



City of Saint Paul

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

Minutes - Final

City Council

Council President Kathy Lantry
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Melvin Carter III
Councilmember Russ Stark
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, August 15, 2012

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 5:30 p.m.

ROLL CALL

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

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

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 1 - 16)

Councilmember Bostrom moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

- 1 RES 12-1543** Approving the Memorandum of Agreement (May 1, 2012) between the City of Saint Paul and the International Union of Painters and Allied Trades, District Council 82, 2012 Wage and Fringe Adjustment. (Laid over one week for adoption)
- Laid over to August 22 for adoption**

- 2 **RES 12-1518** Authorizing the City of Saint Paul to enter into an Operations and Maintenance Cooperative agreement with the State of Minnesota for the replacement of the accessible fishing pier at Loeb Lake.
Adopted
- 3 **RES 12-1494** Authorizing the Department of Parks & Recreation to accept a gift of \$250 for general operations, from Blue Cross and Blue Shield of Minnesota Dollars for Doers in recognition of Deborah Johannessen's volunteer service.
Adopted
- 4 **RES 12-1568** Authorizing the execution and acceptance of a sanitary sewer easement, temporary utility easements, and quit claim deeds between the City of Saint Paul and West Side Flats Urban Development, LLC to facilitate development of the West Side Flats project.
Adopted
- 5 **RES 12-1544** Preliminary Order setting the date of Public Hearing for September 5, 2012 to consider approval of the construction of two parking bays and sidewalk along the west side of Prior Avenue between Feronia Avenue and Oakley Avenue. (File No. 19141, Asmt No. 125401)
Adopted
- 6 **RES 12-1571** Approving adverse action against the Restaurant (2) 1-12 Seats license held by Ethnic Foods, LLC, d/b/a Debbie's Hot Tamales, 1040 Selby Avenue.
Adopted
- 7 **RES 12-1573** Approving adverse action against the Food Vending Machine, Food Vending Machine Operator, and Food Vehicle license applications submitted by James M. Matias, d/b/a J & J Vending.
Adopted
- 8 **RES 12-1576** Approving adverse action against the Restaurant (2) 1-12 Seats license held by St. Paul Classic Cookie, 2386 Territorial Road.
Adopted
- 9 **RES 12-1575** Approving adverse action against the Massage Practitioner license held by Kong Xiong, and the Massage Center - A (Commercial) license held by Kay's Massage, 1001 Johnson Parkway, Unit 170.
Adopted

- 10 RES 12-1569** Approving adverse action against the Food Vending Machine, Food Vending Machine Operator, and Food Vehicle license applications submitted by Momtaz Mahayni, d/b/a A And M M Corp.
Adopted
- 11 RES 12-1570** Approving adverse action against the Massage Practitioner license application submitted by Deana M. Rousseau, 2065 Randolph Avenue.
Adopted
- 12 RES 12-1572** Approving adverse action against the Sidewalk Contractor license held by Halvorson Concrete, Inc.
Adopted
- 13 RES 12-1577** Approving adverse action against the Bituminous Contractor license held by Valley Blacktopping, Inc.
Adopted
- 14 RES 12-1578** Approving adverse action against the Sidewalk Contractor license held by Northern States Power Company, d/b/a Xcel Energy.
Adopted
- 15 RES 12-1553** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for a Gas Station license for First Student Inc. (ID #20120002603), d/b/a First Student Inc. #20757, 80 Arlington Avenue East.
Adopted
- 16 Min 12-26** Approving the minutes of the June 20 and 27, and July 3 and 11, 2012 City Council meetings.
Adopted

