



# 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 Russ Stark*  
*Councilmember Dai Thao*  
*Councilmember Dave Thune*  
*Councilmember Chris Tolbert*

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Wednesday, February 19, 2014

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 3:31 p.m.*

#### **Councilmember Brendmoen excused**

**Present** 6 - Councilmember Dan Bostrom, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

**Absent** 1 - Councilmember Amy Brendmoen

#### 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 - 29)

*Items 4 and 20 were removed from the Consent Agenda for separate consideration.*  
*Item 25 was withdrawn.*

*Councilmember Stark moved approval of the Consent Agenda as amended.*

#### **Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

#### **1**     [RES 14-313](#)

Appointing Tarek Tomes to serve as the city's Chief Information Officer - Director of Department of Technology and Communications, effective February 24, 2014.

**Adopted**

- 2     [RES 14-189](#)     Approving the Mayor's appointments of Mee Cheng to serve on the Saint Paul - Ramsey County Joint Community Health Services Advisory Committee.  
**Adopted**
- 3     [RES 14-315](#)     Approving the Mayor's appointment of Dai Thao, and reappointment of Russ Stark to serve on The Family Housing Fund.  
**Adopted**
- 5     [RES 14-317](#)     Approving the Mayor's reappointment of Amy Brendmoen to serve on the Metro Cities Association of Metropolitan Municipalities.  
**Adopted**
- 6     [RES 14-318](#)     Approving the Mayor's reappointments of Randy Asunma and Marjorie Ebensteiner to serve on the Neighborhood STAR Board.  
**Adopted**
- 7     [RES 14-319](#)     Approving the Mayor's appointments of Leo Jackson and Kong Her, and the reappointments of Michael Steward and Gary Unger to serve on the Long-Range Capital Improvement Budget (CIB) Committee of Saint Paul.  
**Adopted**
- 8     [RES 14-320](#)     Approving the Mayor's appointments of Dameun Strange, Hai Truong, and Barry Kempton to serve on the Cultural STAR Board.  
**Adopted**
- 9     [RES 14-266](#)     Authorizing the release of utility easements within vacated Tuscarora Street between Osceola and Stewart Avenues and Drake Street.  
**Adopted**
- 10    [RES 14-305](#)     Authorizing the withholding of tax-forfeit parcels from public sale for six months.  
**Adopted**
- 11    [RES 14-183](#)     Approving assessment costs and setting date of City Council Public Hearing to ratify the assessment for construction of a new sidewalk on the north side of Valentine Avenue between Eustis Street and Brompton Street. (File No. S1303, Assessment No. 135303)  
**Adopted**

- 12     [RES 14-267](#)     Approving the City's cost of providing Replacement of Lead Water Service Line on private property from September to December 2013, and setting date of City Council Public Hearing for April 2, 2014 to consider and levy the assessments against individual properties. (File No. 1401LDSRP, Assessment No. 144000)  
**Adopted**
- 13     [RES 14-269](#)     Approving the City's cost of providing Repair of Sanitary Sewer Line on private property from September to December 2013, and setting date of City Council Public Hearing for April 2, 2014 to consider and levy the assessments against individual properties. (File No. SWRP1401, Assessment No. 143000)  
**Adopted**
- 14     [RES 14-271](#)     Approving the City's cost of providing Boarding and/or Securing services during December 2013, and setting date of Legislative Hearing for March 18, 2014 and City Council Public Hearing for May 7, 2014 to consider and levy the assessments against individual properties. (File No. J1406B, Assessment No. 148105)  
**Adopted**
- 15     [RES 14-272](#)     Approving the City's cost of providing Graffiti Removal services from November 3, 2013 to January 2, 2014, and setting date of Legislative Hearing for March 18, 2014 and City Council Public Hearing for May 7, 2014 to consider and levy the assessments against individual properties. (File No. J1406P, Assessment No. 148405)  
**Adopted**
- 16     [RES 14-273](#)     Approving the City's cost of providing Collection of Certificate of Occupancy Fees billed October 29 to December 9, 2013, and setting date of Legislative Hearing for March 18, 2014 and City Council Public Hearing for May 7, 2014 to consider and levy the assessments against individual properties. (File No. CRT1408, Assessment No. 148208)  
**Adopted**
- 17     [RES 14-274](#)     Approving the City's cost of providing Tree Removal services from December 2013 to January 2014, and setting date of Legislative Hearing for March 18, 2014 and City Council Public Hearing for May 7, 2014 to consider and levy the assessments against individual properties. (File No. 1405T, Assessment No. 149004)  
**Adopted**

