



# City of Saint Paul

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

## Minutes - Final City Council

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

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Wednesday, March 6, 2013

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 3:29 p.m.*

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

#### CONSENT AGENDA

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

#### Approval of the Consent Agenda (Items 1 - 16)

*Councilmember Tolbert moved approval of the Consent Agenda.*

#### Consent Agenda adopted

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

**Nay:** 0

- 1**     [RES 13-329](#)     Authorizing the Department of Parks and Recreation to enter into a five-year license agreement with Magnolia Blossom Charter Cruises to operate out of Watergate Marina.

**Adopted**

- 2**     [RES 13-350](#)     Authorizing the Department of Parks and Recreation to execute a Lease Agreement with Mosaic on a Stick for the use of the Hamline Park Recreation Building at 1564 Lafond Avenue.

**Adopted**

- 3     [RES 13-291](#)     Authorizing the Police Department to enter into an agreement with the State of Minnesota, Bureau of Criminal Apprehension for forensic science services.  
**Adopted**
- 4     [RES 13-349](#)     Approving the revised Sanitary Sewer Collection Agreement between Public Works and Saint Paul Regional Water Services (SPRWS).  
**Adopted**
- 5     [RES 13-305](#)     Approving adverse action against the Food/Institutional Facility license application submitted by Al-Ihsan Islamic Center for 955 Minnehaha Avenue West.  
**Adopted**
- 6     [RES 13-318](#)     Approving adverse action against the Retail Food (A) Grocery 1-100 sq. ft. license application submitted by Tou Kao Yang for 217 Como Avenue, Unit D12.  
**Adopted**
- 7     [RES 13-313](#)     Approving adverse action against the Massage Practitioner license application submitted by Gregory Q. Holmes for 2140 Ford Parkway.  
**Adopted**
- 8     [RES 13-308](#)     Approving adverse action against the Restaurant (1) - No Seats license application submitted by Super Stop #1, Inc., d/b/a D & L Food And Gas at 626 Larpenteur Avenue West.  
**Adopted**
- 9     [RES 13-315](#)     Approving adverse action against the Taxicab Driver (Provisional) license application submitted by Mohammed Hussein Abdi.  
**Adopted**
- 10    [RES 13-316](#)     Approving adverse action against the Mobile Food Vehicle license application submitted by Obedo Normil.  
**Adopted**
- 11    [RES 13-317](#)     Approving adverse against the Taxicab Driver license application submitted by Scott K. Yahr.  
**Adopted**

- 12    [RES 13-319](#)    Approving adverse action against the Tree Trimmer & 1 Vehicle and Tree Trimmer - Each Add'l Vehicle license applications submitted by Tree Top Clearing, Inc., d/b/a Tree Top Service.  
**Adopted**
- 13    [RES 13-367](#)    Approving the upgrade to a Liquor On Sale (291 or more seats) license and extension of the Liquor Outdoor Service Area to the rooftop for Cossetta's located at 211 Seventh Street West.  
**Adopted**
- 14    [RES 13-368](#)    Waiving the 300 foot distance requirement for issuance of Liquor On Sale (101 - 180 seats) and Liquor On Sale-Sunday licenses to El Burrito Market, Inc., d/b/a El Burrito Mercado (License ID #:0018675 ) at 175 Cesar Chavez Street.  
**Adopted**
- 15    [RES 13-371](#)    Approving a new 25-year agreement for the management and maintenance of the City Hall / Court House property.  
**Adopted**
- 16    [RES 13-386](#)    Approving the use of loan funds through the Neighborhood STAR Year-Round Program for an American Indian Family and Children's Services project.  
**Adopted**

