



City of Saint Paul

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

Minutes - Final City Council

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

Wednesday, January 19, 2011

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Council President Lantry called the meeting to order at 3:30 p.m.

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

Absent 1 - Councilmember Pat Harris

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 11-1** Authorizing Library officials to hold Customer Service and Staff Days for training and recognition.
- 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 and considered separately.

Approval of the Consent Agenda

Councilmember Stark moved approval of the Consent Agenda.

Consent agenda adopted.

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

Nay: 0

Absent: 1 - Councilmember Harris

- 2 **RES 11-61** Creating the rate of pay for the new classification of Digital Services Coordinator in Employee Group 06, PEA, Grade 014.

Sponsors: Lantry

Adopted

- 3 **RES 11-113** Approving the Collective Bargaining Agreement between the City of Saint Paul and AFSCME Local 3757 - Legal (January 1, 2011 through December 31, 2012) (Laid over from January 19 for adoption.)

Sponsors: Lantry

Laid over to January 26 for adoption

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

Nay: 0

Absent: 1 - Councilmember Harris

- 4 **RES 11-116** Accepting the gift from Springboard for the Arts, of an all travel expenses paid trip including airfare, lodging and meals on behalf of the City of Saint Paul so Joe Spencer may attend The EmcArts program retreat.

Sponsors: Lantry

Adopted

- 5 **RES 10-1080** Memorializing City Council action taken October 6, 2010 for properties at 1964 Marshall Avenue, 929 Seventh Street West, 482 Lawson Avenue West, 517 Asbury Street, 1548 Ashland Avenue, 224 Avon Street North, 1240 Churchill Street, 766 Forster Street, 585 Jefferson Avenue, 559 McKnight Road South, 1657 Minnehaha Avenue, 234 Mississippi River Blvd North, 518 Van Buren Avenue, and 68 Jessamine Avenue West.

Sponsors: Lantry

Adopted

- 6 **RES 10-1190** Memorializing City Council action taken October 20, 2010 for properties at 906 Charles Avenue, 699 Arcade Street, 880 Clark Street, 2244 Dellridge Avenue, 934 Juno Avenue, 638-640 Oakdale Avenue, and 737-739 Stewart Avenue.

Sponsors: Lantry

Adopted

- 7 **RES 11-30** Memorializing City Council action taken December 1, 2010 denying the appeal for property at 274 Sidney Street East.

Sponsors: Thune

Adopted

- 8 **RES 11-31** Memorializing City Council action taken December 15, 2010 for properties at 911 Dale Street Noth, 513 Van Buren Avenue, 852 Albemarle Street, 211 Kim Place, and 642 White Bear Avenue North.
- Sponsors:** Lantry
- Adopted**
- 9 **RES 11-67** Memorializing City Council action taken on December 15, 2010 to adopt the decision and reasoning set forth in Planning Commission Resolution No. 10-76 and deny the appeal by Wilkerson & Hegna, PLLP - Kyle Hegna, Esq. on behalf of the property owner 2446 University Avenue, LLC.
- Sponsors:** Stark
- Adopted**
- 10 **RES 11-59** Authorizing the Fire Department to accept a donation of \$400.00 from the Residential Mortgage Group (RMG) Inc.
- Sponsors:** Lantry
- Adopted**
- 11 **RES 11-62** Authorizing the Fire Department to accept a contribution of \$112,500.00 from the Capitol Region Watershed District for the green roof at the William and Alfred Godette Memorial Building.
- Sponsors:** Lantry
- Adopted**
- 12 **RES 11-64** Authorizing the Fire Department to enter into a lease agreement with Child Passenger Safety Associates Inc. for use of the department's training facility for child passenger safety training.
- Sponsors:** Lantry
- Adopted**
- 13 **RES 10-1600** Authorizing the Police Department to enter into an agreement with Independent School District 625 to allow Police Department staff to teach a Saint Paul Connections class related to careers in law.
- Sponsors:** Lantry
- Adopted**

- 14 **RES 10-1644** Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add a Bowling Center license and extend the On Sale Wine and On Sale Malt (Strong) (i.e., beer) service area into the existing bowling alley space, which is located in the basement of the building, for an existing business currently having the following licenses: Restaurant (4) - 51-150 Seats, Wine On Sale, Malt On Sale (Strong), liquor On Sale - 2 AM Closing, and Malt Off Sale, for Petom Inc. (I.D. #20000004587), doing business as The Nook, at 492 Hamline Avenue South.