FOR DISCUSSION

- 17 RLH RR
12-51** Ordering the rehabilitation or razing and removal of the structures at 595 MACKUBIN STREET within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (Public hearing held August 1; laid over from August 15)
- Legislative Hearing Officer Marcia Moermond said the property was a good candidate for rehabilitation but had been abandoned. She recommended laying the matter over to allow time for the City to explore options for acquiring the property.*
- Councilmember Carter moved to lay the matter over to October 10.*
- Laid over to October 10**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 18 RLH RR
12-50** Ordering the razing and removal of the structure(s) at 924 ELEANOR AVENUE within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (Public hearing continued from September 12)
- Legislative Hearing Officer Marcia Moermond recommended the building's removal within 15 days.*
- Councilmember Thune moved approval.*
- Adopted**
(This item was reconsidered at the beginning of the 5:30 portion of the meeting)
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- 19 RLH FCO
12-421** Appeal of Artemus Anderkay, Beowulf Properties, to a Fire Inspection Correction Notice at 1759 MARYLAND AVENUE EAST.
- Legislative Hearing Officer Marcia Moermond said the property owner had made the necessary repairs to the steps, but the inspector had noted that the railing was loose. She recommended granting the appeal on the steps and denying the appeal on the other items.*
- Councilmember Bostrom moved to approve the resolution as amended.*
- Adopted as amended (appeal granted on the steps)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.

Third Reading, No Public Hearing

- 20 Ord 12-43** Memorializing City Council action granting the application of the Department of Parks and Recreation for the rezoning of a portion of 665 Rose Avenue East from VP Vehicular Parking to RT1 Two-Family Residential, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held July 18, 2012)
- Laid over to August 22 for final adoption**

Second Reading

- 21 Ord 12-44** Creating Chapter 374 of the Saint Paul Legislative Code to establish a license for commercial pedal cars.
- Laid over to September 5 for third reading/public hearing**
- 22 Ord 12-45** Amending Chapter 310 of the Saint Paul Legislative Code pertaining to the Pedal Car Driver and Pedal Car Vehicle License Fee Schedule.
- Laid over to September 5 for third reading/public hearing**

First Reading

- 23 Ord 12-46** Amending Chapter 246 of the Saint Paul Legislative Code pertaining to the establishment of a Downtown Entertainment District.
- Councilmember Brendmoen asked Councilmember Thune for clarification of where the Downtown Entertainment District was and what action the Council was taking. Councilmember Thune said the Downtown Entertainment District was an expansion of the Downtown Development District, and its creation would allow bars and restaurants as far down as Walnut Street to have block parties and festivals.*
- Laid over to August 22 for second reading**
- 24 Ord 12-47** Amending Chapter 409 of the Saint Paul Legislative Code pertaining to the creation of a Downtown Entertainment District.
- Laid over to August 22 for second reading**
- 25 Ord 12-48** Repealing Chapter 367 of the Saint Paul Legislative Code pertaining to Tattoo Parlors.
- Laid over to August 22 for second reading**

Council President Lantry noted that the City's ordinances governing tattoo parlors were being repealed because they had been superseded by state law.

- 26 Ord 12-49** Amending Chapter 310 of the Saint Paul Legislative Code to remove Tattoo Parlors and Environmental Plan Review - Tattoo Parlors from License Fee Schedule.
Laid over to August 22 for second reading
- 27 Ord 12-50** Amending Chapter 310 of the Saint Paul Legislative Code to remove Tattoo Parlors from definitions section of code.
Laid over to August 22 for second reading
- 28 Ord 12-51** Amending Title XXIX of the Saint Paul Legislative Code to remove Tattoo Parlors from Subtitle B. Class I and In General Subtitle A. Licenses.
Laid over to August 22 for second reading

SUSPENSION ITEMS

Councilmember Thune moved suspension of the rules.

Rules suspended

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

Nay: 0

- RES 12-1609** Commencing interim zoning regulations pursuant to Minn. Stat. § 462.355, Subd. 4, for the purpose of protecting the City's planning process pending the adoption of the Great River Passage amendment to the City's Comprehensive Plan, for that area of the City commonly known as the Island Station Power Plant.

Councilmember Tolbert asked for clarification of the resolution. Councilmember Thune said the resolution imposed a moratorium on building permits pending completion of the riverfront master plan. Councilmember Tolbert expressed concern about imposing a moratorium on activity on private property without notifying the property owners, and about what he felt was lack of clarity regarding how long the resolution would remain in effect, especially if a follow-up ordinance was not passed. There was further discussion on the issue, and an amendment was made to clarify that point.

Councilmember Thune moved to approve the resolution as amended.

Adopted as amended

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

Nay: 0

Councilmember Thune moved suspension of the rules.

Rules suspended

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

Nay: 0

RES 12-1605 Authorizing the Police Department to enter into a license agreement with the Naval Special Warfare Development Group for use of the City-owned Diamond Products Property located at 310 5th Street East.

