



City of Saint Paul

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

Minutes - Final

City Council

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

Wednesday, August 17, 2011

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

The meeting was called to order by Council President Lantry at 3:30 p.m.

Present 7 - Councilmember Dan Bostrom, Councilmember Melvin Carter III, Councilmember Pat Harris, Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 11-20** Letters from the Department of Safety and Inspections declaring 627 Ohio Street, 678 Orleans Street, 698 Fourth Street East and 846 Smith Avenue South as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

 Received and Filed

- 2 **CO 11-21** Letters from the Department of Safety and Inspections declaring 701 Maryland Ave E, 334 St Clair Ave and 46 Stevens St E as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

 Sponsors: Helgen and Thune

 Received and Filed

- 3 **AO 11-31** STAR accounting for projects approved via the 2011 Neighborhood STAR Year-Round Program

 Received and Filed

- 4 **AO 11-33** Administrative Order: Authorizing Directors of Finance and Public Works to enter into lease agreement with Metropolitan Economic Development Association for 300 feet of office space at the Central Corridor Resource Center (former Lexington Library) at 1080 University.

 Received and Filed

- 5 **AO 11-34** Move 2010 and 2011 capital maintenance funding from the Public Safety Annex project to the Pedro's Park project.

Received and Filed

CONSENT AGENDA

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

Approval of the Consent Agenda

*Item 9 was removed from the Consent Agenda for separate consideration.
Councilmember Bostrom moved approval of the balance of the Consent Agenda.*

Consent Agenda adopted as amended

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

Nay: 0

- 6 **RES 11-1456** Granting the Public Works Department the authority to use the Solid Waste and Recycling Fund to pay District Councils for their annual clean up events and other initiatives within the Neighborhood Clean Up program.

Sponsors: Lantry

Adopted

- 7 **RES 11-1473** Approving adverse action against the Restaurant (4) - 51-150 Seats license held by My Living Room Cafe, LLC d/b/a My Living Room Cafe, LLC located at 2038 Marshall Avenue in Saint Paul.

Sponsors: Stark

Adopted

- 8 **RES 11-1484** Authorizing the City to enter into an agreement with the Minnesota Department of Transportation.

Sponsors: Stark and Harris

Adopted

- 9 **RES 11-1526** Approving the contracts for FairVote MN and the Saint Paul League of Women Voters to provide public education on the ranked voting process.

Sponsors: Stark

Councilmember Bostrom said given the financial situation and proposed tax increases, he couldn't see spending \$19,000, particularly since Ramsey County Elections had submitted a letter stating they could provide all of the services at no additional charge. He also expressed concern about FairVote's past track record and run-ins with the legal system. He said he thought it could be done fairly and right by Ramsey County Elections.

Councilmember Stark said he appreciated those concerns, but with the significant changes in the election system it was important to do as much voter education as possible. He said FairVote's contract limited their activities to providing education using Ramsey County materials. He said he felt confident there would be a better and more fair election as a result of these resources.

Councilmember Thune said he was also in support, and felt there should be as much voter education as possible.

Councilmember Helgen said he had some concerns given the history of FairVote; he asked Councilmember Stark or Thune to talk about checks and balances included in the contract to make sure FairVote was not using public money for political purposes.

Councilmember Stark said it was in the scope of work and clearly laid out in the contract.

Councilmember Helgen said the website was not always clear as to what the organization was doing with the foundation arm of the operation versus the political arm versus the St. Paul education effort. Councilmember Stark said recent changes had been made to make sure those lines didn't get blurred and the St. Paul-specific link on the site was all about voter education.

Councilmember Harris said he would not support the resolution, based on budget considerations. He said elections were not a City job, and he quoted communication from Ramsey County Elections Manager Joe Mansky stating no additional funds were needed. Councilmember Stark clarified that the City did pay for their portion of elections. Councilmember Harris said the electoral process was the responsibility of Ramsey County.

Council President Lantry said her understanding based on the working session at Ramsey County was that there were things Ramsey County could not cover.

Councilmember Bostrom reiterated his concerns given FairVote's track record, the budget implications, and Ramsey County's ability to provide the service.

Councilmember Stark moved approval. (Vote taken)

Councilmember Helgen asked City Council Director Trudy Moloney whether she would be monitoring FairVote's compliance with the contract. Ms. Moloney said she would bring any complaints before the Council, and payment would depend upon adherence to the contract.

Adopted

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

Nay: 2 - Councilmember Bostrom and Councilmember Harris

- 10 **RES 11-1537** Approving the Purchase Agreement to acquire property at 1190 and 1194 Payne Avenue for the Payne/Maryland Signalization Project

Sponsors: Bostrom

Adopted

- 11 **RES 11-1570** Resolution accepting a gift of \$872.00 from the Wyoming Office of the Attorney General to cover the cost of airfare, one (1) night's lodging, meals and transportation expenses for Mike Seasily to speak on the subject of St. Paul Blueprint for Safety at the 13th Annual Wyoming Victim Services Conference taking place between August 29-31, 2011 in Cheyenne, Wyoming.

Sponsors: Lantry

Adopted

- 12 **RES 11-1581** Approving the Mayor's appointment of Craig McDaniels and Kathy Kelso to the Mayor's Advisory Committee on Aging.

Sponsors: Lantry

Adopted

- 13 **RES 11-1582** Approving the Mayor's reappointment of Harry Melander to the District Energy of Saint Paul Board of Directors.

Sponsors: Lantry

Adopted

- 14 **RES 11-1583** Approving the Mayor's appointment of Brett Olson to the Food and Nutrition Commission.

Sponsors: Lantry

Adopted

- 15 **RES 11-1584** Approving the Mayor's appointments of Matt Hass and Brennon Schaefer to the Mississippi Watershed Management Organization.

Sponsors: Lantry

Adopted

- 16 **RES 11-1585** Approving the Mayor's reappointment of Dan Bostrom, Kathy Lantry, Harry Melander, and John Regal to the Saint Paul Port Authority.

Sponsors: Lantry

Adopted

- 23 **RLH CO 11-2** Appeal of Richard H. Nicholson to a Correction Notice at 260 SUMMIT AVENUE.
(Public hearing held August 3; laid over from October 5)

Sponsors: Thune

Councilmember Thune said they were having constructive conversations; he moved to lay the matter over to October 5.

Laid over to October 5

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

Nay: 0

ORDINANCES

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

First Reading

- 24 **Ord 11-74** An interim ordinance preserving the status quo of land uses in the District 9 Planning Area for the purpose of augmenting the zoning study undertaken pursuant to Council File Ord 11-5.

Sponsors: Thune

Laid over to August 24 for second reading

- 25 **Ord 11-75** Amending the Zoning Map as recommended in the District 9 Commercial Zoning Study.

Sponsors: Thune

Laid over to August 24 for second reading

SUSPENSION ITEM

Councilmember Thune moved suspension of the rules to introduce Ordinance 11-76 for first reading.

Rules suspended

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

Nay: 0

Ord 11-76 Amending the Zoning Map as recommended in the District 9 Residential Zoning Study.

