter into a grant agreement if funds are granted.
- No one appeared in opposition; Councilmember Helgen moved to close the public hearing. Yeas - 7 Nays - 0*
- He said it had been a long, complicated process and this was a nice final piece for the Trillium Park Trail Head. He thanked Parks and Real Estate, and he moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- 61 RES PH 11-1192** Authorizing the Police Department to enter into a contract with Walsh Construction Company to provide on duty police services to the affected areas with the Central Corridor Light Rail Transit Project and establish a 2011 financing and spending plan.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- 62 RES PH 11-1193** Establishing a 2011 financing and spending plan of \$41,990 to cover personnel costs based on City Council resolution (RES 11-2020) authorizing an agreement with Independent School District #625 to provide the School Resource Officer Program from July 1, 2011 through June 30, 2014 .
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0

- 63 RES PH** Amending the financing and spending plans for the 2006 and 2008
11-1208 Major Sewer Repair programs, the 2009 Stormwater Quality Improvement program, and the 2010 and 2011 Residential Street Vitality programs to correctly reflect sewer, stormwater, water main and MSA and assessment work.

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

Adopted

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

Nay: 0

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 balance of the Legislative Hearing Consent Agenda.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 64 RLH FOW** Appeal of Mary Wendt to a Fire Certificate of Occupancy Inspection
11-235 Correction Notice at 1116 SIXTH STREET EAST.

Adopted

- 65 RLH FOW** Appeal of Judith Day to a Fire Certificate of Occupancy Inspection
11-252 Correction Notice at 934 ASHLAND AVENUE.

Adopted

- 66 RLH VO** Appeal of Kenneth Cobb to a Fire Certificate of Occupancy Revocation
11-115 and Order to Vacate at 1056 AVON STREET NORTH.

Adopted

- 67 RLH VO** Appeal of Dawn Luedtke to a Fire Certificate of Occupancy Revocation
11-117 and Order to Vacate 947 BARCLAY STREET.

Legislative Hearing Officer Marcia Moermond said she had met with the appellant outside of the chambers; she recommended granting an additional two weeks to February 1, 2012.

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

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

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

Nay: 0

**68 RLH VO
11-101**

Appeal of Deanna Williamson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 989 BURR STREET.

Legislative Hearing Officer Marcia Moermond gave a staff report; she recommended denying the appeal.

In opposition:

Deanna Williamson, said she was rehabbing two properties at same time and the other one was done. She said she'd lost donations of supplies and was working on getting new estimates and materials, and was working with Urban League and another non-profit. She said the interior had been getting worked on in the meantime and was ready for inspection. She asked for an extension.

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

Councilmember Helgen said he didn't see a clear work plan, and felt they ought to deny the appeal, and order the property vacated and the Certificate of Occupancy revoked. He said if the property was brought into compliance it could be reinspected and the Certificate of Occupancy reinstated.

Adopted (appeal denied)

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

Nay: 0

**69 RLH VO
11-116**

Appeal of Michael Johnson to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1152 BUSH AVENUE.

Adopted

**70 RLH OA
11-26**

Recommending that Ramsey County deny the application of Rayford Dixon, Attorney-in-Fact, on behalf on Luther Whitehead and Dorothy Dixon, for repurchase of tax forfeited property at 640 CENTRAL AVENUE WEST.

Legislative Hearing Officer Marcia Moermond requested that items 72 and 102 also be read, as they involved the same people and situation. She said the properties had history of code and behavior problems, and she recommended denial on all three. She gave a brief staff report on each property.

In opposition:

Rodell Johnson, property manager for the properties since February 2011, spoke about circumstances contributing to past issues, and plans for correcting problems and preventing future ones.

Councilmember Carter moved to close the public hearing Yeas - 5 Nays - 0

(Bostrom, Helgen not present for vote)

Councilmember Carter said the established history at the properties presented challenges that would be difficult for the new management to overcome despite their best efforts. He noted that the Council's recommendation was not the last word on the matter. He moved to approve the recommendation of the Legislative Hearing Officer.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Helgen

71 RLH VO Appeal of John Obrey to a Fire Certificate of Occupancy Revocation
11-97 and Order to Vacate at 518 CHARLES AVENUE.