**FOR DISCUSSION****No Discussion Items****ORDINANCES**

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

**Final Adoption**

- 17**     [Ord 13-8](#)     Amending Chapter 324 of the Saint Paul Legislative Code pertaining to electronic cigarettes.
- Council President Lantry introduced an amendment with language regulating the sale of electronic cigarettes to minors. She that was the department's intent, and the language now mirrored the intent. She said the item would be amended and laid over to April 17 for another public hearing.*
- Councilmember Bostrom questioned not allowing a 15-year-old to purchase a smoking-cessation aid, and asked whether nicotine was illegal. Daphne Lundstrom, assistant City Attorney representing the Department of Safety and Inspections, said nicotine was derived from tobacco, and as such was regulated by the Food and Drug Administration, the Minnesota Department of Revenue, and Minnesota statutes. She said the revised version brought City code in line with state statute.*
- In response to a question from Councilmember Thune, Ms. Lundstrom said this was not within the scope of the indoor smoking regulations.*
- Council President Lantry moved the amendment. Yeas - 7 Nays - 0*
- Council President Lantry moved to lay the matter over to the public hearing portion of the April 17 meeting. She said the long layover was necessary to allow the department to give license holders the required 30 day notice.*
- Amended and laid over to April 17 for public hearing**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

**First Reading**

- 18    [Ord 13-12](#)            Memorializing City Council action taken February 6, 2013 granting the application of Donna M. Sauro and Susan Sauro Kane, Trustees, for the Rezoning of 342 Kellogg Boulevard West from RM2 Medium Density Multiple Family Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. [ZF 12-216053] (Public hearing held February 6, 2013)

**Laid over to March 13 for second reading**

- 19    [Ord 13-14](#)            Amending Legislative Code § 65.774 (c) pertaining to standards and conditions for malt liquor production in Traditional Neighborhood and Business districts.

**Laid over to March 13 for second reading**

**SUSPENSION ITEMS**

*Councilmember Carter moved suspension of the rules.*

**Rules suspended**

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

**Nay:** 0

[RES 13-424](#)

Amending the City of Saint Paul's 2013 Legislative Agenda to support efforts at the State level to Ban the Box in Applications for Employment in Minnesota.

*Councilmember Carter said the resolution amended the Council's Legislative Agenda to support efforts at the state level to ban the box on applications for employment. He said the bills under consideration would take the policy already in place for public employers and apply it to private employers.*

*Councilmember Bostrom asked whether this would completely wipe away information about a prospective employees criminal history. Councilmember Carter clarified that the bills would control when in the hiring process the information could be accessed. He stressed that the City of St. Paul had been operating under the proposed rules since 2006. In response to additional questions from Councilmember Bostrom, Council President Lantry said the protections currently in place to prevent sex offenders from being employed in recreation centers or daycare centers would remain in place.*

*Councilmember Tolbert suggested adding language to make it clear the Council supported banning the box on the initial application only. Councilmember Carter said the bills under consideration applied to more than just the initial application. Councilmember Tolbert asked for clarification of the scope of what the City would be supporting. Councilmember Carter said existing state law applying to public employers limited access to criminal background information of applicants up to the final interview stage. He said the law also stated that candidates could not be disqualified for arrests not followed by conviction, or for misdemeanor arrests not punishable by incarceration.*

*Councilmember Stark said the law also prohibited disqualifying an applicant for offenses unrelated to the job requirements. Councilmember Tolbert asked how the determination was made as to whether the offense was related to the job. He questioned whether private employers would be able to make that determination and how it could be monitored. He reiterated his concern about the scope of what the City would be supporting. Councilmember Carter said the second Whereas referred to four specific bills, and those could be added to the resolved section as clarification.*

*Councilmember Thune said he hoped they could support something that was clear and protected prospective employees without burdening small business owners.*

*Councilmember Brendmoen reiterated that the resolution would not trump the criminal background check requirements already in place for jobs like daycare and recreation workers.*

*There was continued discussion among the Council members about the intention and scope of the resolution.*

*Councilmember Tolbert moved to amend the resolution to add the specific bills to the Resolved clause, and add the word "initial" before "application." Yeas - 7 Nays - 0*

**Amended**

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

**Nay:** 0

*Councilmember Carter moved approval as amended.*

**Adopted as amended**

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

**Nay:** 1 - Councilmember Bostrom

*The Council recessed at 4:01 p.m.*

**PUBLIC HEARINGS**

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

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

- 20**    [RES PH 13-43](#)    Approving the application of Lunda Construction for a sound level variance for construction work related to the demolition of the Lafayette Bridge, for 24 hours a day, Monday through Saturday only, from March 4, 2013 to April 19, 2013.

