



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

PUBLIC HEARINGS - 5:30 P.M.

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

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

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

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

Absent – 2 – Stark, Thune (both excused)

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

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

CONSENT AGENDA (Items 2 - 11)

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

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

Councilmember Bostrom moved approval of the Consent Agenda as amended.

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

Councilmember Harris read the resolution and moved approval.

Adopted Yeas – 5 Nays – 0

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

Adopted Yeas – 5 Nays – 0

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

Adopted Yeas – 5 Nays – 0

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

Adopted Yeas – 5 Nays – 0

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

Adopted Yeas – 5 Nays – 0

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

Adopted Yeas – 5 Nays – 0

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

Adopted Yeas – 5 Nays – 0

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

Adopted Yeas – 5 Nays – 0

FOR DISCUSSION

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

Councilmember Carter moved to grant the appeal with the condition that the Certificate of Occupancy be reinstated.

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

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

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

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

Present – 4 – Bostrom, Carter, Helgen, Lantry

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

PUBLIC HEARINGS

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

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

The following appeared in opposition:

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

Councilmember Harris moved to close the public hearing.

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

Laid over to October 27 for final adoption

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

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

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

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

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

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

16. Resolution – 10-1175 – Approving the application of Kerry Spolum D’Amato for a sound level variance in order to provided amplified music in a tent on the street at 514 Grand Hill during a birthday/block party from 7:00 p.m. to 11:00 p.m. on October 23, 2010. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

17. Resolution – 10-1176 – Amending the CIB budget in the Department of Parks and Recreation and establishing a Financing and Spending Plan for a donation received from the Saint Paul Foundation in the amount of \$9,000 for the care and upkeep of Swede Hollow Park. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

18. Resolution – 10-1177 – Amending the budget in the Police Department by establishing a Financing and Spending Plan for the 2010 Human Trafficking Force grant received in the amount of \$58,360.00. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

19. Resolution – 10-1178 – Amending the budget in the Department of Planning and Economic Development by establishing a Financing and Spending Plan for a contamination cleanup grant received from the Metropolitan Council in the amount of \$84,200 for the Renaissance Box site. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

20. Resolution – 10-1179 – Approving the spending plan proposed by the Port Authority of the City of Saint Paul relating to tax increment balances in Westminster and Energy Lane Tax Increment Districts. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

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

21. Resolution – 10-1180 – Approving the petition of Macalester College to vacate part of the alley in Block 7, Macalester Park in order to make improvements including parking and landscaping.
No one appeared in opposition; Councilmember Harris moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

22. Final Order – 10-1181 – In the matter of the Seventh Place Mall operation and maintenance costs for 2010.
No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

23. Resolution Ratifying Assessment – 10-1182 – In the matter of the assessment of benefits, cost, and expenses for the Seventh Place Mall operation and maintenance costs for 2009.
No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

24. Resolution Ratifying Assessment – 10-1183 – In the matter of improving the area referred to as the Front/Victoria Residential Street Vitality project by constructing bituminous surface streets with concrete curb and gutter, concrete driveway aprons and outwalks, boulevards landscaped with sod and trees, and a new lantern style lighting system and all other work necessary to complete the project surrounded by Jessamine Avenue on the north, Dale Street on the east, Atwater street on the south, and Lexington Parkway on the west.[19080]

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

In opposition:

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

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

Adopted as amended Yeas – 5 Nays – 0

25. Resolution Ratifying Assessment – 10-1184 – In the matter of improving the area referred to as Payne Avenue, from Whitall Street to Cook Avenue, by constructing a new concrete curb and walk, mill and overlay the existing pavement, a new twin-arm lantern style lighting system, and all other work necessary to complete the project. [19085]
Withdrawn

26. Resolution Ratifying Assessment – 10-1185 – In the matter of improving the area referred to as Phase I of the Davern/Jefferson Residential Street Vitality Project by constructing new bituminous surface streets with concrete curb and gutter, concrete driveway aprons and outwalks, boulevards landscaped with sod and trees, and a new lantern style lighting system, and all other work necessary to complete the project. [19079]
No one appeared in opposition; Councilmember Harris moved to close the public hearing and approve.
Adopted Yeas – 5 Nays – 0

