



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 Bill Finney
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert*

Wednesday, July 1, 2015

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 5:30 p.m.

Council Voting

The reader calls the names of all Councilmembers. A vote in favor is cast by remaining silent, and a vote against is cast by saying no or nay. When the voting is complete, the reader will state whether the motion passed or failed.

ROLL CALL

The meeting was called to order by Council President Stark at 3:32 p.m.

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 15-59](#) Amending CDBG project activities for the Frogtown Flexible Fund program.
Received and Filed

- 2 [AO 15-60](#) Amending the 2015 spending budget in the Public Works Equipment Fund to use budgeted building funds to purchase equipment.
Received and Filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 3 - 15)

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

Councilmember Thao moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

- 4** [RES 15-1024](#) Amending Council File RES PH 15-33 to delete the assessment for Sanitary Sewer Repair on Private Property from October through December 2014 at 709 York Avenue East. (File No. SWRP1502, Assessment No. 153001)
Adopted
- 5** [RES 15-1089](#) Approving the City's cost of providing Property Clean Up services from May 5 to June 5, 2015, and setting date of Legislative Hearing for August 4, 2015 and City Council Public Hearing for September 16, 2015 to consider and levy the assessments against individual properties. (File No. J1512A, Assessment No. 158527)
Adopted
- 6** [RES 15-1090](#) Approving the City's cost of providing Trash Hauling services from May 6 to June 3, 2015, and setting date of Legislative Hearing for August 4, 2015 and City Council Public Hearing for September 16, 2015 to consider and levy the assessments against individual properties. (File No. J1511G, Assessment No. 158712)
Adopted
- 7** [RES 15-1091](#) Approving the City's cost of providing Graffiti Removal services from April 20 to May 19, 2015, and setting date of Legislative Hearing for August 4, 2015 and City Council Public Hearing for September 16, 2015 to consider and levy the assessments against individual properties. (File No. J1509P, Assessment No. 158408)
Adopted

- 8 [RES 15-1092](#) Approving the City's cost of providing Collection of Vacant Building Registration Fees billed from February 27 to April 24, 2015, and setting date of Legislative Hearing for August 4, 2015 and City Council Public Hearing for September 16, 2015 to consider and levy the assessments against individual properties. (File No. VB1511, Assessment No. 158824)
- Adopted**
- 9 [RES 15-1093](#) Approving the City's cost of providing Tree Removal services during May 2015, and setting date of Legislative Hearing for August 4, 2015 and City Council Public Hearing for September 16, 2015 to consider and levy the assessments against individual properties. (File No. 1508T, Assessment No. 159008)
- Adopted**
- 10 [RES 15-1148](#) Authorizing the Fire Department to accept the donation of \$500 from Mary and Diane Fryer.
- Adopted**
- 11 [RES 15-1088](#) Authorizing the Department of Parks and Recreation to spend \$800 on food for staff working the Hmong Festival.
- Adopted**
- 12 [RES 15-1177](#) Approving the use of Neighborhood STAR Year-Round Program funds for the construction of Tuj Lub Courts at Duluth and Case Recreation Center.
- Adopted**
- 13 [RES 15-1184](#) Authorizing the City to enter into MnDOT Agreement No. 1000544 with State of Minnesota, Department of Transportation, for power, operation, and maintenance of bridge lighting on the Griggs, Grotto, and Mackubin Pedestrian Bridges over Trunk Highway No. 94.
- Adopted**
- 14 [RES 15-1095](#) Authorizing the appropriate public officials to execute a License Agreement between Teleport Communications America, LLC and the City of St. Paul to allow Teleport Communications to utilize space on the Wabasha Bridge for their equipment.
- Adopted**

- 15 [RES 15-1186](#) Authorizing the City to enter into Metropolitan Council Agreement No.15I009 with Metropolitan Council to provide for payment by Metropolitan Council to the City for City provided construction services on A Line Bus Rapid Transit Project on Snelling Avenue and Ford Parkway
- Adopted**

FOR DISCUSSION

- 3 [RES 15-1201](#) Approving review of municipal contracting provisions.
- Councilmember Tolbert moved a technical amendment, and approval of the resolution as amended.*
- Adopted as amended**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- 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

- 16 [Ord 15-31](#) Memorializing City Council action granting the application of Twin City Concrete Products to rezone the property at 1474-1520 Minnehaha Avenue East, 685 Hazelwood Street, 1446 Beech Street, et al., from I1 Industrial and VP Vehicular Parking to T1 Traditional Neighborhood, and from R4 One-Family to RT1 Two-Family; and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held June 3, 2015)
- Laid over to July 8 for final adoption**