*No one appeared on opposition; Councilmember Thune moved to close the public hearing. Yeas - 7 Nays - 0*

*Councilmember Thune amended the resolution to add the condition that Lunda provide 48 hour notice to neighbors. Yeas - 7 Nays - 0*

*Councilmember Thune moved approval as amended.*

**Adopted as amended**

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

**Nay:** 0

- 21     [RES PH 13-49](#)     Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified live music from noon until 10:00 p.m. on June 28 & 29, 2013 during the Twin Cities Jazz Festival at Mears Park.

*In support:*

*Event organizer Steve Heckler spoke in support. He described the event, which is in its tenth year.*

*Ralph Hepola (406 Wacouta Street) read a statement in support of the festival and sound level variance.*

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

**Adopted**

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

**Nay:** 0

22 [AHPC 13-2](#)

Public hearing to consider an appeal by the Public Works Department to a decision of the Heritage Preservation Commission denying widening and certain improvements to the sidewalk on north side of Sixth Street between Wacouta and Sibley Streets in the Lowertown Historic District.

*Amy Spong, Heritage Preservation Commission (HPC), gave a staff report. She said staff had recommended conditional approval of a 14-foot sidewalk with nine findings supporting that recommendation, and the HPC had denied the application for an 18 foot extension using the same nine findings and public testimony. She responded to the six points made by Public Works in their appeal. She said Items 1 and 2 of the appeal were not part of the basis for the HPC decision, and in Item 3, Public Works incorrectly stated that the street grid was not defined by the curb but by the building. She said some changes had been made in Lowertown, but the sidewalks adjacent to pivotal and contributing historic buildings had remained close to 10 feet. She displayed a diagram. She said Item 3 also misinterpreted a statement HPC's Finding 3 referencing features and elements being demolished and historic materials destroyed. She said the changes to the traffic lanes did not represent changes to the street grid, but extending the sidewalk did. She said Item 4 of the appeal could not use a 14-foot sidewalk as a basis for saying the HPC erred, because a 14-foot sidewalk was the staff recommendation and not what Public Works had initially proposed, and the HPC had said there was no basis for either 18 feet or 14 feet. She said Public Works mixed up the precedent of a footprint and width, with materials and surface design elements. She said the HPC's finding number 5 ruled that the proposal was out of scale and character and therefore did not comply with the applicable guideline. In response to appeal Item 5 addressing the recent alterations to the sidewalk for the light rail, she said HPC reviews were on a case by case basis. She showed a photograph of the view down 6th Street and said the HPC agreed with Public Works that the grid was not defined by the bus shelters, trees, signs and street lights; but the adopted findings explained that those elements reinforced the grid.*

*Councilmember Thune noted that the current view down the street was not of the sidewalk but of parked cars, and he asked how that was preferable to a wider sidewalk with the parking removed. Ms. Spong said the use of the traffic lanes was not addressed at all by the HPC. Councilmember Thune asked whether the HPC would approve a "pop-up." Ms. Spong said temporary installations would probably not need HPC approval. Councilmember Thune asked about the HPC's stand if the additions were permanent but not concrete. Ms Spong said the HPC had not had to review something like that, but generally the HPC reviewed things that were permanently affixed.*

*Councilmember Stark asked for clarification of what was meant by maintaining the street grid. He said in his mind it referred to the pattern of the streets and not the programming. Ms. Spong said she looked at it as the size of the block changing. Councilmember Stark said he didn't feel the proposal changed the size of the block. He asked why the HPC found the 14-foot sidewalk to be out of scale when there were other 14-foot sidewalks in the area. Ms. Spong said the only historic sidewalks that had been widened were around Mears Park but others in the area were all 10 feet.*

*Appellant:*

*John Maczko, Public Works, said the 60-foot right-of-way was the street grid, and the proposal would re-program the the right-of-way to allot more to non-motorized transportation, but would not modify it. He described the proposal and displayed a diagram. He said eleven parking meters on the south side of Mears Park would be*

affected during rush hour. He noted that Galtier Plaza had removed their sidewalk. He said San Francisco had used temporary sidewalk extensions, but with the idea of making them permanent after citizens had adjusted.

