



# 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, June 1, 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 3:30 p.m.*

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

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 11-12](#) Letters from the Department of Safety and Inspections declaring 390 Sherburne Avenue, 806 Thomas Avenue, 580 Minnehaha Avenue East, and 736 Case Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
**Received and Filed**
- 2 [AO 11-13](#) Authorizing the Police Department to remit an amount not to exceed \$2,000 to cover expenses incurred from the Saint Paul Police Department Recruit Academy 011-1 Comprehensive Field Practicals, Two Family Nights and the 2011-1 Recruit Academy Graduation.  
**Received and Filed**
- 3 [AO 11-14](#) Authorizing the Police Department Training Unit Recruit Academy 2011-1 to conduct the course Standard Field Sobriety Tests.  
**Received and Filed**

**CONSENT AGENDA****Approval of the Consent Agenda**

*Items 9 and 10 were removed from the Consent Agenda for separate consideration.*

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

**Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

*Councilmember Thune arrived following approval of the Consent Agenda and moved to reconsider the Consent Agenda.*

*Consent Agenda reconsidered. Yeas - 7 Nays - 0*

*Councilmember Thune moved to remove Item 8 from the Consent Agenda and adopt the balance 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

- 4**      [RES 11-997](#)      Accepting gifts of air transportation and hotel costs from the Brookings Institution for Mayor Coleman to attend their Metropolitan Policy Program in Barcelona, Spain from June 6th - 8th, 2011 for three days of intensive learning and discussion on the future of metropolitan economic development.

**Sponsors:**      Lantry

**Adopted**

- 5**      [RES 11-999](#)      Approving the reappointment by the Mayor of Peter J. McCall to serve on the Pension Plan of the Housing and Redevelopment Authority.

**Sponsors:**      Lantry

**Adopted**

- 6      [RES 11-923](#)      Authorizing the Police Department to accept a donation of office furniture from Target Corporation to support the Homicide Unit.

**Sponsors:**      Lantry

**Adopted**

- 7      [RES 11-940](#)      Accepting payment for certain lands for trunk highway purposes for reconstruction of the Highway 52 Lafayette Bridge.

**Sponsors:**      Lantry

**Adopted**

- 8      [RES 11-946](#)      Approving the City's cost of providing Excessive Inspection Services billed January 20 to March 11, 2011, and setting date of Legislative Hearing for June 21, 2011 and City Council Public Hearing for July 06, 2011 to consider and levy the assessments against individual properties. (File No. J1107E)

**Sponsors:**      Lantry

*Councilmember Thune moved to amend the resolution to delete the assessment for 474 Curtice, and moved approval as amended.*

**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

- 9      [RES 11-996](#)      Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add a Liquor Outdoor Service Area (Sidewalk) license to the existing Wine On Sale, Malt On Sale (Strong), and Restaurant (4) - 51-150 Seats, for Molto Inc., doing business as Scusi (#20100003233) at 1806 St. Clair Avenue.

**Sponsors:**      Harris

*Councilmember Harris reviewed amendments suggested by the City Attorney. He said this was a great community business with responsible property owners. He moved the amendments and added language at the bottom of condition 6 to allow reasonable accommodations for patrons to finish food and beverage service ordered during the allowable serving hours. Yeas - 7 Nays - 0 (Vote on amendments)*

*Councilmember Harris moved approval as amended.*

**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



**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**

- 15     [Ord 11-45](#)     Amending Chapter 160 of the Saint Paul Legislative Code pertaining to Parking Meter Zones.
- Sponsors:     Carter III, Stark and Thune
- Laid over to June 8 for second reading**
- 16     [Ord 11-47](#)     Administrative Ordinance placing the classification titled Deputy Director I in the unclassified service pursuant to Section 12.03.02(H) of the City of Saint Paul Charter. (Must be approved by Civil Service Commission after adoption by City Council but prior to Mayor signature.)
- Sponsors:     Lantry
- Laid over to June 8 for second reading**
- 17     [Ord 11-52](#)     Administrative Ordinance placing the classification titled Deputy Director II in the unclassified service pursuant to Section 12.03.2(H) of the City of Saint Paul Charter. (Must be approved by Civil Service Commission after adoption by City Council but prior to Mayor signature.)
- Sponsors:     Lantry
- Laid over to June 8 for second reading**

*The Council recessed at 3:40 p.m.*

*HRA Chair Thune reconvened the meeting of the Housing and Redevelopment Authority which was recessed on May 25.*

**The Council recessed and reconvened as the Housing & Redevelopment Authority in order to adjourn the May 25 meeting.**

**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

*Councilmember Carter moved to adjourn the meeting of the Housing and Redevelopment Authority.*

**The meeting of the Housing and Redevelopment Authority was adjourned.**

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

**Nay:** 0

## **PUBLIC HEARINGS**

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

*Council President Lantry said it was noted after the 3:30 portion of the meeting that because Councilmember Thune had not been present for the adoption of the Consent Agenda he should not have been able to recall it. She said they would just publicly acknowledge the procedural error rather than re-do the Consent Agenda again.*

**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

18      [Ord 11-43](#)      Amending Chapter 16 of the Administrative Code entitled "Council Personnel."