Councilmember Thune moved approval.

Adopted

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

Nay: 0

ABZA 12-10 Public hearing to consider the appeal of Dave Cossetta, d/b/a Cossetta's, Inc. and Bocce, LLC. to a decision of the Board of Zoning Appeals (BZA) denying a variance from the stormwater runoff requirement of Section 63.319(a) at 211 West 7th Street. (Public hearing continued from July 18) (Withdrawn)

Councilmember Thune said that due to a calendar issue, the item had not made it onto the agenda, but he was officially withdrawing it. He said the appellant had an approved site plan that no longer required a variance.

Withdrawn

The meeting was recessed at 4:00 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:31 p.m.

Present 5 - Councilmember Amy Brendmoen, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Russ Stark and Councilmember Chris Tolbert

Absent 2 - Councilmember Dan Bostrom and Councilmember Dave Thune

RECONSIDERATION

Council President Lantry moved to recall Item 18. Yeas - 5 Nays - 0

**RLH RR
12-50**

Ordering the razing and removal of the structure(s) at 924 ELEANOR AVENUE within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (Public hearing continued from September 12)

Councilmember Brendmoen moved to lay the matter over to August 22.

Laid over to August 22

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

29 Ord 12-41

Amending Chapter 409 of the Saint Paul Legislative Code pertaining to technical amendments for computation of time and appearances.

No one appeared in opposition; Councilmember Stark moved to close the public hearing and lay the matter over to August 22 for final adoption.

Public hearing held and closed; laid over to August 22 for final adoption

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

30 Ord 12-42

Amending Chapter 310 of the Saint Paul Legislative Code pertaining to technical amendments for computation of time and appearances.

No one appeared in opposition; Councilmember Stark moved to close the public hearing and lay the matter over to August 22 for final adoption.

Public hearing held and closed; laid over to August 22 for final adoption

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 31 RES PH** Approving the application of the Public Works Department for a sound
12-238 level variance in order to operate general construction/demolition
equipment and domestic power tools at the Lexington Avenue
overpass between Burgess Street and Pierce Butler Route on August
30 & 31 and September 3, 4 & 5, 2012.

No one appeared in opposition; Councilmember Carter moved approval.

Adopted

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 32 RES PH** Approving the application of Wild Tymes for a sound level variance in
12-233 order to present amplified music from 2:00 p.m. until 6:00 p.m. on
August 19, 2012 at 33 Seventh Place West.

No one appeared in opposition; Councilmember Stark moved approval.

Adopted

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 33 RES PH** Amending the financing and spending plans in the Fire Department to
12-225 purchase 13 LUCAS devices.

No one appeared in opposition; Councilmember Brendmoen moved approval.

Adopted

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 34 RES PH** Amending the financing and spending plans in the Fire Department in
12-226 the amount of \$1,397,280 to accept the 2011 Assistance to Firefighter
Grant to provide training and purchase equipment.

No one appeared in opposition; Councilmember Brendmoen moved approval.

Adopted

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

**35 RES PH
12-227**

Amending the financing and spending plans in the Fire Department in the amount of \$251,520 to accept the 2011 Assistance to Firefighter Grant to provide training.

No one appeared in opposition; Councilmember Brendmoen moved approval.

Adopted

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

**36 RES PH
12-240**

Authorizing the Department of Parks and Recreation to accept a grant from Recreation Equipment Inc. (REI) in the amount of \$15,000 and authorizing the amending of the 2012 Budget in accordance with this donation to support volunteer programming in the area of Natural Resources.

No one appeared in opposition; Councilmember Stark moved approval.

Adopted

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

**37 RES PH
12-242**

Authorizing the Department of Parks and Recreation to accept a grant from the Xcel Energy Foundation in the amount of \$5,000 to support tree and shrub planting opportunities at Como Park, Crosby Farm Regional Park, and Highwood Nature Preserve; and amending the 2012 Budget in accordance with this donation.

No one appeared in opposition; Councilmember Stark moved approval.