Councilmember Stark asked whether the option of a 14-foot sidewalk was considered and rejected. Mr. Maczko said it was looked at, but the economics of the sidewalk cafes and the amount of space for pedestrians became compromised, and it was a middle ground that didn't serve anyone well.

Councilmember Stark said 5th and 6th Streets were to have been primary bike routes in downtown, but programming more of the right-of-way for other modes might foreclose on other options. Mr. Maczko said value choices had to be made when the right-of-way was only 60 feet wide. He noted that Minneapolis and more cosmopolitan areas had 120-foot right-of-ways.

Councilmember Thune asked whether "pop-ups" met ADA guidelines for seating or for pedestrians. Mr. Maczko said the temporary sidewalks in other areas had been used more for seating than for walking. He said they created problems from a Public Works perspective and did a disservice to the walking public and the disabled.

Joe Spencer, St. Paul Director of Arts and Culture, spoke about the genesis and intention of the sidewalk proposal, and said it would complement programming investments in Mears Park. He said the proposal had been initiated by the City to improve the quality of life in downtown St. Paul.

Chuck Repke, representing the two business owners on 6th Street, said the buildings in the historic area would not be altered. He disputed that the proposed changes represented alteration of the grid, and said the streets were designed to be 10 feet wide without obstructions such as bus shelters, trash cans and mailboxes.

Dave Brooks, owner of the buildings on 6th Street and eight others in Lowertown, said he had been a developer in Lowertown for 40 years. He said change was difficult, but important for the success of the City. He said the problem was not a shortage of parking, but a shortage of people.

Zach Schwartz, St. Paul Chamber of Commerce, referred to written comments and said the businesses closest to the potential loss of parking were in favor of the sidewalk expansion.

*In opposition:*

Jim Ivey (300 Wall Street, #708) spoke in favor of the 14-foot compromise proposal which he said would achieve the goals of the proposal, preserve the character of the district, and aligned with important existing capital improvement plans for the rest of 6th Street. He reviewed the development of the 2009 6th and 5th Street Improvement Project which specifically called for 14-foot sidewalks along the length of 6th street.

John Mannillo (1335 Beechwood Place), read a statement in opposition. He reviewed the development of existing standards for Lowertown, and listed the organizations that were in opposition to the proposal. He said special interests should not be allowed to take precedence over the integrity of the system. In response to a question from Councilmember Thune, Mr. Mannillo said pop ups had been used specifically in historic districts because they were not permanent. He said they looked better than concrete, and were more ADA accessible.

Justin Busch (308 Prince Street, #422) questioned the wisdom of adding bump outs to slow traffic when the amount of traffic in the area was increasing. He said

*residents should be considered more than businesses.*

*Brenda Masak (198 6th Street, #509) said she could count on one hand the number of times the existing outside seats at the restaurants were full, and there was already a problem with noise coming from the restaurants early in the morning. She asked that the Council consider the concerns of the people who live and worked in the area.*

*Andy Singer (2103 Berkeley Avenue) appeared representing the Bike Coalition and said they were opposed or wanted to slow down the project. He said there were no bike lanes downtown, and the only streets with real potential for bike lanes were 5th and 6th. He said it would not be safe for buses and bikes to share a lane given the amount of bus traffic. He said Reuben Collins was hired to do a bike plan, and the Coalition would like to slow the project down until the plan was completed. He distributed photos of pop-ups.*

*Bill Hosko (400 N. Robert Street) showed photos of sidewalk cafes throughout America and Europe, noted the narrow sidewalks, and said they work well. He asked those in the audience in opposition to stand.*

*Mark Baynk (198 6th Street E., #502) said if the proposal was implemented they would lose their last parking or drop-off spot.*