**Sponsors:**      Lantry

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

*Councilmember Helgen said given the current budget situation and uncertainties, it should be noted that a permanent reduction was being made in staffing for the City Council.*

**Public hearing held and closed; laid over to June 8 for final adoption.**

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

**Nay:** 0

19      [Ord 11-44](#)      Amending Chapter 15 of the Administrative Code entitled "Council Meetings and Meetings of Committees, Boards and Commissions."

**Sponsors:**      Lantry

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

**Public hearing held and closed; laid over to June 8 for final adoption.**

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

**Nay:** 0

- 20      [Ord 11-50](#)      Amending Chapter 376.16 of the Saint Paul Legislative Code to update prerequisites for taxicab licenses.

**Sponsors:**      Lantry

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

**Public hearing held and closed; laid over to June 8 for final adoption.**

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

**Nay:** 0

- 21      [Ord 11-51](#)      Amending Chapter 157 of the Saint Paul Legislative Code pertaining to miscellaneous parking restrictions and mobile food vehicles.

**Sponsors:**      Stark

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

**Public hearing held and closed; laid over to June 8 for final adoption.**

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

**Nay:** 0

- 22      [RES PH 11-915](#)      Approving the application of Lao Family Community of MN, Inc. for a sound level variance in order to provide amplified sound from 8:00 a.m. until 9:00 p.m. on July 2 & 3, 2011 during the Annual Summer Sports Tournament at the McMurray Fields, 1155 Jessamine Avenue.

**Sponsors:**      Stark and Helgen

*Bill Gunther, Department of Safety and Inspections (DSI), said there had been two letters in opposition and three in support, and one telephone call in opposition to the "cacophony" but not to the event.*

*In support:*

*Long Yang, Executive Director of Lao Family Community, said this was the 31st year and they were looking for the support of the Council, DSI and the neighbors. He said they had attempted to make the variance requests as small as possible.*

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

*Councilmember Stark said there had been a good community meeting the previous night that he and Councilmember Helgen had attended. He said it had been over all very positive and the number of complaints over the years had come way down.*

*At Councilmember Helgen's request, Mr. Gunther reviewed the decibel limits and plans for monitoring and enforcement.*

*Councilmember Stark said one of the things that had come up at the meeting was that this was the first year all of the sound would be controlled by the appellant, which was a positive step and would allow them to manage it more than in the past.*

*Councilmember Stark 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

- 23      [RES PH 11-920](#)      Approving the application of Northern Lights.mn for a sound level variance in order to present a dusk to dawn participatory art event called Northern Spark from 7:00 p.m. on June 4, 2011 to 5:28 a.m. on June 5, 2011 at various locations in Saint Paul.

**Sponsors:**      Thune

*Bill Gunther, Department of Safety and Inspections, described the event and said there had been one letter in opposition, and one in support.*

*Councilmember Thune also described the event. He thanked organizers for working with neighbors who had had some issues.*

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

**Adopted**

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

**Nay:** 0

- 24      [RES PH 11-910](#)      Approving the application of BJPS Enterprises, Inc., dba Schroeder's Bar & Grill, for a sound level variance in order to present amplified music from 9:00 a.m. until 12:00 midnight on June 25, 2011 during their 8th Annual Rib Cookoff Contest in a tent at 605 Front Avenue.

**Sponsors:**      Helgen

*No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approve the resolution. He said he was serving as a celebrity judge, and he invited everyone to attend.*

**Adopted**

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

**Nay:** 0



- 25      [RES PH 11-923](#)      Approving adverse action against Nader Nooryshokry d/b/a 3N Enterprise, 545 University Avenue West.

**Sponsors:**      Carter III

*Kyle Lundgren, Assistant City Attorney for the Department of Safety and Inspections (DSI), described the violations. He said DSI recommended a \$1000 fine, an upward departure from a first to a second offense, based on the number of violations in a short time period. At Councilmember Carter's request he clarified that there were two new violations and two ongoing at the time of the re-inspection.*

*In opposition:*

*Nader Nooryshokry (545 University Avenue) said the establishment had been there for over 40 years, and he'd been working there serving the community for the last ten, but everyone had been giving him a hard time since the light rail. He displayed photographs of the business and said he couldn't stop people from coming in for repairs. He said the City would no longer allow him to rent the neighboring lot for overflow, and had put a No Parking sign and taxi parking at the entrance to his property. He asked to have an exception for an extra eight cars in case of emergency. He said he respected the ordinances but asked that the Council see his side and allow him to provide service to the community. He referred to the photographs and said he took good care of his property. He said some of the photos showed cars that were not his. He said he could not afford to pay an extra \$1,000 in this economy.*

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

*At the request of Council President Lantry, Assistant City Attorney Rachel Tierney clarified the requirements for making changes to license conditions.*

*Councilmember Carter noted that Mr. Nooryshokry was requesting a provision for eight additional vehicles, but there were 36 at the time of the violation when the license conditions allowed a maximum of 21. He acknowledged the photographs submitted by Mr. Nooryshokry, but said photos in the file indicated the lot was not in compliance at the time of the inspection, and the standard was for it to always be in compliance. He said customers being unable to pull into the lot was in contradiction to Mr. Nooryshokry's stated commitment to serving the community. He said the Council had to enforce the conditions; 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

- 26      [RES 11-540](#)      Final Order approving the Cherokee Regional Bicycle Trail project and acquiring property rights along the north side of Ohio Street between Plato Boulevard and Cherokee Avenue for said project.

