



# City of Saint Paul

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

## Minutes - Final

### City Council

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

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Wednesday, June 20, 2012

3:30 PM

Council Chambers - 3rd Floor

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

#### ROLL CALL

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

#### **Councilmember Tolbert excused**

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

**Absent** 1 - Councilmember Chris Tolbert

#### COMMUNICATIONS & RECEIVE/FILE

- 1     **AO 12-24**     Adjusting the spending authority for two budgets of the Office of  
Technology and Communications.  
  
          **Received and Filed**
  
- 2     [AO 12-25](#)     Authorizing the Fire Department to pay for all costs incurred to hold a  
graduation ceremony for the new firefighters on June 22, 2012 at the  
Paul and Sheila Wellstone Center.  
  
          **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 3 - 16)**

**A motion was made by Councilmember Bostrom to Approve the Consent Agenda. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 3**     [RES 12-1049](#)     Approving the Memorandum of Agreement (May 1, 2012) between the City of Saint Paul and The Bricklayers and Allied Craftworkers, Local Union 1 Minnesota/North Dakota - 2012 Wage and Fringe Adjustment. (Laid over one week for adoption)  
**Adopted**
- 4**     [RES 12-1062](#)     Approving the Memorandum of Agreement (May 1, 2012) between the City of Saint Paul and The Sheet Metal Workers International Association, Local 10 - 2012 Wage and Fringe Adjustment. (Laid over one week for adoption)  
**Adopted**
- 5**     [RES 12-1101](#)     Approving the Memorandum of Agreement (May 1, 2012) between the City of Saint Paul and The Pipefitters, Local Union 455 - 2012 Wage and Fringe Adjustment. (Laid over one week for adoption)  
**Adopted**
- 6**     [RES 12-1115](#)     Approving the Labor Agreement (January 1, 2011 - December 31, 2012) between the City of Saint Paul and The Saint Paul Fire Supervisory Association International Association of Firefighters, Local 3939. (Laid over one week for adoption)  
**Adopted**
- 7**     [RES 12-1133](#)     Authorizing the City of Saint Paul to execute a grant contract amendment for a timeline extension with the State of Minnesota for the 2009 Metropolitan Medical Response System (MMRS) Grant.  
**Adopted**

- 8      [RES 12-1189](#)      Authorizing the Fire Department to enter into an agreement with Live Nation to provide emergency medical services for events being held at Harriet Island on June 18 -26, 2012.  
**Adopted**
- 9      [RES 12-1203](#)      Authorizing subgrant to Ramsey County to install a solar thermal system on the rooftop of the Ramsey County Law Enforcement Center to study how solar energy can be integrated into the building's existing energy system.  
**Adopted**
- 10     [RES 12-1066](#)      Approving the City's cost of providing Repair of Sanitary Sewer on private property in 2011 at 150 Fairview Avenue South, and setting date of City Council Public Hearing for July 18, 2012 to consider and levy the assessments. (File No. SWRP1201A, Asmt No. 123004)  
**Adopted**
- 11     [RES 12-1107](#)      Approving the City's cost of providing Replacement of Lead Water Service Line on private property in 2009 at 2194 Goodrich Avenue, and setting date of City Council Public Hearing for July 18, 2012 to consider and levy the assessments. (File No. 1204LDSRP, Asmt No. 124003)  
**Adopted**
- 12     [RES 12-1065](#)      Approving the City's cost of providing Replacement of Lead Water Service Line on private property during February to April 2012, and setting date of City Council Public Hearing for July 18, 2012 to consider and levy the assessments against individual properties. (File No. 1203LDSRP, Asmt No. 124002)  
**Adopted**
- 13     [RES 12-1067](#)      Approving the City's cost of providing Repair of Sanitary Sewer on private property during February to April 2012, and setting date of City Council Public Hearing for July 18, 2012 to consider and levy the assessments against individual properties. (File No. SWRP1204, Asmt No. 123003)  
**Adopted**
- 14     [RES 12-1080](#)      Preliminary Order setting the date of Public Hearing for July 18, 2012 to consider approval of the improvement to the alley bounded by Snelling, Minnehaha, Asbury, and VanBuren. (File No. 19136)  
**Adopted**

- 15     [RES 12-1172](#)     Memorializing City Council action taken on June 6, 2012 approving the Preliminary and Final Plat for Crocus New Hill Addition.

**Adopted**

- 16     [Min 12-22](#)     Approving the minutes of the May 2 and 9, 2012 City Council meetings.

**Adopted**

#### **FOR DISCUSSION**

**No discussion items**

#### **ORDINANCES**

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

#### **First Reading**

- 17     [Ord 12-35](#)     Memorializing City Council action granting the application of Dirk Dantuma/Ruth Dantuma for the rezoning of 311 Walnut Street from RM2 Medium-Density Multiple-Family Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

**Laid over to 6/27/12 for second reading**

- 18     [Ord 12-36](#)     Amending Chapter 183 of the City of Saint Paul Legislative Code pertaining to human rights.

**Laid over to 6/27/12 for second reading**

*The meeting was recessed at 3:32 p.m.*

#### **PUBLIC HEARINGS**

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

**Absent**    1 -    Councilmember Chris Tolbert

19      [Ord 12-33](#)      Clarifying Chapter 310 of the Saint Paul Legislative Code pertaining to Refund of Fees.

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

**Public hearing held and closed; laid over to 6/27/12 for final adoption**

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

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

*Councilmember Thune announced that Item 46, the Cossetta's issue, would be continued for two weeks with the agreement of the appellant.*

**20**      [RES PH](#)  
[12-183](#)

Approving the application of the Metropolitan Council for a sound level variance to allow Central Corridor Light Rail construction between 6:00 AM and 12:00 midnight from March 8, 2012 to November 30, 2012 along University Avenue from Hamline Avenue to Robert Street.

*Bill Gunther, Department of Safety and Inspections (DSI), said they had received one letter in opposition.*

*Paul Niskanen (1142 Sherburne Avenue) said the ordinance would be detrimental to those who live close to University, especially those with young children and those who don't have air conditioning and have to keep their windows open. He said the noise woke them at 7:00, and if work continued until midnight it would leave only six hours for his kids to sleep. For families living along the corridor, some other solution should be sought.*

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

*Councilmember Carter asked about contractor compliance with previous limitations on the type of work that could continue until midnight.*

*John Maczko, Public Works, said the Met Council had held the contractor to those commitments and they had not seen or heard of any concerns or violations. He said staff was not concerned if the Council wanted to reduce the number of occurrences, and noted that approval from the Councilmember's office, Public Works, and DSI was required for permits which kept the contractors on a "pretty tight rein."*

*Councilmember Carter said heard about neighbor reports of noise continuing past midnight. Mr. Maczko said there were reports of noise past midnight on two occasions, but the contractor and their subs were not working at that time.*

