



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Council Chambers - 3rd  
Floor

## Minutes - Final

Katie Burger, Executive  
Assistant, 651-266-8560

### City Council

*Council President Russ Stark*  
*Councilmember Dan Bostrom*  
*Councilmember Amy Brendmoen*  
*Councilmember Rebecca Noecker*  
*Councilmember Jane L. Prince*  
*Councilmember Dai Thao*  
*Councilmember Chris Tolbert*

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Wednesday, June 21, 2017

3:30 PM

Council Chambers - 3rd Floor

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### **Budget Amendment Public Hearings at 3:30 p.m. Public Hearings at 5:30 p.m.**

#### **ROLL CALL**

*The meeting was called to order by Council President Stark at 3:31 p.m.*

**Present** 7 - Councilmember Dan Bostrom, City Council President Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

#### **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 - 15)**

*Item 11 was removed from the Consent Agenda for separate consideration. Item 15 was withdrawn.*

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

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

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

**Nay:** 0

- 1     [RES 17-845](#)     Approving the City's cost of providing Graffiti Removal services during March 18 to April 12, 2017, and setting date of Legislative Hearing for July 18, 2017 and City Council public hearing for September 6, 2017 to consider and levy the assessments against individual properties. (File No. J1710P, Assessment No. 178410)

**Adopted**
- 2     [RES 17-846](#)     Approving the City's cost of providing Property Clean Up services during April 3 to 28, 2017, and setting date of Legislative Hearing for July 18, 2017 and City Council public hearing for September 6, 2017 to consider and levy the assessments against individual properties. (File No. J1713A, Assessment No. 178523)

**Adopted**
- 3     [RES 17-847](#)     Approving the City's cost of providing Trash Hauling services during April 4 to 27, 2017, and setting date of Legislative Hearing for July 18, 2017 and City Council public hearing for September 6, 2017 to consider and levy the assessments against individual properties. (File No. J1710G, Assessment No. 178711)

**Adopted**
- 4     [RES 17-848](#)     Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during February 13 to March 11, 2017, and setting date of Legislative Hearing for July 18, 2017 and City Council public hearing for September 6, 2017 to consider and levy the assessments against individual properties. (File No. CRT1711, Assessment No. 178212)

**Adopted**
- 5     [RES 17-849](#)     Approving the City's cost of providing Tree Removal services from April 2017, and setting date of Legislative Hearing for July 18, 2017 and City Council public hearing for September 6, 2017 to consider and levy the assessments against individual properties. (File No. 1705T, Assessment No. 179004)

**Adopted**
- 6     [RES 17-909](#)     Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during February 21 to March 21, 2017, and setting date of Legislative Hearing for August 1, 2017 and City Council public hearing for September 20, 2017 to consider and levy the assessments against individual properties. (File No. J1710E, Assessment No. 178313)

**Adopted**

- 7     [RES 17-910](#)     Approving the City's cost of providing Boarding and/or Securing services during April 2017, and setting date of Legislative Hearing for August 1, 2017 and City Council public hearing for September 20, 2017 to consider and levy the assessments against individual properties. (File No. J1711B, Assessment No. 178113)
- Adopted**
- 8     [RES 17-911](#)     Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during February 8 to March 28, 2017, and setting date of Legislative Hearing for August 1, 2017 and City Council public hearing for September 20, 2017 to consider and levy the assessments against individual properties. (File No. VB1713, Assessment No. 178819)
- Adopted**
- 9     [RES 17-912](#)     Approving the City's cost of providing Towing of Abandoned Vehicle services during January to December 2016, and setting date of Legislative Hearing for August 1, 2017 and City Council public hearing for September 20, 2017 to consider and levy the assessments against individual properties. (File No. J1701V, Assessment No. 178000)
- Adopted**
- 10    [RES 17-918](#)     Amending Council File RES PH 17-53 to delete Assessment Pin Numbers 20-29-22-22-0007 and 20-29-22-22-0098 for the Sanitary Sewer Connections at 357 WHEELLOCK PARKWAY EAST and 363 WHEELLOCK PARKWAY EAST. (File No. 19175C, Assessment No. 176003)
- Adopted**
- 12    [RES 17-953](#)     Approving the Mayor's appointment of Sara Chamberlain, and reappointments of Dan Marckel and John Mountain to serve on the Parks and Recreation Commission.
- Adopted**
- 13    [RES 17-886](#)     Authorizing The Department of Parks and Recreation to spend \$1,000 on food for staff working Hmong Freedom Fest.
- Adopted**
- 14    [RES 17-927](#)     Authorizing the Police Department to accept a donation from the Richard M. Schulze Family Foundation under a sponsor agreement with the Saint Paul Police Foundation.
- Adopted**

- 15     [RES 17-937](#)     Approving a request by Absolute Towing & Recovery, Incx, d/b/a Absolute Towing & Recovery, Incx (License ID #20170002221) at 2757 Hudson Road in the City of Oakdale, for an impound lot located outside the limits of the City of Saint Paul. (To be withdrawn)