**Sponsors:**      Thune

*In opposition:*

*Alphonse J. Matt, Jr. (201 Ohio Street) said he didn't understand all of the circumstances well enough to be in support or opposition. He said City staff had been cooperative and informative regarding objections he'd raised, but he still felt he needed more information. He said his was one of only three or four businesses in the area paying taxes, and he was looking for a resolution between tax-paying*

*business owners, the City, and the general public.*

*Councilmember Thune said he'd met with Mr. Matt's attorney and discussed a lot of issues. Mr. Matt said he'd heard from his attorney that it had been a good meeting, but he still felt he needed more information. He said he didn't feel the interests of business owners were considered, and asked whether the vote could be postponed to allow more time for discussion.*

*Marcel Chevrette (215 Ohio Street), business owner on Ohio Hill, said he was neither opposed or in favor, but had concerns about the unknowns during construction. He said City staff had been helpful but hadn't been able to address all of his concerns. He said he had experienced a similar project on the street at his home, and his biggest concern was how his business would be protected during construction.*

*Jane Prince (Weinblatt and Gaylord, 111 E. Kellogg Boulevard), attorney representing Mr. Chevrette, acknowledged City staff who had come out to work with Mr. Chevrette on his conditions, and said they were working on letter of agreement. She said it was their observation was that bike commuters who already used the street would continue to, but the enhanced bike path would create the perception that it was safe biking for pleasure bikers. She said it was a very steep hill with two commercial driveways. She said that with continued of good faith negotiations, her client's concerns could be addressed, and and it would be a matter of the City sticking to its side.*

*Councilmember Thune moved to close the public hearing and asked for project staff to provide a brief report. Yeas - 7 Nays - 0*

*Don Varney, Parks and Recreation landscape architect and project manager for the project, reviewed the project history and funding, and said it filled a gap that had been identified for along time. He said the project construction documents were prepared by a consulting engineer using current state bicycle safety standards. He said the only place the standards weren't met was at the steepest part of Ohio up the hill. He displayed an map and said the businesses were at the bottom of the hill where the street flattened out and there were good sightlines from both directions. He said projections made based on a Metropolitan Council traffic study indicated that bicyclists and pedestrians on the trail would not constitute a significant impact on the businesses as far as their ability to enter and exit their properties.*

*Councilmember Thune addressed some of the concerns related to traffic safety. He said he would like more answers on how much street would be dug up and how long people would be put out of business. Mr. Varney said the construction specifications called for construction in front of the businesses to be held off until September to avoid work during Mr. Chevrette's busiest time. He said the time period of limited access would be minimized and one driveway at a time would be done. He described similar accomodations being made for Mr. Matt's business.*

*Councilmember Thune said he'd considered laying the matter over but had confidence that people were working in good faith. He noted that it was okay to work one on one with businesses instead of applying a blanket policy. 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

- 27      [RES 11-687](#)      Ratifying the assessment for Construction of 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

*Bruce Engelbrekt, Real Estate, requested a layover for this item and the next. He said there were some corrections to numbers provided by Regional Water Services, and a layover was needed to modify the assessments for the affected property owners and and re-notify those owners.*

*No one appeared in opposition; Councilmember Carter moved to continue the public hearing to July 6.*

**Public hearing continued to July 6**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 28      [RES 11-689](#)      Ratifying the assessment for Construction of 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) (Public hearing continued from June 1)

**Sponsors:**      Thune

*In opposition:*

*Property owner Josh Simmons (370 Marshall Avenue) said he'd be out of town on July 6; he requested an extension of an additional week.*

*Council President Lantry confirmed with Real Estate staff that a July 20 public hearing would be soon enough.*

*No one appeared in opposition; Councilmember Stark moved to continue the public hearing to July 20.*

**Public hearing continued to July 20**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 29      [RES 11-696](#)      Ratifying the assessments for Construction of Water Service Connections as requested by the property owners in connection with the Chatsworth/Goodrich RSVP. (File No. 18976WC; Assessment No. 096052)

**Sponsors:**      Thune

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 30      [RES PH 11-931](#)      Approving the petition of Ramsey County to vacate part of 13th Street East between Olive Street and John Street.

**Sponsors:**      Thune

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 31      [RES PH 11-932](#)      Approving the petition of the City of Saint Paul Housing and Redevelopment Authority to vacate portions of Starkey and Water Streets.

**Sponsors:**      Thune

*Councilmember Harris moved an amendment. Yeas - 6 Nays - 0 (Thune not present for vote)*

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

**Adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 32      [RES PH 11-934](#)      Approving the petition of Project for Pride in Living, Inc. to vacate part of the alley as donated and dedicated in Block 4, Rankin's Addition, northeasterly of Springfield Street and southerly of West 7th Street.

**Sponsors:**      Harris

*In opposition:*

*Richard Anderson (232 Benson) said he would like the City to leave the alley as it is and not vacate it. He said it was a nice open space.*

*Councilmember Harris moved to close the public hearing. Yeas - 6 Nays - 0  
(Thune not present for vote)*

*Councilmember Harris said the alley vacation was a critical element of a great project. He moved approval.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 33      [RES PH 11-935](#)      Approving the petition of Kerry Cesar to vacate part of Watson Avenue between Lexington Parkway South and Interstate 35 East.