*Councilmember Carter said he shared the concerns about noise, but also about getting the construction completed. He introduced an amendment to limit the number of occurrences to 15 rather than 45, and said if more were needed the contractor and Met Council could come back to the Council.*

*Council President Lantry asked whether there should be a public hearing on the amended version. Deputy City Attorney Gerald Hendrickson said that wasn't necessary, but he noted that the issue would have to be noticed again if it came back before the Council for additional occurrences to be added. Council President Lantry and Councilmember Carter said that was the intent.*

*Councilmember Carter moved to approve the resolution as amended.*

**Adopted as amended (up to 15 extended work hour time periods may be approved)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 21**      [RES PH](#)  
[12-182](#)
- Approving the application of Jarret Oulman for a sound level variance in order to use a P. A. sound system and amplified music from 4:00 p.m. until 9:00 p.m. on June 22, July 6, 13, 20, 27, August 3, 10, 17, 24, & 31, 2012 at Ecolab Plaza on Wabasha between 5th & 6th Streets. (Public hearing continued from June 20)
- Tim Yohnk, Ecolab, said they had just become aware of this and they had to object to it at this time. He said they were concerned about the noise, trash, building security, and crowd control, and had questions about the time. He said 1,400 people leave work at approximately 5:00 p.m. He asked about plans for extra trash and for crowd control, and said they wanted to make sure there a proper corporate image was maintained.*
- Councilmember Thune moved to continue the public hearing for two weeks.*
- Council President Lantry noted that the first event was on the 22nd. Councilmember Thune responded that they would not make it then.*
- Council President Lantry reiterated that the first event was in two days. She asked whether the questions could be addressed in that time.*
- Mr. Yohnk said they would be happy to work it out. He said the notice was not delivered to the right place, so they did not find out until the day before.*
- Council President Lantry asked why Ecolab was not notified. Bill Gunther, Department of Safety and Inspections, responded it probably went to the wrong person in Ecolab.*
- Councilmember Thune moved to continue the public hearing to July 3.*
- Public hearing continued to 7/3/12**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
- 22**      [RES PH](#)  
[12-173](#)
- Approving the application of the Cherry Pit Bar & Grill for a sound level variance in order to present amplified live music from 5:00 p.m. until 11:30 p.m. on July 14, 2012 at 735 White Bear Avenue North.
- Bill Gunther, Department of Safety and Inspections, said three letters and one email had been received. He said the district council supported the variance but with a sound level of 75 dB after 10:00 and 85 dB before, and had provided a letter of support. Council President Lantry noted that the decibel levels stipulated by District 1 were those in the resolution.*
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

**23**      [RES PH](#)  
[12-186](#)

Approving the petition of James Johnsen to vacate parts of Clarence Street and Point Douglas Road and dedicate right-of-way for the realignment of roadways, for safety purposes and to facilitate the construction of a parking lot for Obb's Sports Bar & Grill.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

**24**      [RES PH](#)  
[12-70](#)

Approving the petition of Piercing Faith Church, Inc. to vacate a portion of Hubbard Avenue adjacent to their property at 733 Pierce Butler Route.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

**25**      [RES PH](#)  
[12-187](#)

Approving the petition of West Side Flats Urban Development LLC to vacate right-of-way, release utility easements, and convey property to facilitate further development of the West Side Flats area.

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

**Adopted**

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

**Nay:** 0



**Absent:** 1 - Councilmember Tolbert

**26**      [RES PH  
12-185](#)

Approving the petition of John Wall to vacate a portion of alley adjacent to his property at 180 Grotto Street South.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

**27**      [RES PH  
12-177](#)

Approving the petition of Blanche Picka to vacate a portion of the platted alley abutting 1073 Eleanor Avenue.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

**28**      [RES PH  
12-179](#)

Approving the petition of Eugene Woitas to vacate a portion of platted, unimproved Sims Avenue abutting 1499 Sims Avenue. (Public hearing held June 20; laid over from June 27)

*In opposition:*

*Robert Mercado (376 Grove Street) said he was speaking on behalf of Mr. Prokott. He said they opposed it because a privacy fence was installed close to the house and Mr. Prokott had a disabled sister who used Metro Mobility and had to be carried from the back to the front. He said the property was used for cars prior to the fence being installed. As a retired police officer, he felt it was a huge liability for the City not to allow the fence to be there. He said he drove a Ford Edge and could not get through. He did not have a problem with the fence going up, but physically getting a vehicle in there was impossible.*

*Jerome Prokott (1512 Sims Avenue) stated this property does not have to be vacated, and if it were vacated, he wanted to have a chance to have it. He said with the fence up, the bus could not pick up his sister, and he didn't know why the City allowed the fence.*

*Councilmember Bostrom moved to close the public hearing and lay the matter over for one week.*

**Laid over to 6/27/12; public hearing closed**

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

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

**Councilmember Carter left the meeting.**

**Present** 5 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark and Councilmember Dave Thune

**Absent** 2 - Councilmember Melvin Carter III and Councilmember Chris Tolbert

**29**      [PH 12-14](#)

Public hearing to consider the application of the Housing and Redevelopment Authority and Rodolfo Hernandez to rezone property located at 656-660 Wells Street and part of 870 Payne Avenue from RT2 Townhouse Residential to VP Vehicular Parking.

*No one appeared in opposition; Councilmember Bostrom moved to close the public hearing. Yeas - 5 Nays - 0*

*Councilmember Bostrom this was a great proposal for a nice restaurant. They had been a pleasure to work with and he hoped they would be successful. He moved to grant the application.*

**Motion of Intent-Application Granted**

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

**Nay:** 0

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

**30**      [RES PH 12-142](#)

Ratifying the assessment for the construction of a sidewalk improvement along the north side of St. Anthony Avenue from Syndicate to Griggs. (File No. S1102 Assessment No. 115302)

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

**Adopted**

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

**Nay:** 0

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

- 31**      [RES PH  
12-133](#)      Ratifying the assessment for the Davern/Jefferson Phase II (Part II) paving/lighting project, constructed as part of the 2011 Residential Street Vitality Project (RSVP). (File No. 19079D, Assessment No. 125201)
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
- 32**      [RES PH  
12-140](#)      Ratifying the assessment for the construction of a sidewalk improvement along Energy Park Drive from Raymond to Highway 280. (File No. S1101 Assessment No. 115301)
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
- 33**      [RES PH  
12-132](#)      Ratifying the assessment for alley improvements on the north-south alley in Cumberland Addition Plat I; bounded by Hoyt, Western, Nebraska, and Cumberland. (File No. 19120, Asmt No. 115000)
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
- 34**      [RES PH  
12-143](#)      Ratifying the assessment for the construction of a sidewalk improvement along the south side of Arlington Avenue East from Westminster to Desoto. (File No. S1003 Assessment No. 100790)
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**

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

**Nay:** 0

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

- 35**      [RES PH  
12-180](#)      Approving the establishment of a Tax Increment Financing District and approving a Tax Increment Plan for the Pioneer Endicott Redevelopment Project.

