

SAINT PAUL CITY COUNCIL

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In Re:

Ordinance 08-461

ORIGINAL

May 28, 2008

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TRANSCRIPT OF PROCEEDINGS

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Reporter: Leslie R. Pingley

Date: May 28, 2008

P R O C E E D I N G S

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3 COUNCIL SECRETARY: Final
4 adoption 08-461, an amend -- an ordinance
5 amending Chapter 409.06 of the Saint Paul
6 Legislative Code to certify signature
7 requirements for seasonal outside service
8 areas.

9 MS. LANTRY: Mr. Helgen.

10 MR. HELGEN: I continue to be a
11 little concerned about some of the language.
12 I would like to have at least a week layover.

13 MS. LANTRY: Mr. Harris, it's up
14 to you.

15 MR. HARRIS: You know, I'm okay
16 with that. It was brand new news to me. I
17 mean it would have been nice to have a little
18 notice about it, but I am fine with the one
19 week layover if people want to do that.

20 MS. LANTRY: Now, I haven't -- I
21 hate to pile on here, but I am wondering if
22 one of the things that was brought up last
23 week -- I don't know if you're -- if this not
24 a friendly amendment, then just tell me so
25 and I won't go any further, but one of the

1 things that Ms. Flavin said last week about
2 making that good faith effort --

3 MR. HARRIS: That's friendly.

4 MS. LANTRY: Is it? And it's
5 only missing from one of the categories. If
6 we could add that. I mean if we're going to
7 have that lie over anyway, would that be all
8 right?

9 MR. HARRIS: That's absolutely
10 fine with me. I mean I think that's the
11 intent of the thing and I am okay with that
12 and if I can --

13 MS. LANTRY: Yes, and we will get
14 the language so that next week we can vote on
15 it ala what's happening with the next one, so
16 we'll get the changes in to the City clerk's
17 office today so it will lie over in the
18 clerk's office for seven full days so we can
19 take final action next week.

20 I mean I don't want to goof you up is what
21 I'm saying, so we'll make sure that the
22 amended language will be inserted and
23 delivered today, because we'll have plenty of
24 time so that next week we can actually take a
25 final vote on it.

1 Does that work for you?

2 MR. HARRIS: That would be fine.

3 MS. LANTRY: So Ms. Maloney, can
4 we make sure that the changes we make get
5 into the City clerk's office today and that
6 you're -- somebody is going to have to help
7 me find where the language should go in,
8 because I didn't know any of this was going
9 to happen either, but the intent is to have a
10 good faith effort where it's missing. I
11 think it was in the 60 to 89 percent, is that
12 where it was missing?

13 MR. HARRIS: Yes.

14 MR. THUNE: It's in the
15 60 percent.

16 MR. HARRIS: But Ms. Flavin
17 specifically suggested putting in to the
18 60 --

19 MS. LANTRY: 60 to 89 percent.

20 MR. HARRIS: Yes, I'm absolutely
21 fine with that.

22 MS. LANTRY: Okay. We just got
23 to figure out where it should go. Here, we
24 can just use the language from Lines 109, 110
25 and 111 if that's all right, Mr. Harris, so

1 that it would read on Line 89 -- starting at
2 88 if the applicant obtains signatures of
3 90 percent or more of such persons the
4 license shall not in any case be granted
5 unless the license application can illustrate
6 to the City Council that a good faith effort
7 was made to fulfill all petition
8 requirements.

9 I'm reading directly from Lines 109 down
10 and I would insert that into Line 89, do you
11 know what I am saying?

12 MR. HARRIS: I am not totally
13 sure I understand, but I know what your
14 intent is. Maybe Mr. McCall can figure out
15 the intent and have that ready for us next
16 week.

