



# 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, October 17, 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.*

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

#### CONSENT AGENDA

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

#### Approval of the Consent Agenda (Items 1 - 8)

##### Consent Agenda adopted

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

**Nay:** 0

- 1     [RES 12-1895](#)     Authorizing the Fire Department to accept a donation of \$100 from Carole Lynne and James Long to continue to provide public safety services to the City of Saint Paul and its residents.

**Adopted**

- 2     [RES 12-1896](#)     Authorizing the Fire Department to enter into a joint powers agreement with the Falcon Heights Fire Department for the use of the Saint Paul Fire Department training facilities.

**Adopted**

- 3      [RES 12-1881](#)      Authorizing the Department of Parks and Recreation to apply for funding through the Conservation Partners Legacy grant program to enhance prairie and woodland habitat at Hidden Falls Regional Park, the Bruce Vento Nature Sanctuary, and Phalen Regional Park, and, if successful, to enter into an agreement providing indemnification for the Minnesota Department of Natural Resources.

**Adopted**

- 4      [RES 12-1876](#)      Authorizing the Department of Parks and Recreation to apply for funding to create a guide book on the natural and cultural history of the Como Woodland and Outdoor Classroom site and, if successful, enter into an agreement providing indemnification for the Minnesota Historical Society.

**Adopted**

- 5      [RES 12-1924](#)      Approving the City's expenditure of funds to provide restitution to certain workers who were not paid the required prevailing wage.

**Adopted**

- 6      [RES 12-1926](#)      Approving the Settlement Agreement and Release between the City of St. Paul and Anne Marie Rasmusson.

**Adopted**

- 7      [RES 12-1929](#)      Approving the Mayor's appointment of Carrie Pomeroy to serve on the Long-Range Capital Improvement Budget (CIB) Committee.

**Adopted**

- 8      [RES 12-1930](#)      Approving the Mayor's appointment of Bill Gavzy to serve on the Truth in Sale of Housing Board of Evaluators.

**Adopted**

**FOR DISCUSSION**

- 9      [RLH CO 11-2](#)      Appeal of Richard H. Nicholson to a Correction Notice at 260 SUMMIT AVENUE. (Public hearing held August 3, 2011; laid over from September 19, 2012)

*Councilmember Thune said there was agreement in principle and the item could be withdrawn.*

*Deputy City Attorney Jerry Hendrickson said there were still some details to be worked out in some of the legal descriptions and paperwork, but it was the understanding of all parties that the order and appeal would be withdrawn, with the understanding that the matter could be brought back. He said he didn't expect that would be necessary.*

**Withdrawn**

- 10      [RLH RR 12-28](#)      Ordering the rehabilitation or razing and removal of the structures at 466 IGLEHART AVENUE within forty-five (45) days.

*Councilmember Carter said they were making progress with the owner and expected the conditions to be met by November 2. He moved to lay the matter over to November 7.*

**Laid over to November 7**

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

**Nay:** 0

- 11      [RLH RR 12-29](#)      Ordering the rehabilitation or razing and removal of the structures at 451 SELBY AVENUE within forty-five (45) days after the September 5, 2012 City Council Public Hearing. (Amended to grant 180 days.)

*Legislative Hearing Officer Marcia Moermond asked for an amendment to order the property removed or repaired within 180 days.*

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

**Adopted as amended (180 days to remove or rehabilitate the structure)**

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

**Nay:** 0

- 12      [RLH RR  
12-68](#)      Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012 City Council Public Hearing. (Public hearing held September 5; laid over from September 19. To be referred back to Legislative Hearing on November 13 and 27, and City Council public hearing on December 5, 2012)
- Legislative Hearing Officer Marcia Moermond asked that the matter be referred for Legislative Hearings on November 13 and 27, and laid over to the December 5 Council meeting. She said the two Legislative Hearings would allow time for plans to be developed and revised if necessary.*
- Referred for Legislative Hearings on November 13 and 27; laid over to the December 5 City Council meeting**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 13      [RLH TA  
12-450](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1210A Assessment No. 128821 at 2023 STILLWATER AVENUE. (Public hearing held October 3)
- Council President Lantry confirmed with Legislative Hearing Officer Marcia Moermond that her recommendation was to amend the resolution to ratify the assessment.*
- Council President Lantry moved to approve the resolution as amended.*
- Adopted as amended (assessment ratified)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- 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.**