- 18     [RES 14-323](#)     Approving the Memorandum of Understanding between the City of Saint Paul and District Lodge No. 77 International Association of Machinists and Aerospace Workers, AFL-CIO to modify the current Collective Bargaining Agreement (2013 - 2015) to allow the classification of Communication Equipment Installer to receive a tool and shoe allowance equivalent to Communications Technician Helper as stipulated in Article 9.2 of the current Collective Bargaining Agreement.
- Laid over to February 26 for adoption**
- 19     [RES 14-229](#)     Authorizing the Department of Parks and Recreation to solicit and accept donations for the 2014 Citywide Spring Cleanup Event.
- Adopted**
- 21     [RES 14-296](#)     Authorizing the Police Department to accept the 2013 COPS Hiring Program grant as modified on December 13, 2013, and to enter into an agreement with the U.S Department of Justice, Office of Community Oriented Policing Services.
- Adopted**
- 22     [RES 14-255](#)     Approving adverse action against the Massage Practitioner license held by Kristen N. Anderson at 770 Grand Avenue.
- Adopted**
- 23     [RES 14-254](#)     Approving adverse action against all licenses held by RAS Ethiopian Bar & Restaurant, LLC, d/b/a RAS Restaurant & Lounge at 2516 Seventh Street West.
- Adopted**
- 24     [RES 14-299](#)     Approving adverse action against the Massage Practitioner license held by Brightstar Harmon Inyang at 2140 Ford Parkway.
- Adopted**
- 25     [RES 14-301](#)     Approving adverse action against the Massage Practitioner license held by Heather L. Storie at 2140 Ford Parkway.
- Withdrawn**
- 26     [RES 14-303](#)     Approving adverse action against the Massage Practitioner license held by Tami E. Hightower at 2140 Ford Parkway.
- Adopted**

- 27     [RES 14-251](#)     Approving adverse action against the Tanning Facility license held by CKF Holdings, Inc., d/b/a Perfect Tan at 373 Pederson Street, Unit #103.  
**Adopted**
- 28     [RES 14-252](#)     Approving adverse action against the Sidewalk Contractor license held by John Heinlein Construction, Inc.  
**Adopted**
- 29     [RES 14-253](#)     Approving adverse action against the Sidewalk Contractor license held by Ground Support, Inc.  
**Adopted**

**FOR DISCUSSION**

- 4     [RES 14-316](#)     Approving the Mayor's reappointments of Dan Bostrom, Dai Thao, and Kathy Lantry to serve on the Ramsey County Dispatch Policy Committee.  
  
*Councilmember Tolbert moved an amendment to replace his name with Councilmember Thao's.*  
**Adopted as amended**  
  
**Yea:** 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert  
  
**Nay:** 0  
  
**Absent:** 1 - Councilmember Brendmoen
- 20     [RES 14-284](#)     Accepting the Plan for Artistic Practice in the Central Corridor.  
  
*Councilmember Stark moved an amendment with minor changes to legal clarifying language.*  
**Adopted as amended**  
  
**Yea:** 6 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert  
  
**Nay:** 0  
  
**Absent:** 1 - Councilmember Brendmoen

- 30**     [RLH TA 13-587](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1401, Assessment No. 148800 at 1160 MONTREAL AVENUE. (Amended to File No. VB1401A, Assessment No. 148808) (Public hearing held January 2; laid over from January 15)

*Legislative Hearing Officer Marcia Moermond recommended reducing the vacant building fee assessment by half, based on a revised code compliance inspection report, and spreading payments over 2 years.*

*Councilmember Tolbert moved approval of the recommendation and thanked Ms. Moermond for her work.*

**Adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Brendmoen

**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.**

**No ordinances**

*Council members shared information about upcoming events in their wards.*

**PUBLIC HEARINGS**

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

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

**31**     [Ord 14-9](#)

Amending Chapter 225 of the Legislative Code to regulate use of bows, arrows, and crossbows in the City of Saint Paul.