Adopted

72 RLH OA Recommending that Ramsey County deny the application of Rayford
11-27 Dixon, Attorney-in-Fact, on behalf of Luther Whitehead and Dorothy Dixon for repurchase of tax forfeited property at 758 CHARLES AVENUE.

No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve the resolution (deny the application). (See minutes for Item 70)

Adopted

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

Nay: 0

Absent: 1 - Councilmember Helgen

73 RLH FOW Appeal of Lynette Schmitz, Marathon Management, to a Fire
11-237 Certificate of Occupancy Inspection Correction Notice at 1565 CLARENCE STREET.

Adopted

74 RLH FCO Appeal of David Leventhal of Cecil's Delicatessen to a Fire Certificate
11-560 of Occupancy Correction Order at 651 CLEVELAND AVENUE SOUTH.

Adopted

75 RLH FCO Appeal of Jayant Saraph and Anna Rauvola to a Re-Inspection Fire
11-539 Certificate of Occupancy With Deficiencies at 601 CLIFFORD STREET.

Adopted

- 76 **RLH WP** Appeal of Renewal by Andersen, on behalf of Claudia Gumbiner, to an
11-119 Egress Window Non-Compliance Determination at 8 CROCUS HILL.
Adopted
- 77 **RLH FOW** Appeal of Ken Anderson to a Fire Certificate of Occupancy Inspection
11-247 Correction Notice at 324 DALY STREET.
Adopted
- 78 **RLH FOW** Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire
11-240 Certificate of Occupancy Correction Notice at 1500 DANFORTH
STREET.
Adopted
- 79 **RLH FOW** Appeal of Lawrence F. Yarusso and Vicki Imdicke, Power of Attorney,
11-229 to a Fire Certificate of Occupancy Correction Notice at 1260 EARL
STREET.
Adopted
- 80 **RLH VBR** Appeal of Titus Contracting LLC, on behalf of Osprey I Lic, to a Vacant
11-85 Building Registration Requirement at 511 EDMUND AVENUE.
Adopted
- 81 **RLH WP** Appeal of Budget Exterior, on behalf of Ronald Burth and Shannon
11-114 Burth McDonald, to two Egress Window Non-Compliance
Determinations at 1077 ENGLEWOOD AVENUE.
Adopted
- 82 **RLH FOW** Appeal of Gregory Mailand, Mailand Properties LP, to a Fire Certificate
11-244 of Occupancy Correction Notice at 434 ENGLISH STREET.
Adopted
- 83 **RLH FCO** Appeal of Tim and Jamie Flynn to a Correction Order at 2055
11-474 FAIRMOUNT AVENUE. (Public hearing continued from December 7)

*Legislative Hearing Officer Marcia Moermond recommended granting the appeal on
the basement ceiling but denying the appeal on all items related to the garage.*

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

**Adopted as amended (appeal granted on basement ceiling; appeal denied on
Items 10 and 11 with extension granted to May 31, 2012)**

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

Nay: 0

Absent: 1 - Councilmember Helgen

- 84 **RLH FCO** Appeal of Judith Fries to a Fire Certificate of Occupancy Correction
11-528 Notice at 1023 FARRINGTON STREET.
Adopted
- 85 **RLH WP** Appeal of Daniel Schmidt, Department of Public Health, on behalf of
11-117 Lue Williams, to an Egress Window Non-Compliance Determination
844 FULLER AVENUE.
Adopted
- 86 **RLH FOW** Appeal of Eric Lein to a Fire Certificate of Occupancy Correction
11-245 Notice at 894 GRAND AVENUE.
Adopted
- 87 **RLH FOW** Appeal of Mark Severtsgaard to a Fire Certificate of Occupancy
11-250 Inspection Correction Notice at 998 GRAND AVENUE.
Adopted
- 88 **RLH WP** Appeal of Installation Masters Inc., on behalf of Tony and Katy Harms,
11-115 to an Egress Window Non-Compliance Determination at 1013
GROTTO STREET NORTH.
Adopted
- 89 **RLH FOW** Appeal of Thomas Dooley to a Fire Certificate of Occupancy
11-253 Inspection Correction Notice at 534 and 536 HOYT AVENUE EAST.
Adopted
- 90 **RLH VO** Appeal of Southern Minnesota Regional Legal Services (SMRLS), on
11-63 behalf of Pam Olson, to a Revocation of Fire Certificate of Occupancy
and Order to Vacate at 1020 HUBBARD AVENUE.
*Legislative Hearing Officer Marcia Moermond said she had asked for a layover to
allow time for SMRLS to complete litigation over who owned the property, and it was
not the client. She recommended denying the appeal.*