**Withdrawn**

**FOR DISCUSSION**

- 11     [RES 17-871](#)     Approving the revision to the Workplace Conduct Policy. (Laid over from June 21 and June 28)

*Councilmember Prince moved to lay the matter over to June 28 so she could discuss a suggestion with Human Resources.*

**Laid over to June 28**

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

**Nay:** 0

- 16     [PH 17-4](#)     Public hearing to consider the application of Turk Trust et al to rezone property at 246-286 Snelling Avenue South from B2 Community Business to T3 Traditional Neighborhood. (Public hearing held May 17)

*Councilmember Tolbert made brief comments and moved to deny the request and have a larger conversation along with the Snelling zoning study.*

*Councils members Thao and Prince, and Council President Stark spoke in support of the motion.*

**Motion of Intent - Application denied**

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

**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.

**First Reading**

- 17 [Ord 17-22](#) Amending Chapter 11 of the Administrative Code pertaining to HREEO department functions and director authority.  
**Laid over to June 28 for second reading**

**BUDGET AMENDMENT PUBLIC HEARINGS (held during the 3:30 portion of the meeting)**  
**No items**

*Councilmember Bostrom respectfully requested a report from Police Chief about what's going on with shots fired and what was being done about it.*

*Council members shared good news from their wards.*

*The Council recessed at 3:45 p.m.*

**PUBLIC HEARINGS (Public Hearings will begin at 5:30 p.m.)**

- Present** 6 - City Council President Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince  
**Absent** 1 - Councilmember Dan Bostrom

- 18 [Ord 17-21](#) Amending Chapter 409 of the Saint Paul Legislative Code to allow for intoxicating liquor off-sale on Sunday.

*No one was present to testify. Councilmember Tolbert moved to close the public hearing.*

**Public hearing held and closed; laid over to June 28 for final adoption**

- Yea:** 6 - City Council President Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince  
**Nay:** 0  
**Absent:** 1 - Councilmember Bostrom

**Councilmember Bostrom joined the meeting.**

**Present** 7 - Councilmember Dan Bostrom, City Council President Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

- 19     [RES PH 17-122](#)     Denying the application submitted by Jaunae Brooks on behalf of Railroader Printing Building located at 235 East Sixth Street for an exception to the general hours of operation for pedestrian Skyway Bridge #15. (Public hearing held May 3 and May 17)

*Dan Niziolek, Department of Safety and Inspections (DSI), gave a staff report on two additional items added to the record, related to 1) Barrio accessibility requirements, which would be handled through a different process, 2) and the proposal submitted by the property owner. He reviewed DSI's opposition to the proposal. He answered questions from Council members.*

*For the applicant:*

*Chuck Repke (154 W. Winifred), representing the applicant  
Applicant Jaunae Brooks (235 E. 6th Street)  
Patrick Connelly (1516 Ashland)  
Tom Dunne (66 E. 9th Street)  
Andrea Wallace (235 E. 6th Street)*

*In opposition:*

*Mark Hughes, Co-chair of the Mayor's Committee on People with Disabilities in St. Paul  
Rick Cardenas  
Darrell Paulson  
Carols Garcia (632 Earl Street)  
Andy Flamm (1706 Eleanor Avenue), Chair of the Skyway Governance Advisory Committee  
Kati Berg 78 10th Street E.)  
Larry Dunham 921 Bayless Avenue*

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

*Councilmember Noecker responded to the testimony. She said she had been trying to find a reason to grant this particular building a exception and didn't think there was anything particularly difficult in securing that area. She thanked Ms. Brooks for bringing attention to the problems in the skyway, and said the study was looking at those problems. She said they were being presented with a false choice between security and accessibility, and she moved to support the unanimous recommendation of DSI and the Skyway Governance Advisory Committee to deny the variance request.*

*Council President Stark spoke in support of the motion.*

*Council members Tolbert and Brendmoen expressed concerns about leaving the business owner without an immediate solution, and suggested a temporary solution which would ensure ADA compliance but allow the exception.*

*Councilmember Bostrom said downtown had changed and the City hadn't changed with it, and he didn't feel this was an unreasonable request. He said they had to start somewhere and couldn't lay all of this on the shoulders of police officers.*

*Councilmember Prince spoke in support of Councilmember Noecker's motion.*

*Councilmember Tolbert offered an amendment incorporating a suggestion by Mr. Repke.*

*Council President Stark asked for a vote on the original motion and said a new resolution could be brought in.*

*Deputy City Attorney Rachel Tierney said there was a motion on the table to deny the variance, and the motion suggested by Councilmember Tolbert would grant the variance. She said the Council needed to rule on the motion to deny.*

*Councilmember Tolbert said he planned to vote against the motion and bring forward an alternative.*

*There was additional discussion between Council members about the intent and potential effects of an interim solution.*

*A vote was taken on Councilmember Noecker's motion.*

**Adopted (application denied)**

**Yea:** 4 - Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 3 - Councilmember Bostrom, City Council President Brendmoen and Councilmember Tolbert