**Sponsors:**      Harris

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 34      [RES PH 11-933](#)      Approving the petition of Sara Billings, LLC to vacate the unimproved right-of-way between Gordon Avenue and Blake Avenue abutting 35 Langford Park, and the adjacent City park property known as Gordon Square.

**Sponsors:**      Stark

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 35      [RES PH 11-936](#)      Accepting a grant from the Metropolitan Council for Stormwater and Green Infrastructure planning along the Central Corridor.

**Sponsors:**      Stark and Carter III

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 36      [RES PH 11-925](#)      Authorizing submission of a grant application to the Saint Paul Foundation in the amount of \$440,000 to fund the Central Corridor Emergency Working Capital Loan Fund, acceptance of the \$440,000 grant, amending the budget, and delegating to the Saint Paul HRA authority to administer grant funds.

**Sponsors:**      Carter III, Stark and Thune

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 37      [RES PH 11-907](#)      Amending the financing and spending plans in the Fire Department in the amount of \$5,200.00 to purchase supplies for Project Safe Haven.

**Sponsors:**      Lantry

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

**Adopted**

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

**Nay:** 0

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

- 38      [RES PH 11-913](#)      Amending the financing and spending plans in the Police Department in the amount of \$30,000 to support a Joint Powers Agreement with the State of Minnesota to implement eCitation transmission system.

**Sponsors:**      Lantry

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

**Adopted**

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

**Nay:** 0

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

- 39      [RES PH 11-912](#)      Amending the financing and spending plans in the Police Department in the amount of \$21,150 to accept the National Association of Police Athletic/Activities Leagues, Inc. (National PAL) grant to support community-based youth mentoring programs.

**Sponsors:**      Lantry

*Councilmember Helgen highlighted the great work of the program.*

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

**Adopted**

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

**Nay:** 0

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

- 40      [RES PH 11-930](#)      Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$40,000 to accept a grant from the National Recreation and Park Association to strengthen and expand the summer food program at all Saint Paul Recreation facilities.

**Sponsors:**      Lantry

*Councilmember Helgen highlighted the program and expressed appreciation for the grant.*

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 41      [RES PH 11-926](#)      Approving the rolling forward of unspent balances of the Solar Cities Grant and appropriating them to be spent in 2011.

**Sponsors:**      Lantry

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

### LEGISLATIVE PUBLIC HEARINGS

- 42 [RLH VO 11-15](#) Appeal of Lisa Hollingsworth, Southern Minnesota Regional Services, on behalf of Patricia DeLaCruz to a Notice of Condemnation Unfit for Human Habitation Order to Vacate 573 CHARLES AVENUE.

**Sponsors:** Carter III

*Legislative Hearing Officer Marcia Moermond said she had made a small technical amendment to the resolution but there was no change to her recommendation.*

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

**Adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Thune

- 43 [RLH VO 11-19](#) Appeal of Michael Rosenblum to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 433 CRETIN AVENUE SOUTH.

**Sponsors:** Harris

*Legislative Hearing Officer Marcia Moermond reviewed the history of the situation including the original correction notice, development of a work plan, involvement of the House Calls program, and eventual condemnation and order to vacate. She said due to dangerous conditions and lack of progress her recommendation was to order the property vacated that day. She said the mother of appellant indicated an apartment was available that day.*

*In opposition:*

*Michael Rosenblum (433 Cretin Avenue S.) said the inspector was overzealous, and the information from his parents was exaggerated. He said a lot of work had been done and he could show it was not hazardous. He said the report of unsanitary conditions was fabricated, and there had been a misunderstanding with the inspector as to which areas were to be completed first. He acknowledged he had a problem and said he was working on it. He displayed photographs showing the progress he'd made, and said he was getting help getting things organized and really needed to stay in the house. He reiterated that the inspector was overzealous.*

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

*Councilmember Harris said he appreciated Mr. Rosenblum's testimony and his efforts, but there was still a lot of progress to be made before Mr. Rosenblum could live in the house. He moved to accept the recommendation of the Legislative Hearing Officer.*

**Adopted**



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

**Nay:** 0

- 44      [RLH RR 11-21](#)      Ordering the razing and removal of the structures at 361 JENKS AVENUE within fifteen (15) days after the June 1, 2011 City Council Public Hearing.

**Sponsors:**      Helgen

*Legislative Hearing Officer Marcia Moermond said this had been a "no-show" Legislative Hearing and there was no change to her recommendation.*

**Adopted**

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

**Nay:** 0

- 45      [RLH RR 11-19](#)      Ordering the rehabilitation or razing and removal of the structures at 936 EARL STREET within fifteen (15) days after the August 3, 2011 City Council Public Hearing. (Public hearing continued from June 1)

**Sponsors:**      Bostrom

*Legislative Hearing Officer Marcia Moermond said there would be a change of ownership to the County on August 1. She asked that the matter be referred back for a July 26 Legislative Hearing and the Council public hearing be continued to August 3.*

*No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to August 3.*

**Referred for a July 26 Legislative Hearing; Council public hearing continued to August 3.**

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

**Nay:** 0

- 46      [RLH RR 11-17](#)      Ordering the rehabilitation or razing and removal of the structures at 1091 COOK AVENUE EAST within fifteen (15) days after the June 1, 2011, City Council Public Hearing.

