



City of Saint Paul

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

Minutes - Final

City Council

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

Wednesday, May 16, 2012

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 5:30 p.m.

ROLL CALL

The meeting was called to order by Council President Lantry at 3:31 p.m.

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 12-13** Letters from the Department of Safety and Inspections declaring 888 Burr Street as a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed

- 2 **CO 12-14** Letters from the Department of Safety and Inspections declaring 807 Magnolia Avenue East, 1025 Seminary Avenue, and 705 7th Street East as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 3-19)

*Items 4 and 17 were removed from the Consent Agenda for separate consideration.
Councilmember Tolbert moved approval of the balance of the Consent Agenda.*

Consent Agenda adopted as amended

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

Nay: 0

- 3 RES 12-908** Authorizing the City of Saint Paul to execute a grant contract amendment for a timeline extension with the State of Minnesota for the 2009 Urban Area Security Initiatives (UASI) Grant.

Adopted

- 4 RES 12-917** Granting permission for the City of Saint Paul to enter into and execute a License Agreement with Xcel Energy for the creation of a dog park using Xcel's land identified as the High Bridge Commons.

Mike Hahm, Parks and Recreation, and John Marshall, Xcel Energy, appeared.

Hahm stated their commitment was to make the land available when they decommissioned it for public use. The last day of this month, they will celebrate and thank them again and open a dog park. Also, he thanked the community members and the Council.

John Marshall stated it has been a joy to work on this over the last year. From his years working in City Hall, he knows the need for dog parks. This is another demonstration of the partnership.

Thune said that Xcel has a great relationship with West 7th. They convened a group from West 7th Federation and went through a series of meetings that Xcel promoted. They came up with four solutions. Dog park was Number 1. Unlike many places, this is a fresh park that no one owns and it is embraced by the neighbors. Next, will be a park for handicapped children. He appreciates the cooperation from Xcel and Parks staff.

Tolbert stated this is a great citywide addition. It is hard to find a place for a dog park. You have to balance taking away a place for kids to play. He thanked Xcel, Parks, and Councilmember Thune for making this possible.

Hahm stated they will celebrate as a community at 5:30 on May 31.

Adopted

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

Nay: 0

- 5 RES 12-878** Authorizing the Department of Parks and Recreation to enter into a Limited Use Permit with and provide indemnification to the State of Minnesota, Department of Transportation, for the use of area within the right of way of Trunk Highway No. 13 for the Cherokee Regional Trail project.

Adopted

- 6 **RES 12-865** Authorizing the Department of Parks and Recreation to enter into an agreement with the University of Minnesota, which includes an indemnification clause, to accept the donation of three trees valued at \$750 to be planted in the city's arboretum located at Horton Park, and to thank the University for its generous gift.
- Adopted**
- 7 **RES 12-876** Authorizing the Department of Parks and Recreation to apply for and, if awarded, accept the grant in the amount of \$50,000 from the Saint Paul Foundation for the purpose of supporting youth worker professional development through the Sprockets Out-of-School Time Network.
- Adopted**
- 8 **RES 12-877** Authorizing the Department of Parks and Recreation to apply for and, if awarded, accept a grant in the amount of \$20,000 from the Mardag Foundation for the purpose of supporting youth worker professional development through the Sprockets Out-of-School Time Network.
- Adopted**
- 9 **RES 12-909** Authorizing the Department of Parks and Recreation to accept a donation of 400 cockerel chicks from Hoovers Hatchery for the use of animal food at the Como Zoo.
- Adopted**
- 10 **RES 12-861** Adopting the findings of fact related to the demolition of a building located in the Beacon Bluff Business Center.
- Adopted**
- 11 **RES 12-779** Preliminary Order setting the date of Public Hearing for June 6, 2012 to consider approval for reconstructing Fourth Street East between Wabasha Street and Minnesota Street. (File No. 19131, Assessment No. 125209)
- Adopted**
- 12 **RES 12-870** Preliminary Order to consider the approval of various street improvements along Clarence Street, Point Douglas Road, and Burns Avenue to improve both pedestiran and vehicular safety in the area, and construct an off-street parking lot in conjunction with the roadway work in partnership with the owner of Obb's Sports Bar and Grill.
- Adopted**

13 RES 12-796 Approving assessment costs and setting date of City Council public hearing to ratify the assessment for construction of twin lantern street lighting and two concrete driveways. (File No. 19117, Assessment No. 115148)

Adopted

14 RES 12-787 Approving assessment costs and setting date of City Council public hearing to ratify the assessment for construction of standard street lighting along Burns Avenue from Suburban to Ruth. (File No. 19088, Assessment No. 105129)

Adopted

15 RES 12-801 Deleting the assessment for Sanitary Sewer Repair on private property during August to October 2011 at 150 Fairview Avenue North. (File No. SWRP1201, Asmt No. 123000).