Sponsors: Thune

Laid over to August 24 for second reading

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

Nay: 0

SUSPENSION ITEM

Councilmember Thune moved suspension of the rules.

Rules suspended

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

Nay: 0

RECONSIDERATION

Councilmember Thune said he was to have amended Res 11-1521, adopted August 10, but was not present when the item was considered.

Councilmember Bostrom moved to reconsider Res 11-1521. Yeas - 7 Nays - 0

26 RES 11-1521 Memorializing the City Council's July 20, 2011 decision granting the appeal by David Brooks of a determination of the Historic Preservation Commission regarding the installation of glass-block on the corners of floors 2-4 on the building at 255 East 6th Street.

Sponsors: Thune

Councilmember Thune moved approval as amended.

Adopted as amended

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

Nay: 0

Councilmember Harris recognized Pattie Kelley on her election as fourth vice president of the National Blue Star Mothers organization.

The Council recessed at 3:48 p.m.

PUBLIC HEARINGS

The meeting was reconvened for public hearings at 5:30 p.m.

- Present** 4 - Councilmember Lee Helgen, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Russ Stark
- Absent** 3 - Councilmember Dan Bostrom, Councilmember Melvin Carter III and Councilmember Pat Harris

Council members Bostrom and Carter joined the meeting after roll call.

- 27 **PH 11-18** Conducting a public hearing on the Main Post Office retail relocation.

Sponsors: Lantry

Gary Mattox, from the Postal Service Western Facility Service Office in Denver, Colorado, reviewed challenges being faced by the postal service, and the process for relocating the main downtown post office retail services.

Councilmember Thune said he thought the Hamm Building and Eva Street sites were also closing, and questioned moving from the current location. He asked why downtown was being left without a post office. Mr. Mattox said he was not familiar with the other locations, but the main location was being moved and not closed.

In opposition:

Irene Blank (P.O. Box 65094, St. Paul) said she had a PO Box at the current location, and asked what she was supposed to do if they closed. Council President Lantry said post office was relocating, not closing.

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

- 28 **Ord 11-62** Creating Chapter 375 of the Legislative Code to establish a license for Pedicabs. (Public hearing continued from August 17)

Sponsors: Lantry and Thune

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to November 16.

Public hearing continued to November 16

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

Nay: 0

Absent: 1 - Councilmember Harris

- 29 **Ord 11-63** Amending Chapter 310 of the Legislative Code to impose licensure fees for pedicab vehicles and drivers. (Public hearing continued from August 17)

Sponsors: Thune

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to November 16.

Public hearing continued to November 16

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

Nay: 0

Absent: 1 - Councilmember Harris

- 30 **Ord 11-69** Amending Chapter 310.10 of The Saint Paul Legislative Code to limit amounts on the refunds of fees.

Sponsors: Lantry

No one appeared in opposition; Councilmember Stark moved to close the public hearing and lay the matter over to August 24 for final adoption.

Public hearing held and closed; laid over to August 24 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Harris

31 Ord 11-70

Preserving the status quo within a specified area in the vicinity of the University of St. Thomas pending the completion and report of a zoning study and possible action on that study, including amending the City's official controls to regulate the conversion of one- and two- and three-family homes into student housing.

Sponsors: Stark

In opposition:

Theodore Kvasnik said he had an office at 2190 Marshall, and owned retail spaces and apartments in the moratorium area. He said he felt the moratorium was an economic disservice, and the Council should not make it harder to invest in Saint Paul. He lamented the loss of property rights with flippancy stroke of pen, and said it was an unbalanced law because it only affected the St. Thomas area. He said a moratorium was not needed to do a study of housing, and he didn't feel any new laws were needed. He asked that the Council at the least consider setting a future effective date for the moratorium to give affected people time to prepare.

James Rogers (1930 Carroll Avenue), said he was aware of reasons behind the moratorium but felt it would impose an economic hardship on the most stable and long term members of the community, and did nothing to address the problems caused by student renters. He said he and his wife were empty nesters hoping to sell the house, and didn't feel that he or others like him should be punished by having the pool of buyers limited. He asked that the Council insert language to exempt properties that already had student housing on both sides.

Fred Plessner, owner of a duplex at 2088-2090 Grand Avenue and prospective buyer of a short sale property on St. Clair, said his concern was for the house he is trying to purchase in moratorium area. He said a purchase agreement had been prepared but not signed by the third party. He said as a potential investor, he felt the student renter market was strong for duplexes in the area but the market for family renters was not.

Andrew Haas (90 Finn Street) said he was opposed to the moratorium because he and his wife had toyed with idea of purchasing rental property near their home. He echoed the concerns about a drop in housing values, and cited the effects of a similar rule near Winona State. He said he believed it was discrimination against students, and the ordinance did not address current issues with student renters.

Greg Ryan (811 University Avenue) said he was opposed as a St. Paul business owner, and felt the moratorium would put a damper on economic activity. He said he was from Frogtown and he asked why the Council didn't start with a moratorium on the Frogtown area. He said discrimination from one neighborhood to another was a violation of equal protection under the law. He said the government was imposing an increasing burden on businesses.

Jeff Chermak (463 Desnoyer Avenue), Ward 4 landlord, said they were experiencing similar issues with University of Minnesota housing encroaching into their area, but he thought the moratorium was bad policy because students provide economic impact. He said limiting the rights of landlords and property owners did not address behavior problems, and the issue was community policing.

In support:

Jeanne Matross, neighborhood representative and co-chair of the housing subcommittee of the West Summit Neighborhood Advisory Committee (WSNAC), said the group had voted to support the moratorium at their August 9 meeting; she distributed a written statement. She said the support was based on results of a study

commissioned by WSNAC indicating that the neighborhoods around St. Thomas were at a tipping point in student rentals and conversions to non owner-occupied housing which could lead to disinvestment and deterioration of the neighborhood.

Chillon Leach (1795 Dayton) said she lived six houses east of the proposed boundary line. She said she was for the moratorium but respectfully asked that the study cover a larger area to prevent problems from being pushed elsewhere. She said she and her husband had lived in their home for 18 years and wanted to stay in the neighborhood, but they were already seeing an increase in party houses and felt a moratorium would further squeeze the problem to areas outside the moratorium area.

Doug Hennes, Vice President for University and Government Relations at St. Thomas, referred to letters sent to the Council earlier and said St. Thomas was not opposing the interim ordinance since most students had already found housing for the year, they but did have concerns about the study. He urged the City to examine the issue as it affected all colleges in St. Paul and said problems with rental housing would have to be addressed on a broader level. He said St. Thomas would oppose a permanent ordinance that would extend the moratorium. He questioned whether it would be legal, and said it would certainly be unfair and discriminatory. He urged the City to examine the study conducted by their geography department on the housing market in the St. Thomas neighborhood.

Pete Cooper (2129 Lincoln Avenue) read a statement of support. He noted accelerating degradation of the neighborhood surrounding St. Thomas and said it was the City's responsibility to create and enforce urban zoning and planning policies that preserve the quality of the neighborhoods.

Michael McDonald (1936 Selby Avenue) said as a property owner he did not see this as an infringement on rights or as an economic hardship. He said the degradation of the neighborhood was more insidious and severe than a perceived lack of competition in selling one's home.