#### **Second Reading**

- 14      [Ord 12-65](#)      Amending Chapter 160 of the Saint Paul Legislative Code, Parking Meter Zones to facilitate title changes.
- Laid over to November 7 for third reading/public hearing**

**First Reading**

- 15     [Ord 12-62](#)     Amending Chapter 85 of the Saint Paul Legislative Code pertaining to accrual of water charges pending meter removal.  
                         **Laid over to October 24 for second reading**
- 16     [Ord 12-63](#)     Amending Chapter 87 of the Saint Paul Legislative Code pertaining to schedule charges for installation of one-inch street service connections.  
                         **Laid over to October 24 for second reading**
- 17     [Ord 12-64](#)     Amending Chapter 88 of the Saint Paul Legislative Code pertaining to water metering requirements.  
                         **Laid over to October 24 for second reading**
- 18     [Ord 12-67](#)     Amending Chapter 91 of the Saint Paul Legislative Code pertaining to water service turn-on charge.  
                         **Laid over to October 24 for second reading**
- 19     [Ord 12-68](#)     Amending Chapter 92 of the Saint Paul Legislative Code pertaining to plumbing permit requirements and charges.  
                         **Laid over to October 24 for second reading**
- 20     [Ord 12-69](#)     Amending Chapter 93 of the Saint Paul Legislative Code pertaining to materials allowed for new water service connections.  
                         **Laid over to October 24 for second reading**
- 21     [Ord 12-70](#)     Amending Chapter 376 of the Saint Paul Legislative Code pertaining to taxicab fares.  
                         **Laid over to October 24 for second reading**
- 22     [Ord 12-75](#)     Amending Chapter 82 of the Saint Paul Administrative Code revising the City's prevailing wage ordinance.  
                         **Laid over to October 24 for second reading**

**SUSPENSION ITEMS**

*Councilmember Bostrom moved suspension of the rules.*

**Rules suspended**

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

**Nay:** 0

**[RES 12-1960](#)**

Accepting the donation of the art, materials, and construction for a WALL of HONOR, from the Saint Paul Police Historical Society - a division of HAND in HAND Productions, to publicly and permanently commemorate the ultimate sacrifice given by brave officers of the Saint Paul Police Department.

*Councilmember Bostrom invited retired police officer Tim Bradley and police Oral Historian Kate Cavett to the podium. He said the Wall of Honor was the result of many years of work and represented an opportunity for St. Paul to recognize local police officers who had lost their lives in the line of duty.*

*Officer Bradley thanked the Council and City for their support. He described the Wall of Honor, and stressed the fiscal responsibility shown in its development, and its accessibility.*

*Councilmember Bostrom read the resolution and moved approval.*

**Adopted**

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

**Nay:** 0

*Councilmember Carter moved suspension of the rules.*

**Rules suspended**

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

**Nay:** 0

[RES PH  
12-308](#)

Amending the financing and spending plans in the Department of Parks and Recreation 2012 Capital Improvement budget in the amount of \$1,000,000 to establish the budget for land acquisition for Frogtown Park and Farms, and approving an Agreement of Purchase and Sale between the City of Saint Paul and the Trust for Public Land to purchase the land. (Laid over from October 17 for public hearing)

*Councilmember Carter moved to lay the matter over to October 24 at 3:30 p.m. for a public hearing.*

**Laid over to October 24 at 3:30 p.m. for a public hearing**

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

**Nay:** 0

**PUBLIC HEARINGS**

*The Council reconvened for public hearings at 5:30 p.m.*

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

**23** [Ord 12-58](#)

Amending Chapter 34 of the Saint Paul Legislative Code to change the City's excessive consumption fee from a tiered per-event fee to a flat fee of one hundred twenty dollars (\$120).

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

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

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

**Nay:** 0

**24** [Ord 12-59](#)

Amending Chapter 43 of the Saint Paul Legislative Code to increase the City's annual vacant building registration fee from one thousand one hundred dollars (\$1,100) to one thousand four hundred forty dollars (\$1,440).