Sponsors: Harris

Adopted

- 15 **RES 10-1643** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Entertainment (B), and Restaurant (L) - Limited licenses, for Checker Bar Inc. (I.D. #20100003374), doing business as Checker Bar, at 992 Arcade Street.

Sponsors: Bostrom

Adopted

- 16 **RES 11-22** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for a Second Hand Dealer - Motor Vehicle License for Best Buy Auto Sales LLC, d/b/a Best Buy Auto Sales (ID #20100004369) at 1414 Arcade Street.

Sponsors: Bostrom

Adopted

- 17 **RES 10-1413** Approving assessment for providing weekly garbage hauling on private property during the time period of October 06, to October 27, 2010. File No. J1104G, and setting date of Legislative Hearing for January 18, 2011 and City Council public hearing for February 02, 2011.

Sponsors: Lantry

Adopted

- 18 **RES 11-54** Approving assessment for providing Vacant Building services, and setting date of Legislative Hearing for February 15, 2011 and City Council Public Hearing for March 02, 2011 to consider and levy the assessments against individual properties. (File No. VB1104)

Sponsors: Lantry

Adopted

- 19 **RES 11-68** Approving assessment for providing Certificate of Occupancy services, and setting date of Legislative Hearing for February 15, 2011 and City Council Public Hearing for March 02, 2011 to consider and levy the assessments against individual properties. (File No. CRT1103)

Sponsors: Lantry

Adopted

Absent: 1 - Councilmember Harris

- 25 **Ord 11-5** An interim ordinance preserving the status quo of land uses in the District 9 Planning Area.

Sponsors: Thune

Laid Over to February 2 for Third Reading/Public Hearing

First Reading

- 26 **Ord 11-6** Amending Chapter 160.04 Of The Saint Paul Legislative Code To Update References.

Sponsors: Lantry

Laid over to January 26 for second reading

- 27 **Ord 11-7** Amending Chapter 167.01 of the Saint Paul Legislative Code to update references.

Sponsors: Lantry

Laid over to January 26 for second reading

The meeting was recessed at 3:32 p.m. and resumed for public hearings at 5:30 p.m.

PUBLIC HEARINGS

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

Absent 1 - Councilmember Pat Harris

- 28 **Ord 10-60** An Ordinance creating election rules for municipal elections under ranked voting.

Sponsors: Stark

Councilmember Stark moved to introduce an amended ordinance with changes that are primarily the elimination of some obsolete definitions and nothing of substance which changes what is being proposed.

No one appeared in opposition.

Appearing in support were:

Ellen Brown, 874 Fairmount, Coordinator of the Saint Paul Better Ballot Campaign which worked to get instant runoff voting adopted in Saint Paul, and a board member of Fair Vote Minnesota. She thanked Councilmembers Stark and Carter for their leadership on this important issue. They were pleased with the ordinance Stark introduced the previous week and Ms. Brown said they have not had a chance to review in detail the latest amendments. They felt the initial ordinance struck a good

balance between being consistent with national standards in the use of terminology and the way things are done in other communities that use ranked-choice voting and very respectful of the local processes and specifics that needed to be addressed - a good blend of the two. They were pleased to see a compromise reached on how many rankings to have. They ultimately would like to have however many candidates there are to be allowed to be ranked for a particular office but, in light of the restrictions of machines not being able to count everyone, that limiting it to six is acceptable. She said it is important that voters understand this is one election and not two; one election that has multiple rankings within it, not one election, and other election which is the runoff election. What they see as being critically important going forward is the design of the ballot and voter education. She said they stand ready to help the city and the elections office with any issues. Ms. Brown thanked Jerry Hendrickson for his help on the ordinance.