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

**Adopted**

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

**Nay:** 0

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

- 36**      [RES PH  
12-188](#)      Amending the financing and spending plans in the Education Initiatives Budget in the amount of \$11,232 to recognize unspent grant balances.

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

**Adopted**

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

**Nay:** 0

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

- 37**      [RES PH  
12-178](#)      Amending the financing and spending plans in the Fire Department in the amount of \$75,600 to accept the grants from the Saint Paul Foundation and the Otto Bremer Foundation for the Saint Paul EMS Academy.

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

**Adopted**

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

**Nay:** 0

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

- 38**      [RES PH](#)  
              [12-162](#)      Amending the 2008 Capital Improvement Budget in the Department of Parks and Recreation by increasing the Financing and Spending budget by \$112,107 for additional Federal Funds that will be received from the Transportation Enhancement grant for the development of the Cherokee Park Regional Trail.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
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- 39**      [RES PH](#)  
              [12-184](#)      Authorizing the Department of Parks and Recreation to accept a grant award in the amount of \$25,000 from the Vikings Children's Fund Summer Lunch Program, and amending the financing and spending budgets in the Recreation Grant activity to reflect this additional funding which will be used to support and expand the 2012 summer meals programs at City's recreation centers and Roaming Recreation sites.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
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- 40**      [RES PH](#)  
              [12-176](#)      Amending the 2010 financing and spending plans in the Department of Parks and Recreation Capital Improvement Budget to recognize the donation from the Saint Paul Foundation in the amount of \$9,000 for the care and upkeep of Swede Hollow Park.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert

- 41**      [RES PH  
12-198](#)      Authorizing the use of a Project Labor Agreement (PLA) on the construction portion of the Payne Maryland Project and authorizing appropriate city officials to execute such an agreement.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
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- 42**      [RES PH  
12-175](#)      Revising the financing and spending plans for the FY2012 Community Development Block Grant Program.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
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- 43**      [APC 12-3](#)      Public hearing to consider the appeal of Cullen LLC to conditions placed by the Planning Commission on their approval of the site plan for a 20-unit apartment building at 2124 Grand Avenue.
- Council President Lantry said the item had been withdrawn.*
- Withdrawn**

44 [APC 12-2](#)

Public hearing to consider the appeal of Tammy and Mike Thomas to a decision of the Planning Commission approving the site plan for a 20-unit apartment building at 2124 Grand Avenue.

*Tom Beech, Department of Safety and Inspections (DSI), gave a staff report. He said the Planning Commission approved the site plan with seven conditions on a 15 to 1 vote. He noted that the developer had withdrawn his appeal. He displayed a map of the area and said most was zoned single family but there was a mix of properties along Grand. He displayed architect's drawings and described the plan. He said zoning permitted the 50' building height although there were some questions about how the height was measured. He said the zoning code required 40 parking spaces; 37 were underground and three were off the alley. He said there would be 20 apartments, each with four bedrooms.*

*Councilmember Thune asked about other apartments in the area. Mr. Beech indicated locations on the map and said none were as tall as that proposed. He said none met the parking requirement because they had been there for a number of years.*

*Mr. Beech provided further description of the plan. He said the Macalester Groveland Community Council recommended that the City Council deny the appeal, and the City had received 50 letters or emails in opposition.*

*For the appellant:*

*Rita Cooper (2129 Lincoln Avenue) said she and (appellant) Tammy Thomas lived across the alley from the proposed site. She said they disagreed that the site plan met the zoning code, and felt it violated some technical provisions. She showed a drawing and noted that the open parking ramp with no green space was being counted as setback, and an elevated area on top of the underground parking, covered by a thin layer of grass and sod, was also being counted as setback. She said the tenants could not use that area as green space because it would damage the roof. She said their primary argument had to do with the proposed building's effect on their properties. She stated that the zoning code required that the arrangement of buildings and uses must not unreasonably affect abutting properties, and the Planning Commission must ensure protection of adjacent neighboring properties against aspects of the design which would have a substantial effect on those properties.*

*Tammy Thomas (2135 Lincoln Avenue) said this will be behind the apartment where she lives with her husband and 3 kids. Most of the students are good kids. They are temporary and have nothing invested. To think she could have 80 college kids near is frightening. The neighborhood is desperate and pleading for your help.*

*Rita Cooper showed a photo of what it will look like in her backyard. It is towering over her backyard. It will have 80 students. Students keep different hours, stereos, noise. People tell her she has to move. (She showed a diagram of what it looks like.) She has a petition of 100 people who agree this is unreasonable. She came up to close to 70 letters. She is flummoxed by the decision of the Planning Commission. Does not know how Mac Groveland comes up with this. There are options and alternatives.*

*Pete Cooper (2129 Lincoln Avenue) stated this is a true picture of the proposal. This is an off campus private dormitory. (He showed a diagram of a typical apartment.) The developer since March said this is not a dorm. This is based on demand for rent. What matters is who is going to live here. There will be students and 80 of them. Planning did not have detail of what this is all about. (Showed a diagram of the*

apartments.) On the title page, it says Grand Avenue student housing. This is a dorm. Would a family rent out a four bedroom apartment like this? There are zoning code requirements for public dormitories, but not private. This was placed under the multiple family land use zoning code. It would be better to characterize as a dormitory, but it is not owned by the university. Zoning deals with the use of the land and not the ownership of the land. The zoning code does have provisions for these unique situations where a specific use is not mentioned in the code. This is a similar use. They are asking for the City Council to see this as a student dorm. He asked the Council to reduce the scale and density, such as reducing the number of stories and requiring features that would attract tenants besides students.

Brian Fogarty (2166 Lincoln Avenue) showed a diagram. He and his wife lived here for 18 years. He showed a diagram with the restrictions placed on the University of St. Thomas in 2004 when it applied to expand its campus. The building clearly violates the notion of a transition zone. Even UST would not be permitted to build this building. A profit developer expects to get around these restrictions. This should not be permitted.

Dan Chapman (2161 Lincoln Avenue) said this is not a student need. The students all have some place to live right now. It is a desire for a developer to profit off those students. He is not anti student. He lives near students now. This is not in my back yard. It should not be built anywhere.

Council President Lantry said we are already over time. We will now hear from those in opposition to the appeal.