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

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

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

**Nay:** 0

- 25**      [Ord 12-61](#)      Amending Chapter 293 of the Saint Paul Legislative Code pertaining to the costs for sound monitoring.
- No one appeared in opposition; Councilmember Stark moved to close the public hearing.*
- Public hearing held and closed; laid over to October 24 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
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- 26**      [RES PH 12-303](#)      Approving the application of Team Ortho Foundation for a sound level variance in order to allow the use of an amplified sound system for the Monster Dash Post Race Party on October 27, 2012 from 9:00 a.m. to 3:00 p.m. at Upper Landing Park near the intersection of Old Chestnut Street and Shepard Road.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0



27 [APC 12-8](#)

Public hearing to consider the appeal of Payne Phalen District 5 Planning Council to a decision of the Planning Commission approving a conditional use permit at 1093 Edgerton Street for transitional housing for up to five facility residents and a resident owner/manager, with modification to exceed the planning district density standard by two residents.

*Kate Reilly, Planning and Economic Development, gave a staff report on the application and said it met all standards but the one relating to density. She reviewed the criteria under which a standard could be modified and said the Planning Commission's rationale was that a great majority of the people living in residential facilities in District 5 lived at Union Gospel Mission, and none of the existing facilities was in close proximity to the proposed facility on Edgerton. She summarized the District 5 appeal. She distributed copies of two letters supporting the applicant that had been received just before the meeting.*

*In support of the appellant:*

*Chris Schweitzer, District 5 Council Board director, read District Five's formal response.*

*Leslie McMurray, Executive Director of the District 5 Planning Council, distributed handouts, and addressed the Planning Commission's findings point by point. She said there was "vagueness" about the population that would be served in the facility and confusion about whether it was a sober house or supported residential program. She said the Planning Commission disregarded existing City code specifying a cap for each planning district; she noted that other districts had not reached their cap. She distributed information obtained from the Secretary of States office regarding the business structure. She displayed photographs of property, and expressed concern about debris and tires there. She noted that the property did not yet have a Certificate of Occupancy and expressed concern about a Conditional Use Permit being granted before the Certificate of Occupancy. She said they didn't feel there was adequate parking, ingress, or egress for the number of residents. She said they saw no hardship or extenuating circumstances necessitating the modification of the standard, and the neighborhood objected strongly.*

*Greg Copeland (612 E. Cook) said the community was very concerned, and believed the Planning Commission acted arbitrarily. He said the Payne Phalen neighborhood should not have less protection by the cap than any other area of the city.*

*Ann Polachek, business owner at 1382 Payne Avenue, said as a good business owner she was required to follow the rules, and the City should be held to the rules too for the betterment of the City and the neighborhood.*

*Carol Foth (1100 Jessie Street) said she attended the first community meeting, but were no representatives of the proposed facility in attendance, and she left with more questions than answers. She asked that the Council accept the appeal and not raise the cap.*

*Applicant:*

*Facility manager Pastor Irene Stockett said the women being served would not have vehicles, and the parking would be used by herself and volunteers. She said she was unable to attend the first District 5 because of work but she sent information, and she was discouraged from attending the second. She said she has a partnership with South Metro Human Services, and the women being served were coming from there. She offered to change her request to one additional bed rather than two.*

*Council President Lantry said that was not being considered.*

*Pastor Stockett distributed a list with five signatures of neighbors in support. She said she had 23 years of experience in the social services.*

*Councilmember Brendmoen said the area of the proposed facility had a higher crime rate than City overall and she had concerns about bringing women at risk into that location. Pastor Stockett said she was partnering with South Metro Human Services and the the women would have case workers and individual service plans. She said Merrick Community Services was also willing to offer some services.*

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

*Councilmember Brendmoen thanked everyone for their testimony. She said based on information in the file and that presented in testimony she would move to grant the appeal. She said the Planning Commission erred in finding number 4 referring to the code limiting the population of congregate living facilities. She said the purpose of the cap was to limit the population in the district as a whole and was not variable based on zoning or location. She said she did not believe that denying the Conditional Use Permit unreasonably limited or prevented lawful use of the property.*

**Motion of intent - appeal granted**

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

**Nay:** 0

**28**      [PH 12-19](#)

Public hearing to consider the application of Amherst H. Wilder Foundation to rezone 929 - 941 Lafond Avenue (PIN 352923210180) from RT1 Two-family Residential and RM2 Multiple-family Residential to T1 Traditional Neighborhood.