*No one appeared in opposition; Councilmember Carter moved to close the public
hearing and approve the resolution as amended.*
Adopted as amended (appeal denied)
Yea: 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember
Harris, Councilmember Helgen, City Council President Lantry,
Councilmember Thune and Councilmember Stark
Nay: 0
- 91 **RLH FCO** Appeal of Mark Cemensky to a Re-Inspection Fire Certificate of
11-536 Occupancy With Deficiencies at 927 IGLEHART AVENUE.
Adopted

- 92 **RLH WP** Appeal of Scherer Window and Door (Chris Judd), on behalf of Ben
11-124 Osmond, to an Egress Window Non-Compliance Determination at 872
KENNETH STREET.
Adopted
- 93 **RLH VBR** Appeal of Kelly Urista, on behalf of Amherst H. Wilder Foundation, to a
11-88 Vacant Building Registration Notice at 935 LAFOND AVENUE.
Adopted
- 94 **RLH FOW** Appeal of Monica Suchy to a Fire Certificate of Occupancy Correction
11-233 Notice at 1158 LAWSON AVENUE EAST.
Adopted
- 95 **RLH FOW** Appeal of Benjamin Roberts to a Fire Certificate of Occupancy
11-246 Inspection Correction Notice at 124 LEXINGTON PARKWAY NORTH.
Adopted
- 96 **RLH FOW** Appeal of Todd Funke to a Fire Certificate of Occupancy Correction
11-241 Notice at 144 LEXINGTON PARKWAY NORTH.
Adopted
- 97 **RLH RR** Ordering the razing and removal of the structure(s) at 1028 LOEB
11-85 STREET within fifteen (15) days after the December 21, 2011 City
Council Public Hearing.
- Legislative Hearing Officer Marcia Moermond said the second hearing held to see whether conditions had been met was a "no-show". She recommended ordering removal of the structure within 15 days with no option for rehabilitation.*
- Owner Tyler Nelson requested more time to remove his possessions. Department of Safety and Inspections Director Ricardo Cervantes said the actual demolition would not take place for about 45 days.*
- Councilmember Helgen and Ms. Moermond discussed the structural soundness of the house.*
- Mr. Nelson asked whether the garage would be removed too. Ms. Moermond said the order included accessory structures. She recommended a 30-day remove order to allow more time.*
- Councilmember Helgen moved approval as amended.*
- Adopted as amended (remove within 30 days with no option for rehabilitation)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0

- 98 **RLH RR** Ordering the rehabilitation or razing and removal of the building(s) at
11-61 499 LYNNHURST AVENUE WEST within one hundred eighty (180)
days after the April 4, 2012 City Council public hearing.
**Referred back for a Legislative Hearing on January 10; Council public hearing
continued to January 18**
- 99 **RLH RR** Ordering the razing and removal of the structures at 591 MACKUBIN
11-86 STREET within ninety (90) days after the December 21, 2011 City
Council Public Hearing.
Adopted
- 100 **RLH FCO** Appeal of Darlene Hoppe to a Fire Certificate of Occupancy Inspection
11-433 Correction Notice at 1152 MARION STREET. (Public hearing held
December 7)
Adopted
- 101 **RLH FCO** Appeal of Nadja Berneche to a Fire Certificate of Occupancy
11-526 Correction Notice at 460 MARSHALL AVENUE.
Adopted
- 102 **RLH OA** Recommending that Ramsey County deny the application of Rayford
11-25 Dixon, Attorney-in-Fact, on behalf of Luther Whitehead and Dorothy
Dixon, for repurchase of tax forfeited property at 653 MARSHALL
AVENUE.
*No one appeared in opposition; Councilmember Carter moved to close the public
hearing and approve the resolution (deny the application). (See minutes for Item 70)*
Adopted
Yea: 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember
Harris, City Council President Lantry, Councilmember Thune and
Councilmember Stark
Nay: 0
Absent: 1 - Councilmember Helgen
- 103 **RLH VO** Appeal of Ahalithia Harut to a Revocation of Fire Certificate of
11-114 Occupancy and Order to Vacate at 1049 MARYLAND AVENUE EAST.
Adopted
- 104 **RLH RR** Ordering the razing and removal of the structures at 1057-1059
11-87 MARYLAND AVENUE EAST within fifteen (15) days after the
December 21, 2011 City Council Public Hearing.
Adopted