Graham Merry, developer, said he will address the aspects for the appeal. Heights, setback, density, and parking. He explained some definitions. (Showed photos.) The existing property is a plateau. The appeal claims this property is too tall. Despite this mistake, they have worked with architects, engineers, and Tom Beech to lower the height. The appeal says it does not meet setback requirements. The retaining wall is not part of the building: it is a decorative landscaping feature and separate from the building. The City and neighborhoods complained about water drainage, so he changed that sloping hill, which added quite an expense to the plan. Concerns were raised about the density. It is determined by a straightforward formula in the City code. If there was not a bonus for underground parking, it would be cost prohibitive. Concerns were raised about the dimensions of the underground parking spaces. Underground parking is measured by the center of adjacent building and not outside edge. This has been a longstanding policy in Saint Paul. The Penfield development utilizes the same measurement method. There are no development standards that this plan fails to meet. City staff and Planning Commission have confirmed this. The other aspects from the appeal is distracting from the fact that this building is a permitted use and allowable development. He is not asking for any variance, any conditional use permits, and is not asking for any loopholes in code. He is not affiliated with St. Thomas. He is a private developer using private financing on private property. He is not party to the 2004 conditional use permit. The conditional use is only established for the conditional use for the property it is granted. It is suggested that this building is a dormitory. It has a close proximity to St. Thomas. If proximity were factored in to defining this as a dormitory, then the restaurants in the area frequented by students are cafeterias. Many tenants will be students, but that is a result of location. This building will have a desirable location for various reasons: access to transportation lines and proximity to campus. It will be desirable for students tenants. I also think this is a good option for managing students instead of spreading them out to houses. Many people discussed a different hearing on the housing ordinance. Single family homes and duplexes are at the heart of the issue. There should be options that students prefer to live in. He



*is sympathetic to the challengers and struggle this neighborhood has endured over the years. The concerns of the site plan are from a motivated and outspoken minority group. They claim to defend the neighborhood, but only put forward their own interests. The official statement put forward from the Mac Groveland Community Council advises you to deny this appeal. He values their opinion and demonstrated this by withdrawing his appeal of parking requirements. City staff has approved this site plan and Mac Groveland has asked the Council to deny this appeal. This building is not part of the problem, but part of the solution for change and improvement in the neighborhood.*

*Thune asked did they reduce the height. Rob Howard responded they had one point had it measured from the platform of the garage roof and it was 8 inches taller than it is now. They whittled it down a bit. It was 8 inches taller then it is now. It is now compliant with the 50 food elevation.*

*Stark moved to close the public hearing.*

*5 in favor, one opposed - Public hearing is closed*

*Stark said this is a tough issue. There are a lot of residents concerned about the proposal. He would like to thank everyone who came out tonight. On a factual level, he does not see a basis to grant the appeal. The proposed development is allowed. This may be a use we have not dealt with before. It is clearly not a dorm. It could relieve some of the pressures of students renting. The next item is the ordinance, in which they limit the density. They are trying to address this issue. For the University conditional use permit, the appellants laid out the reason, but the developer is right that it does not apply to him. The west summit neighborhood said they should look at zoning. They want taller buildings in mid block and shorter on the corners. That is not relative to the decision before us tonight. The zoning is what it is.*

*Stark moved to deny the appeal.*

*Lantry asked those in support in the audience to stand.*

*Thune said that this is such a bad proposal. The City has done an incredible disservice to the community if there is not a reason to turn this down. It is illogical and a terrible shame. It is clearly a dormitory. It should not be in a residential neighborhood. It should comply with heights, setbacks. It will not be good for the college, neighborhood.*

**Motion of Intent-Appeal Denied**

**Yea:** 4 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry and Councilmember Stark

**Nay:** 1 - Councilmember Thune

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

**45**      [Ord 12-34](#)

Amending Legislative Code Chapter 67 pertaining to student rental housing.

*Stark read his amendment. They would define student occupancy in one of two family units as you rented to students at least one year in the last three.*

*Stark moved the amendment.*

*5 in favor, none opposed - Amendment is approved*

*Josh Willams, PED, conducted a study looking at the issue to owner occupied to rental. This was an action last year by the Council. They did the study in April. The study and recommended ordinance was made public. The moratorium was one year and expired in August. They looked at the issue of student housing overall. Student housing does differ from owner occupied to rental as a whole. Some of the issues are aggravated by poor behavior on the students. There are other recommendations coming out of that study. The ordinance itself is a student housing overlay district. (He explained the ordinance.) This applies only to single family houses. Existing student houses would not be effected. Substantial written testimony was received on both sides.*

*Lantry said they will hear from those in support first.*

*Joel Clemmer (2154 Fairmount Avenue), president of Macalester Groveland City Council, said they came out strongly in favor for this ord. In the study, they came up with some data. It is a graph of the on campus student enrollment. (showed a graph) The total has now leveled off. A higher portion of the students are undergraduates. Before the 1990's, there was harmony with the university. They are dealing with undergraduates. There is a demand for housing, concentrated along the university.*

*Alyssa Rebensdorf (2096 Lincoln Avenue) stated this is nuisance behavior. They should call St. Thomas and the police. If calls to the police and working with student leaders at the Univ. would solve the problem, they would not be here now. She is asking the Council to walk in their shoes.*

*Appellant at 1892 Ashland spoke about several houses in the neighborhood that had problems. Jay Benanav was so frustrated that he ran for city council. Their neighborhood is in decline. This is not a global indictment of all students. Everyone is suffering if any neighborhood has problems. They are all lifting people up.*

*Shaun McElhatton (1879 Carroll Avenue) stated radius restrictions is unusual and unenforceable. There is a certain category of usage that can overload a neighborhood. The answer is a radius restriction, such as bingo hall, liquor licenses, pawn shops, tobacco shops, etc. She urges the Council to adopt the ordinance.*

*Scott Banis, West Summit Neighborhood Advisory Committee, stated the fear is that without action they will gaze upon the homes and streets. There is still time and hope that they will prevent the crime with the continued conversion of single family homes. They support the proposed concentration ordinance. They will help in the continued inhabitants. Existing trends point to more convergence. The future of the neighborhoods is in large measure dependent on the proposed ord. It is good public policy.*

*Valerie Cripe stated they do not live in the proposed zone. They are house hunting and considered a home on Lincoln. They are looking for a home to live, grow family.*

*She is concerned about the density of student housing. Many of the people would choose not to stay if they had to. They are looking for the peace and enjoyment to the home. They are looking for an adult neighborhood.*

*James Savoie (2023 Lincoln Avenue) said They are not expanding on the dormitories. He has had some theft, vandalism. There seems to be nothing done. They are not trying to exclude the people. It has always been a good mix.*

*Dana Welebski (2150 Fairmount Avenue) said she was a student at St. Thomas. (She talked about where she lived.) They remodel homes. They have students on their street. They have seen what housing conditions have become. This would keep the neighborhood stable. We need to focus on family and seniors and consider them as well as the students.*

