



**SUMMARY MINUTES OF THE
SAINT PAUL CITY COUNCIL
Wednesday, October 20, 2010 - 3:30 p.m.**

PUBLIC HEARINGS - 5:30 P.M.

**CITY COUNCIL CHAMBERS, 3RD FLOOR
City Hall and Court House
15 West Kellogg Boulevard**

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.stpaul.gov/council and click on Watch the Live Webcast.

The meeting was called to order by Council President Lantry at 3:30 pm.

Present – 5 – Bostrom, Carter, Harris, Helgen, Lantry

Absent – 2 – Stark, Thune (both excused)

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Administrative Order:
D002820 Authorizing an in-house training session combined with the annual staff recognition event funded with monies from the Perrie Jones Library fund.

CONSENT AGENDA (Items 2 - 11)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Item 3 was removed from the Consent Agenda for separate consideration.

Councilmember Bostrom moved approval of the Consent Agenda as amended.

2. Approval of minutes of August 4 and 11, 2010.
Adopted Yeas – 5 Nays – 0
3. Resolution – 10-1167 – Declaring October 22 and 23, 2010 as *Major General Larry and Evonne Shellito Days* in the City of Saint Paul.

Councilmember Harris read the resolution and moved approval.

Adopted Yeas – 5 Nays – 0

4. Resolution – 10-1168 – Declaring the week of October 25 to 29, 2010 to be *Minnesota Manufacturer's Week* in the City of Saint Paul.

Adopted Yeas – 5 Nays – 0

5. Resolution – 10-1169 – Authorizing the Department of Parks and Recreation to enter into a one-year agreement with the Regents of the University of Minnesota through the College of Veterinary Medicine on behalf of Como Park Zoo and Conservatory.

Adopted Yeas – 5 Nays – 0

6. Resolution – 10-1170 – Authorizing the Fire Department to accept a donation of \$500.00 from the Residential Mortgage Group (RMG), Inc. to continue to support public safety services and community education events provided to the citizens of Saint Paul.

Adopted Yeas – 5 Nays – 0

7. Resolution – 10-1171 – Approving adverse action against all license held by Axmed S.Cali, d/b/a Lounge 280, 2418 University Avenue.

Adopted Yeas – 5 Nays – 0

8. Resolution – 10-1172 – Approving adverse action against all licenses held by Deborah J. Neville, d/b/a Neville's Bar & Grill, 1905 Stillwater Avenue.

Adopted Yeas – 5 Nays – 0

9. Resolution – 10-1173 – Approving and certifying the decisions of the Legislative Hearing Officer for appeals of correction orders, deficiency lists, and egress window variances for cases heard on July 20, 2010 and July 27, 2010 and not scheduled for separate Council consideration.

Adopted Yeas – 5 Nays – 0

10. Resolution – 10-1174 – Approving and certifying the decisions of the Legislative Hearing Officer for appeals of correction orders, deficiency lists, and egress window variances for cases heard in August 2010 and not scheduled for separate Council consideration.

Adopted Yeas – 5 Nays – 0

FOR DISCUSSION

11. Appeal of Ronald Staeheli to a Summary Abatement Order for property at 906 Charles Avenue. [Public hearing held and laid over from October 6] (Legislative Hearing Officer recommends denying the appeal)

Councilmember Carter moved to grant the appeal on the condition that the Certificate of Occupancy was reinstated.

Appeal granted with conditions (Certificate of Occupancy with deficiencies to be issued by DSI)
Yeas – 5 Nays – 0

ORDINANCES

NOTE: 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.

12. Third Reading – 10-1119 – An ordinance memorializing City Council action granting the application of Zamzam, Inc. to rezone property from RM1 Low-Density Multiple-Family Residential to B1 Local Business at 1555 Maryland Avenue East, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to zoning. [ZF 10-603-211] [Public hearing held September 15, 2010]
Laid over to October 27 for final adoption

The meeting was recessed at 3:38 p.m. and reconvened for public hearings at 5:32 p.m.