*In opposition:*

*James Henderson (1504 St. Albans St. N.) said adding archery equipment to a list of assault weapons was a mistake. He spoke about archery as a sport rather than for hunting, presented safety statistics, and questioned the restriction of basement archery ranges. He said there were no designated archery ranges in St. Paul where bows and arrows could legally be used.*

*Councilmember Thune asked whether the ordinance restricted indoor use. Councilmember Stark said he was not sure and would have to check with the attorneys.*

*Andrew Henderson (205 County Road B2 E.) said the ordinance would not increase safety but would infringe on personal rights. He said the City should not act in response to just one complaint.*

*Cameron Christian Weir (2318 Standish Street), professional bow maker, said his business depended upon he and his customers being able to test bows in his yard. He said the ordinance would kill his business, especially with no archery ranges in St. Paul. He said he was also speaking in opposition on behalf of urban bow hunters.*

*Councilmember Stark moved to close the public hearing.*

**Public hearing held and closed; laid over to February 26 for final adoption**

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

**Nay:** 0

**32**     [Ord 14-11](#)

Amending Chapter 45 of the Legislative Code to update the location of the definition of overweight and commercial vehicles.

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

**Public hearing held and closed; laid over to February 26 for final adoption**

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

**Nay:** 0

**33**     [Ord 14-13](#)

Amending Chapter 57.05 of the Saint Paul Administrative Code to codify the City's term limits policy for the Capital Improvement Budget Committee.

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

**Public hearing held and closed; laid over to February 26 for final adoption**

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

**Nay:** 0

**34**     [RES PH 14-34](#)

Approving the application of The Happy Gnome LLC for a sound level variance in order to provide a DJ and amplified music on the outdoor patio at 498 Selby Avenue, on Saturday February 22, 2014 between 6:00 PM and 12:00 Midnight.

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

**Adopted**

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

**Nay:** 0

**35**     [RES PH 14-39](#)

Approving the application of Ames Construction for a sound level variance to allow for 24-hour per day road construction such as bridge demolition, bridge construction, ramp work, sound wall construction, and the addition of High Occupancy Vehicle (HOV) lanes along Interstate 35E, between Larpenteur Avenue and Maryland Avenue, from February 20, 2014 to November 1, 2014.

*In opposition:*

*Benita Warns (1440 Lafond Avenue) said she would like to see the contractor's plans for minimizing disturbance to the many nearby residents. She suggested that the contractors submit a construction plan, limit hours, and limit construction to a set number of days.*

*Councilmember Brendmoen moved to close the public hearing.*

*Councilmember Brendmoen said she appreciated the concerns brought forth. She said the title of the resolution made it seem they would be working 24 hours a day for 8 months, but construction times were limited by state statute. She said she felt it was a good plan, and both she and Councilmember Thao had worked on it. She moved approval.*

**Adopted**

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

**Nay:** 0



**36**     [RES PH 14-48](#)

Approving the construction of a planted median at the Marshall/Wilder intersection.

*Paul St. Martin, Public Works, gave a staff report. He described the project, which he said was initiated by the community, and gave some history on Marshall Avenue. He said medians along Marshall were first proposed as part of the Green Streets project which began in 2005, with bike lanes being added in 2006 along with a Ramsey County mill and overlay. He said both the bike and parking lanes were narrower than ideal and standard. He said the project had received funding through the CIB process early on; more recently funding was cobbled together from Macalester College matching funds, Public Works bike funds, and Neighborhood STAR funds. He displayed an aerial photo of the area, and he described the details of the proposal, the area-specific traffic issues, and the results of speed and traffic studies on Marshall and Iglehart. He said the issue to be addressed was pedestrian safety, and just adding a crosswalk was not effective. He noted areas where medians had already been added, and said more would be built over time across the city in the interest of increasing pedestrian safety. He said the proposed median would allow pedestrians to cross one lane at a time, would maximize green space, and eliminate left turn conflicts between vehicles and pedestrians. He said this original proposal was the one presented to the Union Park District Council in December or January. He acknowledged the impacts on Marshall Liquor and Suds America, and he described an alternate plan with a shortened median which addressed the concerns of those businesses. He described suggested changes to traffic flow in the affected parking lots, and said concerns with the alternate plan included illegal U-turns around the end of the median close to Wilder, and potential problems if people didn't follow traffic flow patterns in and out of the parking lots. He said the original option was the ultimate safety improvement, but Public Works could live with either option. He spoke about potential impacts of the median, including some movement of traffic into the neighborhoods, and said the alternate plan would reduce some of that. He said Public Works had decided against conducting a study because, although a project of this kind was bound to have opponents, installing a pedestrian refuge was a best practice that Public Works would be promoting. He acknowledged concerns from the bike community about increased conflicts between motor vehicles and bikers, and concerns about emergency access, costs for installation and maintenance. He said the medians already installed on Marshall had not interfered with emergency access, and Police and Fire had told him that in an emergency they would get through no matter what. In summary, he said any complete streets projects had trade-offs, but the only issue for Public Works was pedestrian safety. He said the original plan was the ideal but Public Works would accept the alternate.*