Adopted

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thune

- 38 RES PH 12-220** Authorizing the Police Department to accept the Breaking Free subgrant, and amending the 2012 department special funds budget.
- No one appeared in opposition; Councilmember Brendmoen moved approval.*
- Adopted**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Bostrom and Councilmember Thune
- 39 RES PH 12-239** Authorizing the Police Department to accept the grant in the amount of \$1,250 from Target Corporation for the 2012 National Night Out.
- No one appeared in opposition; Councilmember Brendmoen moved approval.*
- Adopted**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Bostrom and Councilmember Thune
- 40 RES PH 12-247** Granting preliminary approval to a proposal for a Housing Finance Program for a combination multifamily rental housing and health care project, pursuant to Minnesota Statutes, Chapter 462C; authorizing the Housing and Redevelopment Authority to issue Housing and Health Care Revenue Bonds; and authorizing the preparation of necessary documents and materials in connection with said project and program. (Episcopal Homes Project)
- No one appeared in opposition; Councilmember Stark moved approval.*
- Adopted**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 2 - Councilmember Bostrom and Councilmember Thune

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

Councilmember Bostrom joined the meeting.

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Russ Stark and Councilmember Chris Tolbert

Absent 1 - Councilmember Dave Thune

47 RLH FCO Appeal of Shah Vang to a Re-Inspection Fire Certificate of Occupancy
12-377 With Deficiencies at 1114 BUSH AVENUE.

Legislative Hearing Officer Marcia Moermond said the issue was separation of a basement serving two different parts and with furnaces next to one another. She displayed photographs.

Council President Lantry read from the record that Ms. Moermond's recommendation was to deny the appeal on the driveway with an extension to October 31 for compliance, and deny the appeal related to the fire prevention system in the basement.

In opposition:

Property manager and owner Shah Vang said a fire sprinkler was installed in the basement by a licensed contractor in 2005 by order of the Fire Marshall. He provided photos, and said the sprinkler should satisfy fire separation code. He said he didn't think the inspector had seen the sprinkler, and he asked that the Council approve the appeal. Council President Lantry confirmed that Mr. Vang was okay with the driveway issue.

Council President Lantry asked for clarification of what was required. Ms. Moermond said the order asked for fire rated floor and ceiling construction with approved materials and methods. In response to a question from Council President Lantry, Mr. Vang said the building was four units with two addresses. Ms. Moermond said the building was previously treated as two conjoined duplexes, and the change to a fourplex added in the additional layer of fire separation. She said the basements were shared space and should have been called out in the past.

Mr. Vang said he'd received a revised list of orders since the appeal was filed. Ms. Moermond confirmed that a different set of orders was issued following the appeal; she asked for a one week layover to address the two inconsistent sets of orders.

Council President Lantry moved to close the public hearing. Yeas - 6 Nays - 0

Council President Lantry said she'd prefer to dispatch with the item rather than lay it over. She confirmed with Mr. Vang that he felt he was in compliance. She moved to grant the appeal on the fire separation/prevention issue and deny the appeal on the driveway.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thune

**55 RLH TA
12-344**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1209T, Assessment No. 129011 at 6 ELIZABETH STREET WEST. (Amended to Real Estate Project No. 1209T1, Assessment No. 129013)

Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to September 5 because the appellant was ill.

No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to September 5.

Public hearing continued to September 5

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

Nay: 0

Absent: 1 - Councilmember Thune

**56 RLH RR
12-56**

Ordering the rehabilitation or razing and removal of the structures at 579 FOREST STREET within fifteen (15) days after the August 15, 2012 City Council Public Hearing. (Public hearing continued from August 15)

Legislative Hearing Officer Marcia Moermond said the long term owner and resident was in the process of selling the property to the mortgage holder, who intended to rehab it. She said the owner wanted additional time to post the bond and get the real estate taxes up to date as part of the sale transaction. She recommended referring the matter back into Legislative Hearings on September 11, and continuing the Council public hearing to September 19.

No one appeared in opposition; Council President Lantry moved to continue the public hearing to September 19.

Referred back for a Legislative Hearing on September 11; Council public hearing continued to September 19

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

Nay: 0

Absent: 1 - Councilmember Thune

**59 RLH VBR
12-41**

Appeal of Karen and Don Weiblen to a Vacant Building Registration Fee at 536 IOWA AVENUE EAST. (To be withdrawn)

Withdrawn

60 **RLH VO**
 12-72

Appeal of Bernina S. Brunt to a Correction Notice-Complaint Inspection at 1126 JESSIE STREET (includes condemnation).