Present – 4 – Bostrom, Carter, Helgen, Lantry

Absent – 3 – Harris (arrived after Item 13), Helgen and Thune (both excused)

PUBLIC HEARINGS

13. Third Reading – 10-1096 – An ordinance adopting the Geographic Information Systems (GIS) based zoning map as the official zoning map.
No one appeared in opposition; Councilmember Helgen moved to close the public hearing. Yeas – 4 Nays – 0 (Harris not present for vote)
Laid over to October 27 for final adoption

14. Third Reading – 10-1117 – An ordinance amending Chapter 43.04 of the Saint Paul Legislative Code to correct Reference Citations.
No one appeared in opposition; Councilmember Harris moved to close the public hearing. Yeas – 5 Nays – 0
Laid over to October 27 for final adoption
15. Third Reading – 10-1118 – An ordinance amending Chapters 65 and 66 of the Saint Paul Legislative Code regarding currency exchanges and alternative financial establishments.

The following appeared in opposition:

Mohsen Aghamirzai, (745 S. Robert Street) said he felt the definition of alternative financial establishment was too broad. He said his business was strictly auto sales financing and already subject to government regulation; he asked the Council to explicitly exclude businesses such as his from the ordinance.

Councilmember Harris moved to close the public hearing.

Yeas – 4 Nays – 0 (Bostrom not present for vote)

Laid over to October 27 for final adoption

Councilmember Harris said Mr. Aghamirzai's request wasn't unreasonable as it related to auto financing as a single source of business. He asked that staff look at a definition that would address the concerns without providing an opening for businesses that offered other services.

Council President Lantry noted that the ordinance was the result of a moratorium and the Planning Commission had spent a lot of time studying the issue.

Patricia James, Planning and Economic Development, said auto financing businesses had initially been included in the ordinance and weren't any longer, but were not explicitly excluded.

Councilmember Carter asked whether there was a reason auto financing businesses weren't specifically excluded. Ms. James said they had been removed but it hadn't occurred to staff that the businesses should be specifically excluded.

Council President Lantry said utilizing the normal appeal process if the issue arose in the future was better than writing in exclusions and opening up possible loopholes. Councilmember Helgen agreed.

Councilmember Harris said he wasn't going to belabor the point but felt explicitly excluding the auto financing businesses was a better means for addressing the issue.

16. Resolution – 10-1175 – Approving the application of Kerry Spolum D’Amato for a sound level variance in order to provided amplified music in a tent on the street at 514 Grand Hill during a birthday/block party from 7:00 p.m. to 11:00 p.m. on October 23, 2010. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0
17. Resolution – 10-1176 – Amending the CIB budget in the Department of Parks and Recreation and establishing a Financing and Spending Plan for a donation received from the Saint Paul Foundation in the amount of \$9,000 for the care and upkeep of Swede Hollow Park. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0
18. Resolution – 10-1177 – Amending the budget in the Police Department by establishing a Financing and Spending Plan for the 2010 Human Trafficking Force grant received in the amount of \$58,360.00. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0
19. Resolution – 10-1178 – Amending the budget in the Department of Planning and Economic Development by establishing a Financing and Spending Plan for a contamination cleanup grant received from the Metropolitan Council in the amount of \$84,200 for the Renaissance Box site. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0
20. Resolution – 10-1179 – Approving the spending plan proposed by the Port Authority of the City of Saint Paul relating to tax increment balances in Westminster and Energy Lane Tax Increment Districts. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

Councilmember Helgen said staff did a good job of protecting the City’s interests and saving money.

21. Resolution – 10-1180 – Approving the petition of Macalester College to vacate part of the alley in Block 7, Macalester Park in order to make improvements including parking and landscaping.
No one appeared in opposition; Councilmember Harris moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0
22. Final Order – 10-1181 – In the matter of the Seventh Place Mall operation and maintenance costs for 2010.
No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0
23. Resolution Ratifying Assessment – 10-1182 – In the matter of the assessment of benefits, cost, and expenses for the Seventh Place Mall operation and maintenance costs for 2009.
No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0
24. Resolution Ratifying Assessment – 10-1183 – In the matter of improving the area referred to as the Front/Victoria Residential Street Vitality project by constructing bituminous surface streets with concrete curb and gutter, concrete driveway aprons and outwalks, boulevards landscaped with sod and trees, and a new lantern style lighting system and all other work necessary to complete the project surrounded by Jessamine Avenue on the north, Dale Street on the east, Atwater street on the south, and Lexington Parkway on the west.[19080]

Councilmember Helgen said he believed there was supposed to have been an amendment to reflect the fact that the project was going to be spread over two years and the properties assessed in the year the work was done. He asked for confirmation that the amendment had been made.