- 105 **RLH FCO** Appeal of Titus Contracting, on behalf of Osprey IUC, to a Fire
11-527 Certificate of Occupancy Correction Notice at 1832 MINNEHAHA
 AVENUE EAST.
 Adopted
- 106 **RLH FCO** Appeal of Jeffrey Nielsen to a Fire Certificate of Occupancy Inspection
11-503 Correction Notice at 212 MONTROSE PLACE.
 Adopted
- 107 **RLH FOW** Appeal of David Kendrick to a Fire Certificate of Occupancy Inspection
11-249 Correction Notice at 771 NEBRASKA AVENUE EAST.
 Adopted
- 108 **RLH WP** Appeal of Scherer Window and Door, Chris Judd, (oh behalf of Gail
11-125 Riddle) to an Egress Window Non-Compliance Determination at 1270
 NILES AVENUE.
 Adopted
- 109 **RLH FCO** Appeal of Kyle Dalton to a Fire Certificate of Occupancy Inspection
11-467 Correction Notice at 1020 PACIFIC STREET.
 Adopted
- 110 **RLH FCO** Appeal of William Walters to a Fire Certificate of Occupancy
11-511 Inspection Correction Notice at 1027 PORTLAND AVENUE.
 Adopted
- 111 **RLH OA** Appeal of Kristin Dawkins to an Inspection Appointment-Rescheduled
11-21 Per Owner Request at 678 PREBLE STREET.
 Adopted
- 112 **RLH SAO** Appeal of Boris Mishulovin to a Summary Abatement Order and
11-40 Vehicle Abatement Order at 956 PROSPERITY AVENUE.
 Adopted
- 113 **RLH WP** Appeal of Ha T. Duong to an Egress Window Non-Compliance
11-120 Determination at 1523 and 1525 REANEY AVENUE.
 Adopted
- 114 **RLH OA** Recommending that Ramsey County deny the application of Emilia &
11-18 Modesto E Reyes for repurchase of tax forfeited property at 446
 ROBERT STREET SOUTH.
 Adopted

- 115 **RLH WP** Appeal of Bryan Horton, Renewal by Andersen, to two Egress Window
11-113 Non-Compliance Determinations at 555 SARATOGA STREET
 Adopted
- 116 **RLH WP** Appeal of Bob Shackelford to an Egress Window Non-Compliance
11-118 Determination at 1403 SCHEFFER AVENUE.
 Adopted
- 117 **RLH VBR** Appeal of Lawrence Walker to a Vacant Building Registration
11-86 Requirement at 818 SHERBURNE AVENUE.
 Adopted
- 118 **RLH FOW** Appeal of Patti Palmen to a Re-Inspection Fire Certificate of
11-234 Occupancy With Deficiencies at 1822-1824 STILLWATER AVENUE.
 Adopted
- 119 **RLH VO** Appeal of Benjamin Aung to a Notice of Condemnation as Unfit for
11-112 Human Habitation and Order to Vacate at 416 VAN BUREN AVENUE.
 Adopted
- 120 **RLH OA** Recommending that Ramsey County approve the application of Steve
11-12 McCluskey on behalf of McCluskey-Stoll Inverstments LLC, for
 repurchase of tax forfeited property at 1595 VAN BUREN AVENUE.
 Adopted
- 121 **RLH FCO** Appeal of Joseph Kummer to a Fire Certificate of Occupancy
11-530 Correction Notice at 1067 VAN DYKE STREET.
 Adopted
- 122 **RLH FOW** Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire
11-242 Certificate of Occupancy Correction Notice at 1098 WAKEFIELD
 AVENUE.
 Adopted
- 123 **RLH WP** Appeal of Chia Neng Yang to an Egress Window Non-Compliance
11-123 Determination at 1660 WANDA STREET.
 Adopted
- 124 **RLH VO** Appeal of Mireya Santamaria to a Re-Inspection Fire Certificate of
11-113 Occupancy With Deficiencies and Order to Vacate Unit 22 at 1225
 WESTMINSTER STREET. (Public hearing held December 21)