*Doug Dennis, Government Relations at St. Thomas, stated they value their presence in an attractive neighborhood. They understand the concerns that there is too much rental housing. They cannot support the ordinance. It unfairly singles out St. Thomas. They are the largest university in Saint Paul. Throughout this process, they urge the City to look at all colleges in Saint Paul and not just St. Thomas. The issue of student housing should be dealt with on a city-wide level. If a density ordinance is considered good public policy, then it should be applied to all colleges. There should be a minimum of 100 feet between student housing instead of 150 feet. They are not in a position to borrow funds now: they reached their debt capacity building the student center, recreational complex, and parking ramp. They vigorously oppose sophomores living on campus. This would hurt their recruitment efforts. 60% come from the Twin Cities area. Students need the flexibility of living on or off campus.*

*Rhys Ledger (1440 Wellesley Avenue) said they do not need downward pressure on real estate values. Families are already struggling to hold onto their homes. St. Thomas is one of five in the area. The idea that somehow this issue of student housing is unique, is inaccurate. There is a strong pressure of student housing in the other institutions. St. Thomas students are a vital part of the community. Balance is important. He understands that is the give and take of living in the area. In terms of the boundaries, they are arbitrary. The City does not think there is a problem in other area, they are not looking. It is a short car ride if necessary. This is a problem that needs to be fixed. There needs to be more dorms and fewer parking decks.*

*Eric Meyers, realtors, stated they are in opposition of the mechanism in this ordinance. The gov. affairs committee has looked at this ordinance and understand the complaints of the community. For them, it comes down to the property rights to all property owners. When they purchase a house, they are buying the house and the rights to sell. One right is to let property to rent. These are residents for the youth. The lifestyle is different, but the zoning use of a rental property--non homestead versus homesteaded property--is no different. It will be a problem with enforceability. He feels the problems with the neighbors, but this will not change the demand for student housing. Enrollment is the same. People are going to live near campus. This ordinance does not solve the issue. They request that the actual solution is going to be better coordination between the students, the university, landlord, and the community.*

*Steven Strand (226 Wilder Street North) attorney, realtor, said this will not hit the mark. Homeowners want their full bucket of rights. The study brought up other areas. What he has read and seen is there will be lawsuits against the City and animosity in the neighbors. Student fall under protected classes. He manages four other apartments in the past. Perhaps the Council could use curfews. They could congregate in groups of four or more. Maybe cannot drive after a certain time.*

David Doran (1832 Carroll Avenue and 1232 Laurel Avenue) stated he owns two rental properties in the area. He does not feel this ordinance will solve the problem. Everyone has to be held responsible. He has called the police. Landlords need to be held responsible. This ordinance will push this issue to a neighboring community.

Dr. Angelette stated this ordinance does not pertain to her. At some point, she will want to sell her house. She bought it as a student. It was a student house when she bought it. There are some basics the students need to learn. She has a problem with the roving groups of students.

Jason Scott (1491 Mississippi Street) owns property in the zoning area. All of them are duplexes. He rents to people. He does not delegate whether they are a student. He rents to 34 students, and some of them stay beyond graduation for 2 or 3 years while they work. It is a personal behavior problem and not a zoning. He does not believe any of the duplexes have problems. He works with the university and police to address the problems. He does this full time. Not every landlord is the same. He has invested hundreds of thousands in the upkeep of his property. His property taxes are high because they are nonhomesteaded.

Tait Danielson, stated he works in Downtown, this issue has peaked the issue of his board of directors.

Lantry said that he could not continue, as time has run out.

Someone moved to close the public hearing - 5 in favor, none opposed

Lantry asked those in support of the ordinance to stand.

Lantry asked those in opposition of the ordinance to stand.

Lantry stated this is the third reading.

Stark said he sponsored this ordinance. He does not take the concerns in opposition likely. They are working effectively to manage behavior. They have good cooperation with the police department. They are trying to hold people who hold parties responsible. There is a separate issue and a concentration of impact. This is a unique use when you put a concentration of a community of folks in the neighborhood. As for doing it for the rest of the City, the other complaints are scattered. 90% are around St. Thomas. About 60% are in the zoning. He feels they have targeted the area where the issue is unique. The concern about pushing the problem outward, the existing properties would be grandfathered in. The changes would be moderate and gradual. This would stabilize things. The University of St. Thomas needs to house more students on campus.

Thune said there are other cities that help them build dormitories and houses on campus. That might be a good fit.

**Amended and laid over to 6/27/12 for final adoption**

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

**Nay:** 0

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

- 46      [ABZA 12-10](#)      Public hearing to consider the appeal of Dave Cossetta, d/b/a Cossetta's, Inc. and Bocce, LLC. to a decision of the Board of Zoning Appeals (BZA) denying a variance from the stormwater runoff requirement of Section 63.319(a) at 211 West 7th Street. (Public hearing continued from July 18) (Withdrawn)

*Cossetta said something briefly.*

*No one else wished to be heard.*

*Thune moved to continue the public hearing to July 3.*

**Public hearing continued to 7/3/12**

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

**Nay:** 0

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

- 47      [RES PH 12-165](#)      Approving adverse action against all licenses held by Frankensteen Taco LLC, d/b/a Rusty Taco, 508 Lexington Parkway South. (Public hearing held June 20)

*Daphne Lundstrom, Assistant City Attorney, said they operated without liquor liability insurance. The licensee said the lack of coverage was April 1. A 10 day suspension is the matrix; therefore, they are recommending a 10 day suspension of all licenses.*

*Bruce Ringgenberg stated he is the operating person. It was an oversight. They opened on April 1. They started a policy with a new insurance company. They are a new beer and wine and a new restaurant. He is asking for forgiveness.*

*Lantry said that Tolbert would like this laid over for one week.*

*Bostrom moved to close the public hearing and lay over for one week.*

*5 in favor, none opposed - Public hearing is closed and resolution is laid over to June 27.*

**Laid over to 6/27/12; Public hearing closed**

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

**Nay:** 0

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

**48**      [RES PH  
12-161](#)

Approving adverse action against all licenses held by Mark Stevens, d/b/a Carmelos Ristorante, 238 Snelling Avenue South. (Public hearing held June 20)

*Daphne Lundstrom stated she is here on behalf of DSI. The person has admitted the problem. The lapse was for over six months. DSI requested multiple times. Carmelo's showed the lapse until March 21. This falls within the matrix penalty. The department would also support a suspension of 10 days for the wine and beer license.*

*Brendmoen stated the case was familiar. Why the same penalty as the previous one? Lundstrom responded the matrix is the same. The length of the lapse is not in the matrix.*

*Mark Stevens stated he did this to save money. He did not understand the strength of this. His wife owned it for years. He is asking for leniency. This is going to effect him. He has chefs and employees.*

*Lantry stated Tolbert requested that this be laid over.*

*Bostrom moved to close the public hearing and resolution is laid over to June 27.*

**Laid over to 6/27/12; Public hearing closed**

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

**Nay:** 0

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

**LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION**

**51**      [RLH SAO  
12-15](#)

Appeal of DeAnne Tambornino to a Summary Abatement Order at 287 BLAIR AVENUE.