17 MS. LANTRY: Oh, look,
18 Mrs. Gunderson, can you do that?

19 MR. MCCALL: Do it on the fly.
20 This is a pretty far reaching deal.

21 MS. LANTRY: I don't want to goof
22 it up. I don't want to have it lie over for
23 two weeks is what I am saying, so if --
24 because if we have to wait until next week
25 for Ms. Gunderson to come back with the

1 language then it has to layover for two
2 weeks. That isn't my intention to goof it up
3 that way, so it just seemed to me if there
4 was a door open here for a one-week lay over
5 that two words could be added, good faith, to
6 one of the things that Ms. Flavin brought up
7 which I thought was a valid point is all I'm
8 saying.

9 MS. GUNDERSON: Actually, Council
10 Members, two issues. First of all, I believe
11 if you have it in writing for the first time
12 next week you still have to lay over another
13 week. I thought that there was a -- isn't
14 it -- I will defer to your expertise on the
15 rules, but I thought that that's why the
16 items coming up next have to lay over another
17 week after this week because they are now
18 finally in writing, but again I'll defer to
19 your expertise on that.

20 My only question is I'm not clear on what
21 you're intent is, where you want to put
22 the -- so you want to put the language in --
23 the language from Line 109, if the applicant
24 fails to obtain signatures of at least, and
25 on 109 it says 60 percent, so what you would

1 want in Paragraph B would then be if they
2 fail to obtain applicant's signatures of at
3 least 90 percent that the license shall not
4 in any case be granted unless they can
5 illustrate to the Council good faith effort
6 was made to fulfill the petition requirements
7 and that the results of such attempts showed
8 s generally favorable disposition.

9 Is that the intention?

10 MS. LANTRY: Mr. Harris.

11 MR. HARRIS: I think what I am
12 gathering is if you get 90 percent or more
13 you don't need to demonstrate good faith
14 because you have succeeded and we have it in
15 the 60 percent thing already.

16 I think maybe in Line 92 where it says if
17 the applicant obtains the signatures of
18 60 percent to 89 percent of such persons and
19 the applicant demonstrated a good faith
20 effort to obtain signatures, comma, there you
21 go.

22 MS. LANTRY: That would be
23 perfect and I am not an expert on this
24 either, Ms. Gunderson, and Mr. McCall, you
25 poor thing, coming in here as sort of as a

1 substitute, the way I was always told what
2 happened was if it was in writing by 4:30 on
3 Wednesday and got to sit in the city clerk's
4 office for seven full days then it could pass
5 the next day.

6 What happened last week with the changes
7 that were made to Mr. Helgen's is it wasn't
8 done until Thursday morning, so it couldn't
9 lie over in the city clerk's office for seven
10 days. We missed it by one day, so if we get
11 it to the city clerk's office by 4:30 today
12 in writing we can vote on it for final
13 adoption next week. That's always what I
14 have been told.

15 MR. MCCALL: I would just
16 supplement that if you've actually agreed on
17 what the language is going to say, which I
18 think you have as part of the record of this
19 proceeding, I would think that would help.

20 MS. LANTRY: I am just saying --

21 MS. GUNDERSON: I will do my best
22 to have it there by 4:30.

23 MS. LANTRY: Rip it out and put a
24 little carrot in there and hand write it in.
25 That's all that needs to happen. You don't

1 have to have it typed. You don't have to do
2 anything else. You just have to have it in
3 its final form in her office. If you put a
4 little carrot and put good faith in there and
5 put it in her office, you're done.

6 MS. GUNDERSON: Got it.

7 MS. LANTRY: I mean I'm not
8 wrong.

9 MR. MCCALL: She's an attorney.
10 Let attorneys be attorneys.

11 MS. LANTRY: Right. I'm just
12 saying that's how we have always done it.

13 MR. MCCALL: We will just look
14 into that just to verify that so that next
15 week we're taking appropriate action.

16 MS. LANTRY: Okay. Mr. Carter.

17 MR. CARTER: While we're cleaning
18 out the subject, one in Section A, 2A, it
19 says consent of 90 percent of owners and
20 occupants and then later below it says the
21 applicants shall be presented with as many of
22 the owners of private residences.

23 Do we allow non-owner but occupants of
24 those private residences, rental occupants,
25 would they be allowed to sign such a

1 petition?

