



# 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 5, 2013

3:30 PM

Council Chambers - 3rd Floor

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

#### ROLL CALL

*The meeting was called to order by Council President Lantry at 3:33 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

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 13-15](#) Letter from the Department of Safety and Inspections declaring 1279 Mackubin Street a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

**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 2 - 15)

*Item 12 was removed from the Consent Agenda for separate consideration.*

*Councilmember Thune moved approval of the balance of the Consent Agenda.*

#### **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

- 2     [RES 13-779](#)     Approving the Mayor's appointment of George Kabeto to serve on the Saint Paul Public Housing Agency.  
**Adopted**
- 3     [Min 13-22](#)     Approving the minutes of the May 15 and 22, 2013 City Council meetings.  
**Adopted**
- 4     [RES 13-718](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for construction of a concrete median island at the intersection of Como and Pennsylvania Avenues. (File No. 19132, Asmt. No. 125400)  
**Adopted**
- 5     [RES 13-802](#)     Approving the City's cost of providing Excessive Use of Inspection Services billed February 14 to April 5, 2013, and setting date of Legislative Hearing for July 9, 2013 and City Council public hearing for August 21, 2013 to consider and levy the assessments against individual properties. (File No. J1306E, Asmt. No. 138307)  
**Adopted**
- 6     [RES 13-803](#)     Approving the City's cost of providing Demolition Services during April 2013, and setting date of Legislative Hearing for July 9, 2013 and City Council public hearing for August 21, 2013 to consider and levy the assessments against individual properties. (File No. J1312C, Asmt. No. 132013)  
**Adopted**
- 7     [RES 13-804](#)     Approving the City's cost of providing Demolition Services during April 2013, and setting date of Legislative Hearing for July 9, 2013 and City Council public hearing for August 21, 2013 to consider and levy the assessments against individual properties. (File No. J1311C, Asmt. No. 132012)  
**Adopted**
- 8     [RES 13-805](#)     Approving the City's cost of providing Graffiti Removal Services from April 2 to May 13, 2013, and setting date of Legislative Hearing for July 9, 2013 and City Council public hearing for August 21, 2013 to consider and levy the assessments against individual properties. (File No. J1310P, Asmt. No. 138409)  
**Adopted**

- 9     [RES 13-806](#)     Approving the City's cost of providing Boarding and/or Securing Services during April 2013, and setting date of Legislative Hearing for July 9, 2013 and City Council public hearing for August 21, 2013 to consider and levy the assessments against individual properties. (File No. J1311B, Asmt. No. 138113)
- Adopted**
- 10    [RES 13-783](#)     Authorizing the Fire Department to accept a donation of \$200 from Alerus Mortgage to continue to provide public safety and community education to the City of Saint Paul and its residents.
- Adopted**
- 11    [RES 13-731](#)     Approving the Collective Bargaining Agreements (January 1, 2013 - December 31, 2015) between the City of Saint Paul and Tri-Council, Local 120 (General Drivers); Local 132, (Laborers); and Local 49 (Operating Engineers); and the Classified Confidential Employees Association (January 1, 2013 - December 31, 2015); and the Memorandum of Agreement for the 2013 Wage and Fringe Adjustment between the City of Saint Paul and the International Brotherhood of Electrical Workers, Local 110. (Laid over one week for adoption)
- Adopted**
- 12    [RES 13-795](#)     Accepting the gift of installation of up-lighting of the Josias R. King Civil War Monument in Summit Park, valued at \$20,000.
- Councilmember Thune said it was a wonderful and generous contribution, and he invited the donors to say a few words. Mike Kimble, Parks and Recreation, introduced donors Mike and Kevin Murphy. Mike Murphy spoke about the monument and its significance.*
- Councilmember Thune 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
- 13    [RES 13-797](#)     Authorizing the Police Department to enter into an agreement with the Regents of the University of Minnesota to provide veterinary care.
- Adopted**
- 14    [RES 13-771](#)     Approving the issuance of an approximately \$850,000 conduit tax exempt note for Neighborhood Energy Connection.
- Adopted**

- 15    [RES 13-765](#)    Authorizing the proper city officials to enter into an agreement with Ramsey County for the engineering and reconstruction of the Maryland Avenue Bridge No. 62525.

**Adopted**

**FOR DISCUSSION**

- 16    [RES 13-814](#)    Designating June 5, 2013 as Bonnie Roell Day in the City of Saint Paul.

*Councilmember Stark read the resolution, and introduced Ms. Roell's daughters Tammie Rhoades and Becky Moosbrugger, and partner John Rybisky. Ms. Rhoades and Ms. Moosbrugger made brief comments.*

*Councilmember Stark 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

**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**

- 17    [Ord 13-33](#)    Amending Chapter 331A of the Saint Paul Legislative Code pertaining to the licensing and regulating of food establishments.

**Laid over to June 19 for third reading/public hearing**

- 18    [Ord 13-34](#)    Amending Chapter 310 of the Saint Paul Legislative Code pertaining to food establishment license fees.

**Laid over to June 19 for third reading/public hearing**

**First Reading**

- 19    [Ord 13-35](#)    Amending Chapter 409 of the Saint Paul Legislative Code pertaining to location restrictions for licensed brewers and taprooms.

**Laid over to June 12 for second reading**

- 20     [Ord 13-36](#)     Amending Chapter 66 of the Saint Paul Legislative Code pertaining to RM2 Multifamily Residential density and dimensional standards and amending the Saint Paul zoning map, pertaining to properties along Grand Avenue from Cretin Avenue to just east of Fairview Avenue.

**Laid over to June 12 for second reading**

*Council President Lantry said Councilmember Brendmoen had suggested that Council members share events coming up in their wards each week. Council President Lantry highlighted the Better Block Project taking place on June 8, Councilmember Brendmoen displayed an invitation that had been developed and distributed highlighting activities for youth in Railroad Island and the Lower East Side. Councilmember Thune highlighted Northern Spark, a multi-media arts event taking place overnight Saturday into Sunday. Councilmember Carter spoke about the Frogtown Neighborhood Association's 43rd Annual Party, and the St. Paul Saints home opener and Law Enforcement Appreciation Night. Councilmember Bostrom highlighted the District 5 neighborhood clean-up.*

*The Council recessed at 3:53 p.m. and convened as the Library Board to consider Item RES PH 13-126 (see Library Board minutes).*

## **PUBLIC HEARINGS**

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

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

- 21     [RES PH 13-111](#)     Approving the application of HSR Events for a sound level variance to present amplified music from 12:00 noon until 10:00 p.m. on July 27, 2013 during the Roots Music Festival in Mears Park.