Adopted

16 RES 12-853 Approving adverse action against all licenses held by The Depot Express, LLC, d/b/a Mojo Monkey, 1169 Seventh Street West.

Adopted

17 RES 12-843 Approving Funding for Round One of Cycle 18 (2012) of the Cultural STAR Program.

Thune moved to lay over to 5:30 p.m.

Laid over to the 5:30 portion of the meeting

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

Nay: 0

- 18 RES 12-915** Accepting the recommendations of the Saint Paul-Ramsey County Food and Nutrition Commission to create a robust, healthy, local food system.

Stark wanted to invite members of the commission to give background on this item.

Nadya Burnis appeared and stated she would like to thank several people who were instrumental with this. She introduced several people. She said this is a joint effort between St. Paul and Ramsey County.

Burnis stated she will give a brief history of this commission. There was a municipal food policy that was adopted by the City Council. As that commission happened on, some interest waned and it became inactive, then a number of people wanted to resurrect the body. That happened in 2010. In 2011, they formed five task forces and engaged community members to produce the recommendations before the Council. The list is before the Council for acceptance. They were first tasked to develop values and a vision. (She read the vision statement.)

(Burnish went over part of the PowerPoint and made comments.)

Becky Timm said the commission is coming before the Council on strategies and recommendations. (She went over each strategy.)

Timm said they would like the Council to accept the report and the recommendations.

Lantry stated that the metropolitan research plant is on there, but no one lives there. The map should make sure that comes off.

Stark congratulated the commission on their hard work.

Tolbert thanked them for their hard work, too. He agrees with 4 of the 5. He is concerned about urban agriculture. Do we want urban agriculture as a choice in Saint Paul? If so, do we want to make tax incentives. If the Council decides it is something they do want, then they should make incentives. When you add urban agriculture, it will hurt the taxes coming in. The lots will be taken off the property tax rolls. The environmental changes that could happen when you add farm things in the City. It changes the neighborhood, particularly when you are selling. The Council should consider this when planning. He starts to worry when people buy the house next to him, tear it down, and turned it into a corn lot. Maybe SuperAmerica is a better way for people to get more vegetables and Fruit. We could be opening a Pandora's box. It could change things in the City.

Timm said there are a lot of resources. Tolbert could use their commission as one of the resources.

Adopted

- 19 Min 12-15** Approving the minutes of the March 21 and 28, 2012 City Council meetings.

Adopted

FOR DISCUSSION

- 20** **RLH CO 11-2** Appeal of Richard H. Nicholson to a Correction Notice at 260 SUMMIT AVENUE. (Public hearing held August 3, 2011; laid over from May 16, 2012)

Laid Over to 6/27/2012

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

Nay: 0

ORDINANCES

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

Final Adoption

- 21** **Ord 12-25** Amending Chapter 60 of the Saint Paul Legislative Code pertaining to the District 9 Gateway Zoning Study. (Public hearing held on May 9, 2012)

Councilmember Thune moved approval.

Adopted

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

Nay: 0

Second Reading

- 22** **Ord 12-22** Amending Chapter 331A of the Saint Paul Legislative Code pertaining to Special Event Food Sales.

Laid Over to 6/6/2012 for Third Reading/Public Hearing

- 23** **Ord 12-24** Amending Chapter 310 of the Saint Paul Legislative Code pertaining to Special Event Foods Sales License Fee Schedule.

Laid Over to 6/6/2012 for Third Reading/Public Hearing

First Reading

- 24** **Ord 12-32** Establishing a community advisory committee for the position of Director of the Department of Human Rights and Equal Economic Opportunity pursuant to the provisions of Section 11.01 of the Saint Paul Administrative Code.
- Laid Over to 5/23/2012 for Second Reading**

The meeting was recessed at 4:00 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:31 p.m.

- Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dave Thune and Councilmember Chris Tolbert
- Absent** 1 - Councilmember Melvin Carter III

RES 12-843 Approving Funding for Round One of Cycle 18 (2012) of the Cultural STAR Program.

Thune said he is looking at requests in the Downtown cultural district. He has changes. (Thune read the list of changes.)

Thune moved the amendment.

Tolbert asked where it is moved from. Lantry responded Bedlam Theatre. Thune added it is out of whack with all the other proposals. There were notable ones that were wiped out.

Stark asked the balance. Thune responded just over \$20,000.

Lantry stated they should get written what passed.

Tolbert was concerned about moving the money around that quickly and giving the Council 30 seconds to act on it.

Thune says that the ones he added in were reduced to zero or reduced substantially. There is only one project over \$35,000. That is the theatre project. It is not a wise idea to put that much money into one project. Tolbert responded he is not disagreeing with it. He would like to lay it over for one week. There were a lot of changes.

Lantry stated she takes responsibility for Thune writing it down so they could vote on it tonight. That was her insistence. But they can certainly lay it over.