In opposition:

Colleen Casey (994 Como Place) said she hoped she would receive more information about spreading the assessment over the life of her mortgage, and expressed concern about the effects of increased nighttime lighting on circadian rhythms and on the environment.

Councilmember Helgen moved to close the public hearing and approve as amended.

Adopted as amended Yeas – 5 Nays – 0

25. Resolution Ratifying Assessment – 10-1184 – In the matter of improving the area referred to as Payne Avenue, from Whitall Street to Cook Avenue, by constructing a new concrete curb and walk, mill and overlay the existing pavement, a new twin-arm lantern style lighting system, and all other work necessary to complete the project. [19085]
Withdrawn
26. Resolution Ratifying Assessment – 10-1185 – In the matter of improving the area referred to as Phase I of the Davern/Jefferson Residential Street Vitality Project by constructing new bituminous surface streets with concrete curb and gutter, concrete driveway aprons and outwalks, boulevards landscaped with sod and trees, and a new lantern style lighting system, and all other work necessary to complete the project. [19079]
No one appeared in opposition; Councilmember Harris moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0
27. Public hearing to consider the appeal of CBS to a decision of the Board of Zoning Appeals denying the CBS appeal and upholding the Zoning Administrator's decision that the billboard at 0 Euclid Street (next to the utility tower at 260 Commercial Street) is a sign with dynamic display. [ZF 10-903398]

Yaya Diatta, Department of Safety and Inspections (DSI), gave a staff report. He said CBS had retrofitted the billboard with digital lottery numbers without a permit. He reviewed subsequent correspondence between DSI and CBS, and the appeal history.

John Bodger (4777 Shady Oak Road, Minnetonka, MN), CBS Outdoor, said the sign contained illuminated numbers owned by the Minnesota State Lottery, and the numbers remained constant all day and were updated once at midnight each night. He said the city code definition of sign referenced numerals but the definition of dynamic digital display did not. He stated that the sign used time and temperature equipment which was exempt from the dynamic display definition.

Councilmember Helgen moved to close the public hearing.
Yeas – 5 Nays – 0

Council President Lantry said the sign was clearly dynamic and she found no error in the decision of the Board of Zoning Appeals. She said the sign could still be used as long as CBS made the required buy down. She moved to deny the appeal and uphold the decision of the Zoning Administrator.

Councilmember Helgen said it was interesting that the sign used the same technology as time and temperature signs, and the display on the lottery sign differed only in content. He noted that the numerals took up only a small portion of the sign and were static and not distracting. Council President Lantry said most time and temperature displays were on business signs which were

subject to different regulations. She reiterated that the City did not prohibit dynamic display.

Councilmember Helgen asked whether the sign predated the ordinance. Council President Lantry said she didn't believe it did.

Councilmember Helgen asked for clarification of the language regarding the time and temperature exemption. Assistant City Attorney John Kelly read from the ordinance that the exemption applied to signs providing only time and/or temperature.

Motion of intent – Appeal denied Yeas – 5 Nays – 0

28. Public hearing to consider the appeal of Bill Bernier, property owner, to a decision of the Heritage Preservation Commission (HPC) denying a proposal to replace windows, front door, wood trim and siding, and install shutters at 280 Maple Street (Dayton's Bluff Historic District). The proposal was completed without HPC review or a building permit (After the fact Review). [File No. 10-040]

Christine Boulware, Planning and Economic Development, gave a staff report. She said work had been done without HPC approval and continued despite a stop work order. She reviewed the correspondence between the property owner and staff, and displayed photographs showing alteration of the window trim.

Councilmember Harris asked whether there had been a building permit. Ms. Boulware said there had not.

Appellant Bill Bernier (846 3rd Avenue S., S. St. Paul) submitted a petition showing no neighbors objected to the changes. He said he'd been unable to reach staff to get information about what work required permits, and had wanted to complete the work in a timely manner. He said he'd received compliments on his work on other properties from DSI staff. He said the house next door had vinyl siding, and the storm windows he'd replaced were painted aluminum. He said he'd invested a lot in the house; he provided photographs.