*Matt Hill (361 Summit Avenue, #4), HPC Commissioner, said the current proposal did not take into account the advice of the HPC, or a possible compromise. He expressed concern about the precedent that would be set if the City ignored their own guidelines, and said the proposal did not address community priorities.*

*Rick Cardenes (66 E. 9th Street, #1906) said he trusted the City Council to make sure it was accessible. He spoke in favor of temporary pop-ups both practically and aesthetically.*

*Richard Dana (748 Goodrich Avenue), HPC commissioner, said the public hearing was not about bike lanes or parking, but was about historic designation.*

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

*Councilmember Thune said pop-ups would be better than concrete aesthetically, but might not be acceptable to the HPC. He said he wished there was a compromise, and he encouraged the business owners to consider pop-ups as an option. He said he didn't find the HPC convincing in their findings and did feel they had erred. He moved to grant the appeal with the findings that removing the traffic lane would not alter or have an adverse impact on the historic street grid or streetscape, the size of the right-of-way would not change, the concrete paver band material was used two blocks away and the repeated use would contribute to and not take away from consistency in the district. He said he didn't think sidewalks changed the grid and hoped this decision would establish that buildings created the grid.*

*Council President Lantry said there should be a process in place so parking couldn't be taken out at the whim of Public Works.*

*Councilmember Thune said he would like to add to the resolution that the parking on the south side and handicapped parking should remain.*

**Motion of Intent - Appeal granted with conditions**

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

**Nay:** 0

- 23**     [RES PH 12-214](#)     Final Order approving the improvements on the north side of East Sixth Street between Sibley Street and Wacouta Street (File No. S1202). (Public hearing held October 17, 2012; January 2, 2013; and February 6, 2013)

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

**Adopted**

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

**Nay:** 1 - Councilmember Stark

- 24**     [PH 13-8](#)     Public hearing to consider the report of the Administrative Law Judge concerning the Cigarette/Tobacco license held by Fa Khir, Inc., d/b/a Fa Khir at 2430 University Avenue West.

*Daphne Lundstrom, assistant City Attorney representing the Department of Safety and Inspections, described the violation and said the department was recommending a \$1000 matrix penalty for the second violation in 12 months.*

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

**Motion of Intent - Adopted the Findings of Fact, Conclusions, and Recommendations of the Administrative Law Judge (\$1,000 penalty imposed)**

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

**Nay:** 0

- 25**     [PH 13-9](#)     Public hearing to consider the application of Craig Thaemert and Maureen Herring to rezone property at 1537 White Bear Avenue North from B2 Community Business to T2 Traditional Neighborhood.

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

**Motion of Intent - Application granted**

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

**Nay:** 0

- 26**     [RES PH 13-16](#)     Ratifying the assessments for the Fourth Street - Wabasha to Minnesota streetscape project. (File No. 19131, Assmt. No. 125209)
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 27**     [RES PH 13-15](#)     Ratifying the assessments for construction of sanitary sewer service connections as requested by the property owners in connection with the Prior/Goodrich RSVP. (File No. 19092C, Assmt. No. 136001)
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 28**     [RES PH 13-11](#)     Ratifying the assessments for construction of sanitary sewer service connections as requested by the property owners in connection with the Hewitt/Tatum RSVP. (File No. 19122C, Assmt. No. 136003)
- Lisa Gruye (1927 Minnehaha) said the assessment was excessive compared to other properties and there was an extra charge for excavation. She said she had done extensive renovations but the neighborhood had gone down. She asked for more time to pay or a reduction in the assessment.*
- Councilmember Stark said the level of assessment and prices do go up a little every year and state law does require that property owners be assessed 20% of the cost. He referred Ms. Gruye to Dan Haak in Public Works for information on the excavation.*
- Councilmember Stark moved to close the public hearing. Yeas - 7 Nays - 0*
- Mr. Haak said records indicated that the property owner had signed a waiver requesting replacement of sanitary sewer service from the main to the property line.*
- Councilmember Stark said he appreciated that there might have been a misunderstanding about the level of work needed but the property owner had signed a waiver.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