Brendmoen stated she agrees with what he is suggesting. She agrees with Tolbert, too. She is sure there is a process the board went through. It would be wise to find out why the projects got so much money.

Stark said he would echo that. He is wondering what the implications are.

Bostrom wondered if the Council could take up the other issues for separate considerations. If it is time sensitive.

Thune said he could read the number again.

Shari Moore said we will have a new file for next week.

Thune moved approval except for the following items: 778, 779, 781, 798, 803, 809, 769, 784, 807.

(There was further discussion.)

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Carter III

- 25 **Ord 12-26** Amending Legislative Code sections 63.200 parking requirements; 65.600 land use definitions and development standards for food and beverages; and chapter 66 zoning district uses.

Merritt Clapp-Smith, senior city planner, appeared for a followup. The Council considered at that time a Planning Commission recommendation to reduce the off street parking requirement for places serving wine and beer, but did not move to support it. Instead, the City Council asked staff to return with a proposal. Staff had a variety of options. DSI staff, lead by Christine Rozek, played a role in that effort. Staff recommended the amendments before them today. Main points: 1) to create distinct use definitions for bars and restaurants. Bars would serve food and wine, beer, or liquor that remains open after midnight at least one day a week. Restaurants serve food with or without wine, beer, liquor that closes after midnight. 2) Reduce the required parking for restaurants to one space per 400 square feet, which is the current for restaurants that do not serve wine or beer, 3) determine required parking for a bar: 1 space for 120 square feet. The rationale for these changes is outlined in the memo and posted on the website. The concluding paragraph of the memo is that this would differentiate between food and beverage establishments in the City. Restaurants would find it easier to open in our city while bars are help to the level of the intensity and impacts they may create. There was one comment letter that came in late and he recommends that there would be a conditional use permit process for any bar over 5,000 square feet going into a traditional neighborhood or B2.

The following spoke in opposition.

Jeff Roy, District 16 Summit Hill Association, Executive Director, stated their board meeting discussed the merits and rationale. There was a motion to approve that didn't pass nor did the motion to oppose. There needs to be a more nuanced answer to this. There has been a long history of off street parking. A lot of bars and restaurants draw a lot of people to that area. There was an official letter that the board of directors sent in today (that he read). It is commendable that PED staff, DSI, and the City Council are looking at zoning code requirements and making sure that make sense and are not driving people and businesses away. Given the long history of off street parking, the Summit Hill board would likely add to the deficit and parking pressure. Current retail spaces could become more intense if they turned to restaurants serving liquor and closing at midnight.

Charles Sinclair, 400 Selby Avenue, Fabulous Fern's, stated he also worked at Billy's. Since they opened on Selby, they have parking problems. There are parking problems Downtown for retailers. Business is down by 10:00. It seems like there is a lot of small operators who have a coffee shop, wine, beer, liquor, and they do not know what they are talking about. They do not know what it takes to have liquor. It will do more harm to thir business.

Don Dramine stated he is also from Fabulous Fern's. The parking is an issue. It is a collateral damage to add more business. If the Council would consider that type of damage to those who are already in business, that would help.

Eileen Haus, 1603 Ashland Avenue, states she has concerns. This will change the landscape of restaurants around the City. If they went to an incremental change, they can see how it works out. If there are that many vacancies, why not create more parking spots in those locations? Since there is only parking spots for 250 people, it appears that they are protecting citizens from worshipers more than drinking patrons of restaurants.

The following spoke in support.

Kevin Vanderbee, owner of Cupcake, appeared and stated he struggled with parking requirements for a year. To say it does not impede businesses is ridiculous. If he had to do it all over again, he would not open a business in Saint Paul. Parking is always going to be a problem with the City. The real problem is if there is not going to be a problem. If they create more parking spaces, then people are going to buy more cars. We need to encourage people to walk, bike, take public transportation. He has never not found a parking space on Grand Avenue. You have to look for it. When you buy a car, it does not come with a parking space. They need to take away all parking restrictions; Chicago does fine without any.

James McClean, Chamber of Commerce, stated they have strong support. They appreciate the work on parking requirements. The City staff and Planning Commission struck a balance in making Saint Paul a more business friendly place. It will also reduce costs. It will result in new jobs. They realize there will be some challenges; however, he would like to echo Mr. Vanderbee's testimony. The solution cannot be to make it more difficult for businesses to come here. The solution cannot be to make locations vacant because they cannot find parking. People will park a few blocks away. Saint Paul has something different to offer. He would like the Council to vote yes on this. The Business Review Council also supports this. The Midway Chamber of Commerce is also in support.

Paul Bard, 369 Duke Street, brewery neighborhood, stated he has friends that own restaurants. He came to the meeting because the City needs to be more business friendly. He lived near Sweeney's. Then he lived by WA Frost. Frankly, one of the reasons to live in the City is to have that activity. They are hoping the brewery gets more lively. They don't hear about the people who say why bother. He is fourth generation Saint Paul person.