*Councilmember Stark said a petition had been submitted by Marshall Liquors with 1220 signatures in opposition to the original plan, 47 individuals had written in support, and 25 in opposition. In response to a question from Councilmember Brendmoen he clarified that the opposition from Marshall Liquors was from before there was an alternate plan.*

*In opposition:*

*Daniel Sturm (2072 Carroll Avenue) asked that the median not be put in at Wilder and Marshall. He said he had never seen or heard of an accident there, and he felt a median would kill businesses and create a log jam of traffic.*

*Barb Deming (361 N. Wilder Street) said there was no proven need for the median, and the City's Comprehensive Complete Streets Plan required that there be performance standards established with measurable outcomes. She highlighted differences between the proposal area on Marshall and the area on Snelling where medians had been installed. She said the median would make bike commuters less*

safe, and would not calm traffic. She asked that the Council vote no or vote to delay for further study, and she said there was not agreement in the neighborhood.

Steven Mateyku, owner of Suds America at 2045 Marshall Avenue, said about 750 cars a week come into his lot, and he described what cars coming from the west would have to do to access the lot if the median were in place. He said he would prefer a plan with a median starting at Wilder and extending farther towards the schools.

Benita Warns (520 N. Prior Avenue) showed photos taken that day showing Marshall Avenue narrowed by snow, and said the center lane allowed space for bicycles to avoid car doors and for vehicles to avoid bikes. She suggested putting in something right at the intersection.

Bob Long, attorney representing Marshall Liquor (2027 Marshall Avenue) said they opposed the original proposal and supported the alternative proposal. He thanked Councilmember Stark and Public Works staff for their work on alternative proposal, and said they would like the opportunity to work with Public Works on the final design.

Tony Fruci, with Dan Rowe and Associates (2032 Marshall Avenue), said they needed more accessible parking on the street, and the bump-outs caused accessibility barriers in the winter. He said snow would have to be removed curb to curb if there was a median. He said he did not support blocking Wilder completely but did support restricting left turns and through traffic with a right turn only onto Marshall. He said blocking Wilder would drive traffic to other streets, and he supported a small island midblock between Cleveland and Wilder.

Leo Stephen Borer (2135 Iglehart Avenue) said adding the median would put more traffic on Iglehart and Dayton, and he opposed it.

Steven Strand (226 Wilder Street) said he opposed blocking Wilder because it would just move the left turns to more and busier areas. He said pedestrian crossing counts should be considered rather than traffic counts.

Glenn McCluskey (2016 Marshall Avenue) said he opposed all medians on Marshall, especially this one, because the street wasn't wide enough. He said it was already difficult to pass a bicycle, and he found it hard to believe that emergency access wouldn't be a concern with a median in place. He said the medians hurt businesses and did not help the City, and he proposed that the median be stricken and other measures taken for pedestrian safety,

Chris Budel (44 N. Albert Street), said he was a daily bike commuter, and medians were a hazard unless parking was banned. He said adding more would be unconscionable.

Council President Lantry asked others present in opposition to stand.

In support:

Alice Tibbets (2015 Iglehart Avenue) said the project had been well-publicized and discussed. She showed photographs of the intersections, and said the shorter median would not address the U-turn issue. She said Marshall was not an ideal bike street but no streets in St. Paul were, and Marshall was second only to Summit in bike use but was a low accident area for bicycling. She said the supporters of the project were also supporters of the businesses. She said she crossed Marshall daily and had had many close calls, and she noted the kid and family-friendly businesses

on the south side of the street. She said she supported the original plan because it reflected the original momentum for the project which was green space, reduced left turns, and a safe pedestrian crossing.

Andrew Koplin (2062 Marshall Avenue), owner of Koplin's Coffee at 2038 Marshall Avenue, said he supported the median because he supported pedestrian-friendly communities, and he didn't feel his business would be hurt. He said he did not support the alternate unless it was part of a defined vision.