The following appeared in support of the appellant:

Ray Krueger (327 Maple Street) said he had lived in the neighborhood since 1972. He said he had supported the Historic Preservation proposal when it had come forward but now felt the requirements were cost-prohibitive and discouraged people from purchasing and rehabbing properties. He said he hoped the City would allow some latitude.

Council President Lantry moved to close the public hearing. Yeas – 5 Nays – 0

Council President Lantry said the building official had issued a stop work order because no permits had been pulled for the work on the house. She said the building permit clearly stated

that an HPC review was required, and she noted that the property owner hadn't appeared at the HPC public hearing. She said the City and HPC could provide latitude and make accommodations, but permits were required. She moved to deny the appeal and uphold the decision of the HPC.

Motion of intent – Appeal denied Yeas – 5 Nays – 0

29. Public hearing to consider the appeal of Wayne Lundeen, owner, to a decision of the Heritage Preservation Commission (HPC) denying the replacement of two turret windows, the alteration of the size and style of one window, and the addition of two new windows on the west elevation at 732 Margaret Street, Dayton's Bluff Historic District. (The HPC approved the replacement in-kind for eight windows and that part of the decision is not being appealed.) [HPC File 10-043]

Amy Spong, Planning and Economic Development (PED), gave a staff report. She said the proposal was to replace eleven attic windows and add two more. She said no one had appeared or submitted written testimony for the HPC public hearing, and the HPC had approved the in-kind replacement of eight of the eleven windows, denied replacement of three windows, and denied the addition of two. She said the main issue in question was a west-facing dormer/gable, and proposed alteration of the original window and trim. She read from the applicable guidelines and suggested options for adding two new windows that would preserve the trim features.

Council President Lantry said she had encouraged Mr. Lundeen and HPC staff to meet to try to resolve the issue but they had been unable to come to a resolution.

Appellant Wayne Lundeen distributed information, and acknowledged neighbors in attendance in support of his appeal. He described the proposed remodel and said he believed it preserved the character and aesthetic of the Queen Anne Victorian under HPC guidelines while allowing them to realize their dream of providing their family a teen-friendly space. He said he felt the HPC was interpreting their guidelines were too stringently to allow for reasonable new uses. He said the window in question was on a secondary level, and earlier surveys of the home had not listed it as a distinguishing characteristic. He noted that the same architectural element was present at the rear of the house, and said a neighboring house had a window of the style he was proposing. He reviewed his proposal for the turret windows and said he believed some basic agreement had been reached with the HPC on those.

The following appeared in support of the appellant:

Ray Mickow (739 Margaret Street) said the HPC was too strict and the regulations made it difficult for people trying to make changes to their homes.

Brad Perry (723 Margaret Street) said the important feature was that the property was owner-occupied. He said the family was obviously invested in the city and neighborhood.

Katie Mulinix (748 Margaret, #1) said she appreciated what the Lundeens were doing for their family.

The following appeared in opposition:

Robert Ferguson, HPC Commissioner, read from the HPC guidelines and said the HPC supported the project, but felt the goals of day lighting and energy efficiency could be achieved without compromising the intact historical fabric of the home.

Council President Lantry moved to close the public hearing. Yeas – 5 Nays – 0

Council President Lantry acknowledged the contribution of the Historic Preservation District to the unique character of Dayton's Bluff, and the importance on the HPC's advocacy role. She moved to grant the appeal on the dormer window and turret windows. She said the turret windows described by Mr. Lundeen met the intent of the historic guidelines, and the attic dormer/gable was on a secondary elevation and set back. She said all details that could be preserved over the current arched window should be repeated in the new window. She noted that the HPC had approved aluminum windows and there was flexibility in the HPC and guidelines.

Councilmember Harris noted that building permits were about the proper valuation of the improvement, as well as about safety, history and codes.

Motion of intent – Appeal granted Yeas – 5 Nays – 0

30. Resolution Ratifying Assessment – 10-1140 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 61 Cook Avenue West on June 23, 2010. [J1012A1] [Public hearing continued from October 6] (Legislative Hearing Officer's recommendation is forthcoming)

Legislative Hearing Officer Marcia Moermond said the property owner had not appeared for the Legislative Hearing; she recommended approval.

