



# City of Saint Paul

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

## Minutes - Final

### City Council

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

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Wednesday, April 20, 2011

3:30 PM

Council Chambers - 3rd Floor

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

#### ROLL CALL

*The meeting was called to order by Council President Lantry at 3:33 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

#### COMMUNICATIONS & RECEIVE/FILE

- 1      **CO 11-8**      Letters from the Department of Safety and Inspections declaring 620 Case Ave and 621 Arlington Ave E as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

**Sponsors:**      Bostrom

**Received and Filed**

#### CONSENT AGENDA

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

#### Approval of the Consent Agenda

*Item 9 was removed from the Consent Agenda for separate consideration.*

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

#### **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

- 2        **RES 11-656**        Approving Labor Agreements of the Independent School District No. 625 and Lakes and Plains Regional Council of Carpenters and Joiners (May 1, 2010 - April 30, 2013); Cement Mason, Plasterers and Shophands Local 633 (May 1, 2010 - April 30, 2013); United Union of Roofers, Waterproofers, and Allied Workers - Local Union No. 96 (May 1, 2010 - April 30, 2013); AFSCME District Council 5 - Local 844, Clerical and Technical Workers (July 1, 2010 - June 30, 2012); Minnesota School Employees Association representing Classified Confidential Employees Association (July 1, 2010 - June 30, 2012); International Union of Operating Engineers, Local No. 70 (July 1, 2010 - June 30, 2012); and Tri-Council Local 49, Local 120 and Local 132 - Drivers, Grounds, and Labor employees and Heavy Equipment Operators (July 1, 2010 - June 30, 2012). (Laid over from April 20 for adoption)

**Sponsors:**        Lantry

**Laid over to April 27 for adoption**

- 3        **RES 11-749**        Approving the Wage and Fringe Adjustment (January 1, 2011) between the City of Saint Paul and The Sprinkler-Fitters, Local 417. (Laid over from April 20 for adoption)

**Sponsors:**        Lantry

**Laid over to April 27 for adoption**

- 4        **RES 11-650**        Approving the Labor Agreements (January 1, 2011 - December 31, 2012) between the City of Saint Paul and AFSCME District Council 5, Local 2508 (Clerical) and Local 1842 (Technical). (Laid over from April 13 for adoption)

**Sponsors:**        Lantry

**Adopted**

- 5        **RES 11-655**        Approving the Memorandums of Agreement (January 1, 2011 - December 31, 2012) between the City of Saint Paul and AFSCME District Council 5, Local 2508 (Clerical) and Local 1842 (Technical). (Laid over from April 13 for adoption)

**Sponsors:**        Lantry

**Adopted**

- 6        **RES 11-703**        Accepting a gift of travel expenses and lodging for Councilmember Melvin Carter to attend the Young Elected Officials (YEO) Network National Convening held June 2-5, 2011.

**Sponsors:**        Carter III

**Adopted**

- 7        **RES 11-302**        Authorizing the Department of Parks and Recreation to enter into an agreement with MTI Distributing for the use of a Toro 3500D Rotary Motor valued at \$6000.

**Sponsors:**        Stark

**Adopted**

- 8      **RES 11-728**      Authorizing the Department of Parks and Recreation to accept a \$40,000 grant from the National Recreation Park Association to support and expand the 2011 summer meals programs at the City's Recreation Centers and Roaming Recreation sites.

**Sponsors:**      Lantry

**Adopted**

- 10      **RES 11-708**      Approving the amendment to city contract #02-15419-C with the State of Minnesota to continue allowing practitioners in the Saint Paul Ramsey County criminal justice system to receive training on integrated domestic violence.

**Sponsors:**      Lantry

**Adopted**

- 11      **RES 11-756**      Waiving the 45 day notice requirement for issuance of a Liquor - Outdoor Service Area (sidewalk) license for The Deco Catering Inc., d/b/a Finnish Bistro, 2264 Como Avenue.

**Sponsors:**      Stark

**Adopted**

- 12      **RES 11-676**      Approving the application with a condition, per the Deputy Legislative Hearing Officer, for a Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, Entertainment (B), Gambling Location, and Restaurant (4) - 51-150 Seats licenses (note: this is for a change in ownership of an existing location), for Mounds Park Lounge Inc., d/b/a Mounds Park Lounge (ID #20100005268) at 1067 Hudson Road.

**Sponsors:**      Lantry

**Adopted**

- 13      **RES 11-686**      Approving assessment costs, and setting date of City Council public hearing to ratify the assessment for a water service connection at 1389 Portland Avenue as requested by the property owner in connection with the Ashland/Pascal RSVP.

File No. 19045WC    Assessment No. 096053

**Sponsors:**      Carter III

**Adopted**

- 14      **RES 11-688**      Approving assessment costs, and setting date of City Council public hearing to ratify the assessment for a water service connection at 796 Stewart Avenue as requested by the property owner in connection with the Seventh/Bay RSVP.

File No. 19034WC    Assessment No. 096038

**Sponsors:**      Thune

**Adopted**

- 15      **RES 11-695**      Approving assessment costs, and setting date of City Council public hearing to ratify the assessment for water service connections as requested by the property owners in connection with the Chatsworth/Goodrich RSVP.
- File No. 18976WC    Assessment No. 096052
- Sponsors:**      Thune
- Adopted**
- 16      **RES 11-713**      Approving the City's cost of providing Collection of Vacant Building fees services during February 2011, and setting date of Legislative Hearing for May 17, 2011 and City Council Public Hearing for June 01, 2011 to consider and levy the assessments against individual properties. (File No. VB1108)
- Sponsors:**      Lantry
- Adopted**
- 17      **RES 11-715**      Approving the City's cost of providing Demolition services during February 2011 (C.D.B.G. Funds), and setting date of Legislative Hearing for May 17, 2011 and City Council Public Hearing for June 01, 2011 to consider and levy the assessments against individual properties. (File No. J1109C)
- Sponsors:**      Lantry
- Adopted**
- 18      **RES 11-716**      Approving the City's cost of providing Demolition services during February 2011, and setting date of Legislative Hearing for May 17, 2011 and City Council Public Hearing for June 01, 2011 to consider and levy the assessments against individual properties. (File No. J1110C)
- Sponsors:**      Lantry
- Adopted**
- 19      **RES 11-717**      Approving the City's cost of providing Boarding and Securing services during January 2011, and setting date of Legislative Hearing for May 17, 2011 and City Council Public Hearing for June 01, 2011 to consider and levy the assessments against individual properties. (File No. J1107B)
- Sponsors:**      Lantry
- Adopted**
- 20      **RES 11-718**      Approving the City's cost of providing Property Clean Up services during March 2011, and setting date of Legislative Hearing for May 17, 2011 and City Council Public Hearing for June 01, 2011 to consider and levy the assessments against individual properties. (File No. J1112A)
- Sponsors:**      Lantry
- Adopted**