Yvonne Jonk (1941 Selby Avenue) shared anecdotes of problems with two student houses near her home. She distributed information from the St. Thomas study of the neighborhood, and said that as an economist she saw the turnover from homesteading to non-homesteading as a fatal blow to the neighborhood. She said the moratorium would help rather than hurt in attracting families to neighborhood.

Ian Charpentier (2095 Lincoln Avenue) said he'd seen a dramatic increase in problems over the past five or six years, and the issue was one of livability not economics.

Mike Hepp (2122 Lincoln Avenue) reiterated previous comments about problems in the neighborhood associated with the increase in student housing.

Clarence Chaplin (1921 Lincoln Avenue) said he was extremely concerned about his quality of life on the block, and another rental property near his home would represent a tipping point for him. He said the issue had the potential to have a negative impact on property values, and students living in a residential area was a situation that just wasn't going to work.

Robert Schwanke (1907 Lincoln Avenue), retired University of Minnesota professor, said he'd lived in the neighborhood since 1956 and had seen it deteriorate considerably during that time. He said the expansion of St. Thomas and the number of students living in the neighborhood was the crux of the problem, and he compared

it to expansion of the University of Minnesota in Minneapolis and St. Paul without the addition of adequate on-campus housing. He said he was also in favor of the study; he referred to a memo he sent to Pat Harris in 2007 regarding the issue of student housing in residential areas.

George Mackey (1971 Lincoln Avenue), 27-year resident, said he had a St. Thomas house across the alley and one across the street from his home and he didn't see them as enhancing his property values. He said the moratorium had bubbled up organically from neighborhood in response to concerns. He said other colleges in St. Paul may or may not have the same problems, but St. Thomas was large enough to have the capacity to overwhelm the neighborhood.

Alyssa Rebensdorf (2096 Lincoln Avenue) said it was about building strong neighborhoods with a mix of residents. She asked the Council to provide another tool, in addition to things like the housing buy-back program, to help preserve the neighborhood assets and restore the mix. She said it was not about economic hardship, but about economic protection and incentivizing people to call the neighborhood home.

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

Councilmember Stark noted that his office had received nine calls or e-mails in opposition and 24 in support. Nine of those in support had asked that the moratorium be expanded. In response to that request, Councilmember Stark said that they'd had to draw the line somewhere for the temporary moratorium, but the study would not necessarily be limited to the boundaries of the moratorium area.

Public hearing held and closed; laid over to August 24 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Harris

32 PH 11-17

Considering the application of City of Saint Paul to rezone property at 745 White Bear Avenue from OS Office Service to B2 Community Business.

Sponsors: Lantry

Patricia James, Planning and Economic Development (PED), displayed an aerial photograph and gave a staff report on the rezoning request and proposed parking lot. She said the District 2 Council had recommended approval, there had been one speaker in support and one in opposition at the public hearing, and three letters and a petition in opposition had been received. She said the Planning Commission recommendation was to approve the rezoning request. She said B2 was the most appropriate zoning for the parcel given the location and the fact that the bar was B2.

In support:

Chuck Repke (1365 Prosperity), District 2, and Nicole Cherry, owner and manager of the Cherry Pit Grill appeared. Mr. Repke said creating parking lots for Little Oven and the Cherry Pit had been a long term process, and this was the last piece in a \$500,000 investment in the properties. He said after the widening of the road, the vacant parcel was too small to be used otherwise, and this would be a good use for a good business that had been managing property in the area well. Ms. Cherry spoke of improvements she had made to the property and said she was looking forward to the neighborhood and corner looking better.

Council President Lantry moved to close the public hearing. Yeas - 5 Nays - 0 (Carter not present for vote)

Councilmember Helgen asked why the parcel was being rezoned to B2 if it couldn't be used for anything other than parking. Council President Lantry said it was for consistency of the corners and for possible future uses if the Cherry Pit was no longer there.

Council President Lantry noted a petition from neighbors who had valid concerns. She said the rezoning made sense for the City, and concerns related to the business were a separate issue. She moved approval.

Motion of intent - Application granted

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

Nay: 0

Absent: 1 - Councilmember Harris

33 RES PH 11-1007 Approving the application of the Family Tree Clinic for a sound level variance in order to allow the use of a PA system and amplified music from 2:00 p.m. until 7:00 p.m. on August 20, 2011 at 1619 Dayton Ave, parking lot.

Sponsors: Stark

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 34 RES PH 11-1003** Approving the application of McNally Smith College of Music for a sound level variance in order to allow the use of a PA sound system and present amplified music from 1:00 p.m. until 6:00 p.m. on August 21, 2011 during a community event concert in the courtyard of 19 Exchange Street East.

Sponsors: Thune

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 35 RES PH 11-1014** Approving the application of Metropolitan Council for a sound level variance in order to allow Central Corridor Light Rail and Skyway construction between 10:00 PM and 1:30 AM, Monday through Saturday, from September 1, 2011 to November 1, 2011, at the Bremer Bank site (between 4th and 5th Streets, and East Cedar Street and Minnesota Street).

Sponsors: Thune

Councilmember Thune said this was being carefully monitored, and contractors had agreed to do no jack-hammering at night, to disconnect the truck "back-up beepers" and use spotters instead, and to make deliveries during the day.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 36 RES PH 11-1027** Allowing additional extended work periods at the request of Metropolitan Council as provided for by the sound level variance RES PH 11-967 in order to allow Central Corridor Light Rail construction between 10:00 PM and 7:00 AM from August 18, 2011 to August 31, 2011 along Cedar Street between 4th Street East and 7th Street East.

Sponsors: Thune

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 37 RES PH 11-1008** Renewing and modifying the requirements for the sound level variance previously granted in Res PH 11-790, in order to allow Central Corridor Light Rail construction between 7:00 AM and 10:00 PM from May 5, 2011 to December 31, 2011 along University Ave. and abutting side street intersections from Emerald St. to Syndicate St. in Saint Paul.

Sponsors: Carter III and Stark

Bill Gunther, Department of Safety and Inspections, said the department had received a letter and an e-mail in opposition; he clarified that this was a modification of an existing variance.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 38 **RES PH 11-1017** Consideration of amendment of resolution 08-1033 approving the site plan with conditions to develop the land owned by the Saint Paul Port Authority and commonly known as 637 Barge Channel Road. (Public hearing held August 17)

Sponsors: Lantry and Thune

*Council President Lantry moved amendments drafted by Port Authority counsel.
Yeas - 6 Nays - 0*

Councilmember Helgen said he hoped testimony would provide information about underlying intent and the issues at hand, but his concern was that the original Council resolution stated that if the Port declined to approve any or all conditions, the Council would revoke the site plan variances. He said he didn't know how the conditions could be amended if the Port hadn't upheld their end of the agreement. He said those questions were tied to issues of the land transfer and the parkland dedication features in the charter.