First Reading

- 17 [Ord 15-27](#) Amending Chapters 61, 63, and 69 of the Saint Paul Legislative Code pertaining to Parkland Dedication.
- Laid over to July 8 for second reading**

- 18 [Ord 15-32](#) Amending Legislative Code Chapters 60, 61, 62, 63, 65 & 69 to correct errors, and update and clarify language.
Laid over to July 8 for second reading
- 19 [Ord 15-33](#) Amending sections of Chapter 62, Nonconforming Lots, Uses & Structures, Chapter 63, Regulations of General Applicability, and Chapter 66, Zoning District Uses, Density and Dimensional Standards of the Saint Paul Legislative Code pertaining to residential zoning standards.
Laid over to July 8 for second reading

Council members shared information about upcoming events in their wards.

The Council recessed at 3:39 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:31 p.m.

Councilmember Thao excused

- Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dave Thune, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark
- Absent** 1 - Councilmember Dai Thao

SUSPENSION ITEM

Councilmember Thune moved suspension of the rules.

Rules suspended

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

[APC 15-7](#)

Public Hearing to consider the appeal of Salina Amey et al of a Planning Commission decision to grant a conditional use permit to Hawkins, Inc. for elevation of structures in the floodplain on an alternative to fill at 701 Barge Channel Road. (Public hearing continued from June 17 and July 1)

Councilmember Thune moved to continue the public hearing to July 15.

Public hearing continued to July 15

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 20** [RES PH 15-173](#) Approving the application of Tawfiq Islamic Center for a sound level variance for the Eid-al-Fitr End of Ramadan Prayer Festival Service, on Friday, July 17, 2015 or Saturday, July 18, 2015 from 7:00 a.m. to 10:30 a.m., with a pre-event sound check at 7:00 a.m., at the Oxford Community Center Football Field, 270 Lexington Parkway North.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 21** [RES PH 15-169](#) Approving the application of HSR Events for a sound level variance in order to present amplified music from noon until 10:00 p.m., with a pre-event sound check at 11:00 a.m., on Saturday, August 8, 2015 during the Lowertown Guitar Festival at Mears Park.

HSR Director Steve Heckler described the event.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 22** [RES PH 15-176](#) Approving Team Ortho Foundation's request for a sound level variance in order to present announcements at the Kellogg Boulevard and Wacouta Street Start; amplified music and the use of a sound system for announcements at the Shepard Road and Jackson Street Finish; and a DJ at the Union Depot South Plaza, 214 4th Street East, for the Tiki Run on Saturday, July 18, 2015 from 7:45 p.m. to 10:00 p.m., with a pre-event sound check at 7:30 p.m.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 23** [RES PH 15-177](#) Approving the application of Amber ACE Cleveland/ ACEntertainment Management for a sound level variance for outdoor music between 2:00 p.m. to 10:00 p.m., with a pre-event sound check between 12:00 p.m. to 2:00 p.m., on Saturday, July 11, 2015 at Union Depot, 214 4th Street, North Plaza.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 24** [RES PH 15-178](#) Approving the application of John Andreozzi and Linda DeRoode, Festa Italiana MN, for a sound level variance in order to provide amplified music and the use of a sound system from 11:00 a.m. until 10:00 p.m. on Friday, July 17, 2015, and from 10:00 a.m. to 10:00 p.m. on Saturday, July 18, 2015, during the Festa Italiana MN Event at Harriet Island.

Applicant Linda DeRoode (1810 Como Avenue) thanked the Council and them to attend the event.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 25** [RES PH 15-179](#) Approving the application of Minnesota People of Color LGBT Pride for a sound level variance in order to provide amplified music and the use of a sound system for music and announcements from 8:30 a.m. until 7:00 p.m., with a sound check at 8:45 a.m., on Sunday, August 16, 2015, during the Minnesota People of Color Intercultural Pride Festival Event 2015 at Raspberry Island Park.