- 21      **RES 11-719**      Approving the City's cost of providing Trash Hauling services from March 2 to March 30, 2011, and setting date of Legislative Hearing for May 17, 2011 and City Council Public Hearing for June 1, 2011 to consider and levy the assessments against individual properties. (File No. J1109G)
- Sponsors:**      Lantry
- Adopted**
- 22      **RES 11-700**      Deleting the assessment for Collection of Vacant Building Fees services in October 2010 at 382 CURTICE STREET EAST (File No. VB1103, Assessment No. 118004).
- Sponsors:**      Thune
- Adopted**
- 23      **RES 11-609**      Approving the opt out petitions requested by property owners in the Page-Woodbury Area Residential Street Vitality Project (RSVP).
- Sponsors:**      Thune
- Adopted**
- 24      **RES 11-720**      Preliminary Order setting the date of Public Hearing for May 18, 2011 for approval of the ongoing operation and maintenance costs for the above standard lighting improvement along Payne Avenue from Cook to Orange (File No. 19096OP).
- Sponsors:**      Bostrom
- Adopted**
- 25      **RES 11-752**      Memorializing the City Council's denial of a Liquor Outdoor Service Area license for Grand American Restaurant Company, d/b/a The Wild Onion.
- Sponsors:**      Thune
- Adopted**
- 26      **RES 11-753**      Memorializing City Council action taken April 6, 2011 imposing adverse licensing action against Mary Fasching, d/b/a M F Automotive.
- Sponsors:**      Stark
- Adopted**
- 27      **RES 11-764**      Opposing the demolition of recreation centers.
- Sponsors:**      Bostrom
- Adopted**
- 28      **RES 11-651**      Supporting the Minnesota Health Plan, a single payer health care plan.
- Sponsors:**      Thune, Carter III and Stark
- Adopted**

*Councilmember Thune pointed out, for the benefit of the people in the audience, that Item 28 supporting the Minnesota Health Plan had been adopted. Councilmember Bostrom noted the adoption of Item 27 having to do with recreation center demolitions.*

#### FOR DISCUSSION

- 9      **RES 11-690**      Authorizing the appropriate city officials to enter into a lease agreement with the Mt. Airy Boys and Girls Club which will transfer their operations from the Valley Recreation Center to the newly acquired Franklin Magnet School.

**Sponsors:**      Carter III

*Councilmember Carter highlighted the importance of preserving recreation centers and said the item was an example of the type of thing that should be implemented in recreation centers rather than demolition. He moved approval.*

#### **Adopted**

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

**Nay:** 0

- 29      **CO 11-2**      Presentation of the 2011 Sustainable Saint Paul Awards.

**Sponsors:**      Lantry

*Council President Lantry spoke briefly about the awards, and acknowledged Anne Hunt and the Sustainable St. Paul Committee. The awards were presented by Mayor Coleman and the Council members. Mayor Coleman congratulated the winners.*

*Councilmember Helgen thanked Mayor Coleman for helping to make St. Paul one of the greenest cities in country.*

#### **Received and Filed**

- 30      **RES 11-535**      Approving adverse action against all licenses held by JSR, Inc., a Minnesota Corporation, d/b/a Lonetti's Lounge located at 1091 Rice Street in Saint Paul.

**Sponsors:**      Helgen

#### **Withdrawn**

- 31      **RES 11-634**      Approving petitions from building owners to the 2009 - 2010 Downtown PILOT Façade Improvement Program to proceed with assessments for improvements to downtown historic building façades, and amending the Façade Improvement Program schedule.

**Sponsors:**      Thune

*Councilmember Thune said the historic facade improvement program was well-used and a great reinvestment in the city, and he thanked Public Works, Finance, and PED*

*staff for their work. He moved approval.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**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**

32    **Ord 11-40**    Amending Charter Section § 7.10 regarding the Canvass of Election Returns.

**Sponsors:**    Lantry

**Laid over to April 27 for second reading**

**SUSPENSION ITEM**

*Council President Lantry moved suspension of the rules.*

**Rules suspended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**RES 11-787**    Extending the declaration of a local emergency, as a result of the spring floods, for an additional period not to exceed 30 days from April 15, 2011.

**Sponsors:**    Lantry

*Councilmember Thune moved approval.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

*The Council recessed and reconvened as the Library Board at 4:15 p.m. (See Library Board minutes.)*

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

## **PUBLIC HEARINGS**

### **ROLL CALL**

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

**Absent** 1 - Councilmember Pat Harris

**33 Ord 11-27** Amending Chapters 60, 62, 63, 64, 65, 66, 67, 69 of the Legislative Code and the Zoning Map as recommended in the Central Corridor and Traditional Neighborhood Zoning Study. (Public testimony will be heard only on the amendments introduced on April 13.)