In opposition:

Peggy Lynch (1621 Beechwood), Executive Director of Friends of Parks and Trails in St. Paul and Ramsey County, said they were very concerned that the lands had not been transferred as conditioned on the completion of the new wharf at Southport. She asked that the matter be laid over until ownership was clarified and the required appraisal completed. She said she didn't think there was any dispute that the Port intended to transfer the property as parkland in 2008 or that the City intended to receive it as such, and her organization felt the property must be included in the no net loss of parkland requirement. She read additional Friends of Parks and Trails recommendations intended to protect parkland transfers agreed to by the Port Authority.

Tom Dimond (2119 Skyway Drive), Friends of the Parks and Trails in St. Paul and Ramsey County, submitted and reviewed written materials and photographs. He said the parcels being offered instead of Barge Terminal 2 (BT2) didn't offer the same opportunity as a large parcel with access to the riverfront. He said the Harvest States site was a valuable parcel which presented a similar opportunity to that at BT2 and was currently being used for storing junk. He said that parcel, in addition to the ones being offered, represented a much greater opportunity, and would provide a needed access to the riverfront from the east side.

Councilmember Thune asked for clarification of the location of the Harvest States parcel. Mr. Dimond indicated the location on a map, which he said represented a concept considered by Public Works and Parks for getting roads rebuilt and providing public access to the river as called for by the city's comprehensive plan. Councilmember Thune asked Mr. Dimond if there were other locations along the river that would provide similar access. Mr. Dimond said there weren't.

In support:

Patrick Seeb, Executive Director of the St. Paul Riverfront Corporation (25 W. 6th Street), spoke in support of the proposed plan for the Port Authority to donate approximately 16 acres of land to the City. He disclosed that the Riverfront Corporation was engaged by the Port Authority to assist in a community-based process to develop concepts for improving BT2 as a barge terminal operations center, and he thanked community participants. He said the Riverfront Corporation supported a balanced approach to riverfront development, recognizing the river's importance as a natural resource, recreational asset, and tool for economic and community development. He said he was sympathetic to Mr. Dimond's concerns about river access on the east side, and was pleased that one of the prominent

features of the Great River Passage was the idea of redeveloping Pigs Eye Lake.

Elena Gaarder, Executive Director of the West Side Citizens' Organization (127 W. Winifred Street), said she believed the easements would provide opportunities for access to the river for the West Side.

Bob Spaulding, representing Friends of the Mississippi River (360 N. Robert Street, Suite 400), said he saw the proposal as a win-win and a better deal for both the Port and business interests and for the ecology of river. He thanked all collaborators, and urged the Council to reward that collaboration.

Gjerry Bergquist (46 Prospect Boulevard) read a letter of support. He said access to the river at Southport was part of the "deal" and they expected that condition to be met. He asked that the amendment include language placing timelines on the accomplishment of public access to the river at Southport, and that timelines and documentation of wetland restoration be made public as soon as possible.

Hokan Miller (227 Prescott) echoed the appreciation for the openness and the thoroughness of process. He said if the Council rewarded the Port and Parks for their collaboration by approving the amendment, all the pilots in the harbor would benefit. Otherwise, all the pilots in the harbor would suffer.

Jonathan Carter (740 Sherwood Avenue), chair of St. Paul Parks and Recreation Commission, referred to the resolution of support passed unanimously at their July meeting which stated that they felt the package of properties was a fair substitute for the BT2 property previously scheduled to be transferred as parkland. He said staff had kept the Commission informed of the status of community discussions as options were considered and vetted, and the Commission felt it was a public and transparent process. He said the Commission reviewed land issues on a routine basis, and any property being considered for transfer would have a value assigned to it, regardless of the seller or of the property's perceived potential for future development.

Louis Jambois, President of the Saint Paul Port Authority, thanked the individuals and organizations who participated in putting together the package. He said the Port truly felt the package reflected the attitudes and needs of the neighborhood, the Parks Department, and interested citizens on the river.

Councilmember Helgen referred to the 2008 resolution stating that the variances would be revoked if the Port chose not to abide by the land transfer agreement, and questioned whether the City could be sure the Port would abide by a new agreement. Mr. Jambois said the Port had had the opportunity to work with the BT2 site since the original 2008 agreement. He said the process leading to the new plan had been open and inclusive, and the Port was committed to proceeding within 90 days.

Councilmember Helgen asked what the impact would be if the site plan approvals and variances were revoked. Eric Larson, Port Authority counsel, said the enforcement process set forth in the 2008 resolution was still in full force and effect, and the only amendment being sought was the substitution of the other 13 acres for BT2.

Councilmember Helgen asked again what the impact of revoking the variances and site plan approval would be. Mr. Larson said that was a broad question and not the issue before them today, and he would have to take it under advisement. He said he was sure the Port Authority had complied with both the spirit and the letter and would continue to do so.

Councilmember Helgen referred to language in the the Port Authority Board report and said it appeared that the Port didn't want to comply with the terms of the deal, and the outcome of that should be revocation of the variances and site plan. He said the deal was written to have some teeth. Mr. Larson said the outcome was based upon failure to comply and a set process that had to take place, and neither of those things had happened.

Councilmember Stark asked for the timeline of the wetlands restoration. Mr. Larson said a survey and legal description of the site had been done, and the wetlands restoration would occur once the site development was finished. He said the process began as soon as the 2008 resolution was passed. Councilmember Stark asked when the restoration would be completed. Mr. Larson said that was for a project manager to answer.

Council President Lantry said the 2008 resolution had stipulated that the 18 acres of wetland should be restored prior to any permits being issued at Southport. Mr. Larson said it would be nice if the permitting process and construction went as quickly as that but they had just completed the dock wall in the last year. He reiterated that he believed he was following both the letter and spirit of the 2008 agreement and the action currently being considered.

Council President Lantry said they had discovered through communications with Mr. Jambois that the wetlands couldn't be restored until the project was done, but clearly the intent was for the wetlands to be restored.

Mr. Jambois said wetland restoration had already begun, according to Port Authority staff member Lorrie Louder, and could take a short or long period of time depending upon how well it worked. He said they would work with the DNR and stakeholders to get it done as quickly as possible while making sure it was done in a way that worked for them.

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

Councilmember Thune said he couldn't see how wetlands restoration could be opposed. He said he was one of many who had wanted to keep Upper River Services in their original site and see that site improved, and he didn't fault the Port for making that decision. He said he felt the community process was exemplary, but reminded everyone that the Council was also a stakeholder and should have been part of the conversation and not just brought in after the fact. He said the parcels being offered for parkland or wetland use had been explained to him and looked good, but the City should continue to work toward expanding access from the east side of the river. He said the site referenced by Tom Dimond sounded like the kind of property the City should work with the Port to acquire. He said he appreciated the small parcels that had been acquired but felt there were a lot of others that should be made part of the public domain. He noted that the Pedro family had just donated a city block for parkland at no cost to the City, and said it might be a good time for the Council to sit down with the Port to talk about other little parcels that might not have revenue-generating potential for the Port and could be donated for public use.

Council President Lantry said the process had brought up a number of issues, and and laying the matter over would allow time for the development of more specific language to prevent a similar situation from happening again in the future.

Councilmember Thune moved a one week layover to allow time for discussions about the future of the Harvest States parcel and a work plan for completion of the wetlands.