Withdrawn

- 26** [RES PH 15-130](#) Ratifying the assessment for a sidewalk improvement along the south side of Concordia Avenue from Arundel Street to Marion Street, and along the east side of Arundel Street from Concordia Avenue to 100 feet south of Concordia Avenue. (File No. S1401, Assessment No. 145300)

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 27** [RES PH 15-118](#) Ratifying the assessments for Repair of Sanitary Sewer Line on Private Property from January to March 2015. (File No. SWRP1503, Assessment No. 153002)

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 28** [RES PH 15-105](#) Ratifying the assessment for a sanitary sewer and connection at 1604 Point Douglas Road South. (File No. 18932A2, Assessment No. 156005)
- No one appeared in opposition; Councilmember Finney moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- Absent:** 1 - Councilmember Thao
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- 29** [RES PH 15-106](#) Ratifying the assessment for a water main and connection at 1604 Point Douglas Road South. (File No. 18982B1, Assessment No. 156103)
- No one appeared in opposition; Councilmember Finney moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- Absent:** 1 - Councilmember Thao
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- 30** [RES PH 15-183](#) Accepting a gift of \$10,000 from the trust of Susan Elizabeth Flynn, and amending the Department of Parks and Recreation 2015 budget by adding \$10,000 to the financing and spending plan for donated funds towards a memorial bench and flowering trees along Mississippi River Boulevard.
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- Absent:** 1 - Councilmember Thao

- 31 [RES PH 15-184](#) Reciting a proposal for a Housing Finance Program for a multi-family rental housing development; giving preliminary approval to the project and the Program pursuant to Minnesota Statutes, Chapter 462C; authorizing the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota to issue conduit housing revenue bonds; and authorizing the preparation of necessary documents and materials in connection with said project and Program (Lonnie Adkins Court Apartments Project).

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 34 [RLH TA 15-259](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1509A, Assessment No. 158510 at 1412 DESOTO STREET. (Public hearing continued from June 17) (Amended to Project No. J1509A1, Assessment No. 158528)

Legislative Hearing Officer Marcia Moermond said orders were issued for black plastic bags that were presumed to contain garbage but the appellant said was recycling. She displayed photographs. She said the work was done for \$288 with a \$160 service charge, for a total assessment of \$448.

In opposition:

Appellant Yang Ly said the bags were to be taken to the recycling center but the City removed them first. She said she was asking for a reduction in the assessment because the tenant had moved out.

Councilmember Brendmoen asked Ms. Moermond to confirm that the \$400 charge was for removing what looked like about twelve bags. Ms. Moermond said that was correct. Councilmember Brendmoen asked if it was a rental property. Ms. Moermond said it sounded like that was the case based on Ms. Ly's testimony, but that wasn't something they took into account.

Councilmember Brendmoen moved to close the public hearing and approve Ms. Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

37 [RLH VO 15-33](#) Appeal of Candise Lundy Dockery to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2203 GLENRIDGE AVENUE.

Legislative Hearing Officer Marcia Moermond said this was a revocation of the Certificate of Occupancy for long term non-compliance. She said there were quite a few missed appointments, and instances of failure to provide access. She said the tenants were taking responsibility for doing repairs but there wasn't a responsible owner, and she was looking for a plan from the owner or tenants addressing how repairs would be handled. She said an additional Certificate of Occupancy inspection was also needed, since full access hadn't been granted. She recommended a July 17 deadline for compliance, with an August 1 vacate date in the case of noncompliance.

In opposition:

Steve Henderson appeared representing the appellant (tenant Candise Lundy Dockery). He said contractors had been out and almost everything was done except the driveway. He reviewed what had been done, and said the just needed a re-inspection.

Councilmember Finney asked whether two weeks would be adequate. Mr. Henderson said it would, and he appreciated the time Ms. Moermond had granted.

Councilmember Finney moved to close the public hearing and adopt Ms. Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

41 [RLH FCO 15-94](#) Appeal of Scott Gann to a Correction Notice - Re-Inspection
Complaint at 2227 HILLSDALE AVENUE.

Legislative Hearing Officer Marcia Moermond said the issue was a large section of retaining wall supporting a large segment of property. She recommended granting a year for compliance. She said she didn't like to go out further than a year, but the appellant would like a longer time.

In opposition:

Appellant Scott Gann (104 Spring Street, Somerset, WI) said seven walls needed to be completed. He said he could do four this summer, but might not have time to do the additional three in the spring. He said one had been done, and it took a month to do one. He said the whole thing had to be excavated; he showed photographs.

Councilmember Finney said he was inclined to go along with Ms. Moermond's recommendation. He asked Mr. Gann why they couldn't be completed in a year. Mr. Gann said there was a weather factor. Councilmember Finney asked Mr. Gann what he would do if he can't get them done. Mr. Gann said he guessed he would come back before the Council.