**Sponsors:** Stark and Carter III

*Speaking in opposition to the ordinance were the following:*

*Annie Johnson, Union Park District Council, appeared. She said the Land Use Committee voted in opposition to Amendment 3 which would maintain I-1 zoning at 649 Pelham Blvd. They are in favor of supporting T-4 zoning as previously recommended. Pelham Blvd. is a transportation corridor for residents of the Desnoyer Park neighborhood. This item came before Union Park because of the Desnoyer Park Improvement Association's request for Union Park to consider it. They are concerned that the I-1 zoning at 649 Pelham Boulevard would not provide adequate visioning for the future of this block as it develops as a multi-use transportation corridor. T-4 zoning is supported by Union Park because it is intended to foster the development and growth of compact pedestrian oriented buildings and urban villages to encourage a compatible mix of commercial and residential uses within those buildings because of the size of blocks and new development in proximity to major transit streets and corridors and additional choices in housing. Ms. Johnson asked that the City Council oppose the I-1 Zoning at 649 Pelham Blvd.*

*Brian McMahon, University United, said big changes have taken place since the initial "celebration." Allowable heights are being considered to be cut in half and as an organization, they are very concerned about that. St. Paul voted for TOD before it voted against it. What they're ending up with is TOD light which is a very different product from what they were adopting a couple years ago as part of the Comprehensive Plan. University United feels this is bad policy and it appears to him that there is a conflict between the Comp Plan. What highlights it all is the amendments that are being discussed. They are talking about a Comp Plan that references ten story buildings at Dale Street when all of the permitted conditional use permits are brought into play. The amendment would slash that in half. This is not a small, subtle change, he said. It's one of many significant changes that have slipped up on him. There are serious conflicts between the approved Comp Plan and the variety of amendments that are now working their way into the Zoning Code. This conflict is not permitted under law, he said. There can not be a Comp Plan that says*

*ten-story buildings and a three dimensional model that shows ten to fifteen story buildings up and down the corridor. It can't now be changed to half of that. Mr. McMahon read from the Statute to show his point. He asked that the conversation be brought back to this potential conflict.*

*He noted that they went through a two-three year extensive process with hundreds of people in the community, great consultants, and a great plan was produced. Now this plan is being nicked and dimed to death. It is not the kind of municipal action that inspires a lot of confidence in the development community. What developers want is stability, certainty, predictability, a level playing field, and what is being seen is the density cut in half over night as a result of one public hearing after five years of thorough community engagement. They are concerned that that is not a signal the Council wants to send to inspire confidence for people to come into this community. This is not the way to do business for a 20-year or 30-year economic development project, he said. From a policy standpoint, they are concerned that zoning is a "police power." It's a very important power the Council exercises and very different from many of the other things the Council does in its day-to-day business. When zoning and comprehensive planning is done, thinking needs to be done in a big picture, long term, irrespective in some ways of who's the property owner today or what the neighborhood wants. This is not a short-term plan that's being adopted. It took ten years just to do the plan and he's assuming this plan will be here for another 20 years.*

*In 1998, University United brought forth the first Comprehensive Plan for University Avenue. A consultant was retained who developed the plan for the entire corridor. That plan was adopted into the Comp Plan and became law with the exception of about three pages. Those pages called for housing on University Avenue. At that time, the Planning and Economic Development director, City Planning staff and the City Council said, "no," that no one will live on University Avenue and to take out the three pages*

*Mr. McMahon asked that the Council think seriously about the amendment, even apart from the legality, about whether this is the right thing and for the long term interests of the city and the entire region.*

*Councilmember Helgen told Mr. McMahon he appreciates the idea about density and being able to build up and maximize the investment along the corridor. He asked what happens if they go taller in terms of building massing vs. a flatter, block form and which affects the way a corridor looks or feels. Mr. McMahon responded it is important to get it right and that tall is not right for every location but there are also benefits to height. One is that the footprint is reduced and what is allowed is more opportunities for public realm, green space, etc. Also, efficiency is maximized in terms of use of the land. Going forward over the next 15-20 years, height will be a sought after attraction for people such as empty nesters, singles, etc looking for housing. The plan calls for 15,000 new units of housing. As a result of the last six months, the allowable height and density is being slashed. He didn't know if there was any way the stated goal of 15,000 units could be reached. Someone has to go back and look at the sites, look at how things have been down-zoned and calculate if they can get to the 15,000 units.*

*Speaking in support of the ordinance were:*

*Benita Warns, 1440 Lafond Avenue, and owner of Mr. Michael Recycles Bicycles at 520 North Prior. She thanked the Council for listening to the people, the people who live there and have invested their lives there; those who stand the most to lose. St. Paul's population has not grown over the last ten years and she questioned whether*

15,000 more people are going to want to live here in the next 15 to 20 years. She feels they need to allow for some growth but she is in favor of down-zoning the area because this is what the people who live in that community want. She said she wishes the same consideration had been given to not going so tall near her business.

Veronica Burt, cultural organizer and policy advocate with the Preserve and Benefit Historic Rondo Committee, reiterated points she made at the previous public hearing. She said they are in support of the amendments to the Zoning Code because, as they reiterated last year, a lot of the area they are concerned with is comprised of single family homes. Considering that the Rondo neighborhood is only four blocks deep and given the path the historical land use pattern the Council is now facing, residents have been very concerned about having a potential downtown Manhattan right outside their doorsteps. Anyone within reason would be concerned with that indicated by the photos they showed at the last public hearing as to how very tall buildings can dwarf a single family neighborhood and residency. People in the community have always been concerned with feeling blocked in, blocked off, isolated more given that they are confined between two major infrastructure investments – 194 and the light rail project. Now, 20-40 years later a same kind of barrier could be put in with tall buildings. She said they understand the city wants to increase density and increase residence which is why they felt this was a reasonable compromise with the amendment that's on the table. They didn't ask that things remain as is but they did ask the Council to consider lowering the heights. They are strongly in support of the amendment and are pleased the Council heard them and made these kinds of amendments. However, they also realize there are still some outstanding concerns that they understand the Council will take up including that the Council will be sending directives to the City to do further investigation regarding alley usage of thoroughfares, neighborhood parking pressures, mixed-use housing and commercial affordability in new development, and examining thorough neighborhood process at the district council. In the spirit of government and community cooperation and partnership, Ms. Burt said they will be following up continuously with the City Council to insure that a community's concerns such as theirs are given serious and significant consideration. This time they are hoping to have more of a say in how development is done in the community so it's not something that's done to them but it's with them, for them, and in cooperation with them.