**20**     [RES PH 17-150](#)

Updating the Saint Paul Bicycle Plan to incorporate the recommendations of the Capital City Bikeway Network Study and Design Guide as well as the Grand Round Design and Implementation Plan. (Public hearing continued from June 7)

*Councilmember Prince moved to continue the public hearing to July 19.*

*In support:*

*Tom Basgen (1865 Munster Avenue)*

**Public hearing continued to July 19**

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

**Nay:** 0

**Councilmember Tolbert left the meeting.**

**Present** 6 - Councilmember Dan Bostrom, City Council President Amy Brendmoen, Councilmember Dai Thao, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

**Absent** 1 - Councilmember Chris Tolbert



- 21     [RES PH 17-170](#)     Adopting the River Balcony Master Plan as an amendment to the Great River Passage Master Plan.

*Lucy Thompson, Planning and Economic Development, gave a staff report.*

*In support:*

*Jim Stoplestad (332 Minnesota Street W.)*

*John Anfinson (111 E. Kellogg Boulevard)*

*Irene Jones (101 E. 5th Street), Friends of the Mississippi River*

*Patrick Hamilton (129 W. Kellogg Boulevard), Science Museum of Minnesota*

*Shirley Erstad 1660 Laurel Avenue), Friends of the Parks and Trails*

*Terry Mattson (175 West Kellogg ), Visit St. Paul*

*Bill Huepenbecker (175 West Kellogg), Xcel Energy Center/ Minnesota Wild*

*Councilmember Noecker moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 22     [PH 17-5](#)             Public hearing to consider the application of the City of Saint Paul for preliminary and final plat approval for the 199 Kellogg et al to create four lots. (Zoning File # 07-052-406)

*No one was present to testify. Councilmember Noecker moved to close the public hearing and grant the application.*

**Motion of Intent - Application granted**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 23     [RES PH 17-149](#)     Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified music June 24, 2017 during the Twin Cities Jazz Festival at the Central Towers, 20 Exchange Street.

*No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 24**     [RES PH 17-152](#)     Approving the application of Wanderlust Festival LLC for a sound level variance in order to present announcements and amplified music on Friday, June 30 and Saturday, July 1, 2017 during Wanderlust 108 at Harriet Island.

*No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 25**     [RES PH 17-155](#)     Approving the application of Shakey Bones for a sound level variance in order to present announcements and amplified music on Saturday, July 8, 2017 at Raspberry Island/Wabasha Street during Shakey Bones Customer Appreciation.

*No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 26**     [RES PH 17-157](#)     Approving the application of Alliance Francaise de Minneapolis/St Paul for a sound level variance to present amplified music, DJ, and announcements, on Sunday, July 9, 2017 for Bastille Day at Landmark Plaza.

*No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 27**     [RES PH 17-158](#)     Approving the application of Team Ortho Foundation for a sound level variance in order to present amplified music, a DJ, and announcements at Lower Landing Park, 200 Warner Road, for the Tiki Run on Saturday, July 15, 2017.

*No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 28**     [RES PH 17-159](#)     Approving the application of Podium Sports Marketing for a sound level variance to present announcements and music Shepard Road at Eagle Parkway, and amplified music and announcements at the Upper Landing Park-Shepard Road west of Ontario Street for the RBC Minnesota Half Marathon on Saturday, August 5, 2017.

*No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 29**     [RES PH 17-151](#)     Approving the application of Lao Family Foundation for a sound level variance in order to provide amplified sound on Saturday, July 1 and Sunday, July 2, 2017 during the Hmong Freedom Festival at the Como Park, McMurray Field Area.

*No one was present to testify. Council President Stark moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 30**     [RES PH 17-153](#)     Approving the application of Fair State Brewing Cooperative for a sound level variance in order to present a DJ and amplified music on Saturday, July 15, 2017 at 2077 Ellis Avenue during the Mixed Culture event.
- No one was present to testify. Council President Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
- 
- 31**     [RES PH 17-162](#)     Approving the application of La Shandra Exom for a sound level variance in order to present live music on Tuesday, July 4, 2017 in the parking lot at 1990 Suburban Avenue during Jam Fest.
- No one was present to testify. Councilmember Prince moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
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- 32**     [RES PH 17-113](#)     Ratifying the assessment for lighting improvements on Oakdale Avenue from State Street to Annapolis Street. (File No. 19215, Assessment No. 165101)
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert

- 33**     [RES PH 17-119](#)     Ratifying the assessment for above-standard street lighting along Wall Street between 5th Street and 7th Street, and approving the annual operation and maintenance costs for said lighting to be assessed to benefitted properties. (File No. 19220, Assessment No. 175100)
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
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- 34**     [RES PH 17-101](#)     Ratifying the assessment for parking lot improvements done as part of the Payne Avenue & Bedford Street area project. (File No. 19195, Assessment No. 175200)
- No one was present to testify. Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
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- 35**     [RES PH 17-103](#)     Ratifying the assessment for water main and connections at 1360 Point Douglas Road South, 1492 Point Douglas Road South, and 1558 Point Douglas Road South. (File No. 18982B3, Assessment No. 176100)
- No one was present to testify. Councilmember Prince moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