Councilmember Finney moved to close the public hearing and adopt Ms. Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 48 [RLH RR 15-20](#) Ordering the razing and removal of the structures at 966 MARYLAND AVENUE EAST within fifteen (15) days after the July 1, 2015, City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond said the property was before the Council a year ago for a condemnation, when two teenagers had been living there after their mother was deported. She said the house was now in foreclosure and US Bank had cleaned it out and was looking for time to do the rehab. She said there had been two Legislative Hearings; a contractor was there for the first, and the second was no-show. She said she had since heard from an attorney for Five Brothers and US Bank, and they were interested in doing the rehabilitation. She said a Code Compliance inspection had been applied for and the \$5000 bond had been posted that day. She said a letter had been submitted indicating Five Brothers had adequate finances based on the City's rehab estimate but she would be asking for additional documentation that the funds would be dedicated to the rehab. She said the property was being maintained and the taxes were paid, but the last-minute bond and Code Compliance inspection application and no-show hearings were not good signs. She said it was mentioned several times in the first hearing that the property was going to be transferred to HUD, in which case the City would step aside. She said she had asked them to come before the Council to share their plans and information about resources.

In opposition:

Jared Goerlitz, PFB Law (55 E. 5th Street, Suite 800) said the house was owned by Minnesota Housing Finance Agency (MHFA), and US Bank was the servicer for the loan. He said the ducks were now in a row to rehab the property and make it an asset. He said MHFA was a good organization and should be granted a little leeway. He said he couldn't speak to why the ball was dropped between the end of the redemption period and now, but he felt the property was appropriate to go back for a Legislative Hearing to allow submission of information necessary for rehabilitation.

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

Councilmember Bostrom asked Ms. Moermond for her recommendation. Ms. Moermond said she was hoping for input from Councilmember Bostrom. She said a layover was an option.

Councilmember Bostrom moved to order 15 day remove or repair, and the appellant could come back if they got the requirements submitted.

Adopted as amended (remove or repair within 15 days; will be reconsidered if conditions are met within that time)

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

51 [RLH VO 15-26](#) Appeal of Eugene Kotz to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1052 ROSS AVENUE.

Legislative Hearing Officer Marcia Moermond said the property had an extreme amount of dilapidation. She said windows and doors were of particular concern and she displayed a picture of a door without a sound closure, which presented a safety issue. She said the owner indicated he would complete repairs when the tenant left, because he felt the tenant would cause further damage. She said there was a lot of damage in the apartment. She said she traditionally didn't take into account who was living in the apartment but rather the building conditions, and given those conditions her original recommendation was a compliance date of June 16 with an August 1 vacate date. She said her recommendation remained unchanged.

In opposition:

Eugene Kotz (2021 Blue Jay Street, Shakopee) said he'd owned the property for 14 years and had had five prior Certificate of Occupancy inspections, most recently in 2013, when everything passed fine. He said for the previous six months he'd been working with an organization which helped place tenants, but the people had destroyed his property and he'd had to evict them all except one. He said as of the day before they were all out, and he was no longer working with the organization, which was being investigated by State Attorney General Swanson. He said the remaining tenant had been there for five years and was a great tenant. He said he had addressed the original deficiency list of about 50 items but a few more items were added at the re-inspection. He said those items had been that way for decades and never called out. He said he was willing to remediate the items but was asking for four to six weeks more because he would be traveling for two of the next six weeks. He said it was in the best condition it had ever been in with the exception of the unit that had been vacated the day before. He said he loved the building and wanted to complete the work.

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

Ms. Moermond said she'd received a progress report, and she read notes from inspector regarding current conditions, including electrical repairs done without a permit.

Councilmember Bostrom asked whether the building was habitable for the one tenant remaining. Ms. Moermond said the issue before the Council was revocation of the Certificate of Occupancy due to long term non-compliance as well as a breadth of things to be taken care of. She said she didn't recall whether there was condemnation of a specific unit.

Councilmember Bostrom moved to adopt Ms. Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 59 [RLH RR 15-15](#) Ordering the rehabilitation or razing and removal of the structures at 155 WHEELLOCK PARKWAY EAST within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (Public hearing continued from June 3) (Amended to grant 120 days)

Legislative Hearing Officer Marcia Moermond asked for a two week layover to allow additional time for the Code Compliance inspection to be completed.

No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to July 15.