Chuck Repke, 154 W. Winifred, Chair of the No Bad Ballots Campaign, thanked Councilmember Stark for his work with the ordinance. He said he hopes they get the best ranked-choice voting system although he will always oppose this type of voting as he does not feel it's a good system. His concern and the changes that Stark has made is in 31.03 Ballots and the Ballot Format. There was a change made that crossed out the language: "Ballot must allow as many rankings as practical within the constraints of the voting machine and the capacity of the county to hand count the choices beyond the first choice." Their feeling was that that piece of language, though it may sound somewhat redundant, was encouraging the county to not stop at six if it could go beyond six. Even though the county is saying that six appears to be the most practical way to do it, they would like language to be in the ordinance in case they would be able to go more than that, if there are seven candidates and a way is found to fit them in all seven could be put in the rankings. Mr. Repke said he would back any efforts the Council makes to assist in doing community education about ranked-choice voting. It's the one thing that will make this work or fail.

Carl (Buz) Cummins, Mendota Heights, MN, newly elected chair of Fair Vote Minnesota, commended the Council for its efforts to bring ranked-choice voting to fruition in St. Paul and said they appreciate the Council's efforts to move it forward. He also encouraged the Council to see that voters are educated so the election process can be a successful one. Their organization did extensive work in Minneapolis when they had their first ranked-choice elections last year and Mr. Cummins said they welcome the opportunity to work with the city and would also welcome the opportunity to contract with the city to provide education services.

Kathleen Murphy, 555 Selby Avenue, said she was present to talk about ballot design and that it be professionally designed. Minneapolis had someone pro-bono come in to work on the ballot design so it was as clear as possible and that there are visuals on it because many people do not read and just assume they understand what they are doing, and also for English as a second language voters to have a visual for clarity in voting. She said she would encourage the board to be the final approval of that. She further suggested that the ballot design be established no later than 14 days from the first day to file for candidacy.

Jim Ivey, 300 Wall Street, Politics Chair for the Green Party of Minnesota, thanked the City Council for their work on this. They would like to see the terminology and the ballot design finalized as soon as possible. In particular, they would like to see the terminology finalized so they can start voter education both as a political party and as a community organization.

Jeanne Massey, Minneapolis resident, Executive Director of Fair Vote Minnesota, thanked the efforts of Councilmember Stark in getting the proposal moving forward

and the implementation process started as well as all the Councilmembers' attention to this important issue. The amendments to what was proposed earlier in the week are new so she would like time to review them and get back to the Council with any feedback. She wants the ordinance to read and capture the essence of this new voting system as one package.

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

Amended and laid over to January 26 for final adoption.

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

Nay: 0

Absent: 1 - Councilmember Harris

- 29 RES 10-1611** Expanding Residential Permit Parking Area 22 to include the south side of Grand Avenue in front of 2076, 2080 and 2084 Grand Avenue.

Sponsors: Stark

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 30 RES 10-1619** Expanding Residential Permit Parking Area 3 to include Chatsworth Street North between Summit and Portland Avenues.

Sponsors: Carter III

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

Adopted

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

Nay: 0

Absent: 2 - Councilmember Harris and Councilmember Stark

- 31 RES 11-50** Granting approval to submit grants for Clean Water, Land and Legacy Amendment funds through the Parks and Trails program.

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 2 - Councilmember Harris and Councilmember Stark

32 RES 11-53

Approving the application of Saint Paul Festival and Heritage Foundation for a sound level variance in order to present amplified music, with limitations, Between 9:00 a.m. and 9:00 p.m., in Rice Park from January 27 through February 6, 2011 during the Saint Paul Winter Carnival.

Sponsors: Thune

Bill Gunter, Department of Safety and Inspections, appeared and said this is an application for a Winter Carnival event. There is a listing of several different entertainment times. It was simplified and all times were set for 9 a.m. to 9 p.m. For the majority of this time, there will not be any music. Two negative comments were received: one from the Ordway and a Helen Houle who lives in Landmark Towers.

Kevin Ramach, Production Director for Minnesota Oprah, appeared. He expressed concern about the impact this may have on their performances. They are specifically concerned about January 29 when they have a performance at 7:30 p.m. Based on the times they've been given for the Festival and Heritage Foundation events, that appears to be the only one where there would be overlapping events. There may be some conflict with the sound and their performance. They previously moved a couple of other performances to avoid issues with the parade and fireworks.