Jeff Martin, President of the St. Paul branch of NAACP, thanked the Council for the amendments that have been added to the proposed plan. He said the gentleman who spoke in support of the plan disturbed him. When talking about looking ahead for the neighborhood that's going to be replaced and planning with them in mind, he said it concerns him because it's totally looking past the people who are there giving their lives and working every day to make St. Paul a better place. He said they aren't in a position to discount any of the citizens at any point in time. He said he understands a need for planning for the future and allocating funds accordingly but "we can't look past the lives that are affected by this project." He said the amendments should be adopted by the Council.

Keith Swan, 1032 Concordia, said he grew up in the Rondo area and is in support of the amendments. He asked the Council not to forget Rondo.

Councilmember Carter moved to close the public hearing. Yeas – 6 Nays – 0

Councilmember Helgen said with the rezoning and changes, he's thinking about where St. Paul is going and as a fully developed city, the opportunities to add some vertical density into the fabric of the city is going to be important. If there are opportunities with the planning staff to be looking at where else something could be done that might complement a growth pattern in a neighborhood or allow the city to

*capitalize on some of the tremendous opportunities in this region, they should think about that and pay attention to what the impact of the different zoning changes are.*

*Councilmember Carter said there are very challenging balances to be taken. The heart of that balance is thinking about what's in the interest and ambition of the people who live in the community and thinking about what the city-wide context is as well so they are developing communities within communities that have a place within our city. He said disagrees with a few of Mr. McMahon's statements. He's troubled by the notion that zoning should be done irrespective of who's in the neighborhood and what the neighborhood wants. He also disagrees with McMahon's statement that the Council should not amend the ordinance on the basis of one public hearing. He feels it's the Council's right and responsibility and it's the point of having a public hearing. He would not like to see the day when they are inviting people down for public hearings with the belief that it's too late for their comments to impact the decisions the Council will make. The concerns about density and height and the Summit-University and Frogtown communities being "walled off" along University are concerns that have been heard at many meetings since the beginning of the planning process on the Central Corridor. He feels the amendments are the right thing to do.*

*Councilmember Stark addressed the position of the Union Park District Council on the Pelham property amendment saying this whole process has been a big undertaking over the last five to ten years. It continues to be a balancing act and one of those balancing acts in the area between the Minneapolis city limits and around Prior has been the balance between industrial land and the desire to have more density along the corridor. He feels a good balance has been struck in the current document in terms of maintaining a certain amount of industrial land but making sure they are getting more density and the zoning reflects that quite well. The two parcels on Pelham that are being suggested to stay industrial are the further-most ones from the station area. Because it's a relatively small area, it somewhat reflects the discussion on the balancing act that's being attempted to be achieved. The industrial zoning does not prevent future higher density development from coming in but it allows more industrial uses to potentially continue there.*

*Stark said both sides who spoke at the hearing are right in terms of both the history of the issue and the feelings of the community. By lowering the allowed height in that area, they may be limiting some kinds of development. He thanked Brian McMahon for his efforts the past many years and said they are where they are, in terms of the whole conversation and thinking about University Avenue different than they used to in the fact that they are creating a T4 District that doesn't even have a height cap on it in certain locations along the corridor which is a somewhat radical idea for the City and one that they've embraced for those locations that call for that level of intensity. He feels they will be seeing a mix of projects along the avenue that will provide good information as to whether or not the right thing was done.*

*Councilmember Carter said any regulation limits the activity. He agrees with Councilmember Stark's point and he thinks those are balances that will have to be played out very deliberately and balances that will have to be watched and constantly re-evaluated.*

*Councilmember Thune said they are planning for the communities and that means going home with the people who live in and built those communities. It should be their will and not the will of some planning school or other city. He said he knows of no neighborhoods that want taller high rise buildings except downtown. High density has been turned down on the West Side, the Riverfront, and on West 7th Street along a formerly planned bus rapid transit route. "We don't want to change the neighborhoods and if developers want to go somewhere else, so be it," Thune stated.*

*He said he was happy to support the amendment.*

*Council President Lantry said she did not feel the amendment will prevent development but that it will make it a different kind of development. It may be a kind that will complement the neighborhood and will emphasize the good features that are there instead of overshadowing what's already there.*

*Councilmember Stark responded to Thune saying he has neighborhoods that want high density development and noted that one person testified saying not to keep it industrial but move to T4 which has no height limit.*

*Councilmember Carter said they will be seeing a diverse set of development along the corridor. The amendment may also present a range of economic opportunities and he's looking forward to seeing if that plays out as well.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**SUSPENSION ITEM**

*Councilmember Stark moved suspension of the rules to introduce RES 11-803.*

**Rules suspended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**RES 11-803**      Establishing a Central Corridor Housing Action Plan.

**Sponsors:**      Stark

*Councilmember Stark said this is a follow-up to the Council's discussion on April 13, 2011 about the on-going work and interest in making sure that some other aspects of the Central Corridor strategy are followed through with regard to affordable housing and not displacing people in the community who are there today. Stark outlined the pertinent points in the resolution.*

*The content of the resolution makes sense and captures some of the discussion that needed to happen, Councilmember Helgen said. He challenged the Council to think about the fact that they were reminded that every time the Council adds more requests to the Planning Commission and their over-worked staff, they then can't then do something else. This seems like a fair amount of additional work, Helgen said, and he has a concern about it. A discussion should take place regarding the work load, he said.*

*Councilmember Carter said he would like to add a friendly amendment to the second resolve stating that the Council calls upon the Planning Commission to review tools to promote affordability of housing and business opportunities.*