*Stark moved to close the public hearing
6 in favor, none opposed – public hearing is closed.*

Laid Over to 5/23/12 for Final Adoption

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

Nay: 0

Absent: 1 - Councilmember Carter III

26 Ord 12-27 Amending Chapter 321 of the Saint Paul Legislative Code pertaining to Rooming and Boarding.

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

Laid Over to 5/23/12 for Final Adoption

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

Nay: 0

Absent: 1 - Councilmember Carter III

- 27 Ord 12-28** Amending Chapter 378 of the Saint Paul Legislative Code pertaining to Bed and Breakfast Residence.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing.*
- Laid over to 5/23/12 for final adoption.**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III
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- 28 Ord 12-29** Amending Chapter 407 of the Saint Paul Legislative Code pertaining to Hotels.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing.*
- Laid Over to 5/23/12 for Final Adoption.**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III
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- 29 Ord 12-30** Amending Chapter 360 of the Saint Paul Legislative Code pertaining to Public Swimming Pools.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing.*
- Laid Over to 5/23/12 for Final Adoption**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III

30 PH 12-10

Public hearing to consider the application of Semple Crushing and Recycling LLC to approve an Interim Use Permit for site remediation and clean-up of existing onsite concrete and asphalt refuse. (Public hearing continued from April 18)

Thune said the Council asked Semple to go back and speak with staff. Josh Williams, PED, has done a good job working with them, crafting a site plan, and an interim use permit request. These are good points.

(There was some discussion about which document is correct. Josh said the one with 9 is the correct one.)

Thune said Semple has been wonderful in working with the staff.

Regarding #2, James Semple said that the later he can do it, the better. They are in the middle of construction. His construction started a lot earlier this year. His construction spread is out on the highway right now. They are under contract. In 60 days, they will be done.

Thune said he has no problem with the date. He asked why June 13. Semple responded they just picked a date. No later than October 1 he would start and he might start before. He will be done before freeze up. Thune responded that he has no problem with starting no later than October 1 and ending no later than 60 days after starting. Gerry Hendrickson responded that this should be in writing.

Semple said that he will work with the City and the airport. He is in the center of the runway. They cut down all the trees in front of them. He cannot plant whatever he wants. He will work with the City and Tom Beach.

Lantry said that this should be introduced.

Thune moved the amended May 16 memo with 9 points from Mr. Williams to Councilmember Thune.

6 in favor, none opposed – amendment version of the use permit is accepted

Bostrom said he is not the sponsor. He is not sure how that happened.

(No one came forward to speak in opposition.)

Thune moved to close the public hearing and grant the application.

Motion of intent-application granted as amended

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

Nay: 0

Absent: 1 - Councilmember Carter III

- 31 PH 12-11** Public hearing to consider the petition of Dirk and Ruth Dantuma to rezone the property at 311 Walnut Street from RM2 to T2.
- (No one wished to speak in opposition.)*
- Thune stated some people purchased the property.*
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and grant the application.*
- Motion of intent-application granted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III
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- 32 RES PH 12-63** Approving adverse action against the Food/Boarding Facility and Rooming House and Boarding Supervised license applications submitted by Kingdom Pathways, d/b/a Kingdom Pathways, 426 Oxford Street North. (Public hearing continued from May 16)
- Lantry stated there was a request to lay this over.*
- (No one wished to be heard)*
- No one appeared in opposition; Councilmember Stark moved to continue the public hearing to June 6.*
- Public Hearing continued to 6/6/12**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III

- 33 RES PH**
12-139 Approving adverse action against the Cigarette/Tobacco license held by M Z R Family, LLC, d/b/a Payne Ave's Shop-N-Go, 1050 Payne Avenue.

Megan Kisch, DSI, stated an underage tobacco compliance check was conducted. The 16 year old male tried to buy cigarettes. This is the second violation in a year. They asked to impose a \$400 fine.

Michael Cain, representing MZR Family LLC, appeared and asked the Council to take a look into the circumstances surrounding this violation. They ask for relief from the penalty. One Stop Shop is where the sting took place. They do have a surveillance system that keeps video surveillance for the last 30 days of operations inside the store. There is an unfortunate bit of timing. The sting occurred March 12, 2012, and the notice of violation was received exactly 31 days after this alleged sting. He is not able to state what happened. If the sting took place and a pack of cigarettes was sold at the store, he would like to look at the surveillance. That day, he was in an emergency situation to take his father to the airport, an inexperienced person in an emergency situation was at the store who was not familiar with the tobacco laws. He can't speak personally because there was no inventory of Marlboro cigarettes at the store at the time, and there is no transaction that shows the sale of Marlboro cigarettes. They are beginning to implement the sale of cigarettes at this license, but only for the Newport brand, which is tailored to his clientele. A third person may have conducted this transaction. There was no finding of any unlicensed cigarettes and inventory that would suggest he had these Marlboro lights. Mr. Mosh asked that this matter be deviated from the matrix fine and penalty. He is having specialized training for his clerks on how to conduct this business.