*Moermond stated she is looking at an abatement for the lawn. There has been a delay in addressing this. Her recommendation is the Council order be removed by Friday. The fire damage was significant. There was a fair amount of blast also. The fire was Halloween 2011.*

*Deanne Tambornino stated this has been a nightmare. She is asking for leniency to get insurance on board to getting demolition started. It has been a financial strain to deal with this. She would like some leniency. She is in the final stages with the insurance. She would like 30 days to get this completed*

*Bostrom moved to close the public hearing and adopt the findings of the Legislative Hearing Officer.*

**Adopted**

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

**Nay:** 0

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

61 [RLH TA](#)  
[12-172](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201V1, Assessment No. 128001 at 858 DESOTO STREET. (Public Hearing held on May 16, 2012)

*Moermond stated this is a vehicle abatement. The orders were originally issued for 2 vehicles. The 2 vehicles were inoperable and missing key parts, no current tabs, under tarps. There was a car and truck. The charges for the towing and storage, subtract from that the money the City received from the sell, towing, storage, admin. fees, minus the cost at auction. She recommend the payments be divided over 5 years.*

*Owner said he bought the property in 2001. He put a lot into it. Then, the bottom dropped out. He went into 2 foreclosures. He got out of them. The 2 vehicles he talked about, the primary concern was to keep the house. He has plates for the vehicles. He has the receipts for the plates on the Camaro. He talked to the hearing officer about the Camaro. He showed there were no tickets on the Camaro. He has storage on his garage. He moved everything out of storage. He did not have the money to redo the truck. If he brought the truck back, it would be towed again. The house went down \$100,000. He is doing everything he can to keep the house.*

*Brendmoen moved to close the public hearing.  
5 in favor, none opposed – Public hearing is closed*

*Brendmoen stated she looked at his house in Saint Paul and it is gorgeous. She will recommend going with what the Legislative Hearing Officer has proposed. She thanked him for his continual investment.*

*Brendmoen moved to accept the recommendation of the Legislative Hearing Officer.*

**Adopted (payments spread over a five year period)**

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

**Nay:** 0

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

**60**      [RLH FCO](#)  
[12-260](#)**Appeal of Jennifer Vietmeier to a Correction Notice-Complaint  
Inspection at 1865 COTTAGE AVENUE EAST.**

*Moermond said the item of contention is the ceiling height. The room is 6 by 22 feet long. There is a peaked roof. There is a small percentage above 6 foot 7. The requirement is ½ of the floor area needs to be above 7 feet. This falls way short. She recommends denying the appeal.*

*Lantry said it cannot be used as a bedroom. Moermond responded it is for sleeping purposes, yes. Technically, the code does not differentiate, but they do in these settings.*

*Jennifer Vietmeier stated she installed an egress window, which cost \$1,000. She was unaware of the ceiling height requirement. She had a provisional certificate of occupancy. Her sole purpose of renting the home was to avoid foreclosure. It is not financially preferable to continue renting it as a 3 bedroom. For it to be a 2 bedroom is a hardship. She owes several hundred more than what she takes in as rent. She is confused why it has come up at this time. Her husband is 6 feet tall and he had no problem with it. She has done her due diligence. She is interested in trying to hang onto it. She feels she should be granted a variance.*

*Bostrom moved to close the public hearing.  
5 in favor, none opposed - Public hearing is closed*

*Stark said it went through one or more inspections prior to the ceiling height being raised. Moermond asked has she gone through an inspection before. Vietmeier responded said she had a provisional put into it.*

*Brendmoen stated she pulled permit, built it, it was inspected several times. Moermond responded she only looked at this issue. There was a fire inspection in 2011 and that inspection did not list the ceiling height as an issue.*

*Bostrom said maybe it was not considered as a bedroom back then. It may not have been listed as a bedroom when it was originally inspected.*

*Brendmoen stated she has a problem with the City approving these things and then changing later. She feels a certain amount of sympathy.*

*Bostrom moved to accept the recommendation of the Legislative Hearing Officer.*

**Adopted (appeal denied)**

**Yea:** 4 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark and Councilmember Thune

**Nay:** 1 - Councilmember Brendmoen

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



- 69**      [RLH FCO  
12-270](#)      Appeal of Charles Turi to a Fire Certificate of Occupancy Inspection Correction Notice at 941 HUDSON ROAD.
- Moermond is looking for an amendment. The owner agreed to provide a statement from his contractor that the asbestos was not hazardous. There is hazardous wiring in the attic area, which he said will be fixed by July 15. The third is it being an illegal duplex. He has just learned this is not a legal use for him. He will apply to the BZA (Board of Zoning Appeals). He is asking that the Council grant through July for the application. If denied, another length of time to come into compliance.*
- Lantry moved to close the public hearing and approve*
- Adopted as amended**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
- 
- 77**      [RLH RR  
12-21](#)      Ordering the rehabilitation or razing and removal of the structures at 777 LAWSON AVENUE EAST within fifteen (15) days after the June 20, 2012 City Council Public Hearing. (Public hearing continued from June 20)
- Moermond is asking for a layover until July 18.*
- Bostrom moved to continue the public hearing.*
- Referred to Legislative Hearing 7/10/12; City Council public hearing continued to 7/18/12**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
- 
- 78**      [RLH CO  
11-23](#)      Appeal of Donald Moschkau to a Correction Order at 410 MAPLE STREET. (Public hearing continued from December 7, 2011)
- Moermond stated the wall was in a state of collapse. The rubble from the limestone wall was on the ground. The Council required the rubble be removed within 1 month and a solution crafted among the neighbors. There is some rubble, not as much as before. The wall is still in a state of collapse. Her recommend is the rubble removed by mid July and the wall repaired by September 1.*
- Lantry asked who owns the wall and who will get the orders. Moermond responded she believes Mr. Mosca owns the wall, but there appears to be no communication or court action to indicate otherwise.*
- Lantry moved to close the public hearing and approve. This has gotten to be a civil matter between these two.*
- Adopted as amended**

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

**Nay:** 0

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

95

[RLH FCO  
12-335](#)

Appeal of WYYC Property Management, on behalf of Gin and Olivia Ng, to a Fire Certificate of Occupancy Inspection Correction Notice at 755 SHERBURNE AVENUE. (Public hearing continued from June 20)

*Moernond recommend laying this over to the Legislative Hearing on July 10 and City Council meeting on July 18.*

*Bostrom moved to continue the public hearing.*

**Referred to Legislative Hearing 7/10/12; City Council public hearing continued to 7/18/12**

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

**Nay:** 0

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

96

[RLH RR  
12-46](#)

Ordering the razing and removal of the structures at 1058 SHERBURNE AVENUE within fifteen (15) days after the June 20, 2012 City Council Public Hearing.