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

**Motion of intent - application granted**

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

**Nay:** 0

29 [Ord 12-71](#)

Amending Chapters 60, 62, and 64 of the Legislative Code pertaining to nonconforming lots, uses, structures, and signs.

*In opposition:*

*Chris Schweitzer (440 Montana Ave. E.), District 5 board member, read a letter from District 5. He said the existing petition requirements were critical for effective citizen participation, and provided a safeguard to orderly and sustainable development.*

*Jeff Roy, Executive Director of the Summit Hill Association, expressed concern about unintended consequences resulting from the streamlining of the process, and said the petition process protected the neighborhood.*

*Tait Danielson-Castillo, District 7, said his board was insulted by statements in the neighborhood study results indicating that overseas banks and language barriers were contributed to the need for the changes. He said District 7 worked hard to assist businesses and organizations with the process.*

*Chuck Repke, District 2, said it was important to clarify that what was being discussed was the re-establishment of a nonconforming use that had been zoned out of existence and gone from the neighborhood for at least the required one year period. He said neighbors would invest in their properties and make decisions about whether or not to stay in the neighborhood assuming the nonconforming use was gone, and that was not a circumstance under which the petition requirements should be relaxed. He said there was no demand for the changes and they placed a hardship on the neighborhoods.*

*Greg Copeland (612 East Cook Ave.) said he agreed with points made by Mr. Repke.*

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

*Councilmember Tolbert asked what the impetus was for the changes.*

*Council President Lantry said she would be bringing in some language changes. She asked for staff suggestions on language to clarify what was being done with the special sign districts.*

*Patricia James, Planning and Economic Development, said the changes were made based on zoning staff experiences over the years; she said two or three people could prevent a use from even getting a hearing. She said when the zoning code was developed in 1975, thousand and thousands of properties became legally nonconforming. She said the move was now toward mixed use, walkable, livable communities and this was an attempt to find a different sort of balance between ensuring that neighbors had input but lowering the bar a little bit so uses could still get a public hearing.*

*In response to Mr. Repke's comments, Council President Lantry said there was still a process for re-establishing a non-conforming use if they got the signatures.*

*In response to a question from Councilmember Thune, Ms. James clarified that the special sign districts regulating size and design were not affected, but the non-conformity sections of the district-wide sign districts pertaining to billboards no longer complied with state law.*

*Councilmember Bostrom said it was important to look at situations individually, and he looked forward to seeing Council President Lantry's changes.*

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

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

**Nay:** 0

**30**      [RES PH  
12-214](#)

Final Order approving the improvements on the north side of East Sixth Street between Sibley Street and Wacouta Street. (File No. S1202)

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

**Adopted**

**(This item was reconsidered following Item 36)**

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

**Nay:** 0

**31**      [RES PH  
12-276](#)

Ratifying the assessment for the reconstruction of a concrete boulevard at 1342 Grand Avenue. (File No. S1203, Asmt. No. 125304)

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

**Adopted**

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

**Nay:** 0

**32**      [RES PH  
12-311](#)

Amending the financing and spending plans in the Fire Department in the amount of \$42,695.25 for the contribution received from the Minnesota Board of Firefighter Training and Education.

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

**Adopted**

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

**Nay:** 0

- 33**      [RES PH](#)  
[12-294](#)      Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$719,488 for design and engineering services for the Como Streetcar Bridge L5853 Interpretive Site project.

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

**Adopted**

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

**Nay:** 0

- 34**      [RES PH](#)  
[12-300](#)      Amending the 2012 Capital Improvement Budget in the Department of Parks and Recreation to include an additional \$200,000 Finance and Spending Plan for a Federal Environmental Protection Agency Brownfield Cleanup Grant towards site remediation of the southern portion of the Trillium Nature Sanctuary Site.

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

**Adopted**

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

**Nay:** 0

- 35**      [RES PH](#)  
[12-305](#)      Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$1,000,000 to direct interest earned and other capital resources to the Payne Maryland capital construction budget and the demolition of the Margaret Recreation Center building.