Amended; public hearing held and closed; laid over to August 24

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

Nay: 0

Absent: 1 - Councilmember Harris

39 RES PH 11-1015 Revising Residential Permit Parking Area 3. (Laid over from August 17)

Sponsors: Carter III

Elizabeth Stiffler, Public Works, gave a staff report. She said in January the Council had approved the addition of a one-block permit area to the existing Permit Area 3 near William Mitchell. She said they'd received an appeal of the decision in the spring when signs were put up, and meetings between the parties had been set up but the parties had been unable to reach a compromise. She said her proposal was to remove the contract parking on one side of the street on the added block. Paul St. Martin, Public Works, clarified that the issue was coming back before the Council because the College Club had not been notified of the January public hearing.

Councilmember Stark said it seemed unusual to him that so many parking spaces would be designated for the six residences on the block added to the permit area. Ms. Stiffler said 20 permits had been purchased in the previous year and it appeared the parking spaces were being used.

In opposition:

Tom Ernst (23 N. Chatsworth) said the the issue was one of residential side street safety. He spoke about changes to the neighborhood over the years resulting in increasing demands for parking. He read from the section of the St. Paul Municipal Code related to residential permit parking and said the key was preservation of the area as a residential district. He described how the expansion of William Mitchell had contributed to increased parking demand and said Chatsworth between Summit and Portland had been identified in two studies as needing restricted parking. He displayed photographs of parking levels on the street prior to the restrictions. He said the College Club was a business and not a household, and was located on Summit which had unrestricted parking. He said there had been public notification prior to the January hearing. He suggested making an exception to the permit restriction on one side of the street on Tuesdays only, the day of the highest parking demand for the College Club.

David Olson (977 Summit) said he and his wife had purchased their property two years before and had spent those two years doing a major historical restoration and hoped to move in in October. He said he was concerned about adequate parking for guests. He said he supported Mr. Ernst's suggested solution.

Marcel Jouseau (43 Chatsworth), 37-year resident, said he cared for his 93-year-old mother-in-law and needed to be able to access his house from the street. He said the access was often blocked before parking was restricted. He noted that his home was on west side of Chatsworth and would be affected by the proposed change.

In support:

Alice Fairbault (1615 Beechwood Avenue), President of the AAUW (990 Summit), described the organization and its history in Saint Paul. She said there were weekly meetings on Tuesdays and the house was also rented for events.

Jane Prince, counsel to the College Club, distributed her legal memorandum and copies of emails from neighbors on Portland Avenue. She said the College Club opposed the permit parking zone because of limitations on on-street parking due to existing Permit Parking Areas 3 and 9, and felt the process used to establish the expansion did not comply with code requirements. She clarified that there were only three petitioners for the permit area expansion and Mr. Ernst was not one of them. She said this type of expansion was not just routine in her experience, as was stated

by Ms. Stiffler. She said for the problem of having an elderly person in the home, the City had a provision for providing handicapped parking space in front of the home, and permit parking was not intended for that purpose. She said the ordinance set out strict requirements for permit parking and its establishment, and those requirements had not been met. She cited specific examples. She said the College Club planned to take steps to mitigate impact of parking for their events on the neighborhood, but asked that the Council reject the request for permit parking on that block of Chatsworth.

Councilmember Carter moved to close the public hearing. Yeas - 5 Nays - 0 (Bostrom not present for vote)

Councilmember Carter asked whether there had been an investigation of demand before the permit parking area was expanded, as required by the ordinance.

Mr. St. Martin said he would have to look at "shall" and "may" language in the ordinance requirements. He said applications for new permit areas received more study, but additions to existing areas were routine and the level of study was limited by staffing levels.

Councilmember Thune asked whether all of the petitioners homes had off-street parking.

Ms. Stiffler showed an aerial photo and said it appeared there were garages and off-street parking.

Councilmember Carter said given the access to off-street parking and the provision for handicapped parking for Mr. Jouseau, the recommendation of staff seemed appropriate. Council President Lantry questioned whether that solution benefited anyone.

Mr. St. Martin noted that revising the area would mean residents on the west side of Chatsworth would not be able to buy permits. Councilmember Helgen asked whether that could be waived. Mr. St. Martin said it could.

Councilmember Carter asked why the solution suggested by Mr. Ernst was not an acceptable compromise. Brian Quist, College Club manager, said it would be acceptable but would leave streets empty all other days. Those opposing the College Club's request expressed disagreement.

Councilmember Carter asked whether the permit signs could say "except Tuesday." Mr. Quist said they didn't want to be tied to just one day.

Council President Lantry suggested a layover to allow study by Public Works and additional conversation.

After consulting with Mr. St. Martin about the necessary length of time, Councilmember Carter moved a three-week layover.

Public hearing held and closed; laid over to September 7

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

Nay: 0

Absent: 1 - Councilmember Harris

- 40 **RES PH 11-1016** Revising Residential Permit Parking Area 6. (Public hearing continued from August 17)

Sponsors: Thune

Paul St. Martin and Elizabeth Stiffler, Public Works, gave a brief staff report on the proposed parking changes. Ms. Stiffler said a petition with signatures of 60% of neighbors was required, and the petition for the proposed change was insufficient at 39%. She said she had monitored parking density, and average usage was currently at 70%.

In support:

Chad Scally, property owner at 194 Summit and initiator of the permit parking request, distributed and reviewed a report on the need for additional parking. He said the area was basically a cul de sac, and additional parking was needed for resident safety and to accommodate increasing occupancy rates. He said 15 to 20 spaces would be added and would be available for residents and guests only.

Leanna Thomas (194 Summit Avenue, #401) attested to the need for additional parking. She said in her experience the current parking usage was 100%.

Councilmember Thune said he had heard from some people who were opposed to doing both streets; he moved to continue the public hearing for three weeks for further study and discussion.

Public hearing continued to September 7

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

Nay: 0

Absent: 1 - Councilmember Harris

- 41 PH 11-19 Considering the application of REM Holdings LLC for a combined plat for St. Anthony Park Townhomes to create nine residential parcels and one outlot. (Zoning File #11-128-731) (Public hearing held August 17; laid over from August 24)

Sponsors: Stark

In opposition:

Roger Purdy (1497 Hythe Street), appeared on behalf of the Land Use Committee of the District 12 Community Council. He said one of the two four-unit townhomes was completed with one unit occupied, and the site plan had expired. He said they were concerned it had been unoccupied for a long time and were looking forward to a new site plan review under the new design standards. He said the the neighbors felt the building was unattractive.

Developer Ron Vosika (1221 Pebble Court, Champlin) said they had bought the property out of foreclosure and were trying to change the legal description from condos to townhomes to make financing easier for prospective buyers. He displayed a photograph and said he did not feel the buildings were ugly. He displayed a drawing and indicated the location of the proposed additional stand-alone unit. Council President Lantry confirmed it would be a single family dwelling.

Developer Aaron Doherty (10720 Plymouth) said the design of the additional unit would be the same as the others, and would have to be cost-effective. He said if they weren't able to sell the units they would have to rent them, which he didn't believe the neighborhood would be in favor of and which they didn't want to do.