**29**     [RES PH 13-29](#)

Ratifying the assessments for alley improvements in Clark's subdivision, Block 50 (bounded by Milton, Victoria, Hatch, and Orchard). (File No. 19129, Assmt. No. 125001)

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

**Adopted**

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

Nay: 0

**30**     [RES PH 13-13](#)

Ratifying the assessments for construction of sanitary sewer service connections as requested by the property owners in connection with the Battle Creek/Upper Afton RSVP. (File No. 19121C, Assmt. No. 136002)

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

**Adopted**

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

Nay: 0

**31**     [RES PH 13-25](#)

Ratifying the assessments for construction of sanitary sewer service connections as requested by the property owners in connection with the Ruth Street, Upper Afton to Burns construction project. (File No. 19106C, Assmt. No. 136004)

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

**Adopted**

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

Nay: 0

**32**     [RES PH 13-21](#)

Final Order approving the construction of a new sidewalk on the east side of Adrian Street between Montreal Way and Victoria Way. (File No. S1305, Assmt. No. 135305)

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

**Adopted**

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

**Nay:** 0

- 33**     [RES PH 13-19](#)     Final Order approving the construction of a new sidewalk on the north side of Valentine Avenue between Eustis Street and Brompton Street. (File No. S1303, Assmt. No. 135303)

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

**Adopted**

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

**Nay:** 0

- 34**     [RES PH 13-22](#)     Final Order approving the elimination of an obsolete driveway apron at 758 Jessie Street. (File No. S1306, Assmt. No. 135306)

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

**Adopted**

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

**Nay:** 0

- 35**     [RES PH 13-20](#)     Final Order approving the construction of a new sidewalk on York Avenue between Earl Street and Frank Street. (File No. S1304, Assmt. No. 135304)

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

**Adopted**

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

**Nay:** 0

- 36**     [RES PH 13-28](#)     Amending the financing and spending plans in the Department of Public Works in the amount of \$195,000 to add Assessment, Water, Sewers, and MSA contingency financing to the 4th Street Reconstruction Project.
- Councilmember Tolbert asked where the money would be coming from.*
- John Maczko, Public Works, said most of it was from the assessments for sewer and water work done along with the 4th Street reconstruction. In response to a question from Councilmember Tolbert, Mr. Maczko and Council President Lantry said the \$70,000 in MSA financing could have been used for anything MSA-eligible, and had gone back before the CIB.*
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 1 - Councilmember Tolbert

- 37**     [RES PH 13-52](#)     Correcting 2013 Water Charges.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

#### LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 38**     [RLH CO 13-3](#)     Appeal of Nelly Lai Chiu Chan to a Correction Notice at 18 BATES AVENUE.
- Legislative Hearing Officer Marcia Moermond asked that the matter be continued to June 5.*
- No one appeared in opposition; Council President Lantry moved to continue the public hearing to June 5.*
- Public hearing continued to June 5**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

- 39**     [RLH CO 13-1](#)     Appeal of Anna Leininger and Greg Kramer to a Correction Order at 44 BATES AVENUE.
- Legislative Hearing Officer Marcia Moermond asked that the matter be continued to June 5.*
- No one appeared in opposition; Council President Lantry moved to continue the public hearing to June 5.*
- Public hearing continued to June 5**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 
- 61**     [RLH TA 13-49](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E1, Assessment No. 138503 at 346 MARIA AVENUE. (Laid over from March 6 Public Hearing)
- Legislative Hearing Officer Marcia Moermond asked that the matter be continued to August 7.*
- No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to August 7.*
- Public hearing continued to August 7**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

**63**     [RLH RR 13-10](#)

Ordering the rehabilitation or razing and removal of the structures at 758 MARYLAND AVENUE EAST within fifteen (15) days after the March 6, 2013 City Council Public Hearing. (Amended to raze and remove only)