2 MS. GUNDERSON: Counsel President
3 Lantry, Counsel Member Carter, good job, no.
4 The way the DSI does it is occupant is
5 language that's been in there, but as a
6 practical matter nearly impossible from an
7 enforcement perspective, so I would suggest
8 to the Council that you strike and occupants.
9 Good catch.

10 MR. CARTER: So strike --

11 MS. GUNDERSON: That would be my
12 suggestion.

13 MS. LANTRY: Only owners.

14 MS. GUNDERSON: Only owners just
15 because especially with the rental properties
16 it becomes impossible for -- there's no
17 public record of who an occupant is and so
18 how can you expect a licensee to obtain the
19 signatures or get a list from DSI, the
20 signatures they need, when we have no idea
21 who the occupants are.

22 MS. LANTRY: Mr. Harris.

23 MR. HARRIS: I do appreciate that
24 from Mr. Carter. I would just make sure you
25 strike it in Line 75, Line 88 and Line 108 so

1 we don't have to do it again next week.

2 MS. LANTRY: Right.

3 MR. CARTER: I have two more
4 suggestions and the first is very minor and
5 that's starting on Line 88 through 90.

6 Ninety I think it says if the applicant
7 obtains the signatures of 90 percent or more
8 of such persons, the council may grant the
9 license. That seems that that sentence would
10 belong more in Section A more so than
11 Section B. I don't think that that's
12 necessarily that major of a thing.

13 My major concern here is really in
14 Section C and while I agree and I certainly
15 understand and agree with the spirit of the
16 ordinance as proposed, I would like to make
17 sure that we're not creating a new situation
18 in which this less than 60 percent standard
19 is approached instead of going for signatures
20 and instead of talking to neighbors.

21 I wonder as well if this would be a
22 friendly amendment to impose maybe a minimum
23 standard to say that you have to do some
24 knocking. You can't just not talk to
25 neighbors at all.

1 MS. LANTRY: I see what you're
2 saying. As soon as they get to 60 percent
3 they would be done. What you're saying is
4 they should only rely on the 60 if they can't
5 get anything else?

6 MR. CARTER: I think it says
7 already that they have to show a good faith
8 effort. I think -- I think the goal is --
9 and in my opinion that would be -- as you
10 said, it's maybe impossible to get to
11 90 percent of all occupants when you don't
12 really know who the occupants are. Obviously
13 right now we have a situation where we don't
14 know who half the owners are in some of our
15 neighborhoods as well and so I think it makes
16 sense to have this sort of a fail-safe there
17 for an extenuating circumstance such as if
18 50 percent of the immediate neighbors are
19 owned by some absentee owner, that there's
20 still an opportunity to be able to move
21 forward.

22 I personally would like to see explicit
23 language in there that would say in the case
24 of -- that this Section C is for those types
25 of extenuating circumstances where those

1 owners can't be identified, but it would seem
2 to me -- it would seem to me appropriate to
3 say that there should be a minimum -- be
4 50 percent or some sort of minimum standard
5 so that a bar owner can't just come and not
6 have talked to any neighbor and go and
7 produce a good case to the District Council.

8 MS. LANTRY: Mr. Harris and then
9 Mr. Thune.

10 MR. HARRIS: It sounds like
11 Mr. Thune might have a good suggestion being
12 the short sleeves that he's wearing today,
13 but I would -- I totally understand that, but
14 I am not sure how you codify that in an
15 ordinance and so unless Mr. Thune has got a
16 good idea, I think administratively I would
17 be open to just having DSI create what they
18 define to be a good faith effort and have
19 them enforce that on an administrative basis.

20 MR. THUNE: I was going to
21 suggest that the problem is that I can see
22 happening is you know that there's 15 people
23 out there that like you, so you really work
24 hard to get those 15 people to sign it and
25 then the others you don't work so hard. I

1 knocked on the door and stuff but there isn't
2 really any way to do it without having our
3 DSI staff actually go out and do the knocking
4 to verify if they actually -- somebody
5 contacted them.