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

Councilmember Stark moved to lay the matter over for a week to allow time for written comments to be submitted by someone who had shown up to testify but been misinformed about the nature of the meeting.

Public hearing held and closed; laid over to August 24

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

Nay: 0

Absent: 1 - Councilmember Harris

- 42 RES PH 11-1004 Approving the petition of Tom Church (Title-1) to vacate York Avenue between Hazel Avenue and Algonquin Avenue.

Sponsors: Bostrom

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 43 RES PH 11-969** Ratifying the assessments for sidewalk improvements done at the request of property owners. (File No. S1001, Assessment No. 100786)
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris
- 44 RES PH 11-974** Ratifying the assessment for the Seventh Place Mall operation and maintenance costs for 2010. (File No. 18428-11, Assessment No. 110199)
- Sponsors:** Thune
- Councilmember Thune moved an amendment to make the assessment payable in one installment. Yeas - 6 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:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris
- 45 RES PH 11-975** Final Order approving the Seventh Place Mall operation and maintenance for 2011. (File No. 18428-12, Assessment No. 120199)
- Sponsors:** Thune
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris

- 46 **RES PH 11-986** Final Order approving the construction of an ornamental railing at Walgreens Drug Store, 2099 Ford Parkway. (File No. 19119, Assessment No. 115401)

Sponsors: Harris

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 47 **RES PH 11-1002** Establishing a financing and spending plan in the Fire Department for the grant of \$13,109.00 received from the Saint Paul Police Foundation 100 Club Committee.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 48 **RES PH 11-1013** Authorizing the grant contract with the City of Minneapolis for completing activities outlined in the US Fish and Wildlife Service Grant.

Sponsors: Lantry

*Council President Lantry moved an amendment to add an indemnification clause.
Yeas - 6 Nays - 0*

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

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

- 49 **RES PH 11-1018** Amending the financing and spending plans in the Fire Department in the amount of \$1,487,377.00 for 2010 Urban Area Security Initiative (UASI) Grant.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

LEGISLATIVE HEARING ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION

- 50 **RES 11-77** Ordering the rehabilitation or razing and removal of the structures at 686 BRADLEY STREET within fifteen (15) days after the February 16, 2011 City Council Public Hearing. (Public hearing held February 16; laid over from August 17)

Sponsors: Thune

Legislative Hearing Officer Marcia Moermond said the HRA was trying to acquire the property but there was a significant federal tax lien. She said it was a property worth saving in spite of its current condition, and she recommended laying the matter over for 90 days.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and lay the matter over for 90 days.

Public hearing held and closed; laid over to November 16

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

Nay: 0

Absent: 1 - Councilmember Harris

- 51 **RES 11-316** Ordering the razing and removal of the structures at 697 BRADLEY ST within fifteen (15) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Thune

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

52 **RLH FCO**
11-183

Appeal of William Coleman to a Fire Certificate of Occupancy Inspection Correction Notice at 1424 ARLINGTON AVENUE EAST.

Sponsors: Bostrom

Legislative Hearing Officer Marcia Moermond said she had received photographs that had changed her recommendation, and the resolution had been amended to reflect that. In response to a question by Council President Lantry, she said her recommendation was to grant a variance on the basement bedroom egress windows. She said the dryer duct and basement handrail had been addressed.

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

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

- 58 **RLH VO 11-34** Appeal of Mohammed Shahidullah to a Condemnation and Order to Vacate at 1132 CENTRAL AVENUE WEST.

Sponsors: Carter III

Legislative Hearing Officer Marcia Moermond said the property had been in bad condition for quite a while, was vacant, and required to become a registered vacant building. She recommended that the vacant building fee be waived for 90 days and the appellant be allowed four weeks to do the rehabilitation using the Certificate of Occupancy deficiency list. A Code Compliance would be required if the Certificate of Occupancy was not reinstated within the four weeks.

In opposition:

Mohammed Shahidullah said he felt the problems had more to do with him than with the building. He said the tenants lost their jobs and used up their unemployment benefits, and his own situation was not good either. He said during the regular annual inspection in the summer he had told the inspector that the Orsat test was already done and the boiler was fairly new, but the inspector asked for the test to be redone. Mr. Shahidullah said the conflict began when he asked the inspector for more time. He said he didn't care if the inspector came back again, but he couldn't afford all of the additional fees. He said he was being expected to do things by the rules but the inspectors were not. He said he was ready to show the building to inspectors but they had cancelled the scheduled inspection. He asked for extra time for the Orsat test.

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

Councilmember Carter moved to adopt the Legislative Hearing Officer's recommendation (waive the vacant building fee for 90 days; allow four weeks for reinstatement of the Certificate of Occupancy).

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 62 **RLH RR 11-13** Ordering the rehabilitation or razing and removal of the structures at 763 FOURTH STREET EAST within fifteen (15) days after the May 18, 2011 City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond said the building had some interesting points from a historical perspective, but was tax forfeit and Ramsey County did not feel it was a promising candidate for rehabilitation. She said Ramsey County would like to demolish the building themselves; she recommended allowing two months.

No one appeared in opposition; Council President Lantry moved to close the public hearing and approve the recommendation of the Legislative Hearing Officer.

Adopted as amended (60 days to remove or repair the structure)

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

Nay: 0

Absent: 1 - Councilmember Harris

67 RLH VO 11-47 Appeal of Ken Ostlie to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 402 MINNEHAHA AVENUE WEST.

Sponsors: Carter III

Legislative Hearing Officer Marcia Moermond asked for a three week layover.

No one appeared in opposition; Councilmember Carter moved to continue the public hearing for three weeks.

Public hearing continued to September 7

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

Nay: 0

Absent: 1 - Councilmember Harris

- 68 **RLH RR 11-41** Ordering the rehabilitation or razing and removal of the structures at 580 MINNEHAHA AVENUE EAST within one hundred twenty (120) days after the August 17, 2011, City Council Public Hearing. (Public hearing held August 17)

Sponsors: Bostrom

Legislative Hearing Officer Marcia Moermond said the property had been a vacant building for awhile and a problem property for the neighborhood long before that, and had received a lot of scrutiny in the Legislative Hearings process. She said all of her standard conditions had been met and the property owners had agreed to a couple of additional items: screening of the garbage area and replacement of one of the curb cuts with green space. She recommended allowing time for rehabilitation.

Councilmember Bostrom pointed out a typographical error in the title of the resolution and confirmed with Ms. Moermond that the intention was to grant 120 days.

In opposition:

Shirley Thompson (740 Bradley Street) said investors and landlords were taking over the neighborhood and there had been 148 police calls to problem properties in the area in two years. She said the homeowners were stuck with the problems but had a right to be heard. She said apartment building was a blight, the green space was very small, and three-bedroom apartments invited problem tenants. She said the property was purchased as a Category 3, and District 5 had recommended that it be torn down because of the problems there. She said the building was on a small lot, not big enough to accommodate all of the tenants.

