



City of Saint Paul

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

Minutes - Final

City Council

Council President Russ Stark
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Bill Finney
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, May 6, 2015

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 5:30 p.m.

Council Voting

The reader calls the names of all Councilmembers. A vote in favor is cast by remaining silent, and a vote against is cast by saying no or nay. When the voting is complete, the reader will state whether the motion passed or failed.

ROLL CALL

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark

Absent 1 - Councilmember Dave Thune

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 15-21](#) Letter from the Department of Safety and Inspections declaring 1059 Van Slyke Avenue a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 2 [CO 15-22](#) Letters from the Department of Safety and Inspections declaring 910 Cottage Avenue East, 390 Fry Street, and 392 Fry Street as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 3 [AO 15-43](#) Authorizing the Fire Department to pay for all costs incurred to hold a graduation ceremony on April 27, 2015 at the Paul and Sheila Wellstone Center.
Received and Filed

- 4 [AO 15-44](#) Transferring \$23,000 of capital maintenance contingency to the Real Estate Division.
Received and Filed
- 5 [AO 15-46](#) Moving 2015 debt service payments into correct cost centers to reflect sale results.
Received and Filed
- 6 [AO 15-48](#) Amending the ESG activity budget for Data Collection/Rapid Rehousing and the correct revenue account category, and amending the CDBG activity budgets for Homeowner Rehab Fund program / Admin.
Received and Filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 7 - 21)

Councilmember Bostrom moved approval of the Consent Agenda.

Consent Agenda adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 7 [RES 15-773](#) Approving the Settlement Agreement and Release between the City of Saint Paul and Ross Hanover Berke and his attorney Andrew M. Irlbeck.
Adopted
- 8 [RES 15-672](#) Approving the use of grant funds through the Neighborhood STAR Year-Round Program for Urban Boatbuilders, Inc.
Adopted
- 9 [Min 15-29](#) Approving the minutes of the April 1 and 8, 2015 City Council meetings.
Adopted

- 10 [RES 15-707](#) Approving the City's cost of providing Boarding and/or Securing service during September 2014 at 928 Seventh Street West, and setting date of Legislative Hearing for June 2, 2015 and City Council Public Hearing for July 15, 2015 to consider and levy the assessments. (File No. J1503B1, Assessment No. 158108)
Adopted
- 11 [RES 15-708](#) Approving the City's cost of providing Collection of Vacant Building Fees billed September 30, 2014 to February 18, 2015, and setting date of Legislative Hearing for June 2, 2015 and City Council Public Hearing for July 15, 2015 to consider and levy the assessments against individual properties. (File No. VB1509, Assessment No. 158816)
Adopted
- 12 [RES 15-710](#) Approving the City's cost of providing Property Clean Up services from February 27 to March 31, 2015, and setting date of Legislative Hearing for June 2, 2015 and City Council Public Hearing for July 15, 2015 to consider and levy the assessments against individual properties. (File No. J1510A, Assessment No. 158521)
Adopted
- 13 [RES 15-711](#) Approving the City's cost of providing Trash Hauling services from March 4 to 25, 2015, and setting date of Legislative Hearing for June 2, 2015 and City Council Public Hearing for July 15, 2015 to consider and levy the assessments against individual properties. (File No. J1509G, Assessment No. 158410)
Adopted
- 14 [RES 15-692](#) Authorizing the Fire Department to accept the donation of 16 boxes of Girl Scout cookies from Girl Scout Brownie Troop 56047.
Adopted
- 15 [RES 15-690](#) Authorizing the Fire Department to enter into an agreement with the Department of Veterans Affairs to provide fire and hazardous materials response to the VA Complex.
Adopted
- 16 [RES 15-751](#) Authorizing the Fire Department to accept the donation of a 2006 Husqvarna Club Utility Cart from the Saint Paul Saints Baseball Team.
Adopted

- 17 [RES 15-752](#) Authorizing the Fire Department to donate a 1984 E-One ladder truck to Rapid Recovery.
Adopted
- 18 [RES 15-754](#) Approving funding for the Office of Human Resources to provide food/beverages for citywide mandated Racial Equity Training sessions for city employees.
Adopted
- 19 [RES 15-765](#) Authorizing the Department of Parks and Recreation to accept the donation of materials to be used in the construction of a fishing pier at Lake Phalen and thanking the Ramsey Washington Metro Watershed District for its generous gift.
Adopted
- 20 [RES 15-750](#) Authorizing the City to enter into Cooperative Agreement PUBW2014-06R with Ramsey County for the reconstruction of Ford Parkway between 400' east of Howell Street and Snelling Avenue
Adopted
- 21 [RES 15-747](#) Requesting a variance from the Minnesota Department of Transportation Standards for State Aid Operations for the Payne Avenue reconstruction from Orange Avenue to Hoyt Avenue. (Project No. S.A.P. 164-179-016)
Adopted

Councilmember Thune joined the meeting.

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Dave Thune, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark

FOR DISCUSSION

- 22 [RES 15-783](#) Recognizing and honoring Donnell Gibson for his exemplary character and citizenship, and for his selfless acts of courage in the rescue of residents of a burning building on April 1, 2015.

Councilmember Finney invited Donnell Gibson to the podium and read the resolution. Mr. Gibson made brief comments. Councilmember Finney moved approval of the resolution.
Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President 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

- 23** [Ord 15-25](#) Memorializing City Council action granting the application of Mississippi Market East 7th St. LLC to rezone the property at 740 Seventh Street East from T2 Traditional Neighborhood to RT1 Two-Family Residential to match the parcel to which it will be attached, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held April 15, 2015)
- Laid over to May 13 for second reading**
- 24** [Ord 15-26](#) Adding new sections to Legislative Code Chapters 73 and 61 in order to provide a process pursuant to Minn. Stat. § 471.194, Subd.3(6) to grant zoning use variances for the purpose of promoting the use and conservation of historic properties.
- Laid over to May 13 for second reading**

SUSPENSION ITEMS

Council President Stark moved suspension of the rules.

Rules suspended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

[Ord 15-29](#) Amending Chapter 409 of the Saint Paul Legislative Code to incorporate 2015 state law changes related to Sunday growler sales, Sunday 8:00 a.m. on-sale, small brewer and microdistillery temporary licenses, and off-sale microdistilleries.