6 One way to do it would be require that
7 anyone that can't be contacted that they show
8 that by sending a registered letter or
9 something. If it can be to the property
10 owner, if it comes back obviously it was
11 impossible for that person to be contacted,
12 but then the 60 percent is a pretty low
13 threshold and I wouldn't mind seeing a
14 tougher, tougher than just a good faith
15 effort as described by our staff, whoever
16 that staff might be this year, because it can
17 change from year to year, and I can tell you
18 that there are certain years that I would not
19 have wanted our staff to be making those
20 choices.

21 That was my suggestion, that we want a
22 verifiable way. If you can't reach somebody
23 and you have gotten -- I am not trying to
24 filibuster fast forward, believe me, and just
25 to show that you didn't pick the first 15

1 people and said you couldn't find the others.
2 If you can't find the others, then send them
3 a registered letter and see that it comes
4 back, pretty cheap.

5 MR. CARTER: Yes. Essentially I
6 think this makes sense to me not for the
7 situation in which a majority of neighbors
8 oppose the bar having a patio, but a
9 situation where it's just difficult, darn not
10 impossible to get to 60 percent or 80 percent
11 or 90 percent of the owners because of some
12 sort of extenuating circumstance and I would
13 just like to see that kind of built a little
14 bit stronger so that it's not used as an in
15 and around neighborhood process.

16 MS. LANTRY: Mr. Bostrom and then
17 Mr. Harris.

18 MR. BOSTROM: Thank you.

19 I think we're still going to get
20 ultimately the chance to approve this and it
21 would seem to me that it would be in the best
22 interest of whoever is applying that the
23 closer that they got to 90 percent the better
24 their chances are of us dealing with it.

25 I think in the final analysis we're going

1 to have a chance, and if there's conflict in
2 the neighborhood as to whether or not these
3 people were approached or whether somebody
4 got to 60 percent plus one and close enough,
5 I'll take my chances with the council and
6 several people show up and say wait a second,
7 they didn't talk to me or they did talk to me
8 but they didn't include my name on this, so I
9 think we would be better off, and we will be
10 I think in the long run, by telling people,
11 letting them clearly know the closer you get
12 to 90 percent the better your chances are
13 this is going to be approved because there's
14 no guarantee that just because they get the
15 60 that we are going to approve them.

16 MR. LANTRY: Mr. Harris and then
17 Mr. Thune.

18 MR. HARRIS: Well, I totally
19 agree with Mr. Bostrom in that we built this
20 ordinance to have numerous protections in
21 there including at the 60 percent level, an
22 almost unprecedented requirement which is an
23 authoritative requirement of the District
24 Council system which is nearly unprecedented
25 in terms of what their authority is in this

1 community, so I feel really confident that we
2 built things in to protect neighborhoods and
3 this is really kind of about the short sleeve
4 concept where you just -- people love to be
5 outside in Minnesota and we want to give
6 people a chance. This is not about rowdy
7 patios.

8 I think this Council and future councils,
9 hopefully will be astute enough to realize
10 that the quality of our neighborhoods comes
11 first.

12 That being said, as much as I totally
13 agree with Mr. Bostrom, I am willing to put
14 some sort of restriction on there that makes
15 sure that people try to get to 90 and don't
16 just do what you're talking about, Dave, and
17 so I am not sure a registered letter is the
18 way to do it. If someone has got 200
19 registered letters or if you are -- it would
20 be 100 registered letters, I mean I am not
21 sure how to do it, but I am really open to
22 looking at something to make sure that people
23 go through that process.

24 MS. LANTRY: So if we add that --
25 so what's your pleasure? I mean if we ask

1 Mrs. Gunderson to go back and try and craft
2 that language, then everything will be held
3 off a week, so it's up to you.