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

**Adopted**

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

**Nay:** 0

- 36**      [RES PH  
12-301](#)      Amending the financing and spending plans in the Department of Public Works in the amount of \$746,250 to accept a federal grant through the Metropolitan Council and to establish a local funding match for the Charles Avenue Project. (Public hearing held October 17)

*Councilmember Tolbert asked for staff report on the financing and how the money came into the project.*

*Councilmember Stark said the matter could lay over for a week.*

*Council President Lantry asked that information be sent to the Council members and that staff be present to provide a report on October 24.*

*No one appeared in opposition; Councilmember Stark moved to close the public hearing and lay the matter over to October 24.*

**Public hearing held and closed; laid over to October 24**

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

**Nay:** 0

**RECONSIDERATION**

*Councilmember Thune moved to reconsider Item 30. Yeas - 7 Nays - 0*

- [RES PH  
12-214](#)      Final Order approving the improvements on the north side of East Sixth Street between Sibley Street and Wacouta Street. (File No. S1202)

*Councilmember Thune moved to re-open the public hearing and continue it to January 2, 2013.*

**Public hearing re-opened and continued to January 2, 2013**

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

**Nay:** 0

**LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION**

- 45**      [RLH TA  
12-445](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A1, Assessment No. 128535 at 845 EDGERTON STREET.
- Legislative Hearing Officer Marcia Moermond said the matter had been referred back for a Legislative Hearing but no one had appeared for the hearing. She recommended approving the assessment.*
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (assessment approved)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
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- 54**      [RLH VO  
12-97](#)      Appeal of Louis Frillman to a Fire Certificate of Occupancy Revocation and Order to Vacate at 461 HOLLY AVENUE, UNIT 4.
- Legislative Hearing Officer Marcia Moermond requested an amendment to clarify that the decision applied to Unit 4 only.*
- No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (decision applies to Unit 4 only)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

62 [RLH FCO](#)  
[12-540](#)

Appeal of Mary Johnson, Shamrock Court Investors LP, to a Correction Notice-Complaint Inspection at 2196 LOWER AFTON ROAD.

*Legislative Hearing Officer Marcia Moermond said the appeal involved the repair of a fence that separated an apartment building parking lot from the adjacent residential properties. She said the fence was ordered as part of a parking variance granted to the apartment building in 1971. She recommended denying the appeal.*

*In opposition:*

*Kenneth Talle (237 Hawthorne Rd, Hopkins), partner in the limited partnership that owns the property, said their understanding was that the fence was ordered in 1971 when the apartment was built, but the order was never memorialized and did not appear in the title record when they purchased the property many years later. He said the area around the fence was now heavily wooded and the fence couldn't be maintained from the apartment side. He said they didn't believe the City could legally enforce the order because they had no notice of it. He distributed a letter from their attorney.*

*Mary Johnson, property manager, displayed photographs and described the site. She noted that there was no access from the back of the apartment building to the wooded, fenced-in area, and said she initially had no knowledge of the fence. She said repair or replacement of the fence would have to be done from the residential side.*

*Mr. Talle said the area was unrelated to parking. He said this was an affordable housing property and they were proud of it and were an asset to the community. He said their perception was that a neighbor who had a pool wanted a fence but did not want to pay for it.*

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

*Council President Lantry said the appellants were an asset to the neighborhood and it was not a problem property. She said there was no dispute that the fence belonged to the apartment and that there was specific language related to the maintenance in the Council minutes from 1971, even though it was not codified in the deed.*

*Mr. Talle asked whether the City Attorney could speak with his attorney about the issue of the City's legal authority to impose that requirement given they were not aware of it.*

*Councilmember Brendmoen asked about the procedure for changing the fence requirement due to the changes in conditions at the property.*

*Deputy City Attorney Jerry Hendrickson said it was unclear what the permit was and under what authority it was being done, but based on the inspection notes it appeared to be a general maintenance requirement, in that anyone with a fence is expected to maintain it. He said he had questions and would look into it and contact the appellant's attorney.*

*Council President Lantry moved to deny the appeal, with the understanding that the issue could be brought back before the Council if the City Attorney's office found something different.*

**Adopted (appeal denied)**



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

**Nay:** 0

**66**      [RLH OA](#)  
[12-63](#)

Appeal of Lisa Heikkila to a Code Compliance Report at 1805 MINNEHAHA AVENUE EAST.