**Sponsors:**      Bostrom

*Legislative Hearing Officer Marcia Moermond said the bank was no longer interested in rehabbing the property, and her recommendation was to order removal of the structure within 15 days with no option for rehabilitation.*

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

**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

- 47      [RLH RR 11-24](#)      Ordering the razing and removal of the structures at 1025 LAWSON AVENUE EAST within fifteen (15) days after the June 1, 2011 City Council Public Hearing.

**Sponsors:**      Bostrom

*Legislative Hearing Officer Marcia Moermond said this was a "no-show" Legislative Hearing and there were no changes to her recommendation.*

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

**Adopted**

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

**Nay:** 0

- 48      [RLH RR 11-18](#)      Ordering the razing and removal of the structures at 1002 CONWAY STREET within fifteen (15) days after the June 1, 2011 City Council Public Hearing. (Laid over from July 6)

**Sponsors:**      Lantry

*Legislative Hearing Officer Marcia Moermond said her recommendation as it stood was removal of the building within 15 days. She said she'd just received materials indicating that the owner wished to rehabilitate the structure but she hadn't had a chance to review them. She said her conditions would be posting a \$5000 performance deposit and pursuing a shortened redemption period. She said her concern was that foreclosure process had been initiated a long time before and there hadn't been follow through. She said the item could be referred back for a June 14 Legislative Hearing and come back before the Council on June 15 to allow time for her to review the work plan and financials.*

*Council President Lantry confirmed with Ms. Moermond that there had been a Legislative Hearing already, and the appellant had attended.*

*In opposition:*

*Jared Gorlitz appeared representing Peterson, Fran and Bergman, PA (55 E. 5th St., Suite 800, St. Paul), foreclosure counsel for the property and for BAC Home Loan Servicing, the servicer of the mortgage. He said the owner of the mortgage was Deutsche Bank as trustee for some certificate holders. He said they'd received information from the June 10 [incorrect date] Legislative Hearing and had just provided all of the required documentation. He said there had been a delay in the foreclosure process and those issue had been addressed and the foreclosure was proceeding with a reduced redemption period. He said they felt rehabilitation was appropriate, and reviewed financials supporting that.*

*Council President Lantry asked when the Code Compliance inspection was requested. She noted that there had been 20 summary abatement notices. She said she wanted to see the property rehabilitated but the City had been managing it at*

great expense to the City and neighborhood. She said the initial Legislative Hearing was on May 10, and the Code Compliance should have been requested on May 11. She said Ms. Moermond's requirements were not unclear or unreasonable and were the same for everyone, and she suggested that all requirements be met by the 14th. Mr. Gortitz said that message had been clearly articulated. He said the Code Compliance inspection had been requested prior to the May 10 hearing but required reports from a number of inspectors and had not yet been completed. He assured the Council that they were aware of the conditions.

Council President Lantry moved to refer the matter back for a June 14 Legislative Hearing and continue the Council public hearing to June 15.

**Referred for a June 14 Legislative Hearing; Council public hearing continued to June 15.**

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

**Nay:** 0

- 49 [RLH VO 11-12](#) Appeal of Elizabeth Osborne to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 1142 MCLEAN AVENUE.

**Sponsors:** Lantry

*Legislative Hearing Officer Marcia Moermond said there was a technical amendment included in the dates of the Legislative Hearings but no change to her recommendation.*

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

**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

#### **LEGISLATIVE HEARING 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**

**Legislative Hearing Consent Agenda adopted**

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

**Nay:** 0



- 58      [RLH TA 11-69](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064, at 561 EDMUND AVENUE.  
  
                 Sponsors:      Carter III  
  
                 **Adopted**
- 59      [RLH TA 11-70](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 619 WESTERN AVENUE.  
  
                 Sponsors:      Carter III  
  
                 **Adopted**
- 60      [RLH WP 11-12](#)      Appeal of Daniel Schmidt and Jim Yannarely, Saint Paul Ramsey County Department of Public Health, on behalf of Ellen Parker, to an Egress Window Non-Compliance Determination at 76 CONGRESS STREET WEST.  
  
                 Sponsors:      Thune  
  
                 **Adopted**
- 61      [RLH FCO 11-39](#)      Appeal of Edward Valdes to a Fire Certificate of Occupancy Correction Notice at 168 GEORGE STREET EAST. (To be referred back to Legislative Hearing December 20, 2011)  
  
                 Sponsors:      Thune  
  
                 12/20 & 1/4  
  
                 **Referred for a December 20 Legislative Hearing; Council public hearing continued to January 4, 2012.**
- 62      [RLH FCO 11-40](#)      Appeal of Loni Labrocca to a Fire Certificate of Occupancy Correction Notice at 1131 LINCOLN AVENUE.  
  