Bostrom moved to close the public hearing and approve DSI's recommendation.

Adopted

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

Nay: 0

Absent: 2 - Councilmember Carter III and Councilmember Thune

- 34 RES PH**
12-74 Final Order approving the reconstruction of Ruth Street between Upper Afton Road and Burns Avenue. (File No. 19106, Assessment No. 125208)

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

Adopted

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

Nay: 0

Absent: 2 - Councilmember Carter III and Councilmember Thune

- 35 RES PH**
12-144
- Authorizing the acceptance of an education grant from the Saint Paul Foundation's Education Impact Fund and amending the 2012 budget in the amount of \$5,000.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Thune
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- 36 RES PH**
12-127
- Amending the financing and spending plans in the City Attorney's Office in the amount of \$134,400 for the eCharging project, funded by the Bureau of Criminal Apprehension.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Thune
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- 37 RES PH**
12-141
- Amending the 2012 City Hall Annex budget to provide additional spending and financing for an Air Handling Unit replacement project and an upgrade and replacement of Energy Management System computers.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Thune

- 38 RES PH 12-110** Approving the use of assessment financing in accordance with City policy for the installation of a fire protection system requested by the St. Paul Curling Club for 470 Selby Avenue. (File No. FP2012-02, Assessment No. 127101)
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Thune
- 39 RES PH 12-122** Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$130,225 to fulfill 2012 obligations as a part of multiple existing agreements within Environmental Permits and Planning.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Thune
- 40 RES PH 12-138** Authorizing an application to the Department of Employment and Economic Development under the Minnesota Investment Fund Program for Gerdau Ameristeel US Inc. to assist in the financing of their expansion at 1678 Red Rock Road.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III

- 41 RES PH**
12-118 Authorizing the Police Department and Emergency Management Services to accept a grant in the amount of \$28,850 from the State of Minnesota Department of Public Safety providing funding for the Urban Area Security Initiative analyst, and to amend the 2012 budget in the amount of \$21,000 to implement the grant.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Carter III

- 42 RES PH**
12-134 Amending the 2012 general fund budget establishing spending and financing plan as per the Memorandum of Understanding with the Saint Paul Public Library system.

Withdrawn

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 43 RLH FOW**
12-106 Appeal of Norm Linnell to a Correction Notice-Reinspection Complaint at 688 and 690 FAIRVIEW AVENUE NORTH. (Public hearing continued from May 2)

Moermond stated Stark had a chance to review the appeal and has an amendment.

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

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Carter III

**46 RLH OA
12-32****Appeal of Jarred Johnson to a Code Compliance Report at 685
ORANGE AVENUE EAST. (Public hearing held May 16)**

Moermond stated this is a Category 2 vacant building. A code compliance certificate is required before it can be re-occupied. There is an inspection report. This is an appeal of the report. Mr. Johnson and his family moved into this building in around December-January. There was also an appeal in March to see if it should be in the registered vacant building program. The appeal was denied. If the repairs were done by April 1, then he could continue to be there. The property continues to be illegally occupied in the interim. Steve Ubl, Senior Trades Inspector, did meet Mr. Johnson at the property on Sunday, April 29 to go through the code compliance inspection. Other trades inspectors have gone out. This was to explain things and not do an inspection. Also, there has been work done on this house without a permit and prior to a code compliance inspection being conducted. A furnace was installed without permit and two rooms have been gutted in the process of repairing the roof. There could be other kinds of work that would not be visible at this time. She is recommending that the Council deny the appeal, if the code compliance Certificate is not issued by June 1, that the property be vacated at that time.

Jarred Johnson, owner, is asking the Council to deny Ms. Moermond's request to vacate the property. They have had significant accomplishments. The goal was that there is a lot of vacant buildings. They brought the property at auction for \$17,000 cash. He inspected the property to make sure it was safe and not structurally deficient. There was minor damage to the property and dry wall. He removed some of the drywall. The rooms have not been gutted. The rest of the room is intact. The furnace was installed through a program. Airtech Heating and Cooling and he notified them that they would pull a permit and they said they would. He has heard nothing back. He assumed that the furnace was installed legally with a permit. There is a massive list of things that was generated by the code compliance inspection report. Dan Headquist thoroughly inspected the property, and identified about 3 or 4 things that should be done to the property. They concede to do all those repairs. They want to make it legal.