Tom Welna, representing the High Winds Fund at Macalester College, said the Fund had been involved in building other medians, and concerns about the effect of the median on businesses on Snelling at Grand had been unfounded. He said they supported the preferred option because it provided the highest level of safety. He acknowledged the concerns of businesses but said they were not based in reality.

Lucy Trotter (1990 Carroll Avenue) expressed support for the project, and said as a teenager, walker, and biker, she patronized the businesses on Marshall and crossed at Marshall and Wilder numerous times every day. She said accessing the crosswalk at Cleveland involved crossing five busy driveways between Wilder and Cleveland. She said the neighborhood should view the project as an opportunity to come together as a community, enhance the business area, and protect pedestrians.

Roger Mayer (1692 Dayton Avenue) said he was on the Community Council and active in the community as the plan was developed, and was in favor of the original, preferred Complete Street plan. He said he walked, biked, and drove on Marshall and appreciated the median at Marshall and Aldine, which had also had opponents. Councilmember Brendmoen asked Mr. Mayer whether he was opposed to alternate proposal. Mr. Mayer said he strongly preferred the original.

Phil Gerlach (2005 Marshall Avenue) expressed strong support of the original proposal, and said the singular conclusion of many studies was that raised medians did not adversely affect businesses.

Dick Trotter, owner of Trotters Cafe and Bakery at 232 N. Cleveland Avenue, said he supported the median for safety, and felt it would be a good thing for drivers, bikers, and pedestrians.

Shaun Macelhatte (1879 Carroll Avenue) said the original proposal would enhance walkability which was a great feature of the neighborhood, and he felt safer biking in areas where there was a median.

Mike Madden (1768 Iglehart Avenue) said he was a year-round biker and in favor in the longer median. He said the thing he liked best about the stretches of Marshall that already had medians was that there was a noticeable decrease in vehicle speeds.

Judy Hawkinson (287 Wilder Street N.) expressed support of the original proposal, and spoke about the positive effects of medians on businesses in Linden Hills where she had grown up. She said she and her husband were frequent walkers in their neighborhood and appreciated the medians east of them on Marshall, for both the safety and beauty.

Dan Cornejo (1657 Saunders Avenue) said Marshall Avenue was a corridor being transformed little by little into a more complete street, and this project was a part of that process and one that he fully supported. He said he supported the full median, and as the City did more of this, streets would be safer for everyone to use.

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

*Council President Lantry asked others present in support to stand.*

*Councilmember Stark said the original plan was to do most of Marshall, but it hadn't been a budget priority and had been done piecemeal. He said the current location was chosen because of the amount of traffic and pedestrian activity in the area. He said it was not an issue where there was going to be consensus, but the goal was to stick with the original vision of making the street as safe as possible for the most people. He said there was agreement that safer conditions for pedestrians were needed, and many other options were proposed and considered to achieve that but it was decided that the median was the best option. He said the alternate proposal with a shorter median mitigated some problems while still providing the primary benefit of a much safer crossings at Wilder. He acknowledged the issues faced by bikers on Marshall in winter, and said attempts were being made to address those issues. He said the resolution before the Council approved the funds for the project and he would move approval. He said he would support the shorter median out of a desire to protect the businesses, but recognizing that no one would be happy.*

*Councilmember Thao said he used to work in that area and felt it was an area where a median would work well, and he would support the motion.*

**Adopted**

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

**Nay:** 0

**37**     [RES PH 14-46](#)

Approving the petition of Robert Stolpestad to vacate that part of Jackson Street right-of-way (1 foot strip+/-) adjacent to 185 Kellogg Boulevard East.

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

**Adopted**

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

**Nay:** 0

**38**     [PH 14-3](#)

Public hearing to consider the report of the Administrative Law Judge concerning the Taxicab Vehicle license for Cab #3289 held by 289, Inc., d/b/a Rainbow Taxi.