- 43 [RLH SAO 17-48](#) Making finding on the appealed nuisance abatement ordered for 541 CASE AVENUE in Council File RLH SAO 17-30. (Public hearing held June 21)

*Legislative Hearing Officer Marcia Moermond gave a staff report on the determination of whether a nuisance had been abated. She listed extensions previously granted and displayed photographs taken at different stages of the process; the most recent photographs indicated significant material present. She said her recommendation was to make a determination that the nuisance had not been abated. She said the owner had done additional clean-up since the Legislative Hearing, which was not attended. She displayed recent photographs. She said the City was liberal in allowing construction material to be present when there was an ongoing project and that was not the case here. She repeated her recommendation.*

*Councilmember Brendmoen said she agreed with Ms. Moermond's recommendation but that it did look like significant progress had been made in organizing items. She asked what the enforcement time frame was. Ms. Moermond said the Council had granted to June 5, and the Department of Safety and Inspections would be empowered to act to abate the problem as soon as the Mayor signed the resolution. Councilmember Brendmoen said she was inclined to grant a little more time, while acknowledging that there had been quite a bit of extension granted to this point. She said the amount of work was incredible.*

*Vickie Norwood (541 Case) said she was disabled and lived on Social Security. She said the things in her yard were things given to her and things bought cheap for her projects. She said she didn't have the money for the projects but was doing it as she could. She described what the remaining items were for and said she had gotten rid of everything she'd been asked to get rid of. She said everything remaining was on pallets and would be covered.*

*Councilmember Brendmoen asked how long it would take for Ms. Norwood to be done. Ms. Norwood said hopefully by the end of the summer. She described her circumstances and said she understood it didn't look good but she had gotten rid of the trash her kids put out in the yard. She said she would like a chance to get her yard back.*

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

*Councilmember Brendmoen said the amount of progress was commendable and she wanted to acknowledge that. She said the pictures were from the homeowner and not DSI, and she would like to lay the matter over for a week to get a handle on what was really going on in the yard.*

**Public hearing held and closed; laid over to June 28**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

- 77 [RLH TA 17-188](#) Ratifying the Appealed Special Tax Assessment for Property at 227 MARYLAND AVENUE WEST. (File No. J1711A, Assessment No. 178514)

*(A Hmong interpreter was present for the appellants.)*

*Legislative Hearing Officer Marcia Moermond gave a staff report on the assessment for the clean-up. She displayed photographs taken prior to the clean-up. She said Ms. Xiong stated that she had called the City to let them know the work was done; the photographs indicated that was not the case. She said the inspector said there was a separate incident in April when the work was done by the owner; she said she imagined there was confusion between the two instances. She showed a video of the clean-up. In response to a question from Councilmember Brendmoen she said it was a rental property.*

*In opposition:*

*Property owners Ying Vang and Chee Xiong appeared, and testified via the interpreter. Mr. Vang said he called the inspector on February 13 to say that the everything was already removed. He said soon thereafter, they received another letter that trash was all over the place but it was unbelievable that there was after the fact. Ms. Xiong said the fine was too high and they would like it reduced.*

*Councilmember Thao said he would like to ask about the February and April confusion. He asked whether this was a problem property in the system? He addressed the appellants in Hmong. Ms. Xiong said they complied with the February 12 and informed the inspector about it.*

*Council President Stark asked the appellants to confirm that somehow later there was more trash that was removed. Mr. Vang said although they cleaned up the request to remove the trash and called the inspector, somehow the inspector said they were asking for an inspection and somehow there was trash there that we weren't aware of.*

*Councilmember Noecker asked for further clarification. Mr. Vang said they were told the inspection would be done on February 14.*

*Council President Stark said there was a compliance date on February 14 but separately there was a recheck on the 23rd. He asked for clarification from Ms. Moermond. Ms. Moermond said an inspection was granted after the phone call came in. She said in circumstances like these she went back to the Summary Abatement order to see if the items listed matched what was seen in the video. She read from the order and said the description of the trash bags along the garage matched what they saw in the video and that wasn't something that was likely to recreate itself in a short time period.*

*Councilmember Noecker said in the video they also talked about car parts, and she asked whether that would normally be called out specifically. Ms. Moermond displayed a photograph and said there was something resembling a muffler in the pile by the porch. Councilmember Noecker asked whether what was being stated was that the order from February 7 was cleaned up by the appellants, and that the items seen in the video and photos happened later. She said it sounded like what the crews were going out to clean up was trash bags, which did not appear to be overflowing, and car parts. Ms. Moermond said there were a couple of outstanding questions including one posed by Councilmember Thao about whether this was a problem property, and another*

having to do with the description of the items and whether they were new after the original order. She said there was an extensive history of vehicle orders and quite a number of complaints but didn't mean they were substantiated. She said with respect to the area at the back of the porch and the overflowing garbage, it was the same overflowing garbage that was described. She said the fact that a vehicle part was described in the work order and not specifically called out in the Summary Abatement order (pause); if all the garbage by the back porch was cleared away and this had recreated itself it would mean in her view that the abatement might be discounted slightly. She said she was convinced that the bags along the building are the same and that material accounted for the vast majority of the assessment costs.