Johnson continued: the property allows him to be mortgage free. The building inspector went through the list. The ordinance required that specific items be listed; not just ballpark or generalized items. About 80 to 90 was generalized items. He thought it was not fair because it did not specify anything. So, the City brought out four more inspectors. Ubl scratched a ton off the list. They felt it was all very reasonable to get it repaired. He opposes the entire report the way it stands right now, except a few things. He had the electric completely gutted in the house. He is asking for a petition for them to approve his ability to pull an electrical permit. He would like that done immediately. If approved, he would do it within 48 hours. The rest of the things, they have to put an egress window in. It is an egress window and they will put it in right away. They would like to restore it to the original vintage of 1941.

Johnson said he is not looking for months. They have accomplished a lot of work. He is looking at 60 more days. If he can pull permit and get it finalized. Then, he can actually get it done. He is asking them to deny the order, and approve the motion so he can pull an electrical permit immediately and 60 more days to finish the house. Then we can make sure the property is always maintained. He is asking them to deny the original order to approve a motion to allow them to pull an the electrical permit immediately and approving the motion for 60 more days only to finish the house and finalize it with DSI (Department and Safety and Inspections) and he will be done.

*Bostrom moved to close the public hearing
6 in favor, none opposed – public hearing is closed*

Bostrom said this is a Category 2, and that is a problem. They are in there and things are going on.

Bostrom moved to continue this to July 11 and then set a date when it has to be completed. If not, they will have to be out of there. If it is done by July 11, the owner is okay. The owner said he had the money to do it, so let's get it done.

Public hearing held and closed; laid over to July 11

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

Nay: 0

Absent: 1 - Councilmember Carter III

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 2 - Councilmember Carter III and Councilmember Stark

- | | | |
|-----------|---------------------------|---|
| 47 | RLH FCO
11-569 | Appeal of James Warren to a Fire Certificate of Occupancy Correction Notice at 812 ATLANTIC STREET. (Public hearing continued from January 4)

Adopted |
| 48 | RLH VBR
12-22 | Appeal of DeLisle Company, on behalf of Del Co Limited Partnership, to a Vacant Building Registration Notice at 1075 AVON STREET NORTH.

Adopted |

- 56** **RLH VO**
12-29 Appeal of Joel Ashbacher to a Fire Certificate of Occupancy Revocation and Order to Vacate 104 DALE STREET. (Public hearing continued from June 6)
- Moermond as asking for a layover to the Legislative Hearing of June 5 and City Council Meeting of June 6.*
- Referred back for a June 5 Legislative Hearing; Council Public Hearing continued to June 6**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III
- 57** **RLH FOW**
12-128 Appeal of Advantage Property Management, on behalf of Tim Schueppert, to a Fire Certificate of Occupancy Inspection Correction Notice at 802 DAYTON AVENUE.
- Adopted**
- 58** **RLH TA**
12-216 Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 748 DESOTO STREET.
- Adopted**
- 59** **RLH TA**
12-172 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201V1, Assessment No. 128001 at 858 DESOTO STREET. (Public Hearing held on May 16, 2012)
- Moermond asked for a layover to the Legislative Hearing of June 5 and City Council Meeting of June 6.*
- Referred back for a June 5 Legislative Hearing; Council Public Hearing continued to June 20**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III
- 60** **RLH TA**
12-194 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201V, Assessment No. 128000 at 860 DESOTO STREET.
- Adopted**

- 61 **RLH TA**
 12-218 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209C, Assessment No. 122008 at 978 DESOTO STREET.

 Adopted
- 62 **RLH FOW**
 12-137 Appeal of Sy Vang Mouacheupao to a Fire Certificate of Occupancy Inspection Correction Notice at 1255 EDGERTON STREET.

 Adopted
- 63 **RLH TA**
 12-209 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 968 EDMUND AVENUE.

 Adopted
- 64 **RLH TA**
 12-180 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206B, Assessment No. 128105 at 667 FIFTH STREET EAST.

 Moermond recommends deleting.

 Adopted as amended

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

 Nay: 0

 Absent: 1 - Councilmember Carter III
- 65 **RLH VO**
 12-24 Appeal of Tifphanie Edwards (tenant) to a Fire Certificate of Occupancy Revocation and Order to Vacate at 717 FRY STREET/1642 MINNEHAHA AVENUE WEST.

 Adopted
- 66 **RLH TA**
 12-215 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 376 FULLER AVENUE.

 Adopted
- 67 **RLH VO**
 12-30 Appeal of James Reinitz (tenant) to a Fire Certificate of Occupancy Revocation/Condemnation and Order to Vacate at 885 GRAND AVENUE #2.

 Adopted

- 68** **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-201 Project No. J1206B, Assessment No. 128105 at 471 HERSCHEL
STREET (a/k/a 1728 UNIVERSITY AVENUE WEST).

 Adopted
- 69** **RLH WP** Appeal of Harmony Homes, on behalf of Phillip Stoyke, to two Egress
12-32 Window Non-Compliance Determinations at 1853 HIGHLAND
PARKWAY.

 Adopted
- 70** **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-208 Project No. CRT1206, Assessment No. 128205 at 930 HYACINTH
AVENUE EAST.