*Legislative Hearing Officer Marcia Moermond reviewed her conditions for allowing time to rehab a property. She said the work plan submitted consisted of two bids, and were inadequate in terms of detail. She said property maintenance had been spotty, the performance deposit had not been posted, and the order to abate a nuisance building and declaration of Category 3 status were not appealed. She said the building had been in the Vacant Buildings Program since 2007. She recommended ordering removal of the structure within 15 days with no option for rehabilitation.*

*Mary Kaye (880 Clark Street) said they'd had the building since July 2011 and it was moved to Category 3 when she notified Vacant Buildings that they were ready to pull a permit. She said they were never notified it was going from Category 2 to Category 3, and didn't have \$5000 for the bond. She said the building was owned outright, and they had contractors and could get the work done in three weeks. She asked for the bond to be waived and for permission to pull a permit so the work could be done.*

*Council President Lantry noted that there were requirements, including proof of financial wherewithal, for purchasing a Category 2 property.*

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

*In response to a question from Councilmember Bostrom, Ms. Moermond said The Department of Safety and Inspection's estimate for rehabbing the property was over \$45,000. Councilmember Bostrom noted that that figure didn't include the exterior and the roof. He said the building had been vacant since 2007, and if they couldn't afford the bond they probably couldn't do the work. He moved to order the building removed within 15 days with no option for rehabilitation.*

**Adopted as amended (remove within 15 days with no option for rehabilitation)**

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

**Nay:** 0

**65**     [RLH RR 13-11](#)

Ordering the rehabilitation or razing and removal of the structures at 1889-1891 MONTANA AVENUE EAST within fifteen (15) days after the March 6, 2013, City Council Public Hearing. (Public Hearing continued from March 6)

*Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on March 26, and the Council public hearing be continued to April 3.*

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

**Referred to Legislative Hearings on March 26; Council public hearing continued to April 3**

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

**Nay:** 0

- 72**     [RLH RR 13-12](#)     Ordering the razing and removal of the structures at 1220 VIRGINIA STREET within fifteen (15) days after the March 6, 2013 City Council Public Hearing. (Public hearing continued from March 6 and April 3) (To be laid over to May 15, 2013)

*Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on March 12, and the Council public hearing be continued to April 3.*

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

**Referred to Legislative Hearings on March 12; Council public hearing continued to April 3**

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

**Nay:** 0

#### **LEGISLATIVE HEARING CONSENT AGENDA**

**Note: Items listed under the Consent Agenda will receive a combined public hearing and be enacted by one motion with no separate discussion. Items may be removed from the Consent Agenda for a separate public hearing and discussion if desired.**

#### **Approval of the Consent Agenda (Items 38 - 81)**

*No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.*

**Legislative Hearing Consent Agenda adopted as amended**

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

**Nay:** 0

- 40**     [RLH TA 13-65](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 670 BELLOWS STREET.

**Adopted**

- 41**     [RLH VO 13-7](#)     Appeal of Dennis Workman to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 904 and 906 BURR STREET.

**Adopted**

- 42     [RLH TA 13-77](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1304, Assessment No. 138203 at 1318 BUSH AVENUE.  
**Adopted**
- 43     [RLH SAO 12-26](#)     Appeal of Brent Adams to a Summary Abatement Order at 635 CANTON STREET.  
**Adopted**
- 44     [RLH TA 13-58](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 1153 CENTRAL AVENUE WEST.  
**Adopted**
- 45     [RLH TA 13-62](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 319 CHARLES AVENUE.  
**Adopted**
- 46     [RLH TA 13-57](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 353 COOK AVENUE EAST.  
**Adopted**
- 47     [RLH TA 13-85](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1304, Assessment No. 138203 at 590 DESNOYER AVENUE.  
**Adopted**
- 48     [RLH TA 13-51](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 415 FAIRVIEW AVENUE NORTH.  
**Adopted**
- 49     [RLH TA 13-74](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 997 FARRINGTON STREET.  
**Adopted**
- 50     [RLH TA 13-46](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 891 FREMONT AVENUE.  
**Adopted**