                 Sponsors:      Thune  
  
                 **Adopted**
- 63      [RLH TA 11-42](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 835 OAKDALE AVENUE.  
  
                 Sponsors:      Thune  
  
                 **Adopted**
- 64      [RLH TA 11-45](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 138 ROBIE STREET WEST.  
  
                 Sponsors:      Thune  
  
                 **Adopted**

- 65     [RLH TA 11-55](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 528 SMITH AVENUE SOUTH.  
**Sponsors:**     Thune  
**Adopted**
- 66     [RLH TA 11-56](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No J1112A, Assessment No. 118064 at 690 MOUNT HOPE AVENUE.  
**Sponsors:**     Thune  
**Adopted**
- 67     [RLH TA 11-64](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 468 BELLOWS STREET.  
**Sponsors:**     Thune  
**Adopted**
- 68     [RLH TA 11-66](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No.VB1108, Assessment No. 118050 at 674 RIVOLI STREET.  
**Sponsors:**     Thune  
**Adopted**
- 69     [RLH TA 11-73](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 565 JEFFERSON AVENUE.  
**Sponsors:**     Thune  
  
6/7 & 7/6  
**Referred for a June 7 Legislative Hearing; Council public hearing continued to July 6.**
- 70     [RLH WP 11-13](#)     Appeal of Daniel Schmidt and Jim Yannarely of Ramsey County Public Health, on behalf of Yitzchok Kasowicz, to an Egress Window Non-Compliance Determination at 1875 MONTREAL AVENUE.  
**Sponsors:**     Harris  
**Adopted**
- 71     [RLH FOW 11-13](#)     Appeal of Sheila Poulson to a Fire Inspection Correction Notice at 2165 JEFFERSON AVENUE.  
**Sponsors:**     Harris  
**Adopted**
- 72     [RLH FOW 11-17](#)     Appeal of Paul Kelley, 33rd Company, to a Fire Inspection Correction Notice at 1742 SAINT CLAIR AVENUE.  
**Sponsors:**     Harris

**Adopted**

- 73      [RLH FOW 11-18](#)      Appeal of Rita Tierney, 33rd Company, to a Fire Inspection Correction Notice at 2116 SCHEFFER AVENUE.

**Sponsors:**      Harris

**Adopted**

- 74      [RLH FOW 11-26](#)      Appeal of Stephen J. Ries to a Fire Inspection Correction Notice at 384 FINN STREET SOUTH.

**Sponsors:**      Harris

**Adopted**

- 76      [RLH TA 11-46](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1759 IGLEHART AVENUE (AKA 277 WHEELER STREET NORTH).

**Sponsors:**      Stark

**Adopted**

- 78      [RLH TA 11-49](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1401 EDMUND AVENUE.

**Sponsors:**      Stark

**Adopted**

- 79      [RLH TA 11-50](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1330 SIMPSON STREET.

**Sponsors:**      Stark

**Adopted**

- 80      [RLH TA 11-52](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 371 WILDER STREET NORTH.

**Sponsors:**      Stark

**Adopted**

- 82      [RLH WP 11-11](#)      Appeal of Kevin Knudsen to an Egress Window Non-Compliance Determination at 1489 MATILDA AVENUE.

**Sponsors:**      Helgen

**Adopted**

- 83      [RLH FOW 11-22](#)      Appeal of Devienya Shelton to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 80 LAWSON AVENUE WEST.

**Sponsors:**      Helgen

**Adopted**





- 93      [RLH FCO 11-51](#)      Appeal of Ronald Christenson to a Fire Inspection Correction Notice at 1406 HAZEL STREET NORTH.  
  
                 ***Sponsors:***          Bostrom  
  
                 **Adopted**
- 94      [RLH FCO 11-97](#)      Appeal of Judy A. Toft to a Fire Inspection Correction Notice at 1619 NEBRASKA AVENUE EAST.  
  
                 ***Sponsors:***          Bostrom  
  
                 **Adopted**
- 95      [RLH TA 11-37](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 914 EARL STREET.  
  
                 ***Sponsors:***          Bostrom  
  
                 **Adopted**
- 96      [RLH TA 11-39](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 614 JESSAMINE AVENUE EAST.  
  
                 ***Sponsors:***          Bostrom  
  
                 **Adopted**
- 97      [RLH TA 11-51](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 719 CASE AVENUE.  
  
                 ***Sponsors:***          Bostrom  
  
                 **Adopted**
- 99      [RLH TA 11-59](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1138 FOREST STREET.  
  
                 ***Sponsors:***          Bostrom  
  
                 **Adopted**
- 100     [RLH TA 11-65](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1180 SEVENTH STREET EAST.  
  
                 ***Sponsors:***          Bostrom  
  
                 **Adopted**
- 101     [RLH TA 11-67](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 921 WELLS STREET.  
  
                 ***Sponsors:***          Bostrom  
  
                 **Adopted**

- 102     [RLH TA 11-68](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1107B, Assessment No.118059 at 1537 ETNA STREET.  
***Sponsors:***         Bostrom  
**Adopted**
- 103     [RLH TA 11-72](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No.118050, at 925 COOK AVENUE EAST.  
***Sponsors:***         Bostrom  
**Adopted**
- 104     [RLH TA 11-74](#)     Reducing the Assessment for Collection of Delinquent Vacant Building Fees Re-invoiced in February 2010 for property at 803 MARYLAND AVENUE EAST.  
***Sponsors:***         Bostrom  
**Adopted**
- 105     [RLH WP 11-10](#)     Appeal of Keven Steen to an Egress Window Non-Compliance Determination at 2156 NOKOMIS AVENUE.  
***Sponsors:***         Lantry  
**Adopted**
- 106     [RLH FOW 11-14](#)     Appeal of Joe McKasy to a Fire Inspection Correction Notice at 660 BURLINGTON ROAD.  
***Sponsors:***         Lantry  
**Adopted**
- 107     [RLH FOW 11-23](#)     Appeal of Joe Steinmaus to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1535 MARGARET STREET.  
***Sponsors:***         Lantry  
**Adopted**
- 108     [RLH FOW 11-31](#)     Appeal of Andy Hybben to a Fire Inspection Correction Notice at 913 THIRD STREET EAST.  
***Sponsors:***         Lantry  
**Adopted**
- 109     [RLH FOW 11-33](#)     Appeal of Mary Wendt to a Fire Certificate of Occupancy Correction Notice at 1036 FIFTH STREET EAST.  
***Sponsors:***         Lantry  
**Adopted**