 Adopted
- 71** **RLH FOW** Appeal of Todd Anderson, Garnet Real Estate Services, to a Fire
12-142 Inspection Correction Notice at 1610 IDAHO AVENUE EAST.

 Adopted
- 72** **RLH FOW** Appeal of Tony Swanson, Public Housing Agency, to a Fire Certificate
12-135 of Occupancy Correction Notice at 757 IGLEHART AVENUE.

 Adopted
- 73** **RLH FCO** Appeal of TAB Properties to a Fire Certificate of Occupancy Inspection
12-241 Correction Notice at 963 IGLEHART AVENUE.

 Adopted
- 74** **RLH FOW** Appeal of Charles Belcher to a Re-Inspection Fire Certificate of
12-125 Occupancy With Deficiencies at 733 JENKS AVENUE.

 *Moermond asked the Council to allow the use of the south bedroom window. It
 needs a window replaced. The owner is willing to install two full size steps, so she is
 just asking for a minimum sill height variance.*

 Adopted as amended

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

 Nay: 0

 Absent: 1 - Councilmember Carter III

- 75 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-247 Project No. J1206B, Assessment No. 128105 at 1434 KENNETH
STREET.

Adopted
- 76 **RLH FCO** Appeal of Admark to a Fire Certificate of Occupancy Inspection
12-222 Correction Notice at 669 LAUREL AVENUE.

Adopted
- 77 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-173 Project No. J1201V, Assessment No. 128000 at 608 LAWSON
AVENUE EAST.

Adopted
- 78 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-217 Project No. CRT1206, Assessment No. 128205 at 431 LYNNHURST
AVENUE WEST.

Adopted
- 79 **RLH FOW** Appeal of Todd Anderson, Garnet Management Group, to a Fire
12-143 Inspection Correction Notice at 762 MAGNOLIA AVENUE EAST.

*Moermond stated Mr. Anderson did not show up for the hearing. In cases like this
one, it is a small enough opening that the Council requires the window to be
replaced. Her understanding is the owner would like additional time to handle the
replacement. She would recommend September 1.*

*Melissa Myer said she would like the window replaced and would request December
for more time.*

*Bostrom moved to close the public hearing
6 in favor, none opposed – public hearing is closed*

Bostrom moved October 15; he does not want it dragged into winter.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Carter III
- 80 **RLH FOW** Appeal of Joseph Kummer to a Fire Inspection Correction Notice at
12-132 1025 MARGARET STREET.

Adopted

- 81 **RLH FOW** Appeal of John E. Lukas to a Fire Inspection Correction Order at 325
 12-133 MARIA AVENUE.

 Adopted
- 82 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-182 No. J1206B, Assessment No. 128105 at 1590 MARION STREET.

 Adopted
- 83 **RLH FOW** Appeal of Stephen Nesvig, 615 Maryland Avenue LLC, to a Fire
 12-131 Certificate of Occupancy Inspection Correction Notice at 615
 MARYLAND AVENUE EAST.

 Adopted
- 84 **RLH FOW** Appeal of John Domagall to a Fire Certificate of Occupancy Inspection
 12-130 Correction Notice and Egress Window Non-Compliance Determination
 at 1434 MCAFEE STREET.

 Adopted
- 85 **RLH FOW** Appeal of Ernest Strecker to a Fire Inspection Correction Notice at
 12-144 1884 NEVADA AVENUE EAST.

 Adopted
- 86 **RLH FOW** Appeal of Patricia Kes to a Fire Certificate of Occupancy Correction
 12-145 Notice at 309 PAGE STREET.

 Adopted
- 87 **RLH FOW** Appeal of Richard Stoltz, on behalf of James Greeman, to a Fire
 12-134 Certificate of Occupancy Inspection Correction Notice at 804 PASCAL
 STREET NORTH.

 Adopted
- 88 **RLH WP** Appeal of Renewal by Andersen, on behalf of Jeffrey Pounds, to an
 12-34 Egress Window Non-Compliance Determination at 1540 PASCAL
 STREET NORTH.

 Adopted
- 89 **RLH FCO** Appeal of TAB Properties to a Fire Certificate of Occupancy Inspection
 12-243 Correction Notice at 1360 PAYNE AVENUE.

 Adopted

**95 RLH VO
12-25****Appeal of Lymoua Mouacheupao to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 41 SANDRALEE DRIVE WEST.**

Moermond stated the appellant's brother came to the hearing. He said he would be moving out and repairs would be done. Mr. Moua brought his own home. He thought his sister would be doing a short sale on the property. Now, she intends to move here. Moermond recommends the Council deny the revocation and order to vacate in order that the repairs that exist be done prior to re-occupying. Enough are safety related. It is appropriate to ask that they be done, with the exception of the furnace test and smoke detector.