Councilmember Bostrom said if video could be replayed, they had pictures from when they took them in February. Council President Stark said the photos were from the same time as the video. Ms. Moermond said the photographs were taken the same day as the video and were the basis for the work order.

Councilmember Brendmoen asked about the confusion with another garbage abatement in April. Ms. Moermond said in Legislative Hearings they specifically talked about an abatement order of April 17 that was cleaned up by the owner, and there was also an order dated May 15 which was also cleaned up by the owner. She noted that they had neglected to have the appellants introduce themselves at the beginning of testimony as was customary. The appellants stated their names.

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

Councilmember Brendmoen said she didn't want to seem unsympathetic but these were landlords and a property that was apparently being called in often for garbage and vehicle abatements. She said it took a threshold for properties to get called in, and meanwhile neighbors were looking at garbage and car parts while it got to that point. She moved to adopt Ms. Moermond's recommendation to sustain the assessment.

Councilmember Noecker said she would vote against the motion. She said she didn't disagree that the landlords weren't doing a great job. She said there was a history of orders but also a history of responsiveness, and in this case there was enough uncertainty in this case that it was possible the order was cleaned up and more trash accumulated without ever getting an order.

Councilmember Brendmoen said it was the responsibility of the landlord to keep their property clear of garbage, and every time the City had to send a letter and send out an inspector there was a cost to the City to do the job that responsible landlords should be doing. She said she appreciated that they'd cleaned it up after being sent an order, but the fact that they were repeatedly being sent orders indicated they were not taking their job as landlords seriously. She said she didn't want the North End to be less than other neighborhoods because people didn't call in trash quickly. She moved to adopt the Ms. Moermond's recommendation.

**Adopted (assessment approved)**

**Yea:** 5 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark and Councilmember Prince

**Nay:** 1 - Councilmember Noecker

**Absent:** 1 - Councilmember Tolbert



- 79**     [RLH RR 17-12](#)     Ordering the rehabilitation or razing and removal of the structures at 544 MINNEHAHA AVENUE WEST within one hundred eighty (180) days after the June 21, 2017, City Council Public Hearing. (Public hearing held June 21)

*Legislative Hearing Officer Marcia Moermond said they'd received all of the items they'd asked for but one. She said the community development corporation needed a \$50,000 gap subsidy, and she was asking the Council to hold and close the public hearing and lay the matter over for one week for them to produce the documentation.*

*No one was present to testify. Councilmember Thao moved to close the public hearing and lay the matter over to June 28.*

**Public hearing held and closed; laid over to June 28**

**Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Tolbert

**LEGISLATIVE HEARING CONSENT AGENDA (Items 36 - 117)**

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

**Approval of the Consent Agenda (Items 36 - 117)**

*No one was present to testify. Councilmember Prince moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.*

**Legislative Hearing Consent Agenda adopted as amended**

**Yea:** 5 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 2 - Councilmember Thao and Councilmember Tolbert

- 36**     [RLH SAO 17-39](#)     Making finding on the appealed nuisance abatement ordered for 1469 ALBANY AVENUE in Council File RLH SAO 17-27. (Legislative Hearing on June 20)

**Adopted as amended (nuisance has been partially abated)**

- 37**     [RLH TA 17-211](#)     Ratifying the Appealed Special Tax Assessment for Property at 801 AURORA AVENUE. (File No. CRT1709, Assessment No. 178208)

**Adopted**

- 38     [RLH RR 17-8](#)     Ordering the rehabilitation or razing and removal of the structures at 947 BARCLAY STREET within one hundred eighty (180) days after the June 21, 2017, City Council Public Hearing.  
**Adopted**
- 39     [RLH TA 17-218](#)     Deleting the Appealed Special Tax Assessment for Property at 407 BELVIDERE STREET EAST. (File No. J1707E, Assessment No. 178307)  
**Adopted**
- 40     [RLH TA 17-162](#)     Deleting the Appealed Special Tax Assessment for Property at 1880 BERKELEY AVENUE. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 41     [RLH TA 17-178](#)     Ratifying the Appealed Special Tax Assessment for Property at 517 BIDWELL STREET. (File No. J1711A, Assessment No. 178514)  
**Adopted**
- 42     [RLH TA 17-173](#)     Deleting the Appealed Special Tax Assessment for Property at 1002 BLAIR AVENUE. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 44     [RLH TA 17-163](#)     Ratifying the Appealed Special Tax Assessment for Property at 598 CASE AVENUE. (File No. J1711A, Assessment No. 178514; amended to File No. J1711A1, Assessment No. 178529 and to delete the assessment) (Public hearing continued from June 21 and August 2)  
**Referred to Legislative Hearings on July 18; Council public hearing continued to August 2**
- 45     [RLH SAO 17-60](#)     Appeal of Kathleen Grotto, for Sharri Mueller (daughter), to a Summary Abatement Order and Correction Notice - Complaint Inspection at 664 CASE AVENUE.  
**Adopted**
- 46     [RLH SAO 17-55](#)     Making finding on the appealed nuisance abatement ordered for 746 CASE AVENUE in Council File RLH SAO 17-50.  
**Adopted as amended (nuisance abated)**
- 47     [RLH RR 17-9](#)     Ordering the razing and removal of the structures at 1330 CASE AVENUE within fifteen (15) days after the June 21, 2017, City Council Public Hearing.  
**Adopted**