Council President Stark introduced the ordinance for first reading.

Introduced under suspension; laid over to May 13 for second reading

Council members shared information about upcoming events in their wards.

The Council recessed at 3:43 p.m.

PUBLIC HEARINGS

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

- Present** 6 - Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Dave Thune, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark
- Absent** 1 - Councilmember Dan Bostrom

Councilmember Bostrom arrived during the discussion on Item 25.

- Present** 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Dave Thune, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark

25 [RES PH 15-120](#)

Directing the Franchise Committee to determine Century Link's technical, financial, and legal qualifications for a competitive cable franchise within the City of Saint Paul.

Todd Hurley, Director of the Office of Financial Services, summarized the process thus far and introduced bond counsel, Brian Grogan.

Councilmember Thune said he'd had a number of people call concerned that if the City had a new franchise, that it be spread broadly around the city. Mr. Grogan said the issues being covered at the public hearing related to the build-out, but it was a question that wouldn't necessarily be decided that night. He said he would try to lay out state and federal law to help Council members understand the issues at play. He said the City had not received a proposed franchise from CenturyLink but had received an application. He gave a presentation on the franchise application process and the City's role as a franchising authority. He said the specifics of build-out would be addressed when the franchise agreement was brought before the Council.

Councilmember Thune asked for further clarification of build-out requirements under a new franchise. Mr. Grogan said Centurylink's position was that federal law pre-empted state law, and that Comcast had already submitted a letter to the City stating the opposite - that state law was not pre-empted and the City should be required to mandate full build-out within five years. He said that decision would ultimately come before the Council, but the item currently before the Council was a matter of educating the Council on what the statutes provided.

Councilmember Thune asked whether this was a situation where Council members should not be meeting with representatives of Comcast or CenturyLink. Mr. Grogan said that was correct. Councilmember Thune asked who would make the decision about build-out. Mr. Grogan said Council would make the decision with recommendations and guidance from staff.

In support:

Yusef Mgeni (1084 Laurel Avenue), St. Paul NAACP, said the organization had lobbied and organized a great deal around the original cable television franchise and were disappointed in the absence of value added benefit for the citizens, for non-profits and community-based organizations for hiring, for purchasing, and equity. He said their focus was the value added benefit, and while they support competition and free speech they were hopeful that low-income citizens and citizens of color would be represented from the boardroom to the boiler room in terms of an inclusive array of programming and an equitable and fair process for awarding and implementing the franchise. He asked the Council look out for the City, the rec centers, nonprofits, and schools.

Tyler Middleton, CenturyLink Vice President of Operations for Minnesota, shared highlights of CenturyLink's technical and operational capacity to deliver video services under the requirements of the application process.

Patrick Hagerty, CenturyLink Director of Legal and Regulatory Affairs, discussed the legal aspects of the application.

Councilmember Thune asked whether this was the first time CenturyLink had come in as the second provider to a municipality. Mr. Hagerty said it was something they did all the time. Councilmember Thune said St. Paul could check with other cities.

Councilmember Thune asked whether another set of hanging lines would be put in, leading to trees being trimmed back and killed. Mr. Hagerty said they would

implement new infrastructure by pushing new fiber, or leveraging existing facilities. Councilmember Thune asked that staff look at equity in areas served in other cities. Mr. Hagerty said by federal law they were prohibited from selecting service areas on socioeconomic variables, and it was the characteristics of the existing facilities that directed where deployment occurred.

Councilmember Thao echoed Councilmember Thune's concerns and asked about points of public access. Mr. Hagerty said they didn't currently deploy a wireless product and weren't initially working toward that product.

Council President Stark said the key issue was that build-out be significant and equitable.

Pete Rhodes (90 S. 11th Street, Minneapolis) owner and founder of BMA cable networks, the multicultural channel. He said on behalf of the channel and the audiences served he was asking the Council to use their voices to ask for equitable build-out and culturally specific programming. He asked the Council to ensure that any cable franchise awarded the honor of servicing the community use local content and work with the communities they served in all aspects. He said he supported competition and felt it was good for communities, but hoped the Council would ensure that services were provided in an equitable manner.

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

Council President Stark reiterated that this was just an initial step and the Council would take the testimony into consideration moving forward.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 26 [RES PH 15-123](#) Adopting the West Side Flats Master Plan and Development Guidelines as an addendum to the Comprehensive Plan and as the master plan for the T3M and ITM districts. (Public hearing held May 6 and June 3)

Councilmember Thune said the intention was to continue the public hearing for four weeks and continue to work on amendments. He distributed copies of proposed amendments, and said a lot of work had been done by neighbors, businesses, and organizations over more than two years. He said it had been a good process overall, and there had been cooperation from all sides toward the end to nail it all down.

Councilmember Bostrom asked for a staff report. Councilmember Thune said it was a long document, and both sides understood the issues.

Councilmember Brendmoen asked whether the people present to testify were familiar with the amendments coming forward, and questioned whether it made sense to have two public hearings. Council President Stark said people were present to testify and it was a noticed public hearing.

Lucy Thompson, Planning and Economic Development, clarified that the West Side Flats Master Plan as proposed by the task force was what was currently being considered since Councilmember Thune's amendments had not yet been introduced. She said Planning Commission recommendations for changes were outlined in a resolution attached to the file. She said those present to testify were aware of the original base plan that had come from the task force and the set of proposed amendments coming from the Planning Commission, which represented the standard adoption process. She said they would continue to work with the community on the amendments over the next month, but they were not on the table currently. She clarified the items addressed in the resolution and accompanying ordinance.

In opposition:

Kathy Forester, Strategic Warehousing, said they had been in business for 30 years. She said they began to support a business across the street from them two years before with the thought that they would continue to be in business at that location for perhaps another five decades. She said the language in the plan raised concerns about staying in the location for the long term. She also noted that they employed about 25 people in well-paying jobs an era when jobs were important. She said she hoped the language would get squared away so they could stay in their location for the next five decades.