*Daphne Lundstrom, Assistant City Attorney representing the Department of Safety and Inspections, gave a staff report on the results of the default Administrative Law Judge (ALJ) hearing, and said the recommended disciplinary action was revocation of the license.*

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

**Motion of Intent - Adopted the Findings of Fact, Conclusion of Law, and Recommendation of the Administrative Law Judge (license revoked)**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**Absent:** 1 - Councilmember Stark

**39**     [RES PH 14-21](#)

Final Order approving the alley improvement on the westernmost portion of the alley bounded by Watson, Armstrong, Bay and Osceola. (File No. 19159, Assessment No. 145001)

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**Absent:** 1 - Councilmember Stark

**40**     [RES PH 14-23](#)

Final Order approving a street intersection redesign at Ames Place, White Bear Avenue North, and Case Avenue. (File No. 19158, Assessment No. 145400)

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 41**     [RES PH 14-24](#)     Final Order approving a street widening project along Arkwright Street between Whittall and Cayuga, and along Cayuga Street between Westminster and Phalen. (File No. 19157, Assessment No. 145206)

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 42**     [RES PH 14-35](#)     Amending the spending and financing plans in the 2014 Capital Improvement Budget (CIB) in the Department of Parks and Recreation, and giving permission for the proper city officials to enter into an agreement with Metropolitan Council - Met Parks 2014-2015 Capital Improvement Program (CIP) for \$1,120,000; enter into an agreement with Metropolitan Council for Clean Water Land and Legacy 2014 for \$768,000; and enter into an agreement with Metropolitan Council Clean Water Land and Legacy 2015 for \$1,237,000 to design, engineer, and construct roadway, trails, utility work, parking and visitor amenities called for in Lilydale Regional Park master plan.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 43**     [RES PH 14-41](#)     Accepting Livable Communities Tax Base Revitalization Account grants from the Metropolitan Council and amending the 2014 Budget.

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

**Adopted**

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

**Nay:** 0

- 44**     [RES PH 14-32](#)     Amending the financing and spending plans in the Department of Public Works in the amount of \$ 674,704.00 to establish the budget for the capital improvements to be made on Cayuga Street from Phalen Boulevard to Westminster Street, and on Arkwright Street from Cayuga Street to Whitall Street.

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

**Adopted**

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

**Nay:** 0

- 45**     [RES PH 14-33](#)     Amending the financing and spending plans in the Public Works Department in the amount of \$40,000 to establish a new project in the 2014 Public Works Capital Budget known as the Central Corridor/University Avenue Two-Lane versus Four-Lane Study.

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

**Adopted**

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

**Nay:** 0

**LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION**

- 47**     [RLH TA 14-2](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 1560 ARLINGTON AVENUE EAST.
- Legislative Hearing Officer Marcia Moermond said the issue was an assessment for a summary abatement. She reviewed the dates and said Parks did the work at a cost of \$476. She noted a long history of orders at the property, and she displayed the inspector's photographs and the clean-up video. She recommended that the assessment be approved with payments spread over 5 years.*
- In opposition:*  
*Appellant Ajah Peterson testified via an ASL interpreter. She said she had received the letter about the back yard but there was no mention of the bushes in the alley. She said she had called three times and not gotten a response, and she disagreed with the cost and the judgment.*
- Councilmember Bostrom moved to close the public hearing. Yeas - 7 Nays - 0*
- In response to a question from Councilmember Bostrom, Ms. Moermond's said there was a long history of complaints at the address. She referred to the summary abatement letter including instructions for clearing brush.*
- Councilmember Bostrom moved to adopt Ms. Moermond's recommendation.*
- Adopted (assessment approved and payments spread over five years)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 
- 50**     [RLH FCO 13-272](#)     Appeal of Jason Durand to a Fire Inspection Correction Notice at 671 BLAIR AVENUE. (Public hearing continued from February 5)
- Legislative Hearing Officer Marcia Moermond said two of the three appealed items were addressed in the resolution, and the third item, which had to do with a sinking porch, was not an immediate concern. She recommending granting the appeal and directing the Department of Safety and Inspections to re-examine the matter in a year.*
- No one appeared in opposition; Councilmember Thao moved to close the public hearing and grant the appeal.*
- Adopted as amended (appeal on the porch foundation granted for one year)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert
- Nay:** 0



**74**     [RLH VO 14-5](#)

Appeal of James Bartholow to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 328-330 NINTH STREET EAST.  
(Public hearing continued from March 5)

*Legislative Hearing Officer Marcia Moermond gave a staff report on both Items 74 and 75. She said the process had begun with a Certificate of Occupancy inspection a year ago, and due to a lack of progress including an increase in life safety and habitability issues, the DSI strategy had changed to condemnation and revocation. She said there'd recently been activity in terms of permits being pulled, and she would like to lay the matter over for two weeks and have a Legislative Hearing at 5:00 p.m. on the following Tuesday.*