*Legislative Hearing Officer Marcia Moermond asked that the matter be referred back for Legislative Hearing on November 6, and the Council public hearing be continued to November 21.*

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

**Referred for a November 6 Legislative Hearing; City Council public hearing continued to November 21**

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

**Nay:** 0

**79**      [RLH TA](#)  
[12-507](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 409 VAN BUREN AVENUE.

**Adopted as amended (assessment payable over five years)**

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

**Nay:** 0

86 [RLH VO  
12-95](#)

Appeal of Richard Ostaba to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1501 YORK AVENUE. (Public hearing held October 17)

*Legislative Hearing Officer Marcia Moermond said this was a revocation of a Certificate of Occupancy due to long term noncompliance, particularly with an order to repair or replace the roof. She said the Council had given a deadline of July 1 in a previous appeal of the roof order, and at issue now was whether the problem had been addressed. She said the property owner said the roof had been repaired and no longer leaked, and had told the tenant he didn't intend to do any more work on the house. She read from the inspector's notes stating that the roof was not repaired properly or under permit; she referred to photographs in the file. She said the tenant was appealing the order to vacate. She recommended denying the appeal with a new deadline of November 15 to repair or replace the roof, and a vacate date of January 1, 2013 in the case of non-compliance.*

*In opposition:*

*Kathy Wolff said her father had lived in the house for 24 years and Tim (landlord) had been good to him. She said the roof might look bad but it didn't leak, and everything inside had been done. She said her father couldn't afford to move anywhere else, and the landlord had indicated that the house was going to come down when her father moved out.*

*Mr. Ostaba said he loved the neighborhood and it was hard to think of moving after so many years. He reviewed the repairs that had been made, and said he would like more time to find a place.*

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

*Councilmember Bostrom moved to adopt Ms. Moermond's recommendation. He said two-and-a-half months to find a place was not unreasonable. He said the roof needed to be repaired, and he was distressed about a landlord who wasn't willing to make an effort.*

*Council President Lantry and Councilmember Thune asked about a Tenant Remedies Action.*

*Councilmember Bostrom said the problem would only get worse if it was dragged out, and if the roof failed, the tenant would have to vacate immediately. He reiterated his frustration with the landlord.*

*Ms. Moermond said she wouldn't revise her recommendation, but would make the necessary connections to initiate an Tenant Remedies Action, whereby the court would be petitioned to order the property owner to complete the repairs.*

*Following further discussion by the Council members about the best course of action, Councilmember Bostrom moved to lay the matter over for three weeks to allow time for options to be explored, but advised Mr. Ostaba to begin to look for new housing in the meantime.*

**Public hearing held and closed; laid over to November 7**

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

Nay: 0

- 89      [RLH AR  
12-108](#)      Ratifying the assessments for Excessive Use of Inspection Services billed from April 6 to May 24, 2012 (File No. J1208E, Assessment No. 128311).

**Adopted as amended (670 Bellows removed from assessment roll and referred back for a November 6 Legislative Hearing and January 2, 2013 Council public hearing)**

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

Nay: 0

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

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

#### **Approval of the Consent Agenda**

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

#### **Legislative Hearing Consent Agenda adopted as amended**

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

Nay: 0

- 37      [RLH FCO  
12-565](#)      Appeal of Tony Joseph to a Correction Notice-Reinspection Complaint at 381 BATES AVENUE.

**Adopted**

- 38      [RLH FCO  
12-554](#)      Appeal of Bee Vue to a Fire Inspection Correction Notice at 1067 BRADLEY STREET.

**Adopted**

- 39      [RLH TA  
12-483](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No. 128311 at 824 CARROLL AVENUE.

**Adopted**

- 40      [RLH TA  
12-495](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No. 128311 at 918 CASE AVENUE.

**Adopted**

- 41     [RLH FCO](#)  
         [12-586](#)     Appeal of L.C. Frazier to a Fire Certificate of Occupancy Correction Notice - Re-Inspection Complaint at 586 CENTRAL AVENUE WEST, #305.  
  
         **Adopted**
- 42     [RLH OA](#)  
         [12-77](#)     Staying enforcement of City Council Resolution RLH RR 12-36 adopted on July 18, 2012 which ordered the razing and removal of the structures at 779 CENTRAL AVENUE WEST within fifteen (15) days.  
  