Public hearing continued to July 15

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

35 [RLH VO 15-32](#)

Appeal of Alan Peterson, Syndic Group I, LLC, to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 201 FOURTH STREET EAST. (Laid over from July 1)

Legislative Hearing Officer Marcia Moermond said there were several issues in play, the most important have to do with the roof leaking, sprinklers needing to be updated and augmented, and the stability of a slab being used outside for a garbage container. She referred to a letter from an engineer indicating how temporary shoring could assist in stabilizing the slab in the short run for slab. She said her recommendation in addition would be to block parking on the slab and removing the garbage container. She said cost of updating the sprinkler heads would be significant. She showed a photo of leaking activity, and said the inspectors had noted water infiltration related to the roof leakage. She reviewed the staggered deadlines for the orders.

Councilmember Thune asked whether there were any life safety issues. Ms. Moermond said a roof leaking was a problem because of the possible deterioration of wood members, and not having a code-compliant sprinkler system was a life safety issue. Councilmember Thune asked whether there were residents. The property owner said there were three residents and 15 studios.

In opposition:

Property owner Alan Peterson (2192 St. Stephen, Roseville) said they had purchased the building with the intent to renovate and had been working on the financing. He said they'd had it for sale for a while and had a purchase agreement that failed. He said over \$50,000 had been spent on the sprinkler system over the years and the orders were for the sprinkler heads in one unit that had somehow been overlooked. He said those remaining 21 heads had now been replaced and nine extra sprinkler heads were added in the box as requested by the inspector. He said the sprinkler system had been inspected and tested and was now up to code. He said he'd had an engineer look at the roof, and the engineer reported negligible deterioration of the wood in the problem area near the chimney and advised protecting the wood and rechecking every two years. Mr. Peterson said the engineer didn't find any other indication of leakage. He said the roof had been fixed and no longer leaked. He said the roof was 20 years old and did need to be replaced and would be with the renovation. He said the engineer had also made suggestions as to the structure in the back and the new structure had been signed off that day.

Ms. Moermond read from the sprinkler inspector's report asking that the permit be held open for the 50 year test report. Mr. Peterson said he'd thought the sprinklers were done, but would check. Ms. Moermond noted that there was a problem previously when there were two contractors involved. Mr. Peterson said he found a second small company who was able to finish the work quickly, and he would work on straightening out the confusion. In response to a question from Councilmember Thune, he said the sprinkler heads had been tested.

Council President Stark asked Mr. Peterson what he was asking for. Mr. Peterson said he was asking for a little more time. He said their finances and closing had been put on hold due to the condemnation, and he needed to have it lifted. He said the critical things were done, the plumbing just needed to be signed off, and everything in the interior would be done that week. He said they would like six months on the furnace and exterior which would happen with the financing.

Councilmember Thune asked Ms. Moermond whether that sounded reasonable; he said he'd like the sprinklers checked right away since the building was occupied. Ms. Moermond said she would like that permit finalled in two weeks, and her

recommended deadline for the balance of the items was August 1, and she asked Mr. Peterson whether he needed more time. Mr. Peterson said the only things that wouldn't be done were the furnace and the exterior.

Councilmember Thune said six months was too long for the furnace. He suggested continuing the public hearing for two weeks to get the sprinklers tested and do a little more work on making sure the furnace could be tested before winter. He confirmed with Ms. Moermond that she could report back after two weeks.

Councilmember Thune moved to close the public hearing and lay the matter over for two weeks.

Public hearing held and closed; laid over to July 15 at 3:30 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

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 Thune 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 Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

- 32** [RLH SAO 15-39](#) Appeal of Thomas Brace to a Summary Abatement Order at 2157 BEECH STREET.

Adopted

- 33** [RLH SAO 15-37](#) Appeal of Ken Hamblin to a Vehicle Abatement Order at 505 CENTRAL AVENUE WEST.

Adopted

- 36** [RLH VBR 15-45](#) Appeal of Alex Yang to a Vacant Building Registration Fee at 36 FRONT AVENUE.