*Moernond says her recommendation is to remove.*

*Brendmoen moved to close the public hearing and approve.*

**Adopted**

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

**Nay:** 0

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

- 56**      [RLH FCO  
12-259](#)      Appeal of Jeff Lemke to a Fire Certificate of Occupancy Inspection Correction Notice at 234 CLERMONT STREET.
- Moermond stated she will lay this over for two weeks. Public hearing should be continued.*
- Lantry moved to continue public hearing and lay over to July 3.  
5 in favor, none opposed - Public hearing continued to July 3*
- Later in the meeting, Lantry moved to recall 56.  
5 in favor, none opposed - Item 56 is recalled*
- Moermond stated the owner was going to be here to testify. It is a certificate of occupancy. The main bone of contention is that fire said it has to have a fire separation. It is legally a duplex. All of the public documents indicates it is a duplex. The owner indicated he did the modification without permits.*
- Bostrom moved to close the public hearing and adopt the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert
- 
- 54**      [RLH FCO  
12-306](#)      Appeal of David A. Unger to a Fire Certificate of Occupancy Inspection Correction Notice at 1111 CASE AVENUE. (Public hearing held June 20)
- Moermond stated it is the size of the sleeping rooms. Deny variance on one. Number 14 is a ceiling height issue. One half of the room needs to be over 7 feet. She would recommend the ceiling height be denied. There is square footage. There should be 70 square feet per occupant.*
- David Unger said they live down the street. Section 8 looked at this. It was a 5 bedroom. In 2008, the fire inspector came out and didn't say anything about the height. He called it a four bedroom. This last one that came out said they couldn't have anyone in there.*
- Bostrom moved to close the public hearing  
5 in favor, none oppose - Public hearing is closed*
- Bostrom would like to lay this over for one week.*
- Laid over to 6/27/12**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark and Councilmember Thune
- Nay:** 0
- Absent:** 2 - Councilmember Carter III and Councilmember Tolbert

- 100 [RLH RR  
12-24](#) Ordering the rehabilitation or razing and removal of the structures at 482 STINSON STREET within fifteen (15) days after the June 20, 2012, City Council Public Hearing. (Public hearing held June 20; laid over from July 3)

*Moermond stated the Carter would like this laid over for 2 weeks. The owner requires an interpreter. HUD sold the property and did not disclose that this was in demolition by the City.*

*Stark moved to continue the public hearing.*

**Public hearing continued to 7/3/12**

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

**Nay:** 0

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

#### **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**

*Brendmoen moved to close the public hearing and approve the remainder of the Legislative Hearing items (those that were not considered separately).*

**Legislative hearing consent agenda adopted as amended**

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

**Nay:** 0

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

- 49 [RLH FOW  
12-168](#) Appeal of Tom Bohlen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1374 AMES AVENUE.

**Adopted**

- 50 [RLH FCO  
12-326](#) Appeal of Robert Menier to a Fire Certificate of Occupancy Inspection Correction Notice at 424 BANFIL STREET.

**Adopted**

- 52 [RLH FOW  
12-166](#) Appeal of Joseph Sondag to a Fire Certificate of Occupancy Inspection Correction Notice at 1781 BLAIR AVENUE.

**Adopted**

- 53     [RLH WP](#)  
         [12-50](#)             Appeal of J. D. Nelson Construction, on behalf of Steve Hanson, to an Egress Window Non-Compliance Determination at 2101 BURNS AVENUE.  
  
         **Adopted**
- 55     [RLH WP](#)  
         [12-51](#)             Appeal of The Home Depot At Home Services, on behalf of Famata King, to an Egress Window Non-Compliance Determination at 1922 CLEAR AVENUE.  
  
         **Adopted**
- 57     [RLH FOW](#)  
         [12-162](#)            Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Inspection Correction Notice at 415 CLEVELAND AVENUE SOUTH.  
  
         **Adopted**
- 58     [RLH FOW](#)  
         [12-179](#)            Appeal of Eugene Hyatte to a Fire Certificate of Occupancy Inspection Correction Notice at 1178 CONWAY STREET.  
  
         **Adopted**
- 59     [RLH WP](#)  
         [12-47](#)             Appeal of Daniel Schmidt and Jim Yannarely, Saint Paul Ramsey County Department of Public Health, to two Egress Window Non-Compliance Determinations at 751 COTTAGE AVENUE EAST.  
  
         **Adopted**
- 62     [RLH FOW](#)  
         [12-167](#)            Appeal of Anna Ovsyannikova to a Fire Certificate of Occupancy Inspection Correction Notice at 1060 DESOTO STREET.  
  
         **Adopted**
- 63     [RLH FCO](#)  
         [12-301](#)            Appeal of Blong Thao to a Fire Certificate of Occupancy Inspection Correction Notice at 881 FOREST STREET.  
  
         **Adopted**
- 64     [RLH TA](#)  
         [12-284](#)            Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207P, Assessment No. 128406 at 84 GERANIUM AVENUE WEST.  
  
         **Adopted**
- 65     [RLH FOW](#)  
         [12-184](#)            Appeal of Robert Leonetti to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1089 GERANIUM AVENUE EAST.  
  
         **Adopted**

- 66     [RLH FOW](#)  
         [12-165](#)     Appeal of The Goodman Group, on behalf of Elmo Park Apartment Homes, to a Fire Certificate of Occupancy Inspection Correction Notice at 885 GRAND AVENUE.  
  
         **Adopted**
- 67     [RLH WP](#)  
         [12-48](#)     Appeal of Molly McGrane, on behalf of Window World, to an Egress Window Non-Compliance Determination at 1260 GROTTO STREET NORTH.  
  
         **Adopted**
- 68     [RLH TA](#)  
         [12-245](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207P, Assessment No. 128406 at 208 HOYT AVENUE WEST.  
  
         **Adopted**
- 70     [RLH FCO](#)  
         [12-349](#)     Appeal of Douglas J. Coppess to an Inspection Appointment at 1016 IGLEHART AVENUE.  
  
         **Adopted**
- 71     [RLH WP](#)  
         [12-49](#)     Appeal of Mel Hazelwood, on behalf of Minnesota Rusco, Inc., to an Egress Window Non-Compliance Determination at 2136 IVY AVENUE EAST.  
  
         **Adopted**
- 72     [RLH FOW](#)  
         [12-188](#)     Appeal of Dana Tregilgos Johnson to a Fire Certificate of Occupancy Inspection Correction Notice at 2117 JEFFERSON AVENUE.  
  
         **Adopted**
- 73     [RLH FCO](#)  
         [12-291](#)     Appeal of Mike Laughlin, ETNA LLC, to a Fire Certificate of Occupancy Inspection Correction Notice at 941 JENKS AVENUE.  
  
         **Adopted**
- 74     [RLH FOW](#)  
         [12-170](#)     Appeal of James Oberhamer, Cities Home Rentals, to a Re-inspection Fire Certificate of Occupancy With Deficiencies at 91 JESSAMINE AVENUE WEST.  
  