Legislative Hearing Officer Marcia Moermond gave a staff report. She said an appeal of the condemnation of one unit due to over-occupancy had led to an inspection of entire complex. The inspection had resulted in the issuance of approximately 600 orders and the condemnation of a number of other units. The Department of Safety

and Inspections (DSI) ordered revocation of the Certificate of Occupancy with an effective vacate date of 9:00 a.m. on January 18, 2012. Ms. Moermond said the original appellant had indicated she also wanted to appeal the revocation and had obtained legal counsel from Southern Minnesota Regional Legal Services (SMRLS) to assist in getting the repairs done. Ms. Moermond said a foreclosure by action was taking place in District Court, and Wells Fargo was seeking to have a receiver appointed to take over the property and begin to get repairs done. She asked that the Council listen to testimony from the interested parties keeping in mind that she anticipated holding a Legislative Hearing on the revocation on January 10.

Michael Holloway, SMRLS, urged the Council to grant the appeal, and expressed concern about the loss of housing for over 60 families in the winter. He said he was aware of the severity of the issues but was confident they could be addressed.

Councilmember Helgen said the scope of the problems was appalling and lack of response from landlord was unconscionable. He asked how SMRLS could ensure meaningful, measurable work done by the deadline date.

Mr. Holloway said they hoped that concerted efforts mentioned by Ms. Moermond, and the professional approach of a Wells Fargo receivership would bring adequate pressure to ensure changes would be made.

Council President Lantry asked whether there had been a previous TRA at the property. Mr. Holloway said there had been, and some repairs had been made.

Tenant Halima E. said she was disabled and her daughter was disabled, and the units were not accessible. She spoke about conditions including lack of cleaning or snow removal, broken appliances, and no heat, and said the landlord was unresponsive. She said the landlord took money from Section 8, and when it was time for a Section 8 inspection the landlord called someone she knew. She said she would either move out or stop paying rent if repairs weren't done.

Appellant Mireya Santamaria said she had lived there for four years and was living in a two-bedroom with her five children and husband. She described conditions including mold, bedbugs, roaches, mice. She said the landlord asked for rent but didn't fix anything. She said she was taking action and speaking on behalf of the tenants who could not speak English and had been putting up with the conditions.

Tenant Jessica Villaneaux (1205 Westminster) said she and her seven children had moved into a 2-bedroom on November 7, and she was bitten by bedbugs on her second night. She said the landlord had allowed her to sign a contract for eight people in a 2-bedroom because the others were her children. She described conditions including bedbugs, cockroaches, mice, windows that didn't work, no closet doors, urine odor, and unsecured front door. She said when she called for repairs the landlord didn't answer.

Council President Lantry asked who owned the property. Ms. Moermond said the owners were Peggy and Randall Chun, and Mark Thomas and Lisa Marie Thomas.

Andrew Hawley, Dorsey and Whitney representing mortgage holder Wells Fargo, said Wells Fargo shared the Council's outrage about the situation and had just learned about the state of the properties the previous week. He said a motion for the appointment of a receiver was scheduled for the following Tuesday, and they felt it was likely a receiver would be appointed.

Councilmember Helgen asked whether Wells Fargo was familiar with the extent of the corrections required and would aggressively pursue corrections, or whether the Council should just proceed with ordering demolition. Mr. Hawley said they hadn't had the opportunity to review the code violations in detail but it wasn't in his client's

interest to have people leave the property. He said it was their understanding that the receiver wanted to return the property to a habitable condition.

Council President Lantry asked whether a letter expressing the Council's support for a receivership would be of assistance at the court hearing. Mr. Hawley said it would be of assistance, as one argument was that the receivership was in the public interest. Council President Lantry said Section 8 should also be contacted.

Councilmember Helgen said the City's own Certificate of Occupancy program had responsibility; he said he hoped DSI would evaluate procedures. He cited the number of police calls and expressed concern about the scope of the problems and continued deterioration over a number of years.

Deputy City Attorney Gerald Hendrickson said it might be helpful to have some sort of Council action in addition to a letter stating that the appointment of a receiver was in the public interest; he offered to dictate an item for Council approval.

Council President Lantry stressed the importance of sending a clear message back to Wells Fargo that this was urgent.

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

Councilmember Carter compared the situation to one in his ward the previous year. He asked staff to think of a policy approach to protect tenants in situations of willful neglect and hold property owner accountable.