4 MR. HARRIS: Well, there might be
5 other extenuating issues here with the delay
6 of this thing unrelated to this ordinance
7 unfortunately, but I am in no particular
8 rush. I just want to make sure that we do do
9 it right unless the city attorney is telling
10 me that the registered letter idea is a good
11 idea. I mean that could be quite cumbersome.
12 I mean how do we build in a process where an
13 applicant can't find the owner just like we
14 can't find the owner of some of our problem
15 properties.

16 Is there a way to put something in there?
17 I mean I would prefer to do it
18 administratively, but I am open to
19 suggestions.

20 MS. LANTRY: Mr. Thune.

21 MR. THUNE: We do have -- we send
22 a registered letter to the certified home
23 owner or property owner rather. We could tie
24 it back to that, that whoever is registered
25 with Ramsey County must be sent a registered

1 letter. It's actually probably one of the
2 easier ways to make a contact and know if the
3 letter comes back or not because it means you
4 just ask for the list from the county and
5 mail it off. If it shows up or doesn't show
6 up then we know that somebody just isn't
7 talking. It should be one of the easier ways
8 and I do have to say that the -- I really do
9 think that some of the safeguards before I
10 get into this thing, but this is also pretty
11 unprecedented that we are totally relaxing
12 something that's been very tight.

13 I think we want to be really careful that
14 we don't just totally relax it because I can
15 just picture obviously seven people, not as
16 wonderfully neighborhood conscious as us, but
17 some real hacks are sitting here and all of a
18 sudden the Saint Paul Coalition for
19 Businesses and Bars comes and testifies and
20 says this would be a terrible message to send
21 business, a terrible message, and plus it's
22 not the same as they do in Minneapolis and
23 then they will guilt everybody and we will
24 get all letters from Joe Soucheray and stuff.
25 I'm serious, because I am making a little

1 joke about saying that's what happens and
2 that's the kind of pressure that we know that
3 some day will happen and I think it's better
4 to have some real benchmarks that are very
5 tight just to keep the politicians on guard.

6 MS. LANTRY: Mr. Stark and then
7 Mr. Harris, is that all right?

8 MR. STARK: I guess I would
9 suggest that a simpler solution to the
10 registered mail is kind of what Mr. Carter
11 was suggesting which is put a minimum number
12 on there, so instead of less than 60 that it
13 would be 50 to 60. Personally I have never
14 heard of a case where it was hard to -- where
15 it was nearly impossible to get 50 percent.
16 It's simpler than trying to define good faith
17 and it does kind of put a real number on it.

18 MR. THUNE: So you're saying just
19 get rid of 60 and --

20 MR. STARK: No, have 50 to 60
21 percent, a range.

22 MALE SPEAKER: A range of 50 to
23 60, 60 to 89?

24 MS. LANTRY: You know what you
25 guys, I think we're all assuming that the

1 gentleman who came and testified who lived on
2 Jenks from last week who's 15 feet away from
3 the bar, although that scenario exists, I
4 mean I think you have -- the thing that I
5 would be careful of is if you put 50 percent
6 what if there's only two houses that are
7 within so many feet of this patio, you know
8 what I am saying, and if you don't get one of
9 them then you are already at 50 percent. I
10 mean I think we're assuming that 50 percent
11 means more than two.

12 There are some instances when you're only
13 going to have maybe two or three property
14 owners where you are going to have to get
15 their signatures and I think that's more
16 common maybe in the Midway, but I mean I
17 think the circumstances might exist where we
18 might be creating a different sort of issue.

19 Mr. Harris.

20 MR. HARRIS: I would agree with
21 Council President Lantry on that. I am
22 concerned. I mean I understand what the goal
23 is here and to be perfectly honest, whether
24 or not businesses complain or anything like
25 that, the genesis of this ordinance -- I

1 didn't even know what Minneapolis was doing
2 until after we started doing this thing.
3 They actually have very, very minimal
4 requirements for patio licenses.

5 The genesis of this thing is people want
6 to be outside and that's where this is coming
7 from for me, but I understand what you are
8 talking about, but I don't want to reinvent
9 the notification wheel.