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

Adopted Yeas – 5 Nays – 0

31. Resolution Ratifying Assessment – 10-991 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 1136 Ross Avenue on May 6, 2010. [Public hearing continued from October 6] (Legislative Hearing Officer's recommendation is forthcoming)

Legislative Hearing Officer Marcia Moermond said the matter involved a \$566 clean-up assessment that had been referred back to Legislative Hearings by Council on September 1 so it could be considered in the context of other assessments. She said the appellant had wanted to

talk about a larger assessment ratified on August 4 for the demolition of the property. She said there was no dispute that the clean-up related to the \$566 assessment occurred. She said the materials provided by the attorney representing the property owner appeared to address the demolition; she provided copies for Council members. She reviewed past assessments against the property.

In opposition:

Kenneth Hertz (3853 Central Avenue N.E., Columbia Heights), attorney for property owner Draco Properties, said the Legislative Hearing had been about the demolition assessment. He asked that the Council re-open and hold the assessment in abeyance pending resolution of a lawsuit that had been filed addressing the unlawful razing of property.

Council President Lantry said the item before the Council was the \$566 clean-up assessment. Mr. Hertz said the \$566 wasn't discussed at the Legislative Hearing, no documentation had been provided, and he didn't know what it was for. He said the City razed the building without the authority to do so, and any pending assessments were charged improperly.

Council President Lantry said the question of whether the City performed the clean-up was unrelated to the demolition. Councilmember Helgen noted that line item costs for the \$566 assessment were clearly in the record.

Property owner Quint P. said he owned many units and had never had a problem with the City. He said Ms. Moermond was lying about the subject of the Legislative Hearing and he was going to get a transcript. He said he kept his properties above neighborhood standards. He said the assessment was wrong because it was removal of private property.

Mr. Hertz said the notice they had received and the discussion at the hearing addressed the \$27,000 demolition assessment. He said they weren't provided documentation that they were dealing with the \$566 assessment.

Councilmember Bostrom moved to close the public hearing and lay the matter over for one week to get a synopsis from the Legislative Hearing Officer and City Attorney about what the issues were.

Laid over to October 27 Yeas – 5 Nays – 0

32. Resolution – 10-1186 – Ordering the owner to remove or repair the building(s) at 555 Charles Avenue within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer's recommendation is forthcoming)

Legislative Hearing Officer Marcia Moermond said all conditions had been met except development of a rehab plan; she recommended continuing the public hearing for two weeks.

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to November 3.

Yeas – 4 Nays – 0 (Harris not present for vote)

33. Resolution – 10-1187 – Ordering the owner to remove the building(s) at 940 Iglehart Avenue within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

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

Adopted Yeas – 4 Nays – 0 (Harris not present for vote)

34. Resolution – 10-1188 – Ordering the owner to remove or repair the building(s) at 1196 7th Street East within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer's recommendation is forthcoming)

Legislative Hearing Officer Marcia Moermond recommended ordering the structure removed within 15 days with no option for repair.

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

Adopted as amended (remove within 15 days with no option for repair)

Yeas – 4 Nays – 0 (Harris not present for vote)

35. Resolution Ratifying Assessment – 10-1189 – In the matter of the assessment of benefits, cost, and expenses for collection of vacant building fee (re-invoiced) in June 2010 at 1368 Marion Street. [VB1006A] [Laid over from September 15]

Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to December 15.

No one appeared in opposition; Councilmember Helgen moved to continue the public hearing to December 15. Yeas – 5 Nays – 0

36. Resolution Ratifying Assessment – 10-1190 – In the matter of the assessment of benefits, cost, and expenses for collection of vacant building fee (re-invoiced) in June 2010 at 1193 Payne Avenue. [VB1006C] [Laid over from September 15]

Legislative Hearing Officer Marcia Moermond said the property owner had not appeared for the Legislative Hearing; she recommended approval.

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

Adopted Yeas – 5 Nays – 0

37. Appeal of Robert J. McCarthy to a Vehicle Abatement Order for property at 1356 Jefferson Avenue. [Public hearing continued from October 6] (Legislative Hearing Officer recommends denying the appeal and granting an extension to September 21, 2010 to fix the flat tire, ensure vehicle is operable, show the inspector that the vehicle is movable, remove barrels of lawn/garden debris, and cover with tarp. Extension granted to December 31, 2010 to move the vehicle into the garage.)