- 48     [RLH SAO 17-36](#)     Making finding on the appealed nuisance abatement ordered for 178 CAYUGA STREET in Council File RLH SAO 17-16.  
**Adopted**
- 49     [RLH TA 17-181](#)     Deleting the Appealed Special Tax Assessment for Property at 1907 CHELTON AVENUE. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 50     [RLH TA 17-156](#)     Deleting the Appealed Special Tax Assessment for Property at 503 CLEVELAND AVENUE NORTH. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 51     [RLH VO 17-15](#)     Appeal of Tara Schweiger and Benjamin Helberg, Maypop Tire, to a Correction Notice-Complaint Inspection, including Condemnation at 2554 COMO AVENUE #0.  
**Adopted**
- 52     [RLH TA 17-184](#)     Ratifying the Appealed Special Tax Assessment for Property at 242 CONGRESS STREET EAST (469 ANITA STREET). (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 53     [RLH TA 17-220](#)     Deleting the Appealed Special Tax Assessment for Property at 1011 CONWAY STREET. (File No. J1707E, Assessment No. 178307)  
**Adopted**
- 54     [RLH TA 17-170](#)     Ratifying the Appealed Special Tax Assessment for Property at 53 DALE STREET NORTH. (File No. J1711A, Assessment No. 178514)  
**Adopted**
- 55     [RLH RR 17-10](#)     Ordering the razing and removal of the structures at 895 DESOTO STREET within fifteen (15) days after the June 21, 2017, City Council Public Hearing.  
**Adopted**
- 56     [RLH FCO 17-78](#)     Appeal of Dale Mackereth to a Correction Notice - Re-Inspection Complaint at 1135 EDGERTON STREET.  
**Adopted**

- 57     [RLH TA 17-194](#)     Ratifying the Appealed Special Tax Assessment for Property at 1100 EUCLID STREET. (File No. CRT1709, Assessment No. 178208)  
**Adopted**
- 58     [RLH TA 17-180](#)     Deleting the Appealed Special Tax Assessment for Property at 402 FRY STREET. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 59     [RLH SAO 17-46](#)     Making finding on the appealed nuisance abatement ordered for 956 GERANIUM AVENUE EAST in Council File RLH SAO 17-31.  
**Adopted**
- 60     [RLH VBR 17-42](#)     Appeal of Richard Berget to a Vacant Building Registration Fee Warning Letter at 171 GRANITE STREET.  
**Adopted**
- 61     [RLH SAO 17-58](#)     Making finding on the appealed nuisance abatement ordered for 171 GRANITE STREET in Council File RLH VBR 17-31.  
**Adopted**
- 62     [RLH TA 17-175](#)     Ratifying the Appealed Special Tax Assessment for Property at 1786 HAWTHORNE AVENUE EAST. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 63     [RLH TA 17-165](#)     Ratifying the Appealed Special Tax Assessment for Property at 467-469 HERSCHEL STREET. (File No. J1711A, Assessment No. 178514)  
**Adopted**
- 64     [RLH TA 17-196](#)     Ratifying the Appealed Special Tax Assessment for Property at 81 JESSAMINE AVENUE WEST. (File No. J1707E, Assessment No. 178307)  
**Adopted**
- 65     [RLH RR 17-23](#)     Making finding on the appealed substantial abatement ordered for 129 JESSAMINE AVENUE EAST in Council File RLH RR 16-28.  
**Adopted as amended (extension granted)**
- 66     [RLH TA 17-176](#)     Ratifying the Appealed Special Tax Assessment for Property at 845 JESSIE STREET. (File No. VB1709, Assessment No. 178812)  
**Adopted**