*In support:  
Applicant Steve Heckler described the event.*

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

### **Adopted**

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

**Nay:** 0

- 22**     [RES PH 13-116](#)     Approving the application of Brian Horst for a sound level variance to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on Thursdays from June 6, 2013 to August 29, 2013 (excluding July 4, 2013), and movies from 9:00 p.m. to 11:00 p.m. on Thursdays between July 25, 2013 to August 29, 2013 in Mears Park.

*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

- 23**     [RES PH 13-115](#)     Approving the application of The Minnesota Opera for a sound level variance in order to present amplified music for an event on June 14, 2013 from 7:00 p.m. through 9:00 p.m. on the Target Stage at Harriet Island.

*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

- 24**     [RES PH 13-118](#)     Approving the application of Stacy Duke, Production Manager, for a sound level variance to present a dusk-to-dawn participatory art event called Northern Spark from 9:00 p.m. on June 8, 2013 to 5:30 a.m. on June 9, 2013 at various locations in downtown Saint Paul.

*Steve Dietz, Director of Northern Lights, presenter of Northern Spark, described the event and thanked the Council.*

*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

- 25     [RES PH 13-119](#)     Approving the application of Soluciones for a sound level variance for outdoor, amplified music on June 22, 2013 from 12:00 noon to 7:00 p.m. at 205 Cesar Chavez Street.

*In opposition:*

*Robert Boeck (219 Cesar Chavez) said he had a handicapped child in the household who was sound-sensitive and prone to seizures, and noise from neighborhood Cinco de Mayo events had caused seizures in the past. He said they had to speak out against an event of this nature so close to their home.*

*In support:*

*Applicant Felicia Ortega, said event sponsor Radio Rey was new to the neighborhood and was trying to bring their audience into the District Del Sol and have a grand opening for the station. In response to a question from Councilmember Thune, she said the sound would be directed towards El Burrito Mercado and away from Mr. Boeck's house. She said they would be done by 6:00 p.m. but had asked for the 7:00 p.m. end time just in case something ran a little late.*

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

*Councilmember Thune said he was sensitive about issues like this, and he encouraged the event organizers to work with city staff to make sure the event didn't cause problems for neighbors.*

**Adopted**

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

**Nay:** 0

26 [AHPC 13-3](#)

Public hearing to consider the appeal of Dan Gleeson to a decision of the Heritage Preservation Commission denying an illuminated aluminum sign at the upper portion of the east elevation at 255 East Sixth Street.

*Bill Dermody, Planning and Economic development (PED) and Heritage Preservation Commission (HPC) staff, gave a staff report on the application and appeal. He displayed an aerial photograph of the area and a rendering of the proposed sign. He said the building itself was not historic but was in a historic area. He read from Guideline 3C, which was finding 4 and the basis for denial of the application. He said PED suggested a smaller, lower sign, and took issue with the appellant's claim that the attachment could only be done safely as proposed. He said PED welcomed the opportunity to work with appellant on an alternate attachment.*

*In support of the appellant:*

*Chuck Repke (154 W. Winifred) appeared representing building owner Dave Brooks and architect Dan Gleason. He said the HPC erred in finding that a sign on the uppermost portion of the facade wall was in violation of the guideline that prohibited any structure above the uppermost portion of the facade. He read an introductory paragraph from the HPC guidelines stating that the purpose of the guidelines was to provide assurance to property owners that decisions would be based on clear standards and not on the tastes of HPC members. He displayed photographs of other downtown buildings with signs on and above the cornice line or uppermost portion of the building. He referred to HPC meeting minutes dealing with the intent of the guidelines as opposed to the words, and said he hadn't been able to find anything in the guidelines discouraging signage at the top of buildings or encouraging signage at pedestrian level. He said the guidelines were clear, and the proposed sign was not above the cornice line or uppermost portion of the facade wall. He introduced Tim George, who had invested in the building based on the assurances of the guideline.*

*Councilmember Thune asked Mr. Repke for clarification of how the HPC erred. Mr. Repke said the guideline prohibited signage above the cornice line.*

*Tim George, business owner of A'Bulae at 235 6th Street East, asked for the Council's support and acceptance of the proposed sign. He said when his lease expired in 2008, an offer from building owner Dave Brooks led to him making a long term commitment to keep and grow the business in St. Paul, and the agreement included the ability to name the building the A'Bulae Center. He said the building included parking and 60,000 square feet of corporate space, 30,000 of which he now occupied and 30,000 he had made a commitment to develop. He said he had a sign consultant and architect help with the design of the sign and they believed it was befitting a premiere events center. He said to date he had hired 40+ people and 150+ contractors, had 94 events booked, and expected to bring 50,000 people into the Lowertown area in the coming months and more than 250,000 by the end of 2014. In response to a question from Councilmember Thune he said the height of the sign was needed for visibility. Councilmember Thune questioned the need for visibility at a time when so many people use Google maps and other electronic means of navigation.*

*David Brooks, building owner, asked that the Council allow the business owner to name the building.*

*Mr. Repke reiterated that guidelines were clear and the public should be able to trust that they were followed.*

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

*Councilmember Stark said there seemed to be a disconnect between the guidelines and the HPC decision, and he asked staff for clarification. Mr. Dermody said the decision went beyond the exact words to the intent, which was to foster pedestrian rather than freeway oriented signs. Councilmember Thune asked whether that language appeared elsewhere in the guidelines. Mr. Dermody said it did not.*

*Council President Lantry said her impression was that intent was to prohibit signs that extended above and drew attention away from the building. She asked what defined the upper portion of the building and what would make the sign comply.*

*Amy Spong, PED and HPC staff, said the building did not have a cornice, and the HPC had always interpreted the guideline to be that a sign couldn't be above the cornice line or at the uppermost portion. She said the uppermost portion had never been defined, and the HPC looked at the size, location, and attachment of the sign.*