- 110     [RLH FOW 11-41](#)     Appeal of Derrick Williams to a Fire Certificate of Occupancy Correction Notice at 150 URBAN PLACE.  
***Sponsors:***         Lantry  
**Adopted**
- 111     [RLH FCO 11-20](#)     Appeal of Lance Reisetter to a Fire Certificate of Occupancy Correction Notice at 1493 MCLEAN AVENUE.  
***Sponsors:***         Lantry  
**Adopted**
- 112     [RLH FCO 11-50](#)     Appeal of Jeffrey T. DeLisle, Delisle Company Limited Partnership, to a Fire Inspection Correction Notice and basement bedroom condemnation at 2195 SIXTH STREET EAST.  
***Sponsors:***         Lantry  
**Adopted**
- 114     [RLH AR 11-31](#)     Ratifying the assessments for Collection of Vacant Building Fees Services from February 2011 (File No. VB1108, Assessment No. 118050)  
***Sponsors:***         Lantry  
**Adopted**
- 115     [RLH AR 11-32](#)     Ratifying the assessments for Boarding and Securing Services from January 2011. (File No. J1107B, Asmt No. 118059)  
***Sponsors:***         Lantry  
**Adopted**
- 116     [RLH AR 11-33](#)     Ratifying assessments for Demolition Services from February 2011. (File No. J1110C, Asmt No. 118058)  
***Sponsors:***         Lantry  
**Adopted**
- 117     [RLH AR 11-34](#)     Ratifying the assessments for Demolition Services during February 2011 [C.D.B.G.Funds]. (File No. J1109C, Asmt No. 118057)  
***Sponsors:***         Lantry  
**Adopted**
- 118     [RLH AR 11-35](#)     Ratifying the assessment for Collection of Vacant Building Fees Services from November 2010 at 758 6th Street East. (File No. VB1104A, Asmt No. 118055) (Laid over from March 2)  
***Sponsors:***         Lantry  
**Adopted**

- 119     [RLH AR 11-36](#)     Ratifying the assessment for Collection of Vacant Building Fees Services from November 2010 at 390 Sherburne Ave. (File No. VB1104B, Asmt No. 118056) (Laid over from March 2)
- Sponsors:     Lantry
- Adopted**
- 120     [RLH TA 11-38](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1727 UPPER AFTON ROAD.
- Sponsors:     Lantry
- Adopted**
- 121     [RLH TA 11-40](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No.118064 at 702 CONWAY STREET.
- Sponsors:     Lantry
- Adopted**
- 122     [RLH TA 11-41](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No.118064 at 276 MARIA AVENUE.
- Sponsors:     Lantry
- Adopted**
- 123     [RLH TA 11-54](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 956 PACIFIC STREET.
- Sponsors:     Lantry
- Adopted**
- 124     [RLH TA 11-60](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 559 MCKNIGHT ROAD SOUTH.
- Sponsors:     Lantry
- 8/2 & 10/5
- Referred for a August 2 Legislative Hearing; Council public hearing continued to October 5.**
- 125     [RLH TA 11-61](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 953 FREMONT AVENUE.
- Sponsors:     Lantry
- Adopted**

- 126     [RLH TA 11-63](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No.VB1108, Assessment No. 118050 at 1651 FREMONT AVENUE.
- Sponsors:**     Lantry
- Adopted**
- 127     [RLH TA 11-71](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1011 MCLEAN AVENUE.
- Sponsors:**     Lantry
- Adopted**
- 128     [RLH TA 11-75](#)     Deleting the assessment for Collection of Delinquent Vacant Building Fees Re-invoiced in November 2009 for property at 360 KENNARD STREET.
- Sponsors:**     Lantry
- Adopted**

#### LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 50     [RLH VBR 11-40](#)     Appeal of Nguyen and Chu Properties, on behalf of PRO Realty Services, to a Vacant Building Registration Notice, Code Compliance Report, and Revocation of Fire Certificate of Occupancy & Order to Vacate at 565 THOMAS AVENUE. (Laid over from June 8)
- Sponsors:**     Carter III

*Legislative Hearing Officer Marcia Moermond described the circumstances leading to the revocation of the Certificate of Occupancy and referral to the Vacant Buildings program. She noted that there had not been an appeal at the time of the revocation, and a Code Compliance inspection had been completed, confirming the Category 2 status. She said the owners had invested money to rehabilitate the property and meant to take care of it, and her recommendation was to waive the vacant building fee for 90 days pending completion of the Code Compliance repairs.*