10 Why can't we just say something in the
11 manner in which DSI contacts property. How
12 do you contact properties right now? Is it
13 registered mail?

14 MS. LANTRY: First class mail.

15 MR. HARRIS: I just don't want to
16 reinvent the notification wheel. If we are
17 going to do that here, let's do it for
18 everything.

19 MS. LANTRY: I don't think -- do
20 we do anything registered mail?

21 MS. GUNDERSON: Not that I am
22 aware of, but I am certainly not an expert on
23 how we give notification.

24 MS. LANTRY: I think one of the
25 reasons we don't is because it's an

1 additional hurdle.

2 There's also something else too which is
3 sort of a weird thing. It's less expensive
4 where it's just proof that you have mailed
5 something. I can't remember.

6 MR. MCCALL: That's exactly
7 right.

8 MS. LANTRY: No, return receipt
9 requested. There's all different levels. If
10 you get return receipt requested, that's sort
11 of one of the most expensive ones.

12 MR. MCCALL: There's a --

13 MS. LANTRY: There's a lower
14 standard that the post office just gives you
15 something that says we swear you mailed this.
16 I mean I think we do almost everything just
17 first class mail. We do all of our
18 notifications for tearing homes down and
19 whatnot by dropping it in the mail box.

20 Mr. Carter.

21 MR. CARTER: You know, again, my
22 goal wasn't necessarily to get too far into
23 some of this stuff, but only to make sure
24 that we're not -- that Section C here isn't
25 built as an end runaround, majority consensus

1 of a neighborhood against it, but as an
2 opportunity to still be able to get the
3 license awarded if those property owners were
4 difficult to identify and to get ahold of and
5 so to me I think my suggestion would be that
6 we say -- and as far as I am concerned we can
7 include the good faith effort language, good
8 faith effort was made to fulfill all position
9 requirements, but extenuating circumstances
10 exist which made it difficult or prevented or
11 made it impossible to identify and contact
12 the majority of the property owners in the
13 required vicinity. Just to add something in
14 there that just makes it really clear that
15 this isn't -- that the spirit of this is to
16 make it possible still for those patios to
17 be -- for those licenses to be granted, not
18 necessarily around 80 percent of neighbors
19 who don't want it there, but around a
20 situation where a large number of the
21 property owners are in some other country and
22 completely unresponsive.

23 MS. LANTRY: The only thing --
24 from my -- I'm fine with it, but part of it
25 is because the ordinance says that unless the

1 license applicant can illustrate to the City
2 Council that a good faith effort was made to
3 fulfill all petition requirements, but here's
4 the thing that I am -- and Mr. Harris alluded
5 to this, you have to get approval from your
6 District Council. The District Council,
7 right?

8 MR. HARRIS: Absolutely.

9 MS. LANTRY: The District Council
10 wherever this patio is, the District Council
11 not may but must agree to the patio and,
12 quite frankly, that patio owner is going to
13 go to the District Council and then they are
14 going to get grilled by those people who are
15 neighbors and whatnot and like in my case
16 some of them have subdistricts, so they are
17 always chatting with their neighbors and
18 whatnot, so they have to do it -- they have
19 to get approval from the District Council and
20 then they still have to come before us and
21 show us again.

22 I think that the attempt to find out
23 whether or not they made a good faith effort
24 is going to be obvious by that time. I mean,
25 I don't have any concerns that somebody is

1 going to try and do the minimum because,
2 quite frankly, you want to do A because it's
3 way less work, I think, then hauling their
4 sorry butts down here.

5 Mr. Harris.

6 MR. HARRIS: I totally agree
7 which is why we put -- like I said, what I
8 believe is close to being an unprecedented
9 District Council requirement in there.

10 What I could maybe suggest in addition to
11 the good faith thing on Line 92 where you
12 could say can illustrate in writing and with
13 respect to specific properties to the City
14 Council that a good faith effort and that way
15 you know who's been contacted and who's not.