*Council President Lantry repeated her question about how the sign could be made to comply without changing the size. Ms. Spong said they encouraged people to put signs at storefront level or just above. Council President Lantry asked whether that was the case even if the business was above street level. Ms. Spong cited examples in which the height of a sign did not correspond to the location of the business.*

*Councilmember Thune said this was not a historic building, and because it was an event center, with people coming in from long distances, visibility was important. He said it was not garish and he questioned whether it would detract from the historic district. He said he hated to go against an HPC decision but there was a disconnect. He suggested that there could be discussions between the Council and the HPC about interpretation of the guideline. He moved to grant appeal on the grounds that the sign was below cornice and it was not a historic building.*

*Councilmember Carter said he supported Councilmember Thune's motion. He said he respected the work of the HPC but wasn't comfortable supporting a decision that was so far from what was written in the guidelines.*

*Councilmember Bostrom noted the positive change in the building over the last couple of years. He said a pedestrian level sign wouldn't be as effective given the location of the building. He applauded the building owner and developer for everything that had been accomplished.*

*Councilmember Stark said the guideline was clear, and additional discussions were needed about the issue of language versus intent.*

*Council President Lantry agreed but stressed that buildings in the district were generally expected to comply with the guidelines.*

**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

- 27     [RES PH 13-117](#)     Approving the application, with conditions, of the Metropolitan Council for a sound level variance for the installation of an overhead cantenary (power) system along the Central Corridor Light Rail line from Emerald Street, along University Avenue West, Robert Street, 12th Street East, Cedar Street, and 4th Street East, ending at Broadway Street; from 10:00 p.m. to 7:00 a.m., Monday through Friday from June 5, 2013 through December 5, 2013.

*In opposition:*

*Justin Bush (308 Prince Street) expressed frustration about ongoing problems with noise and other disruptions related to development in Lowertown. He suggested an alternative schedule to minimize disruptions in residential areas. He asked the Council to stand up for the residents as well as business owners.*

*Julie Green (815 Aurora Avenue) said they were told last year that this wouldn't happen again. She said she didn't understand why the work couldn't be done during the day, and she said there should be a penalty for violations and the money should be put back into the community.*

*Councilmember Tolbert asked whether there were penalties. Council President Lantry read from the resolution that possible penalties included denial of future variance requests and criminal citation.*

*In support:*

*Kevin Ryan, Metropolitan Council manager of construction for the Central Corridor project, said this work was different from what they had been doing the previous two years. He said it involved driving down the guideway and hanging wire and there'd be very little noise. He said they probably wouldn't need a variance but had applied just in case. Council President Lantry suggested that Mr. Ryan give his cell phone number to Mr. Bush and Ms. Green. Mr. Ryan said he would.*

*Councilmember Stark asked why the work couldn't be done during the day. Mr. Ryan said they would be working two shifts. He said they could be done by August 1, and Lowertown could be removed from the request for night work.*

*Councilmember Carter noted language in the resolution specifically restricting the type of work of work that could be done.*

*Council President Lantry said amending the resolution to accurately reflect the variance needed might reassure the neighbors. Councilmember Carter agreed that there seemed to be a disconnect between the variance request and the work schedule being described.*

*Mr. Ryan said they would like the variance as written but he was trying to compromise to address the concerns raised by Mr. Bush.*

*Councilmember Bostrom clarified that night work wasn't necessary for the Lowertown portion, but two shifts were needed on University Avenue.*

*Councilmember Stark asked whether it all could be done by August 1. Mr. Ryan said it could. Councilmember Stark suggested a change in wording to remove Lowertown from the request and to change the ending date to August 1.*

*Councilmember Thune reiterated that the work being done wouldn't be noisy, but said he was fine with putting in the language suggested.*

*Mr. Ryan said Lowertown residents had put up with more than anyone had anticipated and were much closer to the work than those along University Avenue. He said losing night work on that five block stretch wouldn't kill the project.*

*Councilmember Thune moved the amendment suggested by Councilmember Stark.*

*Councilmember Carter asked when the night work would start. Mr. Ryan said they were already working days and would start the night shift as soon as they had the variance.*

*Councilmember Carter noted that there were decibel limits and notification requirements for other noise variances, and he asked for a one or two week layover to ask staff to come back with specific decibel limits from a specific number of feet away.*

*Council President Lantry said it wasn't her intention to hold things up and she felt two weeks was too long. Councilmember Bostrom said the contractor might have people and materials lined up.*

*Councilmember Carter asked Mr. Ryan whether a one-week layover would be a problem. Mr. Ryan said they would prefer to get going.*

*Mark Kaisersatt, Department of Safety and Inspections, said decibel levels were challenging for construction projects, and noise level limitations were addressed in other ways.*

*Councilmember Brendmoen said Councilmember Stark's amendment addressed both neighbors' concerns, and the resolution already restricted loud activity at night. She questioned the need for a layover.*

*Councilmember Carter said a clear indication was needed as to whether expectations were being met.*

*Councilmember Thune said the Council should not hold things up; he reiterated that this was stringing wire.*

*Councilmember Carter reiterated his desire to set specific expectations, and said seven days shouldn't make a difference, and day time work could continue.*

*Council President Lantry said she would speak against a layover because it wasn't clear what would be accomplished.*

*Councilmember Carter moved to lay the matter over for a week. Yeas - 2 Nays - 5 (Bostrom, Brendmoen, Lantry, Stark, Thune)*

*Councilmember Thune moved the amendment as suggested by Councilmember Stark. Councilmember Carter said the Council owed it to the neighbors along University Avenue as well as those in Lowertown to make sure the noise was monitored.*

*(Amendment vote) Yeas - 7 Nays - 0*

*Councilmember Thune moved approval as amended.*

**Adopted as amended (Lowertown removed from variance request; end date of variance changed to August 1)**

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

**Nay:** 0

- 28**     [RES PH 13-113](#)     Approving the vacation of portions of Capitol Avenue and Reverend Dr. Martin Luther King Jr. Boulevard.

*No one appeared in opposition; Councilmember Carter 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

- 29**     [RES PH 13-114](#)     Approving the petition of Metropolitan State University to vacate air rights over a part of East 6th Street between Maria Avenue and Mounds Boulevard.