Chris Karpovich, plant manager of Rexam Can (139 Eva Street), said they began their operation in 1969 and had been a solid business paying approximately \$200,000 in real estate taxes and with an annual payroll of over \$8 million. He said the West Side Master plan had been a shock and slap in the face. He said neither they nor their neighboring businesses were invited to participate in the task force which created the plan, and the plan's vision of a thriving riverfront urban village excluded the manufacturing on the West Side Flats.manufacturing. He said the Planning Commission agreed to remove pictures depicting the removal of their plant, but the intent and underlying text for the street grid and park plan were still present. He asked that the Council not push aside healthy businesses, and that they consider the language recommended by the Planning Commission and remove all references to the breaking down of the large scale blocks and inclusion of central green areas. He asked that the amendments be taken to heart because they embraced value of the industrial residents.

Guy Humphrey, local president of the United Steel Worker employees at Rexam appeared on behalf of the 90 workers at the plant. He said they had good-paying jobs and good benefits, and hoped the proposed amendments adequately addressed their concerns. He said they hoped to work with the Planning Commission to ensure the interests of their plant and other businesses were considered. He said they had concerns but had worked through the process and he felt the process was working.

Geoff Kaufmann, CEO of Red Cross Blood Services (100 S. Robert Street), referred to a written presentation and said they were mindful and appreciated of the Council's and Planning's efforts. He said they would like to be IT rather than T3 moving forward. He described the services they provided.

Lorrie Louder, Senior Vice President of the Saint Paul Port Authority, said they were in the business of supporting industrial growth and business retention, and were pleased to be a part of this process. She reviewed those recommendations in the Plan they agreed with, and said they would like to see IT zoning for the Red Cross campus, and looked forward to amendments speaking to the importance of industrial business retention and future growth.

Eric Duholm, Colliers International, commercial property owner of three industrial buildings in the area totaling over 20,000 square feet and housing approximately 20 companies, spoke on behalf of his partners and the companies. He said they were concerned about street grids and language in the text of the plan, and supportive of any efforts to remove the grids, and of language welcoming companies and large property owners and encouraging them to continue to invest in the West Side Flats.

In support:

Carol Swenson (79 West Isabel) District 3 board member and Riverfront Development and Land Use Committee member, and task force member for the development for the Plan, said WSCO (District 3 West Side Citizens' Organization) supported the West Side Flats Master Plan that was the product of a thoughtful community engagement process which began in 2012. She said that plan was submitted to the Planning Commission and embraced the long term vision of vibrant, affordable, and sustainable mixed land uses along with green spaces and multimodal transportation infrastructure. She said that plan also aligned with the West Side Flats community plan updated in 2013, the district small area plan, City's Comprehensive Plan, the Great River Plan, and regional plans. She said energy and resources should now go towards implementation rather than rewriting and amendments, and they reluctantly supported the changes, reluctantly supported compromise offered in the Planning Commission memo, providing there were no substantive changes to the memo or the Master Plan as a whole.

Irene Jones, River Corridor Program Director for Friends of the Mississippi River (360 North Robert Street) and West Side Flats Master Plan task force member, thanked staff, the consultants, and the task force for a thoughtful, thorough and inclusive planning process. She said she fully endorsed and supported the Plan and asked for its approval without delay. She spoke about the value of the unique geography of the bluff line, and urged the Council to honor the compromise about limiting building heights. She reviewed positive aspects of the Plan, including the street grid.

John Anfinson, Superintendent of the Mississippi National Recreation Area, complimented the City on engaging the citizens in developing the plan. He spoke about the unique qualities and importance of the river valley to the character of St. Paul, and said the current plan went a long way towards preserving and protecting those special qualities.

*Councilmember Thune move to continue to the public hearing to June 3. Yeas - 7
Nays - 0*

Councilmember Thao said he was hearing two different things about the inclusiveness of the process, and he hoped everyone would be included in the continuing discussions. He said the City needed to be good at the process.

Public hearing continued to June 3

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

27 [Ord 15-20](#)

Amending Legislative Code §66.331 (density/dimensional standards for TN districts); §66.531 (density/dimensional standards for industrial districts); and, §60.303 (rezoning specific property) for consistency with the West Side Flats Master Plan and Development Guidelines.

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to June 3.

Public hearing continued to June 3

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

28 [Ord 15-19](#)

Amending Chapter 65 of the Saint Paul Legislative Code pertaining to cellular telephone antennas.

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

Public hearing held and closed; laid over to May 13 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

29 [Ord 15-21](#)

Amending Chapter 105 of the Saint Paul Legislative Code, Care and Maintenance of Boulevards, to add definitions and other requirements in order to create boulevard rain gardens and manage storm water runoff from streets and surfaces.

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

Public hearing held and closed; laid over to May 13 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

30 [Ord 15-22](#)

Amending Chapter 116.05 of the Saint Paul Legislative Code pertaining to Boulevard Rain Gardens.

Councilmember Thune said he would like to see the policy changed so that boulevard plantings disrupted for utility work would have to be restored. He said he would follow up.

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

Public hearing held and closed; laid over to May 13 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

31 [RES PH 15-100](#)

Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified live music from 6:00 p.m. until 10:00 p.m. on June 26 and 27, 2015 during the Twin Cities Jazz Festival at Rice Park.

In support:

Ralph Hepola spoke in support of the Jazz Festival, and encouraged the Council to grant the variance.

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

Event organizer Steve Heckler described the event.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 32** [RES PH 15-101](#) Approving the application of Hmong American Day Committee (Fiscal Agent: American Legion 3H Post 1975) for a sound level variance in order to provide amplified music and the use of a sound system for announcements, speeches, dances, and live musical performances from 10:00 a.m. (Pre-Event Sound Check at 8:30 a.m.) until 9:00 p.m. on Thursday, May 14, 2015 during the Hmong American Day Event at Harriet Island, inside and outside the Clarence W. Wigington Pavilion.

In support:

Soua Yang, program chair for Hmong American Day, spoke in support of the variance, and described the event.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 33** [RES PH 15-103](#) 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 26, and 27, 2015 during the Twin Cities Jazz Festival at Mears Park.

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

Steve Heckler described the events at Mears Park, Union Depot, and CHS Field. He thanked the Council for their ongoing support.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 34** [RES PH 15-107](#) Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified live music from 12:00 p.m. until 10:00 p.m. on June 26 and 27, 2015 during the Twin Cities Jazz Festival at the Union Depot- North Plaza, 214 Fourth Street East.