Councilmember Thune told Mr. Ramach to continue to talk with carnival officials and Environmental Health staff to work out an agreement.

Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas – 6 Nays – 0

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

LEGISLATIVE PUBLIC HEARINGS

33 RES 11-29

Ratifying assessments for demolition of the vacant buildings at 770 BUSH AVENUE [RE Project #J1104C].

Sponsors: Bostrom

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 34 RES 11-126** Ratifying property clean-up assessments for work done on private property from September 20 to September 29, 2010 [RE Project #J1106A].

Sponsors: Bostrom

Marcia Moermond, Legislative Hearing Officer, requested the resolution be amended to lay over 2044 Reaney Avenue to the February 1 Legislative Hearings and February 16 City Council public hearings.

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

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

- 35 RES 11-21** Ratifying excessive consumption fees assessments for inspections of private properties from July 12 to August 6, 2010 [RE Project #J1102E].

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 36 RES 11-127** Ratifying assessment for emergency property clean-up on private property at 559 MCKNIGHT ROAD SOUTH on September 2010 [RE Project #J1105A]. (To be laid over to October 5, 2011)

Sponsors: Lantry

No one appeared in opposition; Council President Lantry moved to continue the public hearing to October 5, 2011.

Public hearing continued to October 5, 2011.

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

Nay: 0

Absent: 1 - Councilmember Harris

37 RES 11-128 Ratifying vacant building fee assessments for fees re invoiced in August 2010 [RE Project #VB1101].

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

38 RES 11-129 Ratifying Certificate of Occupancy fees assessments, for fees re invoiced in August 2010 [RE Project #CRT1101].

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

39 RES 11-131 Ratifying assessments for providing garbage hauling on private property in September 2010 [RE Project #J1103G].

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 40 RES 11-132** Ratifying assessments for graffiti removal on private property from August 15 to September 9, 2010 [RE Project #J1105P].
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris
- 41 RES 11-27** Ratifying assessments for demolition of vacant buildings in August 2010 [RE Project #J1101C].
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Stark moved to close the public hearing and approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris
- 42 RES 10-920** Ratifying vacant building fee assessment for fees reinvoiced in June 2010 for 1368 MARION AVENUE. [VB1006A, 108990] (laid over from September 15, 2010 for separate consideration)
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark
- Nay:** 0
- Absent:** 1 - Councilmember Harris
- 43 RES 11-19** Ratifying assessments for graffiti removal on private property from August 26, 2010 to September 3, 2010 [RE Project #J1104P].
- Sponsors:** Lantry
- No one appeared in opposition; Councilmember Stark moved to close the public*

hearing and approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 44 RES 11-24** Ratifying assessments for diseased and/or dangerous tree removal in September 2010 [RE Project #1102T].

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 45 RES 11-26** Ratifying assessments for towing of abandoned vehicles from private property in June and July 2010 [RE Project #J1101V].

Sponsors: Lantry

Marcia Moermond, Legislative Hearing Officer, requested the assessment for 1767 Thomas Avenue be deleted. The vehicle was towed from private property and there were two separate notices on the vehicle. One notice was sent from the Fire Certificate of Occupancy program granting until early July to remove the vehicle, and a separate vehicle abatement order was sent from Code Enforcement giving a one week deadline which preceded the fire deadline. It would be reasonable that the owner would expect a different time period to come into compliance.

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

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Harris

- 46 RES 11-28** Ratifying assessments for demolition of vacant buildings with non-CDBG fund in August 2010 [RE Project #J1102C].

Sponsors: Lantry

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 47 RES 10-1336** Ordering the rehabilitation or razing and removal of the structures at 557-559 ELFELT ST within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

Sponsors: Carter III

Legislative Hearing Officer Marcia Moermond stated this matter had been laid over two weeks in order allow the Ward 1 office to contact Project for Pride in Living to see if they wanted to acquire this property through the HRA for development as rental property. She received no follow-up information and assumes there was not a positive response so she recommended removal.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Harris

- 48 ALH 10-114** Appeal of William Wengler to a Fire Certificate of Occupancy Correction Notice at 857 GRAND AVENUE.