Councilmember Harris suggested a work session to develop a DSI matrix of action steps.

Council President Lantry asked DSI Director Ricardo Cervantes whether he could meet with inspectors to try to figure out how it got to this point and prevent it from happening again. Mr. Cervantes noted the similarity to last year, and said he had ideas for tools to hold property owners accountable. He highlighted importance of benchmarks for progress in receivership, absolutely to work group.

Mr. Hendrickson dictated a resolution (memorialization to be brought in December 28). Councilmember Helgen moved approval. Yeas - 7 Nays - 0

Councilmember Helgen asked for clarification of the Council's options for action on the original issue of over-occupancy, as well as the bigger issue of the revocation and vacate date. Ms. Moermond asked that the Council vote on appeal in front of them; she said the revocation would be appealed separately. Council President Lantry said the item could be laid over and a message sent by revoking the Certificate of Occupancy without a vacation order. Ms. Moermond said a referral back to Legislative Hearings on January 10 would allow for the development of work plans with or without the appointment of a receiver. She said the Council could order revocation with a vacate date of January 18 and have the item come back before the Council on that date.

Councilmember Helgen requested input from DSI staff. Assistant Fire Marshall Phil Owens said the expectation was that the property would be condemned at the January 18 inspection. He said that action would set the stage for the most appropriate and efficient follow-up actions, including establishment of parameters with the assistance of mortgage holder and receiver. He noted the deplorable conditions and the importance of proceeding with a plan that best served the tenants.

After further discussion of conditions at the property and and possible strategies, Councilmember Helgen moved to refer the matter back to Legislative Hearings on January 10 and lay over to Council on January 18.

Public hearing held and closed; laid over to January 18, 2012 (referred back to Legislative Hearings on January 10, 2012)

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

Nay: 0

- 125 RLH WP 11-116** Appeal of Window World (Esther Dahl), on behalf of T & M Properties, to an Egress Window Non-Compliance Determination at 905 WHITE BEAR AVENUE.

Adopted

- 126 RLH FOW 11-248** Appeal of Keith Collins to a Fire Certificate of Occupancy Correction Notice at 329/331 WILDER STREET NORTH.

Adopted

- 127 RLH OA 11-31** Second Stay of Council File 10-1185, An Order to Remove or Repair the Buildings at 578 THOMAS AVENUE. (Public hearing held December 21)

Legislative Hearing Officer Marcia Moermond gave a staff report. She reviewed the history, the conditions set and the status. She recommended a one week layover for review of recently submitted materials.

In opposition:

Nghi Huynh (417 University Avenue) described delays faced. He said he recognized errors made and was asking for time. He stated that only three of the seven conditions remained, and asked the Council to reconsider the amount of money required.

Attorney Jane Prince displayed photographs. She said the property owner and contractors believed they were in compliance by September date, but there were problems with the language barrier and with suburban contractors unfamiliar with vacant building requirements. She reiterated her client's requests: reduce escrow amount to \$13,000, and grant an extension until January 4 for meeting the conditions. She said the DSI estimate of \$50,000 didn't take into account that the contractor was friend from the property owner's community. She expressed appreciation for the time Councilmember Carter and Ms. Moermond had devoted to the matter.

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

Ms. Moermond made additional comments.

Councilmember Carter moved to lay the matter over to January 4, 2012.

Public hearing held and closed; laid over to January 4, 2012

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

Nay: 0

Council President Lantry read a statement from District 6 honoring Councilmember Helgen.

Councilmember Helgen moved to recess the meeting at 8:15 p.m.

Councilmember Harris wished everyone happy holidays and encouraged thoughts for those less fortunate.

RECESS

The meeting was recessed, to be reconvened immediately following the December 22 special HRA meeting.

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

Nay: 0

RECONVENE

Council President Lantry reconvened the meeting of the City Council on December 22, 2010 at 5:35 p.m.

Present 7 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

RES PH 11-1210

Amending the 2010 Central Corridor Streetscape CIB budget and naming the Penfield Project as a Capital Improvement Project.

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

Adopted

Yea: 4 - Councilmember Bostrom, Councilmember Harris, Councilmember Helgen and Councilmember Thune

Nay: 3 - Councilmember Carter III, City Council President Lantry and Councilmember Stark

ADJOURNMENT

Meeting adjourned

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

Nay: 0

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