16 MS. LANTRY: And that sort of
17 gives a listing. That's good language.

18 MR. HARRIS: Can illustrate to
19 the City Council -- grammatically. Can
20 illustrate to the City Council, comma, in
21 writing and with respect to specific
22 properties, comma, that a good faith effort
23 was made to fulfill all petition agreements.

24 MS. LANTRY: Is that more
25 helpful? There you go. Ms. Gunderson, did

1 you get that?

2 MS. GUNDERSON: Yes.

3 MS. LANTRY: I was going to say,
4 Ms. Benson probably has it all in shorthand
5 who can write it really, really quick. Yes,
6 that's what I am saying. She could get it
7 verbatim. Was there anything -- does that
8 work?

9 MR. HARRIS: That's fine with me.

10 MS. GUNDERSON: So my question
11 then is did you want -- so you know, we have
12 got a phrase unless the licensed applicant
13 can illustrate to the City Council in writing
14 with regard to specific properties that a
15 good faith effort -- good faith effort was
16 made to fulfill all petition requirements.
17 If we have add as a phrase in Section C, do
18 you want that entire phrase then placed in to
19 Section B?

20 MR. HARRIS: If that's how -- if
21 that's how we decided to define good faith,
22 I'm okay. I think -- I think that people
23 should be able to demonstrate that they have
24 contacted all these properties and
25 particularly in Item C, the District Council

1 is going to flush that out pretty quickly.

2 MS. LANTRY: So the same language
3 about good faith including in writing will be
4 in both Section C and B.

5 MR. CARTER: And I would still go
6 on to say and if the results of such attempt
7 to show a generally favorable --

8 MR. HARRIS: Yes.

9 MS. LANTRY: Yes.

10 MS. GUNDERSON: Do you want the
11 second part of the phrase as well -- in
12 Section C on -- following the phrase that I
13 just read to the Council it says and as a
14 result of such attempts showed a generally
15 favorable disposition from the surrounding
16 community toward the proposed licensed
17 activity.

18 Now, the reason that that phrase is in the
19 one where it says less than 60 percent is
20 because the licensee then would be
21 representing to the Council -- the people
22 that I talk to more than half of them were in
23 favor.

24 Now, if you move that into Section B you
25 have already -- you are already in a

1 situation where you have 60 percent of the
2 signatures, so you're sort of already there.

3 MS. LANTRY: Yes, I wouldn't --
4 it's up to you, Mr. Harris. It's not for
5 what I was trying to achieve. I don't think
6 that needs to be added to Section B.

7 MR. HARRIS: The writing piece of
8 it?

9 MS. LANTRY: No, this -- and the
10 results attempt show a generally favorable
11 disposition, I don't think we need that.

12 MR. HARRIS: I don't think it
13 needs to be in B either. I think it's the
14 definition good faith, that's fine.

15 MS. GUNDERSON: So just the
16 phrase --

17 MS. LANTRY: It stays in C, but
18 it doesn't get transferred to B, correct?

19 MS. GUNDERSON: Okay.

20 MS. LANTRY: Okay. So those are
21 all the amendments, so Mr. Harris moves the
22 ordinance as all of the amendments.

23 Role call.

24 FEMALE SPEAKER: Thune, Foster,
25 Carter, Harris, Helgen, Stark Council

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President Lantry, seven in favor. None
opposed. The ordinance is amended and laid
over to the new report.

* * *

1 STATE OF MINNESOTA)
2 COUNTY OF DAKOTA) ss.
3

4 BE IT KNOWN, that I transcribed the
5 tape-recorded proceedings held at the time and
6 place set forth herein above;
7

8 That the proceedings were recorded
9 electronically and stenographically transcribed
10 into typewriting, that the transcript is a true
11 record of the proceedings, to the best of my
12 ability;
13

14 That I am not related to any of the
15 parties hereto nor interested in the outcome of
16 the action;
17

18 WITNESS MY HAND AND SEAL:
19
20

21 S/ LESLIE PINGLEY
22

23 _____
24 Leslie Pingley

25 Notary Public