*In opposition:*

*Gregory Prosch and Leah Frenning appeared representing property managers Pro Realty (3570 Lexington Avenue N., #202, Shoreview). Mr. Prosch said the property was incorrectly deemed vacant due to a miscommunication between new tenants and the inspector, and the property owners then ordered the Code Compliance to comply with the notice they received. He said they attended a meeting with the owners and Steve Ubl from Building Inspections, and Mr. Ubl urged them to file an appeal. He asked to be able to go back to the original eleven items on the Certificate of Occupancy deficiency list rather than the 29 items on the Code Compliance list. He said the owners had invested \$35,000 in the property over the previous five years and had intended to invest more but were limited by the current inability to take in revenue and by the requirements of the Code Compliance report.*

*Council President Lantry asked whether the tenants had a lease. Mr. Prosch said the first page of the lease was in the Council's packet showing that there was a valid lease at the time and payment had been made for the full month. He reiterated that a management company contractor had been present when the tenants had told the inspector they were living at the property but staying with friends for a few days.*

Councilmember Carter asked for clarification of how long the tenants were away from the property. Mr. Prosch said they were staying with friends for a week or so. He noted that at the Legislative Hearing there were no clear inspector's notes about the conversation.

Ms. Moermond read from the minutes of the Legislative Hearing that she had asked Mr. Prosch whether the tenants planned to return to the property and he said they had to terminate the lease and were asking for recompense or were considering filing a lawsuit against the owner of the property. He said he felt that would have been avoided with better communication.

Councilmember Carter asked for clarification. Mr. Prosch said they had had to terminate the lease and the now-former tenants were asking to be reimbursed for having to move out. He said if the property had been already unoccupied at that time the tenants would not have to be moving out, and they were considering filing a lawsuit against the owner as a result of the incorrect vacancy status.

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

Council President Lantry confirmed with Ms. Moermond that the health and safety items would still have to be completed if the Certificate of Occupancy inspection was used instead of the Code Compliance. She said the desired outcome was for the property to be safe, aside from any confusion about whether the property was occupied at the time of the inspection.

Ms. Moermond noted that the testimony of both the Certificate of Occupancy and Vacant Building inspectors was that it was very clear the building was vacant. She said the Council had occasionally used the Fire Certificate of Occupancy inspection as the measure for habitability in spite of the Code Compliance requirement. She suggested a that Certificate of Occupancy inspection be conducted including access to all parts of the building to establish a baseline.

Councilmember Carter moved a one week lay over to allow time to engage directly with the management company and City staff involved to sort out the issues.

Ms. Moermond requested a referral back to a June 7 Legislative Hearing; she said she would have a report for the June 8 Council meeting.

Councilmember Helgen said using the presence of an executed lease as the criteria to determine occupancy was an issue to discuss.

**Referred for a June 7 Legislative Hearing; Council public hearing continued to June 8.**

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

**Nay:** 0

**75**      [RLH TA 11-36](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109G, Assessment No. 118065 at 1256 HARTFORD AVENUE.

**Sponsors:**      Harris

Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to June 15.

*No one appeared in opposition; Councilmember Harris moved to continue the public hearing to June 15.*

**Public hearing continued to June 15**

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

**Nay:** 0

- 77      [RLH TA 11-48](#)      Reducing the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 393 CLEVELAND AVENUE NORTH. (Public hearing continued from June 1)

**Sponsors:**      Stark

*Legislative Hearing Officer Marcia Moermond asked that the Council refer the matter back into Legislative Hearing on June 7, and continue the Council public hearing to July 6.*

*No one appeared in opposition; Councilmember Stark moved to continue the public hearing to July 6.*

**Referred for a June 7 Legislative Hearing; Council public hearing continued to July 6.**

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

**Nay:** 0

- 81      [RLH VBR 11-33](#)      Appeal of John Norris to a Vacant Building Registration Notice at 315 LARCH STREET.

**Sponsors:**      Helgen

*Legislative Hearing Officer Marcia Moermond said the attorney for the appellant had requested a two week layover because the appellant had been mugged at his home the previous day and felt it was imperative that he attend the hearing.*

*No one appeared in opposition; Councilmember Helgen moved to continue the public hearing to June 15.*

**Public hearing continued to June 15**

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

**Nay:** 0

- 85      [RLH TA 11-53](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 486 GERANIUM AVENUE EAST.

**Sponsors:**      Helgen

*Legislative Hearing Officer Marcia Moermond said this was a straightforward snow removal assessment.*

*Councilmember Helgen said snow was difficult this year for owners of corner lots because of snowpack from the plows, and the resident had tried but was unable to clear it out. He said the City did complete the work, but he would like to reduce the assessment by half to \$150.*

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

**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

- 98      [RLH TA 11-58](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109G Assessment No. 118065 at 1719 ORANGE AVENUE EAST.

**Sponsors:**      Bostrom

*Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to June 15.*

*No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to June 15.*

**Public hearing continued to June 15**

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

**Nay:** 0

- 113      [RLH AR 11-27](#)      Ratifying the assessments for Property Clean Up Services from March 1 to March 31, 2011. (File No. J1112A, Asmt No. 118064)

**Sponsors:**      Lantry

*Legislative Hearing Officer Marcia Moermond amended her recommendations for 393 N. Cleveland and 486 E. Geranium.*

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

**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

**ADJOURNMENT**

*Councilmember Harris moved adjournment at 7:18 p.m.*

**Meeting adjourned**



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

**Nay:** 0