Legislative Hearing Officer Marcia Moermond said there was no change to her recommendation; she displayed color photographs.

Appellant Bob McCarthy said described the situation. He said he'd put a pop-up trailer on the boulevard to sell and that had led to complaints about junk cars in the yard. He said the garage was full of furniture because his wife had been living in the basement for medical reasons. He expressed frustration about specific comments made by the inspector and about his inability to get assistance from anyone else in inspections. He said the cars were running so the abandoned vehicle codes cited in the orders no longer applied. He said because the cars were collector cars he should initially have been given twenty days rather than seven days to store them properly.

Council President Lantry asked what the parking surface was. Mr. McCarthy said it was gravel.

Councilmember Harris moved to close the public hearing. Yeas – 5 Nays – 0

Councilmember Harris confirmed with Ms. Moermond that only one vehicle remained and the barrels were gone. He moved to lay the matter over for one week to confirm that the car was operable and the leaves were gone.

Laid over to October 27 Yeas – 5 Nays – 0

38. Appeal of Albert M. Johnson to a Fire Certificate of Occupancy Revocation and Order to Vacate for property at 699 Arcade Street. (Legislative Hearing Officer recommends denying the appeal on the baseboard heater, and granting an extension to October 27, 2010 for all items to come into compliance or vacate the property.)
No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and adopt the recommendations of the Legislative Hearing Officer.
Appeal denied and extension granted Yeas – 5 Nays – 0
39. Appeal of Mary Kaye to a Fire Certificate of Occupancy Revocation and Order to Vacate for property at 880 Clark Street. (Legislative Hearing Officer recommends denying the appeal and granting an extension to October 26, 2010 for all items except Item 8 to be in

compliance, and granting a 2-inch variance on the openable height of the egress window in the upper unit bedroom and a 3.5-inch variance on the openable height of the egress window in the front bedroom of lower unit, Item 8.)

Legislative Hearing Officer Marcia Moermond recommended an extension to November 30 rather than October 26.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and adopt the recommendations of the Legislative Hearing Officer.

Appeal denied; egress window variances granted; extension granted to November 30, 2010 for all other items Yeas – 5 Nays – 0

40. Appeal of Bryan Horton, Renewal by Andersen, to the Denial of a Building Permit to Replace Egress Windows for property at 2244 Dellridge Avenue. (Legislative Hearing Officer recommends denying the appeal on the egress window.)

Legislative Hearing Officer Marcia Moermond said the appeal was of an egress window noncompliance determination for replacement windows with openable dimensions of 33 3/4 inches high by 15 5/8 inches wide. She said it was her practice to hold firm on a 16 inch minimum, and her recommendation was to deny the appeal.

In opposition:

Appellant Bryan Horton, Renewal by Anderson (1920 County Road C W., Roseville), said he was replacing double-hung windows with gliders to get more openable height. He said casement or double-hung windows would not allow adequate openable space, and the only other way to comply would be to put in a new header or cut into the stucco.

Council President Lantry moved to close the public hearing. Yeas – 5 Nays – 0

Council President Lantry recalled an earlier situation in which an appellant had provided a photograph of a window with an openable dimension of less than 15 inches and it had appeared to be adequate. She moved to grant the appeal.

Appeal granted Yeas – 5 Nays – 0

41. Appeal of Jon Starbeck to a Code Enforcement Correction Notice and Vacant Building Registration Notice and Fee for property at 934 Juno Avenue. (Legislative Hearing Officer recommends denying the appeal and granting an extension to October 31, 2010 to have the power restored or vacate the property).
No one appeared in opposition; Councilmember Harris moved to close the public hearing and adopt the recommendations of the Legislative Hearing Officer.

Appeal denied and extension granted Yeas – 5 Nays – 0

42. Appeal of James Yacoub to a Fire Certificate of Occupancy Revocation and Order to Vacate for property at 638-640 Oakdale Avenue. (Legislative Hearing Officer recommends that the property be in the Vacant Building Program and waive the vacant building fees until October 31, 2010 for all items to be in compliance.)
No one appeared in opposition; Councilmember Helgen moved to close the public hearing and adopt the recommendations of the Legislative Hearing Officer.
Appeal denied; vacant building fee waived until October 31
Yeas – 5 Nays – 0

43. Appeal of Terri and Dan Brennan to a Fire Certificate of Occupancy Revocation and Order to Vacate for property at 1787 Orange Avenue East. (Legislative Hearing Officer's recommendation is forthcoming).

Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued for two weeks.

No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to November 3. Yeas – 5 Nays – 0

44. Appeal of Jeff Tschetter to a Fire Certificate of Occupancy Deficiency List for property at 737-739 Stewart Avenue. (Legislative Hearing Officer recommends denying the appeal of Item 13 [Unit 5 living room light and ventilation]. Deny the appeal on Item 16 [second means of egress unit 5]; grant a 2.5-inch variance on the ceiling height in Unit 5 [Item 15] and grant 60 days to come into compliance on Items 13 and 16.)
Appeal of Item 13 granted; Item 16 is in compliance; ceiling height variance granted; 60-day extension granted

Legislative Hearing Officer Marcia Moermond said she didn't feel her recommendation was stated clearly; she asked that the matter be laid over. She provided a photograph of the egress ladder, and said the issue at hand had to do with a room without adequate light of ventilation.

In opposition:

Appellant Jeff Tschetter (739 Stewart Avenue) clarified that he was only there to talk about the living room ventilation. He said he'd owned the property for less than a year and the Certificate of Occupancy had been issued four months prior to his purchasing the property. He displayed a floor plan, and said it had been an apartment for 25 years and the current tenant had been there for five. He said the total square footage of the apartment was less than 525 ft² and the air circulation was adequate.

Councilmember Carter moved to close the public hearing. Yeas – 5 Nays – 0

Ms. Moermond said she had double-checked her recommendation and it was correct as written.

Councilmember Harris moved to grant the appeal on the ventilation and accept the other recommendations of the Legislative Hearing Officer.

Yeas – 4 Nays – 0 (Bostrom not present for vote)

45. Appeal of Steve Truen to a Code Compliance Inspection Report for property at 1064 Stinson Street. (Legislative Hearing Officer recommends denying the appeal.)

Legislative Hearing Officer Marcia Moermond gave a staff report. She said there was more in the Code Compliance inspection report than had been anticipated, and the question was whether the property should be Category 1 or Category 2. She noted that a Category 1 building could be transacted without a sale review. She said her recommendation was for a Category 2 designation based on the number of violations.

The following appeared in opposition:

Property owner Steve Truen said his work took him to remote areas of Colorado for long periods of time and the resulting communication lapses with the inspector had contributed to the property becoming a registered vacant building. He said most of the work was complete but he would like variances for the sewer clean-out and egress windows. He said the sewer clean-out had recently been inspected and okayed by an independent contractor, and the windows had been installed under permit in 1995.

Ms. Moermond said a variance might be granted for the windows if photographs and dimensions were provided.

Councilmember Carter moved to close the public hearing. Yeas – 5 Nays – 0

Ms. Moermond said she would look at the windows for a variance consideration and refer the plumbing issue back to DSI for their review.

Councilmember Carter moved a two-week layover.

Laid over to November 3, 2010 Yeas – 5 Nays – 0

46. Appeal of Robert Wicker, Deerbrook Holdings, Inc. to a Summary Abatement Order for property at 702 Wilson Avenue. (Legislative Hearing Officer recommends denying the appeal and granting an extension to December 15, 2010 to organize the building materials, including removing the board leaning against the house. The back door situation will have to be reviewed by HPC staff).

Legislative Hearing Officer Marcia Moermond displayed photographs of the property. She asked

that the matter be referred back for a Legislative Hearing on October 26, and the Council public hearing be continued to November 3.

No one appeared in opposition; Council President Lantry moved to continue the public hearing to November 3. Yeas – 5 Nays – 0

Councilmember Helgen noted that the Green Guide had come out and St. Paul was ranked fourth on the list. He thanked staff for their work on that issue.

Councilmember Helgen moved adjournment. Yeas – 5 Nays – 0

ADJOURNED at 8:17 P.M.

ATTEST:

Mary Erickson
Assistant Council Secretary

Kathy Lantry, Council President

Submitted by:
Katie Burger

Minutes approved by Council