*Councilmember Thune asked Ms. Moermond what she would require before the issue could be resolved. Ms. Moermond said she would like to see a detailed work plan, including a plan to prioritize life-safety versus long term maintenance items so there could be re-occupancy if progress was being made. She said her hope was to be able to review a first work plan at the Tuesday hearing.*

*In opposition:*

*Jim Bartholow, newly elected president of Shurmeier Lofts Homeowners' Association, distributed photographs of the buildings. He said they were working very hard to address life safety and fire protection issues, and were on track to meet the inspector's February 28 deadline. He said there were deferred maintenance issues to be addressed, but it was not a nuisance property in terms of police activity. He asked that they be able to occupy as of March 3 if life safety and fire protection issues were addressed, and said the loss of income due to the inability to occupy the building made it difficult to address plumbing and mechanical issues. He said the owners were committed to working together to come into compliance, and to staying in the building.*

*Julie Nelsen (330 9th Street E., 202E), owner at Shurmeier Lofts, said they were in stages of disarray and challenge but were working together to address the issues. She said there were challenges presented by working with 14 owners, but progress was being made and they would like the opportunity to continue to move forward.*

*Ken Kolberg (330 9th Street E., 107), long term owner/resident, said he was seeing a lot of work being done.*

*Catherine Grimshaw (328 9th Street E., 202W), owner occupant, said hard work had been done recently, and there was a spirit of wishing to comply.*

*Councilmember Thune moved to continue the public hearing for two weeks.*

**Referred to Legislative Hearings on February 25; Council public hearing continued to March 5**

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

**Nay:** 0

- 75     [RLH VO 14-6](#)     Appeal of William Bigler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 328-330 NINTH STREET EAST.  
(Public hearing continued from March 5)

*(See minutes for Item 74)*

*No one appeared in opposition; Councilmember Thune moved to continue the public hearing for two weeks.*

**Referred to Legislative Hearings on February 25; Council public hearing continued to March 5**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, 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 (Items 46 - 92)**

*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, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

**Nay:** 0

- 46     [RLH FCO 14-12](#)     Appeal of Ray Moore to a Correction Notice-Complaint Inspection at 1258 ALBEMARLE STREET.

**Adopted**

- 48     [RLH TA 14-41](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 89 ATWATER STREET.

**Adopted**

- 49     [RLH TA 14-42](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 942 BEECH STREET.

**Adopted**

- 51     [RLH TA 14-12](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 2340 BUFORD AVENUE.  
**Adopted**
- 52     [RLH TA 14-43](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 1134 BUSH AVENUE.  
**Adopted**
- 53     [RLH TA 14-11](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 91 COOK AVENUE WEST.  
**Adopted**
- 54     [RLH TA 14-13](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 581 COOK AVENUE EAST.  
**Adopted**
- 55     [RLH RR 14-2](#)     Ordering the rehabilitation or razing and removal of the structures at 349 CURTICE STREET EAST within one hundred eighty (180) days after the February 19, 2014, City Council Public Hearing. (Public hearing continued from March 5)  
**Referred to Legislative Hearings on February 25; Council public hearing continued to March 5**
- 56     [RLH TA 14-10](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 941 CYPRESS STREET. (Amended to Project No. J1404A4, Assessment No. 148523) (Public hearing continued from February 19)  
**Public hearing continued to March 5**
- 57     [RLH TA 14-14](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 1141 DALE STREET.  
**Adopted**
- 58     [RLH TA 14-15](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 291 EDMUND AVENUE.  
**Adopted**

- 59     [RLH TA 14-38](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1404, Assessment No. 148803 at 406 EDMUND AVENUE.  
**Adopted**
- 60     [RLH TA 14-9](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 466 EDMUND AVENUE.  
**Adopted**
- 61     [RLH TA 13-706](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 521 EDMUND AVENUE. (Public hearing continued from January 15)  
**Adopted**
- 62     [RLH TA 14-16](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 1004 EUCLID STREET.  
**Adopted**
- 63     [RLH TA 14-8](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 878 FREMONT AVENUE.  
**Adopted**
- 64     [RLH TA 14-21](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1404, Assessment No. 148803 at 99 GERANIUM AVENUE WEST.  
**Adopted**
- 65     [RLH TA 14-19](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 226 GROTTA STREET NORTH.  
**Adopted**
- 66     [RLH TA 14-39](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1404, Assessment No. 148803 at 732 JESSAMINE AVENUE EAST.  
**Adopted**
- 67     [RLH TA 14-4](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404G, Assessment No. 148703 at 1171 LAWSON AVENUE EAST.  
**Adopted**