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

**Adopted**

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

**Nay:** 0

- 30**     [RES PH 13-120](#)     Approving the petition of James Keig Esq. Stephenson, Sanford, Thone, Pierson and Streaan, PLC, attorney for Wells Fargo Financial Minnesota Inc., to vacate that part of right of way adjacent to 681 Dodd 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

- 31     [RES PH 13-87](#)     Ratifying the assessment for the improvement of the westernmost 160 feet of the alley in Rice and Irvine's Addition, Block 53 (bounded by Seventh, Smith, Chestnut, and Kellogg). (File No. 19142, Asmt. No. 135000)

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

**Adopted**

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

**Nay:** 0

- 32     [RES PH 13-88](#)     Ratifying the assessment for various street improvements along Clarence Street, Point Douglas Road, and Burns Avenue in conjunction with the roadway work in partnership with the owner of Obb's Sports Bar and Grill. (File No. 19143, Asmt. No. 135400)

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

**Adopted**

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

**Nay:** 0

- 33     [RES PH 13-89](#)     Ratifying the assessment for the construction of an ornamental railing at Walgreens Drug Store, 2099 Ford Parkway. (File No. 19119, Asmt. No. 115401)

*No one appeared in opposition; Councilmember Tolbert moved to continue the public hearing for two weeks. He said they were waiting for Public Works to talk to the property owners.*

**Public hearing continued to June 19**

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

**Nay:** 0

- 34     [RES PH 13-94](#)     Final Order to approve construction of the improvement of Montreal Avenue from Saint Paul Avenue to Snelling Avenue. (File No. 19111, Asmt. No. 135204)

*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

- 35**     [RES PH 13-95](#)     Final Order approving the construction of the alley improvement in the block bounded by Goodrich, Lincoln, Dunlap and Railroad Tracks. (File No. 19144, Asmt. No. 135001)

*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

- 36**     [RES PH 13-125](#)     Authorizing acceptance of grant funds from the Department of Employment and Economic Development for a Redevelopment Grant in the amount of \$65,000 for the Central Exchange project, and authorizing amendment of the 2013 Budget to accept this grant.

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

**Adopted**

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

**Nay:** 0

- 37     [RES PH 13-121](#)     Reciting a proposal for a Housing Finance Program for a multi-family rental housing development, giving preliminary approval to the project and the Program pursuant to Minnesota Statutes, Chapter 462C, authorizing the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota to issue housing revenue bonds and authorizing the preparation of necessary documents and materials in connection with said project and Program (Model Cities Project).

*Councilmember Tolbert asked for a staff report.*

*Eduardo Barrera, Planning and Economic Development (PED), said the item provided preliminary approval for the financing. In response to additional questions from Councilmember Tolbert, he described the projects.*

*Patty Lilledahl, PED, said these were revenue bonds, with revenues from the properties paying for the debt service on the bonds, and the property would be paying real estate taxes. She said the financing would be coming before the HRA board once the deal was completed.*

*Councilmember Tolbert expressed concerns about authorizing a \$9 million loan without more information. Council President Lantry reiterated that this was just giving preliminary approval, and nothing else could proceed without it. She said the project would come before the HRA later.*

*Councilmember Carter said Model Cities had been around a long time and this project had been a long time in the making. He asked whether the project had been discussed in the HRA. Ms.Lilledahl said she didn't think it had.*

*Council President Lantry clarified that voting for this item today didn't mean approving the project.*

*Councilmember Brendmoen said she agreed with Councilmember Tolbert regarding the need for more information. She said it seemed contradictory that nothing could proceed without the preliminary approval but the project was a long time in the making.*

*Councilmember Tolbert said this item and the next two were giving a lot of City money and support to items along the Light Rail Line, and while he understood the items were coming before the HRA, no one from PED had offered briefings. He said there were other great projects that also needed funding and support, and this shouldn't just be rubber-stamped by the Council.*

*Councilmember Stark said he supported the asking of the question. He said he'd had to dig into resolution, and the Council generally should be getting more information about these projects sooner. Council President Lantry said these items usually came before the HRA first, and that change in timing was probably contributing to the confusion. She said she had been offered a briefing prior to the next week's HRA meeting.*

*Councilmember Bostrom repeated the concerns about needing more background information, and said sometimes these things became a foregone conclusion. He moved a one week layover. Councilmember Carter questioned laying over the preliminary approval.*

*Ms. Lilledahl reviewed the two-step process of preliminary and final approval, and*

said HRA Commissioners were fully briefed at the time of final approval. In response to a question from Councilmember Tolbert she said these were conduit bonds with no obligation on the part of the City or taxpayers.

Council President Lantry provided further clarification of conduit bonds, and said she would not support a layover.

Councilmember Carter moved to close the public hearing. Yeas - 6 Nays - 0 (Thune not present for vote)

(Vote on one-week layover) Yeas - 2 Nays - 4 (Brendmoen, Carter, Lantry, Stark, )

Councilmember Carter 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

- 38     [RES PH 13-122](#)     Approving the establishment of the Hamline Station East Tax Increment Financing District and the tax increment financing plan therefor.

*Patty Lilledahl, Planning and Economic Development, gave a staff report on the resolution. She described the project and said the item needed to be acted on that day for PPL to show City support for the MHFA application which was going to be made in June. She said the HRA board would be acting on the total financial package on June 12, and briefings would be offered to HRA commissioners before that time. She said the item currently being acted on was approval of a housing TIF district.*

*Councilmember Tolbert noted that the TIF proposal would start in 2016, and that the 10% cap for TIF was being approached. He asked whether this would prevent the City from doing other TIF projects in the meantime. Ms. Lilledahl said they had asked and the developer had agreed that the first increment be delayed to 2017, which addressed the informal 10% TIF policy. Councilmember Tolbert asked whether that would prevent the City from doing other TIF projects in 2017. Ms. Lilledahl said they would be in the 8% range in 2017, with this project being factored in, and the percentage would continue to drop in subsequent years.*