- 51     [RLH TA 13-60](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 883 FRONT AVENUE.  
**Adopted**
- 52     [RLH FCO 13-45](#)     Appeal of Perry Hansen to a Fire Certificate of Occupancy Correction Notice at 1033 FRONT AVENUE.  
**Adopted**
- 53     [RLH TA 13-72](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 1019 GERANIUM AVENUE EAST.  
**Adopted**
- 54     [RLH VO 13-6](#)     Appeal of Jacob Prettyman to a Fire Certificate of Occupancy Revocation and Order to Vacate at 645 GRAND AVENUE.  
**Adopted**
- 55     [RLH TA 13-76](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 1845 HAWTHORNE AVENUE EAST.  
**Adopted**
- 56     [RLH TA 13-61](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1304, Assessment No. 138203 at 1731 IDAHO AVENUE EAST.  
**Adopted**
- 57     [RLH TA 13-48](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 1461 IGLEHART AVENUE.  
**Adopted**
- 58     [RLH TA 13-68](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 1026 LAWSON AVENUE EAST.  
**Adopted**
- 59     [RLH TA 13-47](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No.138301 at 1210 MAGNOLIA AVENUE EAST.  
**Adopted**

- 60     [RLH TA 13-55](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1304G, Assessment No.138703 at 885 MARGARET STREET.  
**Adopted**
- 62     [RLH TA 13-66](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1304, Assessment No. 138203 at 359 MARIA AVENUE.  
**Adopted**
- 64     [RLH TA 12-281](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204E1, Assessment No. 128309 at 51 MCKNIGHT ROAD NORTH. (Public hearing continued from June 6, 2012)  
**Adopted**
- 66     [RLH TA 13-110](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 1678 OLD HUDSON ROAD.  
**Adopted**
- 67     [RLH FCO 13-49](#)     Appeal of Pat Marso to a Fire Inspection Correction Notice at 609 PORTLAND AVENUE.  
**Adopted**
- 68     [RLH TA 13-67](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 2048 THIRD STREET EAST.  
**Adopted**
- 69     [RLH TA 13-52](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 852 TUSCARORA AVENUE.  
**Adopted**
- 70     [RLH AR 12-143](#)     Ratifying Demolition Services from September 2012 at 1067 Van Dyke Street (File No. J1304C, Assessment No. 132003).  
**Adopted**
- 71     [RLH TA 13-75](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304A, Assessment No. 138503 at 1011 VICTORIA STREET NORTH.  
**Adopted**

- 73     [RLH RR 13-13](#)     Ordering the razing and removal of the structures at 600 WELLS STREET within fifteen (15) days after the March 6, 2013 City Council Public Hearing.  
**Adopted**
- 74     [RLH TA 13-53](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 432 WHEELER STREET NORTH.  
**Adopted**
- 75     [RLH SAO 13-5](#)     Appeal of Toua Yang to a Summary Abatement Order at 35 WHITE BEAR AVENUE SOUTH.  
**Adopted**
- 76     [RLH TA 13-54](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1302E, Assessment No. 138301 at 155 WILSHIRE PLACE.  
**Adopted**
- 77     [RLH AR 12-141](#)     Ratifying the assessments for Excessive Use of Inspection Services billed from July 20 to August 30, 2012. (File No. J1302E, Assessment No. 138301)  
**Adopted**
- 78     [RLH AR 12-142](#)     Ratifying the assessments for Collection of Certificate of Occupancy Fees Services billed from July 31 to August 28, 2012. (File No. CRT1304, Assessment No. 138203)  
**Adopted**
- 79     [RLH AR 12-144](#)     Ratifying the assessments for Tree Removal Services during October 2012. (File No. 1303T, Assessment No. 139002)  
**Adopted**
- 80     [RLH AR 12-145](#)     Ratifying the assessments for Property Clean Up Services during October 2012. (File No. J1304A, Assessment No. 138503)  
**Adopted**
- 81     [RLH AR 12-146](#)     Ratifying the assessments for Trash Hauling Services during October 2012. (File No. J1304G, Assessment No. 138703)  
**Adopted**

**ADJOURNMENT**

*Councilmember Bostrom moved adjournment.*

**The meeting was adjourned at 7:19 p.m.**

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

**Nay:** 0

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