*Roll call on the amendment    Yeas – 6    Nays – 0*

**Adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 34      Ord 11-30**      Amending Chapter 28 of the Saint Paul Legislative Code regarding campaign financial reports.
- Sponsors:**      Helgen
- No one appeared in opposition; Councilmember Helgen moved to close the public hearing.*
- Yeas – 6    Nays – 0*
- Laid over to April 27 for final adoption**
- 35      Ord 11-31**      Amending Chapter 30 of the Saint Paul Legislative Code pertaining to election signs.
- Sponsors:**      Helgen
- No one appeared in opposition; Councilmember Helgen moved to close the public hearing.*
- Yeas – 4    Nays – 0 (Carter and Stark not present)*
- Laid over to April 27 for final adoption**
- 36      Ord 11-33**      Repealing Administrative Code Chapter 96 pertaining to collection of registered bills, to replace it with an updated Chapter 96 pertaining to accounts receivable and clarifying certain procedures for collection.
- Sponsors:**      Lantry
- No one appeared in opposition; Councilmember Lantry moved to close the public hearing.*
- Yeas – 5    Nays – 0 (Carter not present)*
- Laid over to April 27 for final adoption**
- 37      Ord 11-34**      Amending Chapter 246 of the Saint Paul Legislative Code pertaining to the regulation of drinking on streets and in parks.
- Sponsors:**      Lantry
- No one appeared in opposition; Councilmember Stark moved to close the public hearing.*
- Yeas – 5    Nays – 0 (Carter not present)*
- Laid over to April 27 for final adoption**

- 38      **RES 11-663**      Approving the application of the Ordway Center For The Performing Arts for a sound level variance in order to allow amplified live band music between 5:30 p.m. and 10:00 p.m. on June 16, 23, & 30, July 7, 14, 21, & 28, and August 4 & 11, 2011 in Landmark Plaza.

**Sponsors:**      Thune

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

*Yeas – 5      Nays – 0 (Carter not present)*

**Adopted**

**Yea:** 5 - Councilmember Bostrom, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**Absent:** 2 - Councilmember Carter III and Councilmember Harris

- 39      **PH 11-8**      Approving adverse action against all licenses held by Cherry's Minnehaha Tavern, Inc., d/b/a The Cherry Pit located at 735 White Bear Avenue N. in Saint Paul.

**Sponsors:**      Lantry

*Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections (DSI), provided a staff report. The violation at The Cherry Pit occurred on January 9, 2011 and notice of the violation was sent on February 8, 2011. St. Paul Police observed numerous cars parked in the lot at the Cherry Pit at 2:36 a.m. after their 2:30 closing time. No one came to the door when the officer knocked and he could hear loud music and observed a patron drinking at the bar. The door was eventually opened and the officer was told the establishment was closed for an employee Christmas party. Subsequently, the establishment told DSI that the beer in question had been purchased before 2:00 a.m. and the video would be provided as requested by DSI. Later, it was disclosed that their video equipment was either not plugged in or did not have power that evening. That would be a violation both of Legislative Code 409.26B in regard to after-hours consumption and the first license condition they have which was signed in 2006 to maintain video surveillance cameras and keep tapes of all occurrences within for seven days after. On February 16, 2011, the owners asked for a public hearing before the City Council.*

*DSI has recommended a \$500 matrix penalty and a new condition on their license as follows: "The license holder shall maintain video surveillance cameras inside and outside the establishment. The video recording shall be kept by the license holder for at least 30 days and shall be available for viewing by the St. Paul Police Department immediately upon request. In addition, if the St. Paul Police respond to a call at the premises due to the crime request, a copy of the surveillance footage must be immediately provided. The license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the St. Paul Police or the Department of Safety and Inspection request copies of the surveillance tapes, the licensee shall have a 48-hour period to provide the tape.*

*Nicole Cherry, owner of the Cherry Pit, and Michael (name undecipherable), employee for 17 years appeared. Ms. Cherry said Michael was at the establishment the night of the violation. She apologized to DSI, the neighborhood, and the City Council for the violation. She said she was present to express her concerns for the modifications to the license conditions and the \$500 penalty fee. She asked if the*

*matrix fee is ever reduced and expressed concern about the video requirement being extended to 30 days because her hard drive can go to 30 days but it does not give a lot of clarity and in her conditions it has to be clear video to make identifications. Once the hard drive is maximized to 30 days, clarity is lost. Presently it is on a seven day and the resolution is good. It takes a picture and every picture is between three to six seconds. It would cost \$1300 to purchase a new hard drive to record 30 days. She asked if the Council would consider a 14-day video as it would not be as much of an expense for her. She further said there have been multiple power outages. She has a back-up for the battery but when that depletes, nothing can be done. She said the DVR has never been purposely unplugged.*

*Ms. Cherry said all conditions were implemented in 2005 because she is a good business owner and she agreed to them. She installed the video camera before the conditions were imposed and she's always making sure it's rolling.*

*Ms. Cherry also stated that the employee holiday party occurred outside of the bar except for earlier in the evening when it was in the basement. The party ended promptly at 11:30 and the cars that were there were picking up employees.*

*Michael said he was the person drinking the beer at 2:33 a.m. They have now set the clocks in the bar back 10 minutes and everyone is physically out of the bar by 2:15. They have learned from this incident and it will not happen again, he said.*

*Council President Lantry moved to close the public hearing. Yeas – 6 Nays – 0*

*Council President Lantry asked Mr. Lundgren if the language he read is the new standard language. Mr. Lundgren responded that of the liquor licensees who have video requirements as part of their licenses, a little less than half of them have 30-day requirements. The remainder generally have seven-day requirements. The upgrade to 30 days is usually requested after an incident takes place and several establishments have had to upgrade their systems. DSI recognizes that an upgrade requires additional money at times and in this case, DSI would be willing to suggest that if there are financial difficulties, the establishment could have additional time to do the upgrade, possibly to the end of the summer.*

*Lantry questioned why 30 days instead of 14. Mr. Lundgren said no one has a 14 day requirement at this time. The reason for the 30 days instead of seven has been that DSI frequently does not find out that an incident has happened until later on. It's usually the police who respond and they are not tasked with licensing violations so it often does not occur to them that it's something they should be investigating.*

*Lantry noted that that the current condition on the license talks about video surveillance and she thinks of moving pictures. Mr. Lundgren responded that a lot of the systems are taking rapid pictures rather than constant video. Since it's coming from a computer, some of them don't have the computer strength to be doing actual video. The ones that do are considerable more expensive.*

*Lantry continued saying there were two violations on this particularly evening and asked if the penalty matrix is assuming both of these or only one. Mr. Lundgren responded that there were two violations on this particular night so the Council would have the power to impose a \$1,000 fine which is the next matrix penalty for a second violation. DSI took this bar's history into consideration in making the recommendation for a \$500 fine.*

*Lantry said the Cherry Pit is a good neighborhood establishment but there is a reason the police were there which was neighborhood complaints of after-hours*

drinking. She moved approval of the recommendation of the Department of Safety and Inspections with time for the owner to upgrade the equipment until August 1, 2011

Councilmember Helgen stated that the high image resolution quality is wanted so the owner will have to make an investment in an extra hard drive. Lantry told Ms. Cherry that before she purchases any equipment she should contact DSI to make sure she gets what they are looking for.