         **Adopted**
- 43     [RLH FCO](#)  
         [12-522](#)     Appeal of Trudie Ellsworth and Stephen Ellsworth to a Fire Inspection Correction Notice at 788 CHARLES AVENUE.  
  
         **Adopted**
- 44     [RLH TA](#)  
         [12-504](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1212A1, Assessment No. 128530 at 987-989 DAYTON AVENUE.  
  
         **Adopted**
- 46     [RLH CO](#)  
         [12-15](#)     Appeal of Marcus A. Brown to a Correction Notice-Complaint Inspection at 400 ERIE STREET.  
  
         **Adopted**
- 47     [RLH VO](#)  
         [12-94](#)     Appeal of Joe Corbett to a Fire Certificate of Occupancy Revocation and Order to Vacate at 168 FORBES AVENUE.  
  
         **Adopted**
- 48     [RLH TA](#)  
         [12-484](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1212P, Assessment No. 128411 at 581 FOREST STREET.  
  
         **Adopted**
- 49     [RLH VO](#)  
         [12-103](#)     Appeal of Arthur E. Thom, Inc. to a Condemnation and Order to Vacate at 1258 FOURTH STREET EAST.  
  
         **Adopted**
- 50     [RLH RR](#)  
         [12-72](#)     Ordering the razing and removal of the structure(s) at 1279 GALTIER STREET within fifteen (15) days after the October 17, 2012, City Council Public Hearing.  
  
         **Adopted**

- 51     [RLH TA](#)  
         [12-486](#)             Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No.128311 at 659-661 GERANIUM AVENUE EAST.  
  
         **Adopted**
- 52     [RLH FCO](#)  
         [12-566](#)             Appeal of Jeff DeLisle, DeLisle Co. Realtors, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies (updated) at 1085 HATCH AVENUE.  
  
         **Adopted**
- 53     [RLH TA](#)  
         [12-494](#)             Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No. 128311 at 1845 HAWTHORNE AVENUE EAST.  
  
         **Adopted**
- 55     [RLH TA](#)  
         [12-436](#)             Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No. 218311 at 301 HOYT AVENUE EAST.  
  
         **Adopted**
- 56     [RLH TA](#)  
         [12-487](#)             Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No.128311 at 873 JENKS AVENUE.  
  
         **Adopted**
- 57     [RLH TA](#)  
         [12-499](#)             Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202V, Assessment No. 128002 at 858 JESSAMINE AVENUE EAST.  
  
         **Adopted**
- 58     [RLH RR](#)  
         [12-73](#)                Ordering the razing and removal of the structure(s) at 1000 JESSAMINE AVENUE EAST within fifteen (15) days after the October 17, 2012 City Council Public Hearing.  
  
         **Adopted**
- 59     [RLH TA](#)  
         [12-498](#)             Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202V, Assessment No. 128002 at 1163 KENNARD STREET.  
  
         **Adopted**
- 60     [RLH TA](#)  
         [12-497](#)             Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No.128311 at 594 LAFOND AVENUE.  
  
         **Adopted**

- 61     [RLH TA](#)  
         [12-505](#)             Amending Council File RLH AR 12-91 to delete the assessment for Collection of Vacant Building Fees Services provided in April 2012 at 864 LAWSON AVENUE EAST. (File No. VB1209, 128814)  
  
         **Adopted**
- 63     [RLH FCO](#)  
         [12-573](#)             Appeal of Yahya Abukhudeer to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1500 MARYLAND AVENUE EAST.  
  
         **Adopted**
- 64     [RLH TA](#)  
         [12-479](#)             Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No. 128311 at 1032 MINNEHAHA AVENUE EAST.  
  
         **Adopted**
- 65     [RLH FCO](#)  
         [12-562](#)             Appeal of Eunyoung Oh to a Fire Certificate of Occupancy Correction Notice at 1679 MINNEHAHA AVENUE WEST.  
  
         **Adopted**
- 67     [RLH OA](#)  
         [12-66](#)             Providing no recommendation to Ramsey County on the application of Gordon Monroe Barnes for the repurchase of tax forfeited property at 1159 PASCAL STREET NORTH, due to the complex ownership questions involved and the lack of clarity on ownership and responsibility for the property moving forward.  
  