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 Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 35 [RES PH 15-114](#) Approving the application of Twin Cities Jazz Festival - CHS Stadium for a sound level variance in order to present an outdoor concert from 2:00 p.m. to 10:00 p.m. on June 25, 26 and 27, 2015 at CHS Stadium, 360 Broadway Street.

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 Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 36 [RES PH 15-108](#) Approving the application of Brian Horst, for a sound level variance in order to present amplified music for the Music in Mears concerts from 6:00 p.m. until 9:00 p.m. on twelve (12) Thursdays starting June 11, 2015 through August 27, 2015 and followed by movies from 9:00 p.m. to 11:00 p.m. on six (6) Thursdays from July 23, 2015 through August 27, 2015 in Mears Park.

Councilmember Thune moved an amendment. Yeas - 7 Nays - 0

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

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 37 [RES PH 15-97](#) Approving the application of USA Triathlon for a sound level variance in order to provide amplified music and the use of a sound system for announcements from 6:00 a.m. until 3:00 p.m. on Saturday, June 6, 2015, during the Duathlon National Championships Event at Harriet Island.

Councilmember Thune moved an amendment to change the start time from 5:00 a.m. to 6:00 a.m.

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

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 38 [RES PH 15-104](#) Approving the application of Whole Foods Market for a sound level variance for a live band and amplified music outdoors between 1:00 p.m. to 8:00 p.m. on Thursday, May 14, 2015 at 30 Fairview Avenue South.

Andrew Cartac, store team leader, described the event.

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 Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 39 [RES PH 15-115](#) Approving the application of a Minnesota AIDS Project, The Minnesota AIDS Walk Event, for a sound level variance in order to allow amplified sound from a non-broadcast radio van located at the intersection of Mississippi River Boulevard North and Ford Parkway on Sunday, May 17, 2015 from 10:30 a.m. to 1:00 p.m.

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 Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 40 [RES PH 15-113](#) Approving the application of Isabel Vollenweider, Communications and Relations, Twin Cities German Immersion School, for a sound level variance in order to provide a small PA system with DJ music during the Twin Cities German Immersion School 10 Year Celebration of School Open House Event from 10:00 a.m. until 3:00 p.m. on May 16, 2015 at 1031 Como Avenue.

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 Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 41 [RES PH 15-110](#) Approving the petition of Primrose School Franchising Company to vacate a portion of Dayton Avenue east of Saratoga Street.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

42 [RES PH 15-117](#)

Granting Municipal Consent for the MnDOT project to rehabilitate the pavement on Interstate 94 from Seventh Street to Mounds Boulevard, including the construction of an auxiliary lane from Seventh Street to Mounds Boulevard and the construction of a sound wall along a portion of Mounds Boulevard. (State Project No. S.P. 6283-175) (Public hearing continued from May 6)

In opposition:

Deanna Foster, said she was appearing as a neighbor and as president of the D4 District Council. She said the D4 board had voted 4-0 in opposition to the project. She said MnDOT staff had done a good job with community engagement but were bound by the rules of the federal process, which D4 did not find significant enough to build the sound wall. She said the area was a historic district, and while they were not opposed to a sound wall, they were opposed to a 20 foot sound wall that blocked them off from downtown. She said Bus Rapid Transit (BRT) was coming to the neighborhood, and a sound wall would likely be torn down in two years to accommodate that project, which they did not feel was efficient use of funds. She said the neighbors were not in favor of the project, and the civic engagement process was convoluted and archaic in terms of the way the numbers were allocated and analyzed. She asked that the Council vote against municipal consent on the project and allow it to go to arbitration.

Councilmember Bostrom asked for a staff report.

Eriks Ludens, Public Works, gave a staff report on the process and project to add an auxiliary lane on eastbound 94 between 7th and Mounds Boulevard. He said MnDOT had a lengthy public participation process but participation was low and results were split as to the desire for a sound wall. In response to a question from Councilmember Bostrom, MnDOT district engineer Scott McBride said the auxiliary lane was part of a \$40 million project to repave east and westbound I-94 from Mounds Boulevard to 694/494. Dale Gade, MnDOT engineer and project manager, clarified that municipal consent was only for the auxiliary lane. Councilmember Bostrom asked whether the need for the auxiliary lane had been documented through significant traffic counts. Mr. McBride said it was a busy stretch of freeway, and the auxiliary lane would enhance capacity and, more importantly, allow drivers to move between lanes to access entrance and exit ramps. He said there was a lot of passion in the neighborhood both for and against the sound wall, and it was bad area for noise. He reviewed the voting process dictated by federal and MnDOT policy, and said they had come up with a essentially a tie vote, which dictated the addition of the noise wall. He said if the City did not grant municipal consent, MnDOT would remove the auxiliary lane from the project rather than appeal the decision and go to arbitration. He said there would then be a three-year window during which the issue could not be revisited, due to environmental regulations.

Councilmember Brendmoen asked how many neighbors had voted. Mr. Gade said he wasn't sure of the numbers but could get them. He described the point given to votes based on proximity to the sound wall and other factors. Ms. Foster noted that not returning the ballot counted as a yes vote, and that was not made clear on the ballot.

Councilmember Bostrom spoke about a similar project at that had been a welcome addition. Mr. McBride said funding would be lost if the auxiliary lane was not done and he didn't know when or if the improvement would be revisited. In response to a question from Councilmember Bostrom, he said the auxiliary lane would be cheaper to put in with the other freeway work.

Councilmember Thao asked whether a minimum number of votes was required to validate the process. Mr. McBride said there was no minimum threshold for votes. He said they were changing the process to establish a minimum, but a re-analysis of the data for this project using the new process would not have changed the result.

Council President Stark noted Ms. Foster's testimony about the wall possibly having to come down if some aspect of the Gateway project were to move forward and he asked Mr. McBride whether that was accurate. Mr. McBride said it was a possibility.

In opposition:

Diane May (243 Maria Avenue) said 10 years ago MnDOT said they were going to get a sound barrier, and she was one of the people who voted yes, but she was now saying no. She said the reason for the change was that the three neighbors closest to the freeway had moved away in the interim, and now that the Gateway project was closer it was a waste of money to build the wall when it may have to come down in a few years. She said the sound wall would also affect 6 units of affordable housing owned by Dayton's Bluff Neighborhood Housing Service. She said she believed the proposed sound wall would go over one more block to Conway. She said she did want a sound barrier but could wait a few more years.