*Councilmember Stark said some large TIF districts were coming off-line in the next couple of years. Councilmember Tolbert reiterated his concerns about the availability of TIF funds for other projects given the rate they had been used during his time on the Council. Ms. Lilledahl said fund availability was closely monitored by staff. Councilmember Stark said the scale of the projects coming off-line were much bigger geographically than the ones approved over the past couple of years, resulting in a loosening up if the capacity.*

*Councilmember Tolbert questioned whether these were the right projects or the best use of TIF when billions of dollars had already been invested in what he felt would be a huge economic generator for the area. He again expressed concern about the availability of TIF for other projects in other areas that might need it more. Council President Lantry agreed that choices made now affected fund availability later but said there wasn't a better way to do it since the projects took so long.*

*Councilmember Tolbert asked why these projects needed TIF. Ms. Lilledahl said there was a gap between the costs involved in building the project and the amount the affordable housing could support in debt service, and the TIF helped fill the gap.*

*Councilmember Stark said a lot of resources did go into building or rehabbing affordable housing but he felt this was the right place for those dollars to be spent.*

*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:** 1 - Councilmember Tolbert

- 39**     [RES PH 13-123](#)     Approving the establishment of the Hamline Station West Tax Increment Financing District and the tax increment financing plan therefor.
- Patty Lilledahl, Planning and Economic Development, gave a staff report. She said two public hearings were required because the project included two separate buildings, separately financed, and with different ownerships.*
- 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:** 1 - Councilmember Tolbert

#### LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 43**     [RLH TA 13-281](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1308, Assessment No. 138811 at 827 AURORA AVENUE. (Real Estate Project No. amended to VB1308B, Assessment No. 138821) (Public hearing continued from June 5; to be amended July 10, 2013)
- Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to July 10.*
- No one appeared in opposition; Councilmember Carter moved to continue the public hearing to July 10.*
- Public hearing continued to July 10**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 44**     [RLH CO 13-3](#)     Appeal of Nelly Lai Chiu Chan to a Correction Notice at 18 BATES AVENUE.
- Legislative Hearing Officer Marcia Moermond asked that the resolution be amended to grant the appeal because Public Works was assuming responsibility for maintenance of the slope area in question.*
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and grant the appeal.*
- Adopted as amended (appeal granted with conditions)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 45 [RLH CO 13-1](#) Appeal of Anna Leininger and Greg Kramer to a Correction Order at 44 BATES AVENUE.

*Legislative Hearing Officer Marcia Moermond asked that the resolution be amended to grant the appeal because Public Works was assuming responsibility for maintenance of the slope area in question.*

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

**Adopted as amended (appeal granted with conditions)**

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

**Nay:** 0

- 58 [RLH TA 13-181](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A2, Assessment No. 138524 at 987 EDGERTON STREET. (Laid over from May 22 for public hearing)

*Legislative Hearing Officer Marcia Moermond gave a staff report on the tax assessment related to a property clean-up. She recommended approval of the assessment with payments spread over three years.*

*In opposition:*

*Pearl Weens (987 Edgerton) asked that the payments be spread over at least four years rather than three. She said all of the garbage hadn't come from 987.*

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

*Councilmember Brendmoen said that seemed like a reasonable request, and she was happy to grant it.*

**Adopted as amended (assessment approved and payable over 4 years)**

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

**Nay:** 0

- 68 [RLH TA 13-373](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308G, Assessment No. 138708 at 1256 HARTFORD AVENUE.

*Legislative Hearing Officer Marcia Moermond asked that the resolution be amended to approve the assessment.*

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

**Adopted as amended (assessment approved and payable in one installment)**

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

**Nay:** 0

**71**     [RLH TA 13-147](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A2, Assessment No. 138527 at 860 LAWSON AVENUE EAST. (Public hearing continued from April 17)

*Legislative Hearing Officer Marcia Moermond asked that the resolution be amended to approve the assessment and spread the payments over two years.*

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

**Adopted as amended (assessment approved and payable over two years)**

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

**Nay:** 0

**82**     [RLH RR 13-22](#)

Ordering the rehabilitation or razing and removal of the structures at 586 RICE STREET within ninety (90) after the June 5, 2013 City Council Public Hearing.

*Legislative Hearing Officer Marcia Moermond said all conditions had been met, and her recommendation was to allow 90 days to remove or rehabilitate the property. She said the appellant had asked to 60 days and she had added an additional month as a cushion.*

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

**Adopted as amended (90 days to remove or repair the structure)**

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

**Nay:** 0

**83**     [RLH FCO 13-66](#)

Appeal of Gidget Bailey, Tin Cups, to a Re-inspection Fire Certificate of Occupancy with Deficiencies at 1220 RICE STREET.

*Legislative Hearing Officer Marcia Moermond recommended granting the variance on occupancy limits of the basement level conditioned on reconfiguration of the room.*

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

**Adopted as amended (appeal granted with conditions)**

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

Nay: 0

**112**    [RLH VBR 13-21](#)    Appeal of Lien Kim Dang to a Vacant Building Registration Requirement at 572 VAN BUREN AVENUE.

*Legislative Hearing Officer Marcia Moermond said a six month waiver on the vacant building status had expired, and it was her understanding that the owner was working with an advisor on whether to proceed with the rehabilitation. She said there was a recent concern that the owner was trying to move back into the house, and there was a boarding order on the house. She recommended denying the appeal on the vacant building registration and requiring that the fee be paid.*

*In opposition:*

*Tong Nguyen appeared representing the property owner. He said she was on SSI and could not pay a lump sum, and was asking that the payments be spread.*

*Council President Lantry said if it wasn't paid it would go will go to assessment which was a payment plan in itself.*

*Legislative Hearing Officer Marcia Moermond said the appeal was of the vacant building registration and fee, and payment of the fee would allow permits to be pulled. She said the Council could deny the appeal but ask DSI to allow permits to be pulled for a period of time.*

*Councilmember Carter asked whether there had been a determination about the ability to complete the rehabilitation. Mr. Nguyen said a Code Compliance inspection had been completed, and he was trying to get help for the owner to clean up and work on the house.*

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

*Councilmember Carter said the Council didn't have the ability to set a payment plan for the fee. He said if there was money for the rehab there should be sufficient resources to pay the assessment, and if there weren't sufficient resources to pay the fee there weren't adequate resources for the rehab. He moved to deny the appeal.*