Councilmember Helgen said he had spent time there speaking to neighbors and had pulled the property file, and felt the property had a shocking history. He asked how the owner could ensure that the building didn't continue to be a blight or problem or nuisance. He noted the severity of past violations and asked the property owner to comment on his commitment to the neighborhood.

Doug Simek (401 Robert Street N., #150), owner, said he purchased the note from the original lender in January 2011 when the property was a Category 2, and delay in the title transfer had delayed rehabilitation plans. He reviewed steps he would take to be a good landlord. He said he had fifteen years of experience as a property owner and manager in St. Paul and had learned that getting rid of troublemakers and properly screening of tenants significantly lowered the number of police calls. He said they planned to put people on thirty day leases so they could get rid of problem tenants more easily.

Councilmember Helgen asked how neighbors could be assured the property owner and management would be responsible and accountable. Mr. Simek said neighbors could contact the management company or contact him directly.

Council President Lantry asked whether there would be on-site management. Mr. Simek said there would be an on-site caretaker.

Council President Lantry said she had just spoken to a property owner a couple days before who said when the mortgage payment was due he didn't care whether the tenants were screened. Mr. Simek said he was not in that same financial situation.

Property Manager Clint Blaiser, Halverson and Blaiser Group (380 St. Peter Street), said they managed a couple thousand units in the Twin Cities including 700 in St. Paul. He said they worked closely with the police departments and pulled police call reports on the properties regularly. He said they would let units sit empty before

accepting a non-qualified renter. He offered to provide addresses of properties where they had significantly reduced police calls, and said he and Mr. Simek had worked together to rehabilitate 300-400 units of Category 2 properties in St. Paul.

Councilmember Bostrom asked how many units there were in the building. Mr. Simek said there were two studios and five three-bedroom units. Councilmember Bostrom said there was inadequate green space there for families. Mr. Simek said they had agreed in Legislative Hearings to add more green space, and the current density was equivalent to 25 units per acre, which was not dense. He said the issue wasn't density but proper management, and the past problems corresponded to the previous owner's time there. Councilmember Bostrom reiterated his concerns about the lack of adequate space for the number of people who might be living in the three-bedroom units. He asked the size of the green space that was to be added. Mr. Simek estimated the area to be about 20 by 30; he displayed an aerial photograph of the property and indicated the area. Council President Lantry said the lot was the size of two residential single family lots, and there could be a minimum of 15 kids there. Mr. Simek said he had spoken with Merrick about use of their playground across the street from the property. Councilmember Bostrom noted that Merrick was trying to move out of that space.

At Councilmember Bostrom's request, Mr Simek estimated the rehab costs to be \$120,000 to \$150,000, said the building was appraised at \$315,000, and he paid \$100,000 for the loan. He said reducing density would reduce cash available for maintenance and management.

Councilmember Bostrom asked how they could control others from living there who were not on the lease. Mr. Simek said having an on-site caretaker would allow them to monitor that, and month to month leases gave them the ability to ask people to leave if necessary.

Council President Lantry said the concerns were based on the history at the property and experience with other problem properties.

Mr. Simek said 80% of work was completed and they were asking for a little extra time.

Councilmember Bostrom moved to close the public hearing and lay the matter over for one week to increase his comfort level with the situation.

Councilmember Helgen advised Councilmember Bostrom to check with the City Attorney's Office to make sure he was being careful going forward.

Public hearing held and closed; laid over to August 24

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

Nay: 0

Absent: 1 - Councilmember Harris

- 75 **RLH VO 11-65** Appeal of Brian D. Alton to a Fire Certificate of Occupancy Condemnation and Order to Vacate Unit 6 at 929 SUMMIT AVENUE. (Public hearing continued from August 17)

Sponsors: Carter III

Legislative Hearing Officer Marcia Moermond asked that the matter be laid over to September 21.

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to September 21.

Public hearing continued to September 21

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

Nay: 0

Absent: 1 - Councilmember Harris

- 82 **RLH AR 11-50** Ratifying Collection of Certificate of Occupancy Fees from April 2011 (File No. CRT1106, Assessment No. 118076)

Sponsors: Lantry

Legislative Hearing Officer read an amendment into the record.

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

Adopted as amended (110 Litchfield referred back to September 6 Legislative Hearing, and Council public hearing continued to September 21)

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

Nay: 0

Absent: 1 - Councilmember Harris

- RLH TA 11-274** Ratifying and Reducing the Appealed Special Tax Assessment for Real Estate Project No. CRT1106, Assessment No. 118129 (formerly 118076) at 110 LITCHFIELD STREET.

Sponsors: Helgen

(Companion to RLH AR 11-50)

Referred back to Legislative Hearing on September 6 and Council public hearing continued to September 21

- 87 **RLH TA 11-223** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1106, Assessment No. 118076 at 633 PALACE AVENUE

Sponsors: Thune

Legislative Hearing Officer Marcia Moermond noted that additional correspondence from the appellant had been added to the record, but her recommendation was still to approve the assessment.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 105 **RLH TA 11-200** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1111G, Assessment No. 118087 at 475 SAINT CLAIR AVENUE.

Sponsors: Thune

Legislative Hearing Officer Marcia Moermond recommended that the Council divide the assessment in half.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 106 **RLH AR 11-81** Ratifying Boarding and Securing Services in April 2011 (File No. J1110B, Assessment No. 118085)

Sponsors: Lantry

Legislative Hearing Officer Marcia Moermond said there were two boarding assessments, one minor and one significant. She said the more significant one was related to a police-ordered emergency boarding in which the house was found open to access during a neighborhood disturbance but the interior of the house appeared well-maintained. She recommended reducing the assessments to a total of \$400.

In opposition:

Roger Berres (702 Preble) said he had put in a renter after spending \$10,000 in 2008 to obtain the Certificate of Code Compliance, but the property was declared a vacant building due to a broken window and screen and pulled up carpet that had not been addressed in a timely manner. He said he had never been informed that not correcting the deficiencies would mean he would have to start over with the Code Compliance. He said he had boarded the property himself after receiving a summary abatement notice on April 15, and had only learned at the previous day's Legislative Hearing that the police had ordered the property boarded on April 8. He said on April 19 the City boarded the window he had already boarded. He asked whether a photograph had been taken before the City boarding. He spoke about the difficulty of finding good renters in that neighborhood.

Council President Lantry moved to close the public hearing and adopt the recommendation of the Legislative Hearing Officer, and spread the payments over three years.

Adopted as amended (assessment for 702 Preble Street reduced to a total of \$400)

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

Nay: 0

Absent: 1 - Councilmember Harris

- RLH TA 11-234** Reducing the Appealed Special Tax Assessment for Real Estate Project No. J1110B, Assessment No. 118085 at 702 PREBLE STREET.

Sponsors: Bostrom

(Companion to RLH AR 11-81)

Adopted

- 109 **RLH AR 11-79** Ratifying Property Cleanup Services from May 02 to May 31, 2011 (File No. J1114A, Assessment No. 118086)

Sponsors: Lantry

Legislative Hearing Officer Marcia Moermond read the changes and additions to the resolution.