27. Public hearing to consider the appeal of CBS to a decision of the Board of Zoning Appeals denying the CBS appeal and upholding the Zoning Administrator’s decision that the billboard at 0 Euclid Street (next to the utility tower at 260 Commercial Street) is a sign with dynamic display. [ZF 10-903398]

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

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

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

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

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

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

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

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

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

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

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

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

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

The following appeared in support of the appellant:

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

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

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

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

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

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

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

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

Property owner Wayne Lundeen distributed information and acknowledged neighbors in attendance that were in support of his appeal. He described improvements he'd made to the house and said the HPC was interpreting the guidelines too stringently to allow new uses. He said a neighbor had a window of the style he was proposing so it was consistent with the neighborhood and with the architectural style.

The following appeared in support of the appellant:

Ray Mickow (739 Margaret) said the HPC was too strict.

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

Council President Lantry moved to close the public hearing and grant the appeal.

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

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

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

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

Adopted Yeas – 5 Nays – 0

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

Councilmember Bostrom moved to close the public hearing and lay the matter over for one week.

Laid over to October 27 Yeas – 5 Nays – 0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted Yeas – 5 Nays – 0

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

Councilmember Harris moved to close the public hearing and lay the matter over for one week.

Laid over to October 27 Yeas – 5 Nays – 0

38. Appeal of Albert M. Johnson to a Fire Certificate of Occupancy Revocation and Order to Vacate for property at 699 Arcade Street. (Legislative Hearing Officer recommends denying the appeal on the baseboard heater, and granting an extension to October 27, 2010 for all items to come into compliance or vacate the property.)

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

Appeal denied and extension granted Yeas – 5 Nays – 0

39. Appeal of Mary Kaye to a Fire Certificate of Occupancy Revocation and Order to Vacate for property at 880 Clark Street. (Legislative Hearing Officer recommends denying the appeal and granting an extension to October 26, 2010 for all items except Item 8 to be in compliance, and granting a 2-inch variance on the openable height of the egress window in the upper unit bedroom and a 3.5-inch variance on the openable height of the egress window in the front bedroom of lower unit, Item 8.)

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

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

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

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

Council President Lantry moved to close the public hearing and grant the appeal.

Appeal granted Yeas – 5 Nays – 0

41. Appeal of Jon Starbeck to a Code Enforcement Correction Notice and Vacant Building Registration Notice and Fee for property at 934 Juno Avenue. (Legislative Hearing Officer recommends denying the appeal and granting an extension to October 31, 2010 to have the power restored or vacate the property).

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

Appeal denied and extension granted Yeas – 5 Nays – 0

42. Appeal of James Yacoub to a Fire Certificate of Occupancy Revocation and Order to Vacate for property at 638-640 Oakdale Avenue. (Legislative Hearing Officer recommends that the property be in the Vacant Building Program and waive the vacant building fees until October 31, 2010 for all items to be in compliance.)

No one appeared in opposition; Councilmember Helgen moved to close the public

hearing and adopt the recommendations of the Legislative Hearing Officer.

Appeal denied; vacant building fee waived until October 31

Yeas – 5 Nays – 0

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

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

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

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

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

Councilmember Helgen moved to grant the appeal on the ventilation.

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

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

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

The following appeared in opposition:

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

under permit in 1995.

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

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

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

Councilmember Carter moved a two-week layover.

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

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

Legislative Haring Officer Marcia Moermond displayed photographs of the property. She asked that the matter be referred back for a Legislative Hearing on October 26, and the Council public hearing be continued to November 3.

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

Councilmember Helgen moved adjournment. Yeas – 5 Nays – 0

ADJOURNED at 8:17 P.M.

ATTEST:

 Mary Erickson
 Assistant Council Secretary

 Kathy Lantry, Council President

Submitted by:

 Minutes approved by Council