         **Adopted**
- 68     [RLH TA](#)  
         [12-441](#)             Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1210, Assessment No. 128816 at 719 PAYNE AVENUE. (Public hearing continued from October 3)  
  
         **Adopted**
- 69     [RLH TA](#)  
         [12-472](#)             Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1212P, Assessment No. 128411 at 754 PAYNE AVENUE.  
  
         **Adopted**
- 70     [RLH TA](#)  
         [12-466](#)             Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1212P, Assessment No. 128411 at 899 PAYNE AVENUE.  
  
         **Adopted**
- 71     [RLH TA](#)  
         [12-490](#)             Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No. 128311 at 842 RICE STREET.  
  
         **Adopted**

- 72     [RLH AR](#)  
         [12-107](#)             Ratifying the assessments for Demolition Services provided during June 2012 at 488 Robert Street South. (File No. J1216C, Assessment No. 122017)  
  
                         **Adopted**
- 73     [RLH TA](#)  
         [12-473](#)             Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1212P, Assessment No. 128411 at 929 RUSSELL STREET.  
  
                         **Adopted**
- 74     [RLH TA](#)  
         [12-471](#)             Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No. 128311 at 746 SEVENTH STREET EAST.  
  
                         **Adopted**
- 75     [RLH TA](#)  
         [12-493](#)             Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1212P, Assessment No. 128411 at 839 SEVENTH STREET EAST.  
  
                         **Adopted**
- 76     [RLH VO](#)  
         [12-98](#)                Appeal of Charles McCarty to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 1734 SEVENTH STREET EAST.  
  
                         **Adopted**
- 77     [RLH TA](#)  
         [12-506](#)             Amending Council File AR 11-100 to delete the assessment for Collection of Delinquent Vacant Building Fees in May 2011 at 342 SNELLING AVENUE SOUTH. (File No. VB1111, Assessment No. 118082)  
  
                         **Adopted**
- 78     [RLH VBR](#)  
         [12-67](#)                Appeal of Thomas McKay, M & E McKay LLC, to a Vacant Building Registration Notice at 651 UNIVERSITY AVENUE WEST.  
  
                         **Adopted**
- 80     [RLH VBR](#)  
         [12-68](#)                Appeal of Lien Kim Dang to a Vacant Building Registration Notice plus Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 572 VAN BUREN AVENUE.  
  
                         **Adopted**
- 81     [RLH FCO](#)  
         [12-563](#)             Appeal of Sharon L. Smith to a Fire Certificate of Occupancy Correction Notice at 1063 VAN BUREN AVENUE.  
  
                         **Adopted**

- 82     [RLH VBR](#)  
          [12-66](#)     Appeal of Doan Nguyen to a Summary Abatement Order and a letter from Department of Safety and Inspections at 535 VIRGINIA STREET.  
**Adopted**
- 83     [RLH TA](#)  
          [12-496](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No. 128311 at 773 WHITE BEAR AVENUE.  
**Adopted**
- 84     [RLH TA](#)  
          [12-489](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1212P, Assessment No. 128411 at 824 WHITE BEAR AVENUE.  
**Adopted**
- 85     [RLH VO](#)  
          [12-93](#)     Appeal of June E. Ferguson to a Fire Certificate of Occupancy Revocation and Order to Vacate at 230 WINONA STREET EAST.  
**Adopted**
- 87     [RLH AR](#)  
          [12-105](#)     Ratifying the assessments for Demolition Services provided during May and June 2012 (NON-CDBG Funds). (File No. J1215C, Assessment No. 122016)  
**Adopted**
- 88     [RLH AR](#)  
          [12-106](#)     Ratifying the assessments for Graffiti Removal Services provided from May 16 to June 19, 2012. (File No. J1212P, Assessment No. 128411)  
**Adopted**
- 90     [RLH AR](#)  
          [12-109](#)     Ratifying the assessments for Towing of Abandoned Vehicle Services provided during February and March 2012. (File No. J1202V, Assessment No. 128002)  
**Adopted**
- 91     [RLH AR](#)  
          [12-110](#)     Ratifying the assessments for Tree Removal Services provided during May 2012. (File No. 1210T, Assessment No. 129012)  
**Adopted**



**ADJOURNMENT**

*Councilmember Stark moved adjournment.*

**The meeting was adjourned at 7:32 p.m.**

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

**Nay:** 0

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