*Motion of Intent – Adopted as amended (\$500 fine imposed and cameras to be upgraded by August 1, 2011).*

**Adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

40 PH 11-9

Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Icon Recovery Corp d/b/a Icon Auto Corp, and Icon Recovery Corp d/b/a Icon Recovery Corp located at 817 Vandalia Street in Saint Paul.

Sponsors: Stark

*Kyle Lundgren, Assistant City Attorney representing the Department of Safety and Inspections (DSI), stated this is a violation of failure to remain open for 24 hours for the storage lot for a two truck and wrecker license. The date of the violation was December 28, 2010 and notice of the violation was sent on January 7, 2011. The St. Paul Police Department performed a compliance check at approximately 2:44 a.m. to see if this business was open 24 hours which is one of the conditions on their license. There had been a previous offense in November 2010. When the officer arrived, there was no activity in the lot and no lights on in the office. The officer knocked on the service door and got no response. He sounded the siren in his vehicle and got no response. He waited five minutes and sounded the siren again and got no response.*

*There was a contested hearing before an Administrative Law Judge (ALJ) on February 24, 2011. At that hearing, the licensee testified he was on the premises but heard nothing and may have been working in a paint booth with ear protection. He said there was a sign at the entrance listing a telephone number to call for assistance and that he kept his phone on vibrate. He also testified that he had no towed cars in the lot at that time. The ALJ filed a report on March 23, 2011 finding that not having any towed cars in the lot did not relieve the licensee of having to remain open for 24 hours as it was one of the conditions on his license; and, being available by telephone did not rise to the level of being open 24 hours but that the lot had to be staffed.*

*This is a second offense and the recommendation of DSI is a \$1,000 matrix penalty.*

*Councilmember Stark asked if the officer verified that there were not any cars in the lot. Mr. Lundgren responded that the officer noticed there were cars in the lot but it is unknown if they were towed vehicles or not. The testimony at the hearing was that there were no vehicles in the lot pursuant to the tow truck wrecker license.*

Charles Severson, owner of Icon Towing and Recovery, said the problem he has with State Statute 361.05 is that it states, "impound lots need to be maintained continuously 24-hours, on-duty service for the purpose of releasing of motor vehicles." He said he was staffed at the lot that particular evening and his door would have been unlocked if he had one single vehicle impounded. All vehicles they impound are generally released on the same day,

Severson said he had a matrix penalty a few months before this incident when he was not at the location and he learned his lesson at that time. He maintained he was in the back of the shop and said his building has walls that are two-feet thick cement with no windows. The officer stated there were no lights on in the building but he again said there are no windows so the officer would not be able to determine if there were lights on. A sign is put on the door at night with a phone number to call and there is also a buzzer. He said the officer neither called or rang the buzzer.

Council President Lantry asked how she would know anyone was there if her car was towed. Mr. Severson said there is a light on above the door and, as he said, there is a buzzer and the phone number is posted. He noted the sentence in the Statute says the operation must be open for the purpose of releasing motor vehicles and said he feels it can be open to interpretation. Whereas, if he has no motor vehicles to release, he questioned the reason to be open and staffed. He also said the police impound lot abides by all the same rules which he does with the exception that they close at 10:00 p.m. and the closing is because of safety reasons. Even though it's dangerous for him, he said he does not have a problem being open 24 hours as long as he has impounded vehicles. If he doesn't have vehicles, he feels he should be able to close the doors and send his staff home.

Severson asked that the fine be waived because he was at the lot. He also asked that the Council take into account that he should be allowed to abide by the same rules and same courtesy as the Police Impound Lot and either be able to close his doors at 10:00 p.m. and open at 8:00 a.m. or be open 24 hours and staffed as long as he has a vehicle impounded

Councilmember Stark moved to close the public hearing. Yeas – 6 Nays – 0

Councilmember Stark said it sounds like an interesting policy suggestion. However, the Statute is clear and whether or not it should be changed is a question for another time. He feels there is room for interpretation as to whether reasonable steps were taken but it sounds like the officer made several attempts with noise to get someone's attention and had no reason to know that someone might be in a paint booth and unable to hear them.

Mr. Lundgren said the officer testified at the hearing that he saw no sign on the door so there was some difference in terms of facts regarding the signage. He said if no fine was imposed, there would be no violation in terms of any future actions. The Administrative Law Judge heard the same arguments that the licensee made at this hearing and noted that the Code does not say that a 24-hour storage lot is required unless there are no impounded cars in the lot. The Code says a 24-hour on-duty storage lot.

Lantry questioned how a police officer would know the difference between a car being repaired and one that was towed and how anyone would know there was a violation since both take place at this business.

Mr. Lundgren responded that the distinction is a sterile one because the Code says 24-hours a day. There is no exception for whether or not there are cars in the lot

*pursuant to the tow truck license. The officer made reasonable attempts to see whether or not the business was open because there was a similar violation in November. It appeared quite clear from the testimony at the hearing that it did not appear to be open.*

*Councilmember Stark said he feels the officer took reasonable steps in this case and there was a violation based on what the Code says.*

*Councilmember Stark moved to adopt the Findings of Facts and Conclusions of the Administrative Law Judge and impose a \$1,000 fine with \$500 suspended for 18 months provided there are no same or similar violations.*

**Adopted the Findings of Fact, Conclusion, and Recommendation of the Administrative Law Judge as amended by the City Council. (\$1,000 fine imposed with \$500 stayed for a period of 18 months provided there are no same or similar violations in that time period.)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 41 RES 11-754** Approving a budget amendment authorizing the 2011 debt service payment for the 2011 Three Year Capital Lease Agreement financing public safety vehicles.