Eric Zidlicky (245 Maria Avenue) said he would be directly affected by the wall, and the three main issues for him were the loss of view of downtown from his backyard, loss of light for two streets, and that the wall may have to come down again. He said he was not asking for it to be eliminated completely but to have it just go to Euclid and not go to Conway. He said that the noise was a significant issue for him.

Councilmember Finney asked to lay the matter over to May 20 to allow the Heritage Preservation Commission (HPC) to discuss the issue with some of the people who may have gotten missed in the voting process. He said he would like to hear the HPC's recommendation and felt the Council would be able to take action on May 20. Council President Stark confirmed that the layover would not affect the timing of the project.

After the vote:

Councilmember Bostrom said it was important that the Council consider the effect of their actions on the inclusion of the auxiliary lane in the project. He said he felt it was very important.

Councilmember Finney agreed, and said some areas of Ward 7 hadn't been heard from. He said lane was important to the City but there were also areas of concern and the HPC needed the opportunity to hear the matter.

Public hearing continued to May 20

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

43 [PH 15-6](#)

Public hearing to consider the application of the Housing and Redevelopment Authority of the City of Saint Paul to rezone property at 720 Seventh Street East from T2 Traditional Neighborhood to RT1 Two-Family Residential.

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

Motion of Intent - Application granted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

44 [PH 15-8](#)

Public hearing to consider the application of Victoria Park Communities II for preliminary and final plat approval for Victoria Park Second Addition to create two (2) residential lots, four (4) outlots, and dedicate ROW. (Zoning File # 15-026-801)

Jake Reilly, Planning and Economic Development (PED), said the City Attorney had identified that there was an easement missing, and PED would make sure the correct plat was brought for the memorialization resolution.

Councilmember Thune asked whether the resolution should be adopted. Mr. Reilly recommended holding and closing the public hearing, and the Council would approve the memorialization with the correct plat attached.

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

Council President Stark asked for clarification of whether an action should be taken. Deputy City Attorney Gerald Hendrickson said the Council normally acted on the item, and the subsequent memorialization documented that action. He suggested that the Council take an action if they were ready to do so. Councilmember Thune asked whether there should be an amendment. Mr. Reilly said nothing would substantially change, but the memorialization would be different from what was there currently. Councilmember Thune said the Council shouldn't vote on the item in that case. Mr. Hendrickson said as long as everyone understood the situation, the Council could act.

Councilmember Thune moved approval.

Motion of Intent - Application granted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 45** [RES PH 15-122](#) Amending the City's 2015 Operating Budget to reflect an advance from the internal borrowing fund to finance a portion of the Highland and Sunray Library Renovation Projects.
- 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 Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 46** [RES PH 15-119](#) Amending the City's 2015 Debt Budget to reflect the issuance of the Series 2015 General Obligation Capital Improvement Budget, in part, to refund the Series 2007 CIB Bonds.
- 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 Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 47** [RES PH 15-121](#) Amending the financing and spending plans in the 2015 General Government budget in the amount of \$2,800,000 to establish a capital lease financing plan for the Local Area Network (LAN) replacement project.
- 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 Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 48** [RES PH 15-92](#) Final Order approving the upgrade in size to water service connection serving 1342 Van Buren Avenue. (File No. 19184, Assessment No. 156101)
- No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

49 [RES PH 15-94](#)

Final Order approving the improvements to streets in the 2015 Saint Paul Street Vitality Project (2015 SPSVP).

Bruce Engelbrekt, Real Estate Section of Finance, gave a staff report on the assessment process and rates. He said this item related to Como-Chatsworth, which was a residential project; and Third, Franklin and St. Clair, which were commercial or arterial. He said the St. Clair project was unique in that it was being rehabilitated and not completely reconstructed. He said the purpose of the final order was to approve the project, to allow the assessments to be ratified at the end of the project, and to provide an estimate of the assessment rates. He said the final order did not approve the rates, and that would come before the Council in a public hearing in the fall. He said the process used to establish rates included identification of the projects and project costs by Public Works, and identification of the affected properties and assessable frontage by Finance. He said historically the assessments were between 20-25% of project costs, and in the past had always been to consider all project areas as part of a Citywide program, and establish a single rate for all project areas that would generate at least 25% of the total cost of all projects. He said that rate ended up to be \$140.50, which was the rate considered at the earlier public hearing and in the final order, with the exception of St. Clair which had a smaller rate because there was less construction work. He said they had recently received a request from Councilmember Brendmoen to have Como Chatsworth recalculated by itself because it was residential, and a decision was made to separate that project from the arterial projects. He said that resulted in a decrease for that project and an increase for the other arterials, so they refined their assessment policy by reducing the assessment percentage from 25 to 20%. He said arterials were higher than last year due to increases in construction and contractor costs. He said Third Street was being considered as part of the City-wide project and Raymond was being considered separately because the main financing source was different and it wasn't subject to the same assessment requirements. He said Raymond was being brought back before the Council because the assessment rate was adjusted to match that of the other arterial projects. He said the estimated rates increased from \$100 in February to \$140 currently because they were not far enough along in design process in February to have precise cost estimates, and costs increased by the time they got to that point in the process. He said in the future they'd be sure to wait to notify property and bring projects before the Council. He said they hoped prices would come down so final assessment rates could be lowered a bit. He said if the bids came back higher they'd come back before the Council for direction as to whether to move forward with the projects.

Council President Stark clarified that in the past the City had packaged a number of residential projects as a group. He said the residential portion was smaller relative to the whole package than it used to be, which led to a change in the way things were calculated and which prompted this discussion. Mr. Engelbrekt said that was correct; he clarified further. Council President Stark said for a point of reference, the residential rate was proposed to have doubled this year. Mr. Engelbrekt said the residential rate last year was about \$77.

Councilmember Bostrom asked whether water mains were being replaced on arterials. Dan Haak, Public Works, said they would work with the water utility to determine which water services needed to be replaced.