Legislative Hearing Officer Marcia Moermond recommended ordering the property vacated by August 17. She said the utilities had been shut off for two months due to a large unpaid bill, and the tenant had been unable to get enough assistance.

In opposition:

Appellant Bernina Brunt said she had applied for emergency assistance and was waiting to hear whether she would receive help with the utility bill.

Ms. Moermond said the bill was \$6000, and public assistance had paid \$500 and wouldn't pay more than a total of \$3000. She said Xcel would be willing to go into a payment plan if the \$3000 was paid.

Councilmember Brendmoen noted that there were other deficiencies as well. She said she would like to allow more time but didn't want to stretch out the inevitable.

Ms. Brunt said her children had mowed the lawn and the landlord had been by and had made some repairs.

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

Councilmember Brendmoen moved to allow one extra week (to August 24) to work out a payment plan.

Adopted as amended (appeal denied and extension granted until August 24, 2012 to restore the electricity or vacate the property)

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

Nay: 0

Absent: 1 - Councilmember Thune

64 RLH TA
12-350

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1209, Assessment No. 128211 at 772 MARYLAND AVENUE EAST.

Legislative Hearing Officer Marcia Moermond said the appeal was of a \$170 Certificate of Occupancy inspection fee and \$150 administrative fee. She said the owner was arguing that the property shouldn't be in the Certificate of Occupancy program. She said the owner's parents lived in the home, but that argument hadn't been made prior to the inspection and the building had had a provisional Certificate of Occupancy for years. She said the service was rendered and she recommended approval of the assessment. She said she hadn't evaluated whether the property should be in the Certificate of Occupancy Program.

In opposition:

Appellant and property owner Kao Yang said the property was his parents' home and they had been living there since he bought the property in 2004. He said he had been paying the fee since 2008, and he asked where that money went. Council President Lantry said the fee for the provisional Certificate of Occupancy kept the property registered as a rental property, and when the new program kicked in and the property was inspected, the fee increased. Mr. Yang said it was not a rental property.

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

Councilmember Bostrom reviewed the property history with Ms. Moermond and asked how it had gotten into the Certificate of Occupancy program in the first place. Ms. Moermond said the names (of the residents and the owner) didn't match, but it did appear to be one extended household. She noted that there was still the issue of fees for services already rendered.

Councilmember Bostrom moved to remove the property from the Certificate of Occupancy program and waive the fee.

Adopted as amended (fee waived and property removed from the Certificate of Occupancy program)

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

Nay: 0

Absent: 1 - Councilmember Thune

66 RLH RR
12-58

Ordering the razing and removal of the structure(s) at 388 MINNEHAHA AVENUE WEST within fifteen (15) days after the August 15, 2012 City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond said HUD had come into possession of the property so it was no longer under the City's jurisdiction.

Withdrawn

- 73 RLH RR 12-59** Ordering the razing and removal of the structure(s) at 873 RICE STREET within fifteen (15) days after the August 15, 2012 City Council Public Hearing. (Amended to remove or repair within 30 days)
- Legislative Hearing Officer Marcia Moermond said the County planned to demolish the property and wanted more time. She recommended ordering removal of the property within 30 days.*
- No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Thune
- 78 RLH RR 12-61** Ordering the rehabilitation or razing and removal of the structures at 705 SEVENTH STREET EAST within fifteen (15) days after the August 15, 2012 City Council Public Hearing. (Amended to razing and removal only) (Public hearing continued from August 15)
- Legislative Hearing Officer Marcia Moermond said the second of two Legislative Hearings was a no-show on the part of the appellant, and the standard conditions for allowing time for rehabilitation hadn't been met. She recommended ordering removal of the building within 15 days with no option for rehabilitation.*
- In opposition:*
- Property owner Roy Carlson said that at the hearing with Ms. Moermond he'd been told to have an inspection team go through, and then to fix the building up, and pay a \$5000 bond in the process. He said in the meantime he'd spoken with Council President Lantry and been told that putting the building back in the condition to do what he'd been licensed for for ten years was not acceptable and he needed to leave or sell the property. He said his intention was to get the property sold and he had a purchase agreement that would be finalized on September 14. He said he had done some cleaning and painting at the property in the meantime.*
- Council President Lantry asked whether laying the matter over to September 19 would be sufficient time to see if the purchase agreement went through. Mr. Carlson said he believed it would be.*
- Council President Lantry moved to continue the public hearing to September 19.*
- Public hearing continued to September 19**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Thune