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 42 RES 11-755** Authorizing tax-exempt capital lease financing under a governmental lease-purchase agreement and naming Wells Fargo Securities, LLC as the lender for the purchase of public safety vehicles, and determining other matters in connection therewith. (This item is a companion to Res 11-754 and does not require a public hearing.)

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Harris and Councilmember Thune

- 43      **RES 11-631**      Amending the 2011 budget by reauthorizing 2009 Façade Improvement Program funding allocation of \$920,539, and increasing funding awards by \$75,000 from \$902,489 to a total authorized amount of \$977,489.
- Sponsors:**      Thune
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry and Councilmember Stark
- Nay:** 0
- Absent:** 2 - Councilmember Harris and Councilmember Thune
- 44      **RES 11-406**      Amending the financing and spending plan for the Rice Street and Maryland Intersection capital improvement project to reflect the project's Cooperative Agreement with Ramsey County.
- Sponsors:**      Lantry
- No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval. Helgen said he's excited to get this project done as it will make a big improvement to the safety along this very dangerous intersection.*
- Adopted**
- Yea:** 4 - Councilmember Carter III, Councilmember Helgen, City Council President Lantry and Councilmember Stark
- Nay:** 0
- Absent:** 3 - Councilmember Bostrom, Councilmember Harris and Councilmember Thune
- 45      **RES 11-623**      Amending the financing and spending plans in the Department of Planning and Economic Development budget in the amount of \$744,640 to accept a grant from the Minnesota Housing Finance Agency for Neighborhood Stabilization Program 3 activities.
- Sponsors:**      Bostrom
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry and Councilmember Stark
- Nay:** 0
- Absent:** 2 - Councilmember Harris and Councilmember Thune
- 46      **RES 11-721**      Amending the financing and spending plans in the Department of Planning and Economic Development budget in the amount of a \$2,059,877 to accept a grant from the Department of Housing and Urban Development (HUD) for Neighborhood

Stabilization Program 3 (NSP3) Funds.

**Sponsors:** Bostrom

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

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Harris and Councilmember Thune

**47 RES 11-594**

Amending the financing and spending plans in the Department of Parks and Recreation budget in the amount of \$24,000 to accept a grant from the Lessard-Sams Conservation Partners Legacy Grant program to enhance thirteen acres of oak woodland and oak savanna at the Highwood Nature Preserve.

**Sponsors:** Lantry

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

**Adopted**

**Yea:** 4 - Councilmember Carter III, Councilmember Helgen, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Bostrom, Councilmember Harris and Councilmember Thune

**48 RES 11-527**

Amending the financing and spending plans in the Fire Department budget in the amount of \$390,000.00 to accept the 2009 Port Security Grant to purchase video surveillance equipment to monitor the port areas in the city and fire response watercraft equipment.

**Sponsors:** Lantry

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

**Adopted**

**Yea:** 4 - Councilmember Carter III, Councilmember Helgen, City Council President Lantry and Councilmember Stark

**Nay:** 0

**Absent:** 3 - Councilmember Bostrom, Councilmember Harris and Councilmember Thune

**49 RES 11-660**

Amending the financing and spending plans in the Fire Department budget in the amount of \$131,544.00 to accept the 2010 Urban Area Security Initiative (UASI) Grant to pay for planning and equipment for the hazard and risk analysis project.

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

- 50 RES 11-701** Amending the financing and spending plans in the Fire Department budget in the amount of \$500,000.00 to accept the 2010 Port Security Grant to purchase a data management system to manage information received from the video surveillance system and to complete the purchase and outfitting of the fire response watercraft.

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

- 51 RES 11-661** Amending the financing and spending plans in the Fire Department budget in the amount of \$5,000.00 to accept the 2010 Homeland Security Grant - Minnesota Joint Analysis Center (MNJAC) to pay for a non law enforcement liaison position to the MN JAC Region 6.

**Sponsors:** Lantry

*No one appeared in opposition; Councilmember Carter moved to close the public hearing and approval.*

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

- 52 RES 11-662** Amending the financing and spending plans in the Fire Department budget in the amount of \$30,000.00 to accept the 2010 Minnesota Joint Analysis Center (MN JAC) Grant to provide a law enforcement liaison analyst to the MN JAC to represent the Saint Paul Police Department.

**Sponsors:** Lantry

*No one appeared in opposition; Councilmember Carter moved to close the public hearing and approval.*

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

- 53 RES 11-697** Amending the financing and spending plans in the Police Department in the amount of \$100,002 to accept the 2010 State Homeland Security Program grant for equipment and training for bomb technicians.

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

- 54 RES 11-459** Ratifying the assessment for improving public areaways within the Fourth Street right-of-way abutting 336 Robert Street North (the Pioneer Building) and 333 Sibley Street (the Sibley Square building) in conjunction with the Central Corridor Light Rail Transit Project.

File No. 19091 Assessment No. 100788

**Sponsors:** Thune

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

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

- 55 RES 11-588** Approving the assessments for a sidewalk improvement on the north side of Englewood Avenue from Dunlap to Lexington.

File No. S0701 Assessment No. 090775

**Sponsors:** Stark

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

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

**56 RES 11-585** Approving the assessments for a sidewalk improvement on the south side of Cottage Avenue East from Germain to Kennard and the east side of Germain Street from Ivy to Cottage.

File No. S0801 Assessment No. 090780

**Sponsors:** Bostrom

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

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Harris

**57 RES 11-587** Approving the assessments for a sidewalk improvement on the north side of Christie Place between Prosperity Avenue and Kennard Street.