In opposition:

Rick Konkol (1098 Oxford Street N.) said he lived in the Como neighborhood and understood that infrastructure had to be fixed, but was dumbfounded by cost. He said they were told at a meeting that \$95 would be the high end. He said the neighborhood has elderly people and new residents, many of whom weren't aware of

the assessment. He didn't recall being told there was going to be a per foot charge for lighting. Councilmember Brendmoen clarified that lighting the lighting cost was part of the \$95 mentioned at the presentation but was separate on the notice. Mr. Konkol said he understood that costs had gone up, but he had family expense. He said the interest rate for the assessment kept varying. He said in the future, Public Works and the Council should be in synch so they had firm information when public meetings were held. He said the work needed to be done and would improve property values, but he hoped costs could be brought down.

David Strand (959 St. Clair Avenue) asked how it was decided what areas would be repaved. He said it was nicely paved, and no water or sewer work being done. Council President Stark said pavement quality was rated every year. Mr. Haak said he'd explain the process to Mr. Strand.

Randy Croce (1117 Churchill) said he was concerned about the increase over the estimate. He said he'd paid to have his sewer line done with the understanding that the assessment was going to be around \$95 a foot. He encouraged the Council to hold to the lower assessment. He asked that the project go forward even if the assessments were higher because yards already been torn up and sidewalks damaged.

Corey Plath (1065 Chatsworth Street) asked that the Council consider waiting on his section of Chatsworth.

Jim Prayfroch (1083 N. Oxford) said they were told \$80-95 max, and as a single dad with college-age kids, \$10 grand was a lot to bite. He said he wanted the project and it was needed, but at what cost.

Elizabeth Bednar (1105 Oxford) said the letter stated clearly \$85-90, and this increase was unacceptable. She said her assessment would be over \$10,000 with the connection. She said to spend over \$1000 for lighting was ridiculous and maybe it should be skipped.

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

Council President Stark clarified that the action being taken was whether to move forward with the project, and the final assessment would be considered in the fall.

Councilmember Brendmoen said her home was in the Como Chartsworth area, and she appreciated Public Works' willingness to uncouple residential from arterial and the effort to keep arterials at \$140. She said it was expensive but the projects needed to be done. She said she felt there was a need for a policy session about how the rest of the SPRSVP projects could be done going forward, including possibly going to the state to get rid of the 20% requirement and capping rates. She said it was time to look at the funding to make it realistic for community members.

Council President Stark agreed that the Council needed to look at the policy implications of project cost increases. He said it was good that construction workers were working but it raised costs.

Councilmember Bostrom noted that the other 80% was being paid for by CIB bonds which everyone in the city was contributing to. He also pointed out that seniors could defer payments until the sale of the house.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

50 [RES PH 15-95](#)

Ratifying the assessments for water service connections completed during the Raymond Avenue streetscape project. (File No. 19097WC2, Assessment No. 156102)

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

51 [RES PH 15-96](#)

Final Order approving a street paving and lighting improvement along Raymond Avenue from Hampden Avenue to Energy Park Drive. (File No. 19171, Assessment No. 155201)

In opposition:

Chuck McCann (970 Raymond Avenue) appeared with his daughter, Sandy Jacobs, who managed his commercial building. He said when they purchased the building 40 years ago, the City said they had to have parking. He said the assessment was \$60,000, and they hadn't made anything on that building in the last two years. He asked how that much could be charged for a parking lot, and said they already paid for street sweeping and snow plowing, and also paid \$59,000 in taxes. He said repaving wasn't needed and it was being done for traffic calming, which was ridiculous. He said first University Avenue had been torn up and now they were doing Raymond. He said older commercial buildings in west Midway were not surviving, and he asked that the Council not drive business community out. Sandy Jacobs said they were being forced to borrow \$60,000 from the City or from the bank, and that was money that could be used for building improvements. She said this was something they hadn't asked for, and the increase from \$100 to \$140 a foot is unmanageable. Mr. McCann asked whether they could pay for part of the building and not pay for the parking lot because they were on the corner. Ms. Jacobs said it was frustrating that when costs went up the project wasn't revisited to cut costs.

Council President Stark moved to close the public hearing. Yeas - 7 Nays - 0

Council President Stark said the costs were higher than anyone anticipated but the projects needed to be done. He said if there weren't assessments for financing, property taxes would increase for everyone.

Council President Stark moved to approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

52 [RES PH 15-99](#)

Amending the financing and spending plans in the Fire Department in the amount \$1,100,000 in Fund 722 Equipment Services and Fund 222 Fire Responsive Services to make a technical correction to the 2015 budget.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

53 [RES PH 15-111](#)

Amending the financing and spending plans in the Fire Department in the amount of \$22,500 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for training for firefighters.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

54 [RES PH 15-112](#)

Authorizing an increase in 2015 spending authority in the amount of \$12,000 for the Department of Parks and Recreation Grants Budget to recognize grant funding from the Capitol Region Watershed District.

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 Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 55 [RES PH 15-102](#) Amending the 2015 financing and spending plans in the Department of Parks and Recreation Grants and Aid Budget in the amount of \$10,990, and accepting a grant in the amount of \$10,000 from the Department of Natural Resources to develop an archery range at 1200 Warner Road.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 62 [RLH VO 15-17](#) Appeal of Allen Anthony Slaughter, Sr.; on behalf of owner William E. Davies; to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1370 CHARLES AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the condemnation and order to vacate. She said the home was occupied by an elderly resident who had collected a lot of materials, and whose church was assisting him. She said he'd agreed in Legislative Hearings to remove the materials and have weekly housekeeping, and her recommendation was to allow continued occupancy if benchmarks were met. She said they were met and he was occupying the home.

Appellant Allen Anthony Slaughter, Sr. said all of the items agreed upon had been met and he would continue to assist Mr. Davies.

Council President Stark confirmed with Ms. Moermond that her recommendation was to allow continued occupancy. He moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

68 [RLH VO 15-21](#)

Appeal of Victoria Morales to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate Residential Units at 1659 GRAND AVENUE.

Councilmember Tolbert said he became involved in the situation during the condemnation process, and had been advised to recuse himself.