- 68     [RLH TA 14-45](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 609 MAGNOLIA AVENUE EAST.  
**Adopted**
- 69     [RLH TA 14-6](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 1152 MARION STREET. (Amended to Project No. J1404A3, Assessment No. 148520)  
**Public hearing continued to May 21**
- 70     [RLH TA 14-44](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 817 MARSHALL AVENUE.  
**Adopted**
- 71     [RLH TA 14-52](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 515-517 MINNEHAHA AVENUE EAST.  
**Adopted**
- 72     [RLH TA 14-17](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 955 MINNEHAHA AVENUE WEST.  
**Adopted**
- 73     [RLH TA 14-57](#)     Amending Council File RLH AR 13-113 to delete the assessment for Collection of Certificate of Occupancy Fees billed July 4 to August 1, 2013 at 1627 MINNEHAHA AVENUE EAST. (File No. CRT1403, Assessment No. 148202)  
**Adopted**
- 76     [RLH TA 14-80](#)     Amending Council Files RLH AR 13-105 and RLH TA 13-670 to delete the assessment for Excessive Use of Inspection Services billed April 8 to July 26, 2013 at 1745 REANEY AVENUE. (File No. J1401E, Assessment No. 148300)  
**Adopted**
- 77     [RLH VBR 14-6](#)     Appeal of Cheryl Hilyar, on behalf of John Barrett, to a Vacant Building Registration Notice at 1104 RICE STREET.  
**Adopted**

- 78     [RLH TA 14-5](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1404, Assessment No. 148803 at 1166 ROSS AVENUE.  
**Adopted**
- 79     [RLH RR 14-3](#)     Granting an extension for the rehabilitation or razing and removal of 1649 ROSS AVENUE. (Public hearing continued from February 5)  
**Adopted**
- 80     [RLH TA 14-40](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1404, Assessment No. 148803 at 1204 SEVENTH STREET EAST.  
**Adopted**
- 81     [RLH TA 14-23](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 419 SHERBURNE AVENUE.  
**Adopted**
- 82     [RLH TA 14-24](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 1021 SIMS AVENUE.  
**Adopted**
- 83     [RLH TA 14-18](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 678 THOMAS AVENUE.  
**Adopted**
- 84     [RLH TA 14-7](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 767 UNIVERSITY AVENUE WEST.  
**Adopted**
- 85     [RLH TA 14-58](#)     Amending Council File RLH AR 13-88 to delete the assessment for Graffiti Removal Services from April 22 to July 10, 2013 at 2446 UNIVERSITY AVENUE WEST. (File No. J1401P, Assessment No. 148400)  
**Adopted**
- 86     [RLH TA 14-22](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 699 VAN BUREN AVENUE.  
**Adopted**

- 87     [RLH FCO  
13-256](#)     Appeal of Gary T Walker to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1011 VICTORIA STREET NORTH.  
**Adopted**
- 88     [RLH TA 14-73](#)     Amending Council File RLH AR 13-100 to delete the assessment for Collection of Vacant Building Fees billed January 7 to June 21, 2013 at 1225 WESTMINSTER STREET. (File No. VB1402, Assessment No. 148801)  
**Adopted**
- 89     [RLH AR 13-127](#)     Ratifying the assessments for Collection of Vacant Building Fees billed September 10, 2012 to August 21, 2013. (File No. VB1404, Assessment No. 148803)  
**Adopted**
- 90     [RLH AR 13-128](#)     Ratifying the assessments for Property Clean Up services from October 2 to 31, 2013. (File No. J1404A, Assessment No. 148503)  
**Adopted as amended (1248 Arcade Street removed from the assessment roll for separate consideration)**
- 91     [RLH AR 13-129](#)     Ratifying the assessments for Trash Hauling services from October 3 to 30, 2013. (File No. J1404G, Assessment No. 148703)  
**Adopted**
- 92     [RLH AR 13-130](#)     Ratifying the assessments for Graffiti Removal services from October 8 to 12, 2013. (File No. J1404P, Assessment No. 148403)  
**Adopted**

**ADJOURNMENT**

*Councilmember Brendmoen moved adjournment.*

**Meeting adjourned at 7:30 p.m.**

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

**Nay:**   0

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