**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

**119**    [RLH AR 13-43](#)    Ratifying the assessments for Property Clean Up Services from February 2 to March 1, 2013. (File No. J1308A, Assessment No. 138515)

*Legislative Hearing Officer Marcia Moermond asked that 577 State Street and 722 Charles Avenue be removed from the assessment roll for separate consideration.*

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

**Adopted as amended (577 State Street and 722 Charles Avenue removed from the assessment roll for separate consideration)**

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

**Nay:** 0

**92**     [RLH RR 13-24](#)

Ordering the rehabilitation or razing and removal of the structures at 1565 SEVENTH STREET EAST within fifteen (15) days after the June 5, 2013, City Council Public Hearing. (Public hearing held and closed June 5) (To be amended to rehab or remove within 180 days)

*Legislative Hearing Officer Marcia Moermond said the property had been in the vacant buildings program for five years. She said neighbors had testified at the Legislative Hearing about ongoing problems, and said they had been maintaining the property. She reviewed the conditions set at the hearing, and said documents were dropped off that day. She said the finances, bids, and work plan seemed fine, but she would like a one week layover to allow DSI to review the materials submitted. She asked that the matter be referred back to Legislative Hearing on June 11, and to Council on June 19.*

*In opposition:*

*Property owner David Meyer (359 Michigan) said he was opposed to laying the matter over and would like a decision. He said he'd complied with the requests and it was a visually attractive property even though it had been sitting for a long time. He said it had been his understanding that as long as taxes and insurance were paid he was allowed to have the property sit, but he knew now that was incorrect. He said the property had not deteriorated in the five years, and the one neighbor who testified at Legislative Hearings didn't think it was right that the property should be vacant even though it was in good repair. He said many of the deficiencies had been addressed, and he would like a ruling so he could get started on the project.*

*Kathleen Herr said her father had purchased the house for her son, with the thought that he would live there after graduating from college. She said it was not her father's intention to make a million dollars or be a slum lord. She said her father had been trying as hard as he could to fix the property up since he'd received notice that he had to do so.*

*Mr. Meyer said he just wanted to finish the project but wasn't always sure what was being asked of him, and the inspectors weren't helpful.*

*Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0 (Bostrom not present for vote)*

*Council President Lantry confirmed with Ms. Moermond that the performance bond had been paid. She said the request to lay the matter over for two weeks was reasonable given that the requested materials were submitted so late.*

*Councilmember Brendmoen said it appeared the appellant was on the right track, and the two weeks was an opportunity to ensure they continued to move forward, as opposed to an opportunity to derail them.*

*Councilmember Thune moved to lay the matter over to the 3:30 portion of the June 19 meeting.*

**Public hearing held and closed. Referred to June 11 Legislative Hearings, and laid over June 19 City Council.**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 99**     [RLH TA 13-280](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1308A2, Assessment No. 138534 at 577 STATE STREET.  
(Public hearing continued from June 5; to be amended July 10, 2013)

*Legislative Hearing Officer Marcia Moermond asked that the matter be referred to Legislative Hearings on June 18 and that the Council public hearing be continued to July 10.*

*No one appeared in opposition; Councilmember Thune moved to continue the public hearing to July 10.*

**Referred to June 18 Legislative Hearing; Council public hearing continued to July 10**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

**102** [RLH RR 13-25](#)

Ordering the rehabilitation or razing and removal of the structures at 1281 THIRD STREET EAST within fifteen (15) days after the June 5, 2013 City Council Public Hearing. (Public hearing held June 5) (To be amended to remove the building within 15 days with no option for repair)

*Legislative Hearing Officer Marcia Moermond said conditions set in Legislative Hearings were a shortened redemption period, a Code Compliance inspection, and payment of the performance bond. She said the performance bond had not been paid and the inspection had not been scheduled, and her recommendation was to order the structure removed within 15 days with no option for repair.*

*In opposition:*

*Gary Evers, foreclosure counsel for US Bank, said the bank would take possession in three weeks and could not proceed with anything until that time. He said US Bank was requesting an extension to after July 15 so the bank could take ownership and make a determination as to what they wanted to do. He said the bank had already invested almost \$10,000 in the property including foreclosure-related costs and property taxes, and it didn't make sense for the building to be torn down a week before they took possession.*

*Council President Lantry said costs related to the foreclosure were not the fault of the City. She said she was not in favor of tearing down houses, and would grant three weeks until June 26 for all of the conditions to be met. Mr. Evers said he felt it was unreasonable to expect the bank to meet all of the conditions on the day they took possession. Council President Lantry said she wanted to create a sense of urgency for the bank, and they could request more time from Ms. Moermond if they needed to.*

*Councilmember Carter asked how long the property had been vacant. Ms. Moermond said the property had been vacant since January of 2012 and there had been nine summary abatements and work orders during that time. Mr. Evers reiterated that the bank did not own the property and could not address those issues.*

*Council President Lantry moved to close the public hearing and lay the matter over to June 26.*

**Public hearing held and closed; laid over to June 26**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 105**    [RLH TA 13-249](#)    Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 0 UNIVERSITY AVENUE WEST (vacant lot on University Avenue West between 1738 and 1830 University Avenue West, PIN 332923420009). (Amended to delete the assessment)

*Legislative Hearing Officer Marcia Moermond asked that the resolution be amended to delete the assessment.*

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

**Adopted as amended (assessment deleted)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 108**    [RLH TA 13-253](#)    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1734 UNIVERSITY AVENUE WEST.

*Legislative Hearing Officer Marcia Moermond gave a staff report on the assessment for snow removal. She said the property owner had cleared some of the snow but Parks had cleared the full width of the sidewalk. She recommended that the assessment be reduced from \$320 to \$220.*

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

**Adopted (assessment reduced from \$320 to \$220)**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Brendmoen

- 109**    [RLH TA 13-254](#)    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1738 UNIVERSITY AVENUE WEST.