Lantry asked is it owner-occupied. Moermond responded she is not clear. At the time the inspection process began, it was not owner occupied, and It has not been owner occupied to this point.

Lymoua stated she did not plan to be the owner. It was an understanding between her and her brother. Many years ago, she got a loan for the house, her brother moved, and she took over the house. They bought it as owner occupied. She made it clear that he really needs to look at those items and get them fixed. He did not tell her that he was not planning to do that. She thought it would be done. It is now her responsibility. She is asking for more time to do the work. She would like to be able to move into the house while doing the work. She cannot pay for two; she cannot afford two places. That would make her indigent. She asks that she be given the opportunity to live there while fixing the house.

Lantry asked what would happen to the Euclid house. Lymoua responded her sister will be renting it. She will fix whatever she needs to do.

Lantry asked how much time. Lymoua responded the end of June.

Lantry asked about June 30. She acknowledged this is a neighbor of hers. She is willing to give her more time to do that. She is wondering about life safety issues. Other than the smoke detector and the dryer vent, is there anything to worry about?

Moermond stated she is concerned about the rotting and deteriorating upper decking. Lantry responded that is on the exterior of the house. The owner should know enough not to go out on the deck until it is fixed. Dryer vent and smoke detector should be done by June 1. The rest can be done by June 30 as she lives there. She needs to have a bigger plan. She may have to think about how much this costs. If it will be a short sale, they can deal with that.

Lymoua responded there will not be a short sale. It is now an adjustable rate interest only.

Lantry stated her office will get her the number for foreclosure prevention programs. Again, she will have to do the smoke detector and dryer vent by June 1. The rest should be done by June 30. And the owner should be given the numbers for foreclosure prevention.

Lymoua asked can she move in there. Lantry responded she has to get smoke detector and dryer vent before she moves in. That should be done by June 1. Items 1 and 15 are completed by June 1 and the balance by June 30. In the interim, Items 1 and 15 have to be done prior to occupation. The rest she can work on while living there.

Adopted as amended

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

Nay: 0

Absent: 2 - Councilmember Carter III and Councilmember Stark

- 96 RLH TA 12-175** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206B, Assessment No. 128105 at 201 SEVENTH STREET WEST.
Adopted
- 97 RLH FOW 12-141** Appeal of Andy Hybben to a Fire Inspection Correction Notice at 625 SHERWOOD AVENUE.
Adopted
- 98 RLH FCO 12-245** Appeal of Daniel Koopmans, DLK Properties, LLC, to a Fire Inspection Correction Notice at 1775 SIXTH STREET EAST.
Adopted
- 99 RLH TA 12-202** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 735 SNELLING AVENUE NORTH.
Adopted
- 100 RLH TA 12-211** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 2438 STEWART AVENUE.
Adopted
- 101 RLH FOW 12-136** Appeal of Tony Swanson, Public Housing Agency, to a Fire Certificate of Occupancy Correction Notice at 1176 SUPORNICK LANE.
Adopted
- 102 RLH VO 12-27** Appeal of Sunshine Quinn to a Revocation of Fire Certificate of Occupancy and Order to Vacate and Vacant Building Registration at 631 THOMAS AVENUE.
Adopted
- 103 RLH TA 12-210** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 1738 UNIVERSITY AVENUE WEST.
Adopted

- 104** **RLH FCO** Appeal of Jean Youness to a Re-Inspection Fire Certificate of
12-201 Occupancy With Deficiencies at 85 VICTORIA STREET NORTH.

 Adopted
- 105** **RLH VO** Appeal of Gary Nelson to a Fire Certificate of Occupancy Revocation
12-23 and Order to Vacate 649 WESTERN AVENUE NORTH.

 Adopted
- 106** **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-142 Project No. VB1204A, Assessment No. 128812 at 724 WILSON
 AVENUE. (Public hearing continued from April 4)

 Adopted
- 107** **RLH AR** Ratifying the assessments for Collection of Certificate of Occupancy
12-43 Fees Services from January 2012. (File No. CRT1206, Assessment
 No. 128205)

 Adopted
- 108** **RLH AR** Ratifying the assessments for Demolition Services during January
12-44 2012. (File No. J1209C, Assessment No. 122008)

 Adopted
- 109** **RLH AR** Ratifying Boarding and/or Securing Services during January 2012 (File
12-45 No. J1206B, Assessment No. 128105)

 Adopted
- 110** **RLH AR** Ratifying Boarding and/or Securing Services during January 2012 at
12-46 508 Lexington Parkway South (File No. J1202B1, Assessment No.
 128106)

 Adopted
- 111** **RLH AR** Ratifying the assessments for Towing of Abandoned Vehicles Services
12-47 from July to December 2011. (File No. J1201V, Assessment No.
 128000)

 Adopted

ADJOURNMENT

Meeting adjourned at 7:05 p.m.

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

Nay: 0

Absent: 2 - Councilmember Carter III and Councilmember Stark

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