- 80 RLH RR**
12-53 Ordering the rehabilitation or razing and removal of the structure(s) at 461 SHERBURNE AVENUE within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (Amended to 180 days)

Legislative Hearing Officer Marcia Moermond said the Code Compliance inspection conducted on August 3 had not been written up yet, but it seemed excessive to wait any longer. She recommended ordering rehabilitation or removal of the structure within 180 days.

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

Adopted as amended (180 days to remove or repair)

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

Nay: 0

Absent: 1 - Councilmember Thune

- 87 RLH RR**
12-31 Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days after the July 3, 2012 City Council Public Hearing. (To be referred back to Legislative Hearing on October 23, 2012 and City Council public hearing on November 7, 2012)

Legislative Hearing Officer Marcia Moermond asked that the matter be referred back into Legislative Hearings on September 11, and the Council public hearing be continued to October 3.

No one appeared in opposition; Council President Lantry moved to continue the public hearing to October 3.

Referred back for a Legislative Hearing On September 11; Council public hearing continued to October 3.

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

Nay: 0

Absent: 1 - Councilmember Thune

**88 RLH VBR
12-42** Appeal of Craig and Elsie Fohrenkamm to a Vacant Building Registration Notice at 744 Third Street East.

Legislative Hearing Officer Marcia Moermond said the business had been vacant since at least last summer but hadn't been referred to Vacant Buildings until a couple months ago. She said the question in the hearing was whether it should be Category 1 and occupiable right away or a Category 2 requiring a code compliance. She said there were multiple violations and a revoked Certificate of Occupancy, and her recommendation was to deny the appeal (make the building a Category 2).

In opposition:

Property owner Elsie Fohrenkamm said she and her husband sold the property on a contract for deed in 2010 after her husband had a stroke in 2007, but the purchaser had quit paying and they'd had to take the building back. She said she'd received no notice that the Certificate of Occupancy had been revoked. She said there was some long grass in the spring and someone must have called in a complaint, but the property was otherwise maintained and was for sale. She said she had sold the property on August 2 to Andrew Dick who had experience in renovating buildings. She said it had been sold as an up and running business.

Purchaser Andrew Dick said the deficiencies were superficial, and he had started renovations. He said it was a running business with up-to-date equipment, and he had a renter who had signed a lease for September 1.

Council President Lantry moved to close the public hearing and lay the matter over for one week to allow time to get more information from Mr. Dick.

Laid over to August 22

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

Nay: 0

Absent: 1 - Councilmember Thune

**89 RLH RR
12-54** Ordering the rehabilitation or razing and removal of the structure(s) at 435 THOMAS AVENUE within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (Amended to 180 days)

Legislative Hearing Officer Marcia Moermond said this property had the same owner and contractor as the property on Sherburne (Item 80) and they were waiting for the report from an August 3 Code Compliance inspection. She moved to order the building rehabilitated or removed within 180 days.

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

Adopted as amended (180 days to remove or repair)

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

Nay: 0

Absent: 1 - Councilmember Thune

90 **RLH TA**
12-347

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 273 TOPPING STREET.

Legislative Hearing Officer Marcia Moermond said the assessment was for the cleanup of a large number of items that had been dumped and then moved from the property to an alley. She said more that two weeks had been allowed for the property owner to complete the clean-up, and noted that individual property owners are responsible for maintaining the alley space associated with their address. She displayed photographs. She recommended approval of the \$875 assessment.

In opposition:

David Johnson (14926 Paul Avenue N.) said dumping was a long term problem at the property, and the city was aware of it and had posted both ends of the alley. He said he got the building back recently and the previous owner had problems with dumping too. He said the house was empty when he got it back, he lived 50 miles away, and it was not fair that he should have to pay to clean up material that he hadn't put there.

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

Councilmember Carter said public dumping was a challenge, but it should have been cleaned up, especially given the amount of time allowed. He moved to approve the assessment.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

91 RLH VO
12-75

Appeal of Cheryl Mann to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 649 UNIVERSITY AVENUE WEST.