Sponsors: Thune

Legislative Hearing Officer Marcia Moermond requested the public hearing be continued to February 16, 2011 so the appellant can obtain more estimates for doing the repairs.

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

Public hearing continued to February 16

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

Nay: 0

Absent: 1 - Councilmember Harris

49 ALH 10-557 Appeal of Greg Ryan to a Code Compliance Report at 1644 BUSH AVENUE.

Sponsors: Lantry

Marcia Moermond, Legislative Hearing Officer, said she thinks what underlies this appeal does not have to do with the code compliance report per se but rather a requirement that one be done to begin with. When a building has been condemned, it is first sent to the Registered Vacant Building Program if it continues to be unoccupied and that's what happened in this case. It is then automatically a Category II Vacant Building. This building was condemned primarily because of a lack of water service but there was not an interior inspection report that went with it. Once there is a Registered Category II Vacant Building, the requirement is that it be brought completely up to code according to Chapters 33 and 43 of the Legislative Code.

The property owner applied for the code compliance inspection, received it, and appealed. It is not an appeal on the condemnation or the vacant building registration or the fee for that as those have been paid. The issue is the code compliance inspection itself.

John Shoemaker, attorney for Greg Ryan, appeared. He distributed a packet of city documents and also documents from Mr. Ryan to Ms. Moermond. He said the appeal is to the code enforcement actions on Mr. Ryan's Section 8 property in September 2010. Council President Lantry told Mr. Shoemaker that the material he distributed was too large for the Councilmembers to review at the meeting and she asked if there was anything new in the material. Mr. Shoemaker noted his four-page letter and a two-page addendum with a list of the documents. He briefly reviewed the new documents.

With respect to the certificate of occupancy, Mr. Shoemaker said DSI granted it, through the fire inspection program, on June 30, 2010. There was a series of letters to Mr. Ryan in September.

Council President Lantry told Mr. Shoemaker that the only thing before the City Council is the appeal of the code compliance list prepared by the inspectors as to what needs to be done at the property before it can be re-occupied. The Council needs to hear is why he feels the items that are required to be fixed do not have to be done.

Mr. Shoemaker said Mr. Ryan's appeal challenges the revocation of the C of O, the condemnation, the vacant building designation and continued status, the code compliance certification process as a mandatory process for his Section 8 property. Also, the notices of September 2, 8 and 13, 2010 as to the deficiencies and conflicting statements within the three letters referred to in the addendum as not notifying him that this property, which had a C of O in June 2010, would be taken off line and subject to a punitive, expensive program of vacant building code compliance inspection when all it was was that the tenant didn't pay the water for the third time.

Mr. Shoemaker referred to Exhibit No. 1 in the addendum to his letter of this date which is Mr. Hedquist's ten-page report where he takes point-by-point Mr. Seeger's December 7, 2010 code compliance inspection report. He pointed out the last page of the report which says what Mr. Hedquist believes has to be done on the property but he suggests that there is nothing on the property that would preclude it from being occupied immediately. He says many of the items he sees on the December 7, 2010 code compliance reports are either inapplicable or there has been a statement, for example, by the electrical official, about certain conditions on the property that aren't

actually there. He suggested that in the next couple of days, Mr. Seeger and Mr. Hedquist, working with Ms. Moermond, go to the property and go through the code compliance inspection report and determine what has to happen with the property to get it back on line.

Council President Lantry moved to close the public hearing. Yea - 5 Nay - 0

Council President Lantry moved to lay this item over for two weeks. The material that was submitted at this time requires a thorough review, she said.

Ms. Lantry told Mr. Shoemaker and Mr. Ryan that this property was listed as a vacant building as of September 15, 2010. The matter was scheduled to be heard on January 5, 2011 so the delays have not come from the city. When the code compliance was requested, it took place within a week. Mr. Ryan could have called for a code compliance much earlier and work could have begun. She said it was unreasonable to think that Mr. Seeger could go to the property in the next couple of days.

Laid Over to February 2

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

Nay: 0

Absent: 1 - Councilmember Harris

ADJOURNMENT

Councilmember Thune moved to adjourn the meeting. Adjourned at 6:15 p.m.

Adjourned

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

Nay: 0

Absent: 1 - Councilmember Harris

Council Meeting Information

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