Adopted

- 38 [RLH TA 15-336](#) Amending Council File RLH AR 14-61 to delete the assessment for Collection of Certificate of Occupancy fees billed March 13 to April 15, 2014 at 1326 GRAND AVENUE. (File No. CRT1412, Assessment No. 148213)
Adopted
- 39 [RLH TA 15-287](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508B, Assessment No. 158107 at 218 GROTTO STREET NORTH.
Adopted
- 40 [RLH TA 15-286](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1506P, Assessment No. 158405 at 1607 HARTFORD AVENUE.
Adopted
- 42 [RLH FCO 15-103](#) Appeal of Sharon Murphy to a Fire Inspection Correction Notice at 1965 HYACINTH AVENUE EAST.
Adopted
- 43 [RLH TA 15-293](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508B, Assessment No. 158107 at 915 IOWA AVENUE WEST.
Adopted
- 44 [RLH TA 15-288](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508B, Assessment No. 158107 at 78 JESSAMINE AVENUE WEST.
Adopted
- 45 [RLH VBR 15-43](#) Appeal of Robert Wilson for Beech Front Properties, LLC to a Vacant Building Registration Notice at 684 JESSAMINE AVENUE EAST.
Adopted
- 46 [RLH SAO 15-22](#) Appeal of George Holdgrafer to a Summary Abatement Order at 841 MARION STREET.
Adopted
- 47 [RLH TA 15-341](#) Amending Council File RLH AR 15-23 to spread the assessment for Collection of Vacant Building Fees billed September 4 to December 18, 2014 at 841 MARION STREET. (File No. VB1507, Assessment No. 158807)
Adopted

- 49 [RLH FCO 15-101](#) Appeal of Mark Amundson to a Fire Inspection Correction Notice at 840 POINT DOUGLAS ROAD SOUTH.
Adopted
- 50 [RLH TA 15-279](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1509, Assessment No. 158209 at 1264 REANEY AVENUE.
Adopted
- 52 [RLH FCO 15-102](#) Appeal of Pat Wolf, Commercial Real Estate Services, on behalf of HFS Properties, to a Fire Inspection Correction Notice at 81 SEVENTH STREET EAST.
Adopted
- 53 [RLH TA 15-274](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1506P, Assessment No. 158405 at 520 SEVENTH STREET EAST.
Adopted
- 54 [RLH TA 15-285](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1505T, Assessment No. 159004 at 936 SIMS AVENUE.
Adopted
- 55 [RLH FCO 15-81](#) Appeal of Gary Blair to a Fire Inspection Correction Notice at 1820 STILLWATER AVENUE.
Adopted
- 56 [RLH CO 15-5](#) Appeal of Sharon Bruestle to a Correction Notice at 529 STRYKER AVENUE. (Public hearing continued from May 6)
Adopted
- 57 [RLH RR 14-12](#) Ordering the razing and removal of the structures at 391 VIEW STREET within fifteen (15) days after the July 23, 2014, City Council Public Hearing. (Public hearing continued from August 19)
Public hearing continued to August 19
- 58 [RLH VBR 15-41](#) Appeal of Frank Hamel to a Vacant Building Registration Renewal Notice at 1344 WHEELER STREET SOUTH.
Adopted

- 60 [RLH TA 15-289](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508B, Assessment No. 158107 at 1481 WILSON AVENUE.
Adopted
- 61 [RLH AR 15-35](#) Ratifying the assessments for Collection of Certificate of Occupancy billed December 16, 2014 to January 13, 2015. (File No. CRT1509, Assessment No. 158209)
Adopted
- 62 [RLH AR 15-36](#) Ratifying the assessments for Boarding and/or Securing services during February 2015. (File No. J1508B, Assessment No. 158107)
Adopted
- 63 [RLH AR 15-37](#) Ratifying the assessments for Graffiti Removal services from February 7 to March 28, 2015. (File No. J1506P, Assessment No. 158405)
Adopted
- 64 [RLH AR 15-38](#) Ratifying the assessments for Tree Removal services during February 2015. (File No. 1505T, Assessment No. 159004)
Adopted

SUSPENSION ITEM

Councilmember Tolbert moved suspension of the rules.

Rules suspended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

[PH 15-10](#)

Public hearing to consider the application of M & J Investments of MN Inc for a lot split via registered land survey to create two tracts at 1905 Suburban Avenue.. (Zoning File # 15-021-542)

Jake Reilly, Planning and Economic Development, said the item was being brought in under suspension because it had been left off the agenda in error. He gave a brief staff report on the lot split. He said because it was brought in under suspension it would need to be continued for one week before the Council could vote on it.

Councilmember Finney moved to continue the public hearing to July 8 at 3:30 p.m.

Public hearing continued to July 8 at 3:30 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

ADJOURNMENT

Councilmember Tolbert moved adjournment.

Meeting adjourned at 6:30 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

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