Legislative Hearing Officer Marcia Moermond said the appeal involved closure of a business due to physical failure of the floor at the site. She displayed photographs and recommended denying the appeal and ordering immediate vacation. She said the property had been vacant since the Legislative Hearing.

Property owner Kevin Mann said there was a small amount of bad wood under a sink, but it was not in a walkway and there was concrete and tile above it. He said Neighborhood Community Development was trying to buy the building, and the Metropolitan Council wanted to tear the whole block down for the light rail. He said all of the building permits had been obtained, new floor joists and treated plywood had been installed, and the concrete was being poured that day. He said light rail construction was already causing loss of business and now he was being required to do this renovation. He asked to be allowed to open up as soon as possible.

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

Councilmember Carter stressed the importance of ensuring firefighter safety, especially in a restaurant. He asked that an inspector confirm that the work was completed. Ms. Moermond said the Certificate of Occupancy could be reinstated when the inspector signed off on the building permit.

Councilmember Carter moved to deny the appeal but would work with the property owner to get the business open as soon as possible. Ms. Moermond said she would contact the inspector the next day.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

77 RLH RR
12-60

Ordering the razing and removal of the structures at 1025 SEMINARY AVENUE within fifteen (15) days after the August 15, 2012 City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond said the conditions for rehabilitation had not been met, and she recommended the building's removal.

In opposition:

Lanny LaFontaine said he had just become aware of the property and would like more information on possibilities for it.

Councilmember Bostrom asked whether it was a Category 3 vacant building. Ms. Moermond said it was. Council President Lantry said it could not be sold unless the owner brought it into code compliance.

Councilmember Carter moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thune

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thune

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|-----------|---------------------------|--|
| 41 | RLH TA
12-388 | Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209B, Assessment No. 128109 at 995 ALBEMARLE STREET.

Adopted |
| 42 | RLH FCO
12-456 | Appeal of Chris Skoog to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 772 ARMSTRONG AVENUE.

Adopted |
| 43 | RLH TA
12-379 | Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 1361 BARCLAY STREET.

Adopted |
| 44 | RLH VO
12-69 | Appeal of Fatima Fisher to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1130 BEECH STREET.

Adopted |
| 45 | RLH FCO
12-390 | Appeal of Lon Hoffmann to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1074 BREEN STREET.

Adopted |

- 46 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-353 No. J1209P, Assessment No.128408 at 1910 &1930 BURNS
 AVENUE.
 Adopted
- 48 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-363 Project No. J1211A, Assessment No. 128518 at 1020 CARROLL
 AVENUE.
 Adopted
- 49 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-364 No. J1211A, Assessment No. 128518 at 1022 CARROLL AVENUE.
 Adopted
- 50 **RLH RR** Ordering the rehabilitation or razing and removal of the structure(s) at
 12-55 885 CENTRAL AVENUE WEST within fifteen (15) days after the
 August 15, 2012 City Council Public Hearing.
 Adopted
- 51 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-367 Project No. CRT1209, Assessment No. 128211 at 308 CLARENCE
 STREET.
 Adopted
- 52 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-366 No. J1209P, Assessment No. 128408 at 740 CLEVELAND AVENUE
 SOUTH.
 Adopted
- 53 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-371 No. J1211A, Assessment No. 128518 at 1506 CONWAY STREET.
 Adopted
- 54 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-399 Project No. J1210A1, Assessment No. 128527 at 1092 EDGERTON
 STREET.
 Adopted
- 57 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-345 No. J1211A, Assessment No. 128518 at 661 GERANIUM AVENUE
 EAST.
 Adopted

- 58 **RLH VO** Appeal of Robert Bayer to a Revocation of Fire Certificate of
 12-62 Occupancy and Order to Vacate at 1607 HEWITT AVENUE.

 Adopted
- 61 **RLH TA** Amending the assessment for Collection of Vacant Building Fees
 12-417 Services in March 2012 to delete the assessment at 596 LAWSON
 AVENUE EAST. (File No. VB1208, Assessment No. 128810)

 Adopted
- 62 **RLH RR** Ordering the razing and removal of the structure(s) at 807 MAGNOLIA
 12-57 AVENUE EAST within fifteen (15) days after the August 15, 2012 City
 Council Public Hearing.