- 67     [RLH TA 17-215](#)     Ratifying the Appealed Special Tax Assessment for Property at 866 JESSIE STREET. (File No. J1707E, Assessment No. 178307)  
**Adopted**
- 68     [RLH VBR 17-39](#)     Appeal of Melissa Morral to a Vacant Building Registration Notice at 1722 LAFOND AVENUE.  
**Adopted**
- 69     [RLH VBR 17-43](#)     Appeal of Asa Morral to a Vacant Building Registration Notice at 1722 LAFOND AVENUE.  
**Adopted**
- 70     [RLH TA 17-164](#)     Ratifying the Appealed Special Tax Assessment for Property at 687 LAWSON AVENUE EAST. (File No. J1711A, Assessment No. 178514)  
**Adopted**
- 71     [RLH TA 17-167](#)     Deleting the Appealed Special Tax Assessment for Property at 952 LAWSON AVENUE EAST. (File No. J1711A, Assessment No. 178514)  
**Adopted**
- 72     [RLH TA 17-186](#)     Deleting the Appealed Special Tax Assessment for Property at 1088 LAWSON AVENUE EAST. (File No. J1708G, Assessment No. 178709)  
**Adopted**
- 73     [RLH RR 17-11](#)     Ordering the rehabilitation or razing and removal of the structures at 855 LEXINGTON PARKWAY SOUTH within fifteen (15) days after the June 21, 2017 City Council public hearing. (Public hearing continued from August 16) (Amend to remove only)  
**Referred to Legislative Hearings on July 11**
- 74     [RLH TA 17-192](#)     Ratifying the Appealed Special Tax Assessment for Property at 841 MANOMIN AVENUE. (File No. J1711A, Assessment No. 178514)  
**Adopted**
- 75     [RLH TA 17-189](#)     Deleting the Appealed Special Tax Assessment for Property at 984 MARION STREET. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 76     [RLH TA 17-177](#)     Ratifying the Appealed Special Tax Assessment for Property at 1295 MARION STREET. (File No. J1711A, Assessment No. 178514)  
**Adopted**

- 78     [RLH TA 17-260](#)     Ratifying the Appealed Special Tax Assessment for Property at 525 MARYLAND AVENUE EAST. (File No. J1707E, Assessment No. 178307) (Amend to delete the assessment)  
**Adopted as amended (assessment deleted)**
- 80     [RLH TA 17-121](#)     Ratifying the Appealed Special Tax Assessment for Property at 544 MINNEHAHA AVENUE WEST. (File No. J1707A, Assessment No. 178506; amended to File No. J1707A4, Assessment No. 178521 and to delete the assessment)  
**Adopted as amended (assessment deleted)**
- 81     [RLH TA 17-122](#)     Ratifying the Appealed Special Tax Assessment for Property at 550 MINNEHAHA AVENUE WEST. (File No. J1707A, Assessment No. 178506; amended to File No. J1707A3, Assessment No. 178520)  
**Adopted as amended (assessment and file numbers amended)**
- 82     [RLH RR 17-13](#)     Ordering the rehabilitation or razing and removal of the structures at 666 MINNEHAHA AVENUE WEST within fifteen (15) days after the August 2, 2017 City Council Public Hearing. (Amend to remove or repair within 180 days)  
**Referred to Legislative Hearings on July 11; Council public hearing continued to July 19**
- 83     [RLH TA 17-179](#)     Deleting the Appealed Special Tax Assessment for Property at 1474 MINNEHAHA AVENUE WEST. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 84     [RLH VO 17-8](#)     Appeal of Gary D. Schultz to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1818 NEVADA AVENUE EAST.  
**Adopted**
- 85     [RLH TA 17-195](#)     Deleting the Appealed Special Tax Assessment for Property at 853 OAKDALE AVENUE. (File No. CRT1709, Assessment No. 178208)  
**Adopted**
- 86     [RLH VBR 17-40](#)     Appeal of Herman Antonov, Remax Results, on behalf of Wael Younes, to a Vacant Building Registration Notice at 602 ORANGE AVENUE EAST.  
**Adopted**

- 87     [RLH FCO 17-84](#)     Appeal of Frances Barrett-Bianco to a Fire Certificate of Occupancy Approval With Corrections at 2313 PRISCILLA STREET.  
          **Adopted**
- 88     [RLH TA 17-182](#)     Ratifying the Appealed Special Tax Assessment for Property at 1623 RANDOLPH AVENUE. (File No. VB1709, Assessment No. 178812)  
          **Adopted**
- 89     [RLH VO 17-11](#)     Appeal of Lynn Fagerness to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1119 RAYMOND AVENUE.  
          **Adopted**
- 90     [RLH TA 17-205](#)     Ratifying the Appealed Special Tax Assessment for Property at 1146 REANEY AVENUE. (File No. J1707E, Assessment No. 178307)  
          **Adopted**
- 91     [RLH TA 17-172](#)     Deleting the Appealed Special Tax Assessment for Property at 1879 REANEY AVENUE. (File No. VB1709, Assessment No. 178812)  
          **Adopted**
- 92     [RLH TA 17-174](#)     Deleting the Appealed Special Tax Assessment for Property at 1141 RICE STREET. (File No. VB1709, Assessment No. 178812)  
          **Adopted**
- 93     [RLH TA 17-183](#)     Ratifying the Appealed Special Tax Assessment for Property at 1258 RICE STREET. (File No. VB1709, Assessment No. 178812)  
          **Adopted**
- 94     [RLH SAO 17-54](#)     Making finding on the appealed nuisance abatement ordered for 880 ROSE AVENUE EAST in Council File RLH SAO 16-57.  
          **Adopted**
- 95     [RLH TA 17-203](#)     Ratifying the Appealed Special Tax Assessment for Property at 880 ROSE AVENUE EAST. (File No. J1707E, Assessment No. 178307)  
          **Adopted**
- 96     [RLH TA 17-190](#)     Deleting the Appealed Special Tax Assessment for Property at 373 RUTH STREET. (File No. VB1709, Assessment No. 178812)  
          **Adopted**