*Legislative Hearing Officer Marcia Moermond gave staff report on the assessment for snow removal. She said it was a situation where the property owner had removed some of the snow, but plows had pushed slush back onto the sidewalk. She recommended reducing the assessment from \$320 to \$220.*

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

**Adopted (assessment reduced from \$320 to \$220)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

**110** [RLH TA 13-259](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1744 UNIVERSITY AVENUE WEST.

*Legislative Hearing Officer Marcia Moermond said the situation involved abandoned vehicles and overflowing garbage, and there was a dispute between the property owners. In response to a question from Council President Lantry, she clarified that the snow removal and clean-up assessments were being considered together. She recommended approving the assessment without reduction.*

*Councilmember Stark asked Ms. Moermond why she was not recommending a reduction in this case. Ms. Moermond said the snow wasn't addressed as thoroughly and the property was generally not maintained to the same standard as the previous two. Council President Lantry said the photographs showed the previous addresses were partly shoveled by the property owner.*

*In opposition:*

*Property owner Al Nadimi (1744 University Avenue) showed photograph of the property. He said they'd had a contract with a garbage company since 2012; he displayed a bill. He said the neighbors used his dumpster rather than their own. He said they hadn't done anything wrong and the charges were way too high.*

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

*Councilmember Stark said the Council wasn't able to address the dispute with the neighbor, but the clean-up work was done by the City and the charges reflected the work done. He moved to approve the resolution.*

**Adopted (assessment approved and payable in one installment)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 114 [RLH RR 13-26](#) Ordering the razing and removal of the structures at 217-219 WHITE BEAR AVENUE NORTH within fifteen (15) days after the June 5, 2013, City Council Public Hearing. (Public hearing held June 5; laid over from June 26)

*Legislative Hearing Officer Marcia Moermond said the conditions outlined in the Legislative Hearing were not met, and her recommendation was to order removal within 15 days. She said the attorney representing the bank was present to testify.*

*Council President Lantry noted that the building had been vacant since November 23, 2011. Ms. Moermond said there had been six summary abatement orders and work orders at the property.*

*In opposition:*

*Michael Schleisman, representing Bank of America (55 East Fifth St. Suite 800), said the Code Compliance inspection had been scheduled the day before and they were asking for asking for the demolition action to be suspended or canceled. He said his client was working to meet the conditions set at the May 28 hearing.*

*Council President Lantry said minutes indicated that the June 4 Legislative Hearing was a "no-show." Ms. Moermond said no one appeared at the original hearing on May 14, and the hearing was rescheduled to May 23 to allow for testimony. Council President Lantry said it was rescheduled again to June 4.*

*Mr. Schleisman said the missed May 14 hearing was an oversight on the part of his client, but they had proceeded aggressively as soon as they'd discovered it. He said he did appear on May 28. He said they would like time to have the inspection done and to review the report.*

*Council President Lantry asked how much time was needed. Mr. Schleisman asked for 30 days.*

*Council President Lantry said she would ask for a layover to June 26. Mr. Schleisman asked what the typical time frame was for a Code Compliance report. Ms. Moermond said the time frame to process a Code Compliance report was one to three weeks, but many contractors would prepare construction statements which were best guesses of what was required for code compliance. She said a work plan could be developed, the performance bond paid, and financing documented pending completion of the Code Compliance inspection.*

*Council President Lantry moved to close the public hearing and lay the matter over to June 26.*

**Public hearing held and closed; laid over to June 26**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

**LEGISLATIVE HEARING CONSENT AGENDA**

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

**Approval of the Consent Agenda (Items 40 - 120)**

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

**Legislative Hearing Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 40**    [RLH TA 13-285](#)    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 341 ARBOR STREET.  
**Adopted**
- 41**    [RLH TA 13-267](#)    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 922 ARMSTRONG AVENUE.  
**Adopted**
- 42**    [RLH OA 13-53](#)    Recommending that the Ramsey County Commissioners approve the application of Holsey Memorial Christian Methodist Episcopal Church for repurchase of tax forfeited property at 767 AURORA AVENUE.  
**Adopted**
- 46**    [RLH TA 13-266](#)    Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No.138304 at 1160 BEECH STEET.  
**Adopted**
- 47**    [RLH TA 13-264](#)    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No.138515 at 1185 BURNS AVENUE.  
**Adopted**
- 48**    [RLH FOW 13-7](#)    Appeal of Nicole Chessnoe to a Correction Notice - Child Care Inspection at 1611 CHAMBER STREET.  
**Adopted**

- 49     [RLH TA 13-276](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1308 CHARLES AVENUE.  
**Adopted**
- 50     [RLH TA 13-301](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No. 138304 at 262 CONGRESS STREET EAST.  
**Adopted**
- 51     [RLH TA 13-287](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1308, Assessment No. 138811 at 853 CONWAY STREET.  
**Adopted**
- 52     [RLH SAO 13-15](#)     Appeal of Chester Landers, Southern Minnesota Regional Legal Services (SMRLS), on behalf of Heather Meyers, EMC Investments, to a Summary Abatement Order and Code Compliance Report at 978 CONWAY STREET.  
**Adopted**
- 53     [RLH TA 13-245](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1615 DALE STREET NORTH.  
**Adopted**
- 54     [RLH TA 13-271](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No. 138304 at 340 DALY STREET.  
**Adopted**
- 55     [RLH TA 13-291](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No.138515 at 2057 DAYTON AVENUE.  
**Adopted**
- 56     [RLH TA 13-374](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1307A, Assessment No. 138817 at 2106 DAYTON AVENUE. (Public hearing continued from May 15)  
**Adopted**
- 57     [RLH TA 13-331](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1308G, Assessment No. 138709 at 963 EARL STREET.  
**Adopted**

- 59     [RLH VO 13-23](#)     Appeal of Charles Nosie to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1093 EUCLID STREET.  
**Adopted**
- 60     [RLH FCO 13-111](#)     Appeal of Vanna Yean to a Fire Certificate of Occupancy Correction Notice at 535 FOREST STREET.  
**Adopted**
- 61     [RLH SAO 13-16](#)     Appeal of Parke M. Schilling to a Summary Abatement Order-Final Notice at 824 FREMONT AVENUE.  
**Adopted**
- 62     [RLH TA 13-272](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 878 FREMONT AVENUE.  
**Adopted**
- 63     [RLH TA 13-284](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1308, Assessment No. 138811 at 82 FRONT AVENUE.  
**Adopted**
- 64     [RLH TA 13-270](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No. 138304 at 447 FRY STREET NORTH.  
**Adopted**
- 65     [RLH TA 13-278](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 369 FULLER AVENUE.  
**Adopted**
- 66     [RLH TA 13-257](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1414 GRAND AVENUE.  
**Adopted**
- 67     [RLH TA 13-269](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 410 GRIGGS STREET NORTH.  
**Adopted**