Legislative Hearing Officer Marcia Moermond said she had conducted an emergency hearing on an order to condemn, immediately vacate, and revoke the certificate of occupancy for the entire building. She said the inspection leading to orders had been done in response to a complaint by a tenant. She said the tenant who was appealing the orders wasn't present, but there were a lot of others involved with different perspectives. She said based on photographs and testimony she had decided the immediate vacation was necessary, and a lot of effort had gone into getting the tenants out that night and the building secured. She said the issue was whether the commercial spaces could continue to be used without reoccupying the residential space above. She said she had walked through the building with the building official, and, given the significant number of violations, didn't feel it was possible to have partial occupancy. She said she felt there needed to be a stern inspection with the four trades inspectors, and she reviewed some of the violations and concerns with fire separation. She added that behavior of management lead her to believe that conditions set would not be met, and she noted past problems with compliance. She further reviewed current and past violations. She said she didn't believe there was a way to separate the spaces. She said the building owner and attorney, and business owners were present.

In opposition:

Tamara Gray (360 Spring Street), book store owner, said their space was up to code and well-maintained. She said Xcel had come in and turned off the power upstairs, and her request was to be able to stay open. She said they were a brand new business, the neighborhood was just getting to know them, and they were bringing important activity into the neighborhood. She said having to be closed would bring down business and the reputation of the work they were doing in the community. She said they moved into the building in good faith and were told the building was certified for occupancy in 2014. She said they as a business were willing to work with the City on what needed to be done upstairs.

Kevin Naughton (4123 Sylvia Lane), owner and general manager of Irish pub in progress, described the inspection process and emergency hearing. He said the complaint had originated with an upstairs tenant, and he and other downstairs tenants had been unaware of some of the conditions. He said they were appalled at the behavior of the landlord. He asked whether the businesses on the first level could continue to operate.

Fred Kippers, attorney representing the building owners, said they didn't contest the condemnation, vacation, revocation, and had paid for code compliance. He asked the Council consider to asking staff to allow the commercial area to be occupied and to operate once the Code Compliance inspection was conducted and life safety issues were addressed.

Developer Dominic McMahon (6064 Knox Avenue S., Minneapolis) addressed conditions at the property.

Council President Stark moved to close the public hearing. Yeas - 5 Nays - 0 (Councilmembers Tolbert and Brendmoen not present for vote)

Council President Stark asked Ms. Moermond to review her recommendation. Ms. Moermond read her recommendation setting out conditions under which the book store could operate the internet portion of the business, and said the a Certificate of Occupancy for the building in its entirety would be required before any of the building could be occupied.

Councilmember Finney asked whether construction on the new businesses could continue. Ms. Moermond said typically one permit for each trade was allowed after a Code Compliance inspection.

Councilmember Bostrom said after taking a look at the photographs he didn't know how anyone could want to operate there. He said the Council had a responsibility to protect residents. He said he agreed with Ms. Moermond, and he moved approval of her recommendation.

Council President Stark said he supported the motion. He said unfortunately that left the tenants displaced and commercial tenants affected, but the onus was on the landlord. He said the senior building official had deemed the building unsafe, and he reiterated Councilmember Bostrom's point about the Council's responsibility.

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Thune, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Brendmoen

Abstain: 1 - Councilmember Tolbert

75 [RLH SAO 14-50](#) Appeal of Anastasia Mastrogiorgos to a Vehicle Abatement Order at 30 MISSISSIPPI RIVER BOULEVARD NORTH. (Public hearing continued from April 15)

Legislative Hearing Officer Marcia Moermond gave a staff report on a vehicle abatement order. She recommended ordering one removed but said the appellant would like to have both there.

Appellant Anastasia Mastrogiorgos said regardless of the number of cars there, there was nothing in violation. She cited code and asked for explanation of the violation. She displayed a diagram and drawing of conditions under which alley parking was allowed. She said it was dangerous to be out in the street loading your kid in and out, when you have an alley.

Council President Stark said not being familiar with the code we have to rely on people who deal with this.

Ms. Moermond said there were conflicting codes related to parking in the right-of-way and alley parking, and the orders were written on code related to parking in the right-of-way. She read the orders including a note that the alley was 20' wide.

Council President Stark moved to close the public hearing and grant the appeal.

Adopted as amended (appeal granted)

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Brendmoen

77 [RLH CO 15-7](#)

Appeal of Brian Pierce to a Correction Notice, Summary Abatement Order and Vehicle Abatement Order at 675 OAKDALE AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the landscaping business being run out of a residence. She read her recommendation to deny the appeal with compliance dates.

In support:

A neighbor testified that the house was in utter disrepair and disgrace for the neighborhood. He said another neighbor had witnessed huge burnings of debris in the back yard at night. He said it was out of control and needed to be stopped.

Councilmember Thune moved to close the public hearing and approve Ms. Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Brendmoen

91 [RLH CO 15-5](#)

Appeal of Sharon Bruestle to a Correction Notice at 529 STRYKER AVENUE. (Public hearing continued from May 6)

Ms. Moermond said the appellant was no longer present but they'd had a long conversation in the hallway. She described the appeal situation and asked for an eight-week layover.

Councilmember Thune moved to continue the public hearing for eight weeks.

Public hearing continued to July 1

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Brendmoen

98 [RLH TA 15-155](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 220 WINIFRED STREET WEST. (Public hearing continued from April 15) (To be amended to File No. VB1506A, Assessment No. 158821)

Legislative Hearing Officer Marcia Moermond gave a staff report on the Vacant Building fee assessment. She said the permits weren't finalled after almost six months, and she recommended approval of the full assessment.

Appellant - said he'd had an inspection the day before and just needed a couple of corrections. He said he'd be done the following week.

Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0

Council President Stark asked Ms. Moermond to repeat her recommendation; she restated it.

Councilmember Thune moved approval of Ms. Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Brendmoen

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

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

Legislative Hearing Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Brendmoen

56 [RLH VO 15-15](#)

Appeal of Marc Hudson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 975 BEECH STREET.