File No. S0703 Assessment No. 090776

**Sponsors:** Bostrom

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**58 RES 11-352** Ratifying the assessment for construction of a sanitary sewer service connection as requested by the property owner at 306 Exchange Street S. in connection with the Seventh/Douglas RSVP.

File No. 19066C Assessment No. 115142

**Sponsors:** Thune

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**59 RES 11-354** Ratifying the assessment for construction of a storm sewer stub as requested by the property owner at 101 Douglas Street in connection with the Seventh/Douglas RSVP.

File No. 19066CST Assessment No. 115141

**Sponsors:** Thune

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**60 RES 11-373** Ratifying assessments for construction of sanitary sewer service connections as requested by the property owners in connection with the Davern/Jefferson RSVP.

File No. 19079C Assessment No. 115144

**Sponsors:** Harris

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**61 RES 11-375** Ratifying assessments for construction of sanitary sewer service connections as requested by the property owners in connection with the Front/Victoria RSVP.

File No. 19080C Assessment No. 115146

**Sponsors:** Helgen

*Harold Kopyy, Grotto Street resident, appeared. He said when this project was first started, a letter was sent saying the cost would run between \$1800 and \$2400. Last year he had an assessment for \$2200. A neighborhood meeting was held at a school and it was said the project would include sidewalks, street lights, sod, etc. In addition to the \$2200 assessment he got last year, he got one for the same amount this year.*

*Council President Lantry told Mr. Kopyy that's not the City's general way of doing*

assessments and she referred him to Real Estate staff for an explanation.

Councilmember Helgen said this was a project area that was spread over two years rather than one.

Lynn Moser, Real Estate, reported later in the meeting, after meeting with Mr. Kopy, that this involved the sanitary sewer connection repair and he had signed a waiver but he forgot about it.

Councilmember Helgen moved to close the public hearing and approval.

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**62 RES 11-356** Ratifying assessments for construction of sanitary sewer service connections as requested by the property owners in connection with the Magnolia/Earl RSVP.

File No. 19043C2 Assessment No. 115143

**Sponsors:** Bostrom

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**63 RES 11-371** Ratifying assessments for construction of sanitary sewer service connections as requested by the property owners in connection with the Hoyt/Kennard RSVP.

File No. 19078C Assessment No. 115145

**Sponsors:** Bostrom

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 64 RES 11-377** Ratifying assessments for construction of a sanitary sewer service connection as requested by the property owner at 971 Mclean Avenue in connection with the Earl/Mclean RSVP.
- File No. 19044C2 Assessment No. 115147
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris

- 65 RES 11-446** Ratifying assessments for Repair of Sanitary Sewer (on Private Property) from November 2010 to January 2011. (File No. SWRP1103, Asmt No. 118018)
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris

#### LEGISLATIVE PUBLIC HEARINGS

- 66 RES 11-434** Ratifying Emergency Boarding and Securing services during the month of October 2010 at 81 Jessamine Ave W. (File No. J1104B1, Asmt No. 118038)
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris

- 
- 67 RES 11-436** Ratifying Collection of Certificate of Occupancy Fees from the month of December 2010. (File No. CRT1104, Asmt No. 118022)
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris
- 68 RES 11-437** Ratifying assessments for Vacant Building Demolition services during the months of December 2010 and January 2011. (File No. J1107C, Asmt No. 118029)
- Sponsors:** Lantry
- Marcia Moermond, Legislative Hearing Officer, asked that the Council amend the assessment for 828 Prior to be made payable over five years. This is reflected in Version 3.*
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approval.*
- Adopted as amended**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris
- 69 RES 11-444** Ratifying assessments for Replacement of Lead Water Service Lines (on Private Property) from November 2010 to January 2011. (File No. 1102LDSRP, Asmt No. 114931)
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Carter moved to close the public hearing and approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris
- 70 RES 11-440** Ratifying assessments for Excessive Consumption services billed from November 8 to December 15, 2010. (File No. J1105E, Asmt No. 118037)

**Sponsors:** Lantry

*Marcia Moermond, Legislative Hearing Officer, requested an amendment to delete the assessment for 984 Wakefield. She also stated the owner of 407 Bay Street had been present at this meeting and provided a letter.*

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

*Councilmember Thune moved to reconsider this item after Item 73. Yeas – 6  
Nays – 0*

*Councilmember Thune stated the assessment for 407 Bay should be deleted.  
Councilmember Thune moved approval.*

**Adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

71      **RES 11-442**      Ratifying assessments for Vacant Building Demolition services during the month of January 2011. (File No. J1108C, Asmt No. 118039)

**Sponsors:** Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

72      **RES 11-470**      Ordering the razing and removal of the structures at 68 JESSAMINE AVE W within fifteen (15) days after the April 20, 2011 City Council Public Hearing.

**Sponsors:** Helgen

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 73      **RES 11-473**      Ordering the razing and removal of the structures at 1068 NORTON ST within fifteen (15) days after the April 20, 2011 City Council Public Hearing.

**Sponsors:**      Helgen

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 74      **RES 11-472**      Ordering the razing and removal of the structures at 671 COOK AVE E within fifteen (15) days after the April 20, 2011 City Council Public Hearing.

**Sponsors:**      Bostrom

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 75      **RES 11-471**      Ordering the razing and removal of the structures at 260 MARIA AVE within fifteen (15) days after the April 20, 2011 City Council Public Hearing.

**Sponsors:**      Lantry

*No one appeared in opposition; Council President Lantry moved to continue the public hearing for three months (July 20, 2011).*

**Public hearing continued to July 20, 2011**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

- 76      **ALH 11-477**      Appeal of Jacob Wiechmann to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 677 BLAIR AVENUE.

**Sponsors:**      Carter III

*No one appeared in opposition; Councilmember Carter moved to close the public*

*hearing and deny the appeal.*

**Appeal denied**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**ADJOURNMENT**

*The meeting was adjourned by Councilmember Helgen at 7:22 p.m.*

**Meeting adjourned**

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

**Nay:** 0

**Absent:** 1 - Councilmember Harris

**Council Meeting Information**

**Web**

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