- 69     [RLH FCO 13-97](#)     Appeal of Dan Kubat to a Fire Certificate of Occupancy Correction Notice at 1369 HEWITT AVENUE.  
**Adopted**
- 70     [RLH VO 13-21](#)     Appeal of Cheng Vang to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1525 IVY AVENUE EAST.  
**Adopted**
- 72     [RLH TA 13-255](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 824 MAGNOLIA AVENUE EAST.  
**Adopted**
- 73     [RLH TA 13-244](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No.138515 at 993 MARGARET STREET.  
**Adopted**
- 74     [RLH TA 13-251](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No.138304 at 993 MARGARET STREET.  
**Adopted**
- 75     [RLH FCO 13-107](#)     Appeal of Leo Reck to a Fire Inspection Correction Notice at 1070 MARGARET STREET.  
**Adopted**
- 76     [RLH VBR 13-18](#)     Appeal of To Ha Nguyen to a Vacant Building Registration Renewal Notice at 1368 MARION STREET.  
**Adopted**
- 77     [RLH TA 13-260](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 2127 MARSHALL AVENUE.  
**Adopted**
- 78     [RLH TA 13-247](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1300 MATILDA STREET.  
**Adopted**
- 79     [RLH VO 13-22](#)     Appeal of John Domagall to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1434 MCAFEE STREET.  
**Adopted**

- 80     [RLH TA 13-268](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1151 NORTON STREET.  
**Adopted**
- 81     [RLH TA 13-282](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1308, Assessment No. 138811 at 711 OAKDALE AVENUE.  
**Adopted**
- 84     [RLH TA 13-290](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No. 138304 at 160 RICHMOND STREET.  
**Adopted**
- 85     [RLH TA 13-279](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 332 SAINT CLAIR AVENUE.  
**Adopted**
- 86     [RLH TA 13-240](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A1, Assessment No. 138525 at 1094 SAINT CLAIR AVENUE. (Public hearing continued from April 17.)  
**Adopted**
- 87     [RLH TA 13-241](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1094 SAINT CLAIR AVENUE.  
**Adopted**
- 88     [RLH TA 13-275](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1464 SELBY AVENUE.  
**Adopted**
- 89     [RLH TA 13-277](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 664 SEVENTH STREET WEST.  
**Adopted**
- 90     [RLH VO 13-20](#)     Appeal of Keith Whaley, on behalf of Brent Hauger, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1166 SEVENTH STREET EAST.  
**Adopted**

- 91     [RLH TA 13-339](#)     Amending Council Files RLH AR 13-26 and RLH TA 13-177 to reduce the assessment for Property Clean Up services from January 2 to 31, 2013 at 1204 SEVENTH STREET EAST. (File No. J1307A, Assessment No. 138511)  
**Adopted**
- 93     [RLH TA 13-261](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No. 138304 at 1700 SEVENTH STREET EAST.  
**Adopted**
- 94     [RLH TA 13-256](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No. 138304 at 1830 SEVENTH STREET EAST.  
**Adopted**
- 95     [RLH TA 13-265](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1307P, Assessment No. 138406 at 468 SHERBURNE AVENUE.  
**Adopted**
- 96     [RLH TA 13-243](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 604 SIMPSON STREET.  
**Adopted**
- 97     [RLH TA 13-239](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No. 138304 at 1190 SIXTH STREET EAST.  
**Adopted**
- 98     [RLH TA 13-252](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 846 SMITH STREET.  
**Adopted**
- 100    [RLH VO 13-16](#)     Appeal of Abdiwahab Ali Omar to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1842 STILLWATER AVENUE.  
**Adopted**
- 101    [RLH TA 13-370](#)     Amending Council File RLH AR 13-20 to delete the assessment for Property Clean Up services during December 2012 at 391 STINSON STREET, File No. J1306A, Assessment No. 138505. (Referencing address error for 383 Stinson Avenue)  
**Adopted**

- 103 [RLH TA 13-263](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 669 THOMAS AVENUE.  
**Adopted**
- 104 [RLH TA 13-273](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1307 THOMAS AVENUE.  
**Adopted**
- 106 [RLH VO 13-19](#) Appeal of Jennifer Jahangiri, St. Paul Tobacco Room, to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 152 UNIVERSITY AVENUE WEST.  
**Adopted**
- 107 [RLH FCO 13-91](#) Appeal of John Hynan to a Fire Certificate of Occupancy Correction Notice at 475 UNIVERSITY AVENUE WEST.  
**Adopted**
- 111 [RLH FCO 13-105](#) Appeal of Nikolai Alenov to a Fire Inspection Correction Notice at 1756 UNIVERSITY AVENUE WEST.  
**Adopted**
- 113 [RLH FCO 13-94](#) Appeal of Michaelene Spence to a Fire Inspection Correction Notice at 975 WAKEFIELD AVENUE.  
**Adopted**
- 115 [RLH TA 13-283](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1308, Assessment No. 138811 at 1671 WILSON AVENUE.  
**Adopted**
- 116 [RLH AR 13-39](#) Ratifying the assessments for Collection of Vacant Building Fees billed from July 9 to December 21, 2012. (File No. VB1308, Assessment No. 138811)  
**Adopted**
- 117 [RLH AR 13-40](#) Ratifying the assessments for Excessive Use of Inspection Services from August 31 to December 31, 2012. (File No. J1304E, Assessment No. 138304)  
**Adopted**

- 118 [RLH AR 13-42](#) Ratifying the assessments for Graffiti Removal Services from January 20 to February 7, 2013. (File No. J1307P, Assessment No. 138406)

**Adopted**

- 120 [RLH AR 13-44](#) Ratifying the assessments for Trash Hauling Services from February 6 to 27, 2013. (File No. J1308G, Assessment No. 138708)

**Adopted**

## **ADJOURNMENT**

*Councilmember Brendmoen moved adjournment.*

**Meeting adjourned at 8:31 p.m.**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

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