Adopted

- 57 [RLH FCO 15-47](#) Appeal of John Hayes to a Fire Inspection Correction Notice at 1765 BEECH STREET.
 Adopted
- 58 [RLH VBR 15-24](#) Appeal of Dan Hekrdle to a Vacant Building Registration Notice at 670 BELLOWS STREET.
 Adopted
- 59 [RLH FCO 15-44](#) Appeal of Scott Beck to a Correction Notice - Complaint Inspection at 694 BRADLEY STREET.
 Adopted
- 60 [RLH FCO 15-43](#) Appeal of Judy Toft to a Fire Inspection Correction Notice at 2111 BURNS AVENUE.
 Adopted
- 61 [RLH FCO 15-50](#) Appeal of Choua Yang to a Fire Inspection Correction Notice at 1155 CASE AVENUE.
 Adopted
- 63 [RLH FCO 15-38](#) Appeal of Mark Potter to a Fire Inspection Correction Notice at 1656 CRAIG PLACE.
 Adopted
- 64 [RLH VBR 15-22](#) Appeal of Jinghan Qu to a Vacant Building Registration Notice at 697 EUCLID STREET.
 Adopted
- 65 [RLH TA 15-195](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P, Assessment No. 158403 at 50 FILLMORE AVENUE EAST.
 Adopted
- 66 [RLH TA 15-201](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1506B, Assessment No. 158105 at 630 FULLER AVENUE.
 Adopted
- 67 [RLH FCO 15-26](#) Appeal of John Wengler for Bilco, Inc. to a Fire Inspection Correction Notice at 857 GRAND AVENUE.
 Adopted as amended (appeal granted)

- 69 [RLH TA 15-187](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 1066 HAZELWOOD STREET.
Adopted
- 70 [RLH RR 15-16](#) Staying enforcement for 180 days of City Council File RLH RR 15-3 ordering the rehabilitation or razing and the demolition of the structures at 600 IDAHO AVENUE EAST within 15 days after the February 18, 2015 City Council Public Hearing. (Public hearing continued from May 6)
Public hearing continued to May 20
- 71 [RLH TA 15-203](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 973 JESSAMINE AVENUE EAST.
Adopted
- 72 [RLH VO 15-18](#) Appeal of Delores S. Caldwell to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1867 MARYLAND AVENUE EAST.
Adopted as amended (appeal denied; extension granted to June 1 to vacate)
- 73 [RLH VO 15-19](#) Appeal of Richard Ernest Legato to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1867 MARYLAND AVENUE EAST.
Adopted as amended (appeal denied; extension granted to June 1 to vacate)
- 74 [RLH FCO 15-42](#) Appeal of Alfredo Medina to a Fire Inspection Correction Notice at 937 MINNEHAHA AVENUE WEST.
Adopted
- 76 [RLH SAO 14-37](#) Appeal of Catherine Walsh to a Vehicle Abatement Order at 1080 NORTON STREET. (Public hearing continued from November 5, 2014)
Adopted
- 78 [RLH FCO 15-46](#) Appeal of Mike Hafner to a Fire Inspection Correction Notice at 927 PAYNE AVENUE.
Adopted

- 79 [RLH TA 15-193](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1506B, Assessment No. 158105 at 793 PARKWAY DRIVE.
Adopted
- 80 [RLH VBR 15-25](#) Appeal of Viktor Lesnikou to a Vacant Building Registration Fee at 572 POINT DOUGLAS ROAD SOUTH.
Adopted
- 81 [RLH TA 15-186](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 1919 RANDOLPH AVENUE.
Adopted
- 82 [RLH TA 15-188](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 2033 RANDOLPH AVENUE.
Adopted
- 83 [RLH TA 15-191](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 234 ROBIE STREET WEST.
Adopted
- 84 [RLH VBR 15-23](#) Appeal of Nathaniel A. Khaliq to a Vacant Building Registration Notice at 787 SELBY AVENUE.
Adopted
- 85 [RLH TA 15-116](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 872 SELBY AVENUE. (Public hearing continued from May 6) (Public hearing to be continued to September 2, 2015)
Referred to Legislative Hearings on May 12; Council public hearing continued to May 20
- 86 [RLH FCO 15-33](#) Appeal of Eric Meyer, HFS Properties (management company), to a Fire Inspection Correction Notice at 85 SEVENTH PLACE EAST.
Adopted
- 87 [RLH FCO 15-22](#) Appeal of Steve Shea to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 849 SEVENTH STREET EAST.
Adopted

- 88 [RLH TA 15-256](#) Amending Council File RLH AR 15-2 to delete the assessment for Property Clean Up services during November 3 to 26, 2014 at 1693 SHERBURNE AVENUE. (File No. J1506A, Assessment No. 158505)
Adopted
- 89 [RLH VBR 15-21](#) Appeal of Susan Lukan to a Vacant Building Registration Renewal Notice at 1338 SIXTH STREET EAST.
Adopted
- 90 [RLH TA 15-192](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P, Assessment No. 158403 at 571 SNELLING AVENUE NORTH.
Adopted
- 92 [RLH TA 15-202](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 1596 TAYLOR AVENUE.
Adopted
- 93 [RLH TA 15-204](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P, Assessment No. 158403 at 2350 TERRITORIAL ROAD.
Adopted
- 94 [RLH FCO 15-45](#) Appeal of Peter Edlund to a Fire Inspection Correction Notice at 2238 TILSEN AVENUE.
Adopted
- 95 [RLH VBR 15-26](#) Appeal of Ericka Trinh to a Vacant Building Registration Renewal Notice at 383 UNIVERSITY AVENUE WEST.
Adopted
- 96 [RLH TA 15-197](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P Assessment No. 158403 at 846 UNIVERSITY AVENUE WEST.
Adopted
- 97 [RLH TA 15-196](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P, Assessment No. 158403 at 860 UNIVERSITY AVENUE WEST.
Adopted

- 99 [RLH VBR 15-20](#) Appeal of Martin Hyndman to a Certificate of Code Compliance Requirement at 863 WINSLOW AVENUE. (Public hearing continued from May 6)

Public hearing continued to May 20

- 100 [RLH AR 15-18](#) Ratifying the assessments for Collection of Certificate of Occupancy fees billed October 13 to November 12, 2014. (File No. CRT1507, Assessment No. 158206)

Adopted

- 101 [RLH AR 15-19](#) Ratifying the assessments for Graffiti Removal services from November 1 to December 30, 2014. (File No. J1504P, Assessment No. 158403)

Adopted

- 102 [RLH AR 15-20](#) Ratifying the assessments for Boarding and/or Securing services during December 2014. (File No. J1506B, Assessment No. 158105)

Adopted

- 103 [RLH AR 15-21](#) Ratifying the assessments for Tree Removal services during December 2014. (File No. 1504T, Assessment No. 159003)

Adopted

ADJOURNMENT

Councilmember Finney moved adjournment.

Meeting adjourned at 9:15 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Brendmoen

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