         **Adopted**
- 75     [RLH FOW](#)  
         [12-190](#)     Appeal of Nick Phelps to a Fire Certificate of Occupancy Inspection Correction Notice at 804 JUNO AVENUE.  
  
         **Adopted**

- 76      [RLH FCO](#)  
          [12-305](#)      Appeal of Gary Leatherman to a Fire Inspection Correction Notice at 2117 KNAPP STREET.  
  
          **Adopted**
- 79      [RLH FOW](#)  
          [12-163](#)      Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Inspection Correction Notice at 4 MARYLAND AVENUE EAST.  
  
          **Adopted**
- 80      [RLH WP](#)  
          [12-46](#)      Appeal of Allen Reistad, on behalf of Ana Baumgart, to an Egress Window Non-Compliance Determination at 1513 MCAFEE STREET.  
  
          **Adopted**
- 81      [RLH FCO](#)  
          [12-281](#)      Appeal of Pang Bliia Vang to a Fire Certificate of Occupancy Inspection Correction Notice at 1871 MINNEHAHA AVENUE EAST.  
  
          **Adopted**
- 82      [RLH WP](#)  
          [12-45](#)      Appeal of Renewal by Andersen, on behalf of Barbara Wolf, to an Egress Window Non-Compliance Determination at 611 MOUNT CURVE DRIVE.  
  
          **Adopted**
- 83      [RLH FOW](#)  
          [12-171](#)      Appeal of Linda J. McKinney to a Fire Certificate of Occupancy Inspection Correction Notice at 717 ORANGE AVENUE EAST.  
  
          **Adopted**
- 84      [RLH FOW](#)  
          [12-174](#)      Appeal of Leigh Otterlei to a Fire Certificate of Occupancy Inspection Correction Notice at 768 ORANGE AVENUE EAST.  
  
          **Adopted**
- 85      [RLH TA](#)  
          [12-264](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1207G, Assessment No.128707 at 693 ORLEAN STREET.  
  
          **Adopted**
- 86      [RLH FOW](#)  
          [12-186](#)      Appeal of James Henley to a Fire Certificate of Occupancy Inspection Correction Notice at 1126 OXFORD STREET NORTH.  
  
          **Adopted**
- 87      [RLH FOW](#)  
          [12-175](#)      Appeal of Jill Dahl to a Fire Certificate of Occupancy Inspection Correction Notice at 768 RANDOLPH AVENUE.  
  
          **Adopted**

- 88     [RLH FOW  
12-176](#)     Appeal of Terry Jarrett to a Fire Certificate of Occupancy Inspection Correction Notice at 850 RANDOLPH AVENUE.  
**Adopted**
- 89     [RLH FCO  
12-251](#)     Appeal of Anthony Westcot, on behalf of G Ventures West, to a Fire Inspection Correction Notice at 1203 REANEY AVENUE.  
**Adopted**
- 90     [RLH RR  
12-22](#)     Ordering the razing and removal of the structures at 674 RIVOLI STREET within fifteen (15) days after the June 20, 2012 City Council Public Hearing.  
**Adopted**
- 91     [RLH FOW  
12-173](#)     Appeal of Karsten Williams to a Fire Certificate of Occupancy Inspection Correction Notice at 426 ROSE AVENUE EAST.  
**Adopted**
- 92     [RLH FOW  
12-169](#)     Appeal of Jeff Bajek, Venture Bank, to a Fire Certificate of Occupancy Inspection Correction Notice at 1350 SAINT CLAIR AVENUE.  
**Adopted**
- 93     [RLH TA  
12-186](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205B, Assessment No. 128817 at 1795 SELBY AVENUE.  
**Adopted**
- 94     [RLH TA  
12-265](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207G, Assessment No. 128707 at 1743 SEVENTH STREET EAST.  
**Adopted**
- 97     [RLH TA  
12-274](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207P, Assessment No. 128406 at 1402 SHERBURNE AVENUE.  
**Adopted**
- 98     [RLH TA  
12-271](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207P, Assessment No.128406 at 1666 SHERBURNE AVENUE.  
**Adopted**



- 99      [RLH TA](#)  
          [12-278](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207P, Assessment No. 128406 at 1032 SIMS AVENUE.  
**Adopted**
- 101     [RLH FCO](#)  
          [12-294](#)      Appeal of Ryan Engelhardt to a Fire Certificate of Occupancy Inspection Correction Notice at 1227 THIRD STREET EAST.  
**Adopted**
- 102     [RLH FOW](#)  
          [12-161](#)      Appeal of JoDell Kline to a Fire Certificate of Occupancy Inspection Correction Notice at 429 THOMAS AVENUE.  
**Adopted**
- 103     [RLH VBR](#)  
          [12-31](#)      Appeal of Aurora St. Anthony Neighborhood Development Corporation to a Vacant Building Registration Notice at 370 UNIVERSITY AVENUE WEST (Tcc Old Home Site LLC).  
**Adopted**
- 104     [RLH TA](#)  
          [12-276](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207P, Assessment No. 128406 at 1932 UNIVERSITY AVENUE WEST.  
**Adopted**
- 105     [RLH TA](#)  
          [12-273](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207P, Assessment No. 128406 at 2441 UNIVERSITY AVENUE WEST.  
**Adopted**
- 106     [RLH RR](#)  
          [12-25](#)      Ordering razing and removal of the structures at 1535 UPPER AFTON ROAD within fifteen (15) days after the June 20, 2012, City Council Public Hearing.  
**Adopted**
- 107     [RLH FOW](#)  
          [12-185](#)      Appeal of James Bobzien to an Updated Fire Inspection Correction Notice at 1637 VAN BUREN AVENUE.  
**Adopted**
- 108     [RLH FOW](#)  
          [12-164](#)      Appeal of Corey DeNicola to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1622 WELLESLEY AVENUE.  
**Adopted**

- 109     [RLH FOW  
12-177](#)     Appeal of Lesley White-Kayser to a Fire Inspection Correction Notice at 902 YOUNG STREET.  
**Adopted**
- 110     [RLH AR  
12-58](#)     Ratifying the assessments for Graffiti Removal Services from January 30 to February 26, 2012. (File No. J1207P, Assessment No. 128406)  
**Adopted**
- 111     [RLH AR  
12-59](#)     Ratifying the assessments for Demolition Services from January to February 2012 (NON-CDBG Funds). (File No. J1210C, Assessment No. 122010)  
**Adopted**
- 112     [RLH AR  
12-60](#)     Ratifying the assessments for Trash Hauling Services during February 2012. (File No. J1207G, Assessment No. 128707)  
**Adopted**
- 113     [RLH AR  
12-61](#)     Ratifying the assessments for Boarding and Securing Services during February 2012. (File No. J1207B, Assessment No. 128107)  
**Adopted**

#### ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

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

**Nay:** 0

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

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