 Adopted
- 63 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-422 No. J1209P, Assessment No. 128408 at 745 MARGARET STREET.

 Adopted
- 65 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-410 No. J1211A, Assessment No. 128518 at 581 MENDOTA STREET.

 Adopted
- 67 **RLH FCO** Appeal of Jeffrey Michael to a Fire Inspection Correction Notice at 142
 12-426 MISSISSIPPI RIVER BOULEVARD NORTH.

 Adopted
- 68 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-411 Project No. J1211A, Assessment No. 128518 at 992 OMABAN
 STREET.

 Adopted
- 69 **RLH FCO** Appeal of Bill Bernier to a Fire Inspection Correction Notice at 287
 12-454 PAGE STREET EAST.

 Adopted
- 70 **RLH FCO** Appeal of Craig W. Baumann, Attorney at Law, on behalf of Brent and
 12-292 Lisa Sharp, to a Fire Certificate of Occupancy Inspection Correction
 Notice at 695 PARKWAY DRIVE.

 Adopted

- 71 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-362 Project No. J1211A, Assessment No. 128518 at 719 PAYNE
 AVENUE.
 Adopted
- 72 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-348 Project No. 1209T, Assessment No. 129011 at 970 RAYMOND
 AVENUE.
 Adopted
- 74 **RLH VO** Appeal of Robert A. Musante, Jr. to a Correction Notice-Reinspection
 12-70 Complaint (includes condemnation) at 192 ROBIE STREET WEST.
 Adopted
- 75 **RLH FCO** Appeal of Christine Younghans to a Fire Inspection Correction Notice
 12-483 at 1197 ROSS AVENUE.
 Adopted
- 76 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-352 Project No. J1211A, Assessment No.128518 at 2040 SAUNDERS
 AVENUE.
 Adopted
- 79 **RLH FCO** Appeal of Robin K. Chuhel to a Re-Inspection Fire Certificate of
 12-461 Occupancy With Deficiencies at 1239 SEVENTH STREET EAST.
 Adopted
- 81 **RLH FCO** Appeal of Jacob Brunette, Relay Property Management, to a Fire
 12-512 Inspection Correction Notice at 402 SIDNEY STREET EAST.
 Adopted
- 82 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-392 No. J1209P, Assessment No. 128408 at 662 & 670 SNELLING
 AVENUE NORTH.
 Adopted
- 83 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-365 Project No. J1211A, Assessment No.128518 at 1291 ST PAUL
 AVENUE.
 Adopted

- 84 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-355 No. CRT1209, Assessment No. 128211 at 415 SUMMIT AVENUE.

 Adopted
- 85 **RLH FCO** Appeal of John Mezzenga to a Re-Inspection Fire Certificate of
 12-367 Occupancy With Deficiencies at 677 SUMMIT AVENUE.

 Adopted
- 86 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
 12-390 No. J1211A, Assessment No. 128518 at 1636 TAYLOR AVENUE.

 Adopted
- 92 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
 12-349 Project No. CRT1209, Assessment No. 128211 at 99 WESTERN
 AVENUE SOUTH.

 Adopted
- 93 **RLH AR** Ratifying the assessments for Collection of Certificate of Occupancy
 12-85 Fees Services in April 2012. (File No. CRT1209, Assessment No.
 128211)

 Adopted
- 94 **RLH AR** Ratifying the assessments for Graffiti Removal Services from March
 12-86 25 to April 4, 2012. (File No. J1209P, Assessment No. 128408)

 Adopted
- 95 **RLH AR** Ratifying the assessments for Property Clean Up Services during April
 12-87 2012. (File No. J1211A, Assessment No. 128518)

 Adopted
- 96 **RLH AR** Ratifying the assessments for Demolition Services in April 2012. (File
 12-88 No. J1213C, Assessment No. 122014)

 Adopted
- 97 **RLH AR** Ratifying the assessments for Tree Removal Services in April 2012.
 12-89 (File No. 1209T, Assessment No. 129011)

 Adopted

ADJOURNMENT

Councilmember Tolbert moved adjournment.

The meeting was adjourned at 6:47 p.m.

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

Nay: 0

Absent: 1 - Councilmember Thune

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