- 97     [RLH TA 17-221](#)     Ratifying the Appealed Special Tax Assessment for Property at 1268 SELBY AVENUE. (File No. VB1710, Assessment No. 178813)  
**Adopted**
- 98     [RLH VO 17-2](#)        Appeal of Bruce Magnuson to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1271 SEMINARY AVENUE.  
**Adopted**
- 99     [RLH TA 17-271](#)     Ratifying the Appealed Special Tax Assessment for Property at 657 SHERBURNE AVENUE. (File No. J1707E, Assessment No. 178307; amended to File No. J1707E1, Assessment No. 178315) (Public hearing continued from June 21)  
**Public hearing continued to October 18**
- 100    [RLH TA 17-206](#)     Ratifying the Appealed Special Tax Assessment for Property at 1608 SHERBURNE AVENUE, UNIT 4. (File No. J1710A, Assessment No. 178511)  
**Adopted**
- 101    [RLH TA 17-191](#)     Deleting the Appealed Special Tax Assessment for Property at 744 SIMON AVENUE. (File No. J1708G, Assessment No. 178709)  
**Adopted**
- 102    [RLH TA 17-219](#)     Ratifying the Appealed Special Tax Assessment for Property at 831 SMITH AVENUE SOUTH. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 103    [RLH SAO 17-49](#)     Making finding on the appealed nuisance abatement ordered for 1486 THIRD STREET EAST in Council File SAO 17-24.  
**Adopted**
- 104    [RLH FCO 17-81](#)     Appeal of Mark E. Rancone, President of Roseville Properties, on behalf of Cor II Partnership, to a Correction Notice-Reinspection Complaint at 652 TRANSFER ROAD.  
**Adopted**
- 105    [RLH TA 17-216](#)     Ratifying the Appealed Special Tax Assessment for Property at 414 VANBUREN AVENUE. (File No. J1707E, Assessment No.178307)  
**Adopted**



- 106 [RLH TA 17-212](#) Ratifying the Appealed Special Tax Assessment for Property at 617 VIRGINIA STREET. (File No. CRT1709, Assessment No. 178208)  
**Adopted**
- 107 [RLH TA 17-169](#) Ratifying the Appealed Special Tax Assessment for Property at 676 WELLS STREET. (File No. J1710A, Assessment No. 178511)  
**Adopted**
- 108 [RLH TA 17-207](#) Ratifying the Appealed Special Tax Assessment for Property at 329 WHEELLOCK PARKWAY EAST. (File No. J1710A, Assessment No. 178511)  
**Adopted**
- 109 [RLH TA 17-171](#) Ratifying the Appealed Special Tax Assessment for Property at 1284 WOODBRIDGE STREET. (File No. J1711A, Assessment No. 178514)  
**Adopted**
- 110 [RLH AR 17-38](#) Ratifying the assessments for Property Clean Up, Improvement and/or Emergency Abatement services during October to December 2016. (File No. J1710A, Assessment No. 178511)  
**Adopted**
- 111 [RLH AR 17-39](#) Ratifying the assessments for Collection of Vacant Building Registration Fees billed during October 12 to December 30, 2016. (File No. VB1709, Assessment No. 178812)  
**Adopted**
- 112 [RLH AR 17-40](#) Ratifying the assessments for Property Clean Up services during February 1 to 28, 2017. (File No. J1711A, Assessment No. 178514)  
**Adopted**
- 113 [RLH AR 17-41](#) Ratifying the assessments for Trash Hauling services during January 31 to February 21, 2017. (File No. J1708G, Assessment No. 178709)  
**Adopted**
- 114 [RLH AR 17-42](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during December 12, 2016 to January 10, 2017. (File No. CRT1709, Assessment No. 178208)  
**Adopted**

- 115 [RLH AR 17-43](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during November 21 to December 22, 2016. (File No. J1707E, Assessment No. 178307)  
**Adopted**
- 116 [RLH AR 17-44](#) Ratifying the assessments for Collection of Vacant Building Registration Fees billed during August 26 to December 2, 2016. (File No. VB1710, Assessment No. 178813)  
**Adopted**
- 117 [RLH AR 17-45](#) Ratifying the assessments for Collection of Vacant Building Registration Fees billed during January 11 to 20, 2017. (File No. VB1711, Assessment No. 178814)  
**Adopted**

**ADJOURNMENT**

*Councilmember Bostrom moved adjournment.*

**Meeting adjourned at 7:45 p.m.**

**Yea:** 5 - Councilmember Bostrom, City Council President Brendmoen,  
Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 2 - Councilmember Thao and Councilmember Tolbert

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