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

Adopted as amended (assessments deleted for 1092 Edgerton Street, 925 Magnolia Avenue East, and 663 3rd Street East; 908-910 Charlotte Street referred back to September 6 Legislative Hearing, and Council public hearing continued to September 21)

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

Nay: 0

Absent: 1 - Councilmember Harris

- RLH TA 11-192** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1092 EDGERTON STREET.

(Companion to RLH AR 11-79)

Adopted

- RLH TA 11-236** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 925 MAGNOLIA AVENUE EAST.

(Companion to RLH AR 11-79)

Adopted

- RLH TA 11-249** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 663 THIRD STREET EAST.

(Companion to RLH AR 11-79)

Adopted

- RLH TA 11-275** Ratifying and Reducing the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118130 (formerly 118086) at 908-910 CHARLOTTE STREET.

Sponsors: Stark

(Companion to RLH AR 11-79)

Referred back to Legislative Hearing on September 6 and Council public hearing on September 21

LEGISLATIVE HEARING CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED, AFTER A PUBLIC HEARING, BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Approval of the Consent Agenda

No one appeared in opposition; Councilmember Thune moved approval of the balance of the Consent Agenda.

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

- 53 RLH FOW 11-96** Appeal of Chris Beyer to an Egress Window Non-Compliance Determination at 1555-1557 ARKWRIGHT STREET.
Sponsors: Helgen
Adopted
- 54 RLH FOW 11-97** Appeal of Bryan Horton, Renewal by Andersen, on behalf of Elizabeth and Paul Chmelik, to an Egress Window Non-Compliance Determination at 1226 BERKELEY AVENUE.
Sponsors: Harris
Adopted
- 55 RLH FCO 11-220** Appeal of Martin R. Russo to a Fire Certificate of Occupancy Inspection Correction Notice at 1015 BURNS AVENUE.
Sponsors: Lantry
Adopted
- 56 RLH FOW 11-91** Appeal of Roberto M. Rodriguez, Shoreview Investments, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 602 BUSH AVENUE.
Sponsors: Bostrom
Adopted

- 78 **RLH AR 11-44** Deleting Collection of Vacant Building fees from February 2011 at 559 MCKNIGHT ROAD SOUTH. (File No. VB1108C, Assessment No. 118091)
Sponsors: Lantry
Adopted
- 79 **RLH TA 11-60** Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 559 MCKNIGHT ROAD SOUTH.
Sponsors: Lantry
Adopted
- 80 **RLH AR 11-42** Ratifying Collection of Vacant Building Fees from February 2011 at 331 AURORA AVENUE (File No. VB1108A, Assessment No. 118089).
Sponsors: Carter III
Adopted
- 81 **RLH TA 11-62** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 331 AURORA AVENUE.
Sponsors: Carter III
Adopted
- 83 **RLH TA 11-270** Reducing the Appealed Special Tax Assessment for Real Estate Project No. CRT1106, Assessment No. 118076 at 470 EDMUND AVENUE.
Sponsors: Carter III
Adopted
- 84 **RLH TA 11-268** Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1106, Assessment No. 118076 at 1666 JESSAMINE AVENUE EAST.
Adopted
- 85 **RLH TA 11-269** Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1106, Assessment No. 118076 at 1283 LAUREL AVENUE.
Sponsors: Carter III
Adopted
- 86 **RLH TA 11-227** Reducing the Appealed Special Tax Assessment for Real Estate Project No. CRT1106, Assessment No. 118076 at 1244 MATILDA STREET.
Sponsors: Helgen
Adopted

- 104 **RLH TA 11-201** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1111G, Assessment No. 118087 at 612 COOK AVENUE EAST.
Sponsors: Bostrom
Adopted
- 107 **RLH TA 11-246** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1110B, Assessment No. 118085 at 920 FOREST STREET.
Sponsors: Bostrom
Adopted
- 108 **RLH TA 11-230** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1110B, Assessment No. 118085 at 929 WILSON AVENUE.
Sponsors: Lantry
Adopted
- 110 **RLH TA 11-205** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1980 ASHLAND AVENUE.
Sponsors: Stark
Adopted
- 111 **RLH TA 11-191** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 687 BLAIR AVENUE.
Sponsors: Carter III
Adopted
- 112 **RLH TA 11-229** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 703 CASE AVENUE.
Sponsors: Bostrom
Adopted
- 113 **RLH TA 11-195** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1336 DAYTON AVENUE.
Sponsors: Carter III
Adopted
- 114 **RLH TA 11-193** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 2106 DAYTON AVENUE.
Sponsors: Stark
Adopted

- 115 **RLH TA 11-188** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 717 FRY STREET/1642 MINNEHAHA AVE WEST.
Sponsors: Stark
Adopted
- 116 **RLH TA 11-218** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1848 and 1850 HYACINTH AVENUE EAST.
Sponsors: Bostrom
Adopted
- 117 **RLH TA 11-237** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 253 IVY AVENUE WEST.
Sponsors: Helgen
Adopted
- 118 **RLH TA 11-216** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 666 JESSAMINE AVENUE EAST.
Sponsors: Bostrom
Adopted
- 119 **RLH TA 11-204** Reducing the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1676 MARSHALL AVENUE.
Sponsors: Stark
Adopted
- 120 **RLH TA 11-206** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 2078 MOHAWK AVENUE.
Sponsors: Lantry
Adopted
- 121 **RLH TA 11-197** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 358 MAGNOLIA AVENUE EAST.
Sponsors: Helgen
Adopted
- 122 **RLH TA 11-202** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1263 RICE STREET.
Sponsors: Helgen
Adopted

- 123 **RLH TA 11-189** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1330 SEVENTH STREET EAST.
Sponsors: Lantry
Adopted
- 124 **RLH TA 11-215** Reducing the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1891 SEVENTH STREET EAST.
Sponsors: Lantry
Adopted
- 125 **RLH TA 11-235** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 875 THIRD STREET EAST.
Sponsors: Lantry
Adopted
- 126 **RLH TA 11-232** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 2090 WELLESLEY AVENUE.
Sponsors: Harris
Adopted
- 127 **RLH TA 11-196** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 974 WOODBRIDGE STREET.
Sponsors: Helgen
Adopted
- 128 **RLH TA 11-233** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1209 WOODBRIDGE STREET
Sponsors: Helgen
Adopted

SUSPENSION ITEMS**Rules suspended**

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

Nay: 0

Absent: 1 - Councilmember Harris

RLH AR 11-60 Deleting Excessive Inspection service billed February 09, 2011 at 326 ONEIDA STREET. (File No. J1107E1, Assessment No. 118115) [Laid over from July 06, 2011 for separate consideration to Legislative Hearing August 02, 2011 and City Council Public Hearing August 17, 2011]

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

RLH TA 11-228 Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1107E, Assessment No. 118115 at 326 ONEIDA STREET.

(Companion to RLH AR 11-60)

Adopted

ADJOURNMENT

Councilmember Thune moved to adjourn the meeting at 10:07 p.m.

Meeting adjourned

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

Nay: 0

Absent: 1 - Councilmember Harris

Council Meeting Information

Web

Meetings are available on the Council's website. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit www.stpaul.gov/council for meeting videos and updated copies of the Agendas, Minutes and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)