



City of Saint Paul

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

City Council Minutes - Final

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

Wednesday, August 1, 2012

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

Present 5 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark and Councilmember Chris Tolbert

Absent 2 - Councilmember Melvin Carter III and Councilmember Dave Thune

Council members Carter and Thune arrived after roll call.

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

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 1-10)

Councilmember Brendmoen moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

- 1 **RES 12-1443** Approving the Memorandum of Agreement (May 1, 2012) between the City of Saint Paul and the Operative Plasterers and Cement Masons International Association, Local 633 - 2012 Wage and Fringe Adjustment. (Laid over one week for adoption)
Adopted
- 2 **RES 12-1461** Authorizing the Fire Department to accept a donation of \$97,000 from Allina Health System to purchase 13 LUCAS chest compression devices.
Adopted
- 3 **RES 12-1462** Authorizing the Fire Department to accept a grant of \$49,999 from the University of Minnesota to purchase 13 LUCAS chest compression devices.
Adopted
- 4 **RES 12-1477** Accepting and approving the Preliminary and Final Plat for Schmidt Brewery Addition .
Adopted
- 5 **RES 12-1415** Authorizing the Police Department to enter into an agreement with the Minnesota State Agricultural Society to provide police services for the 2012 State Fair.
Adopted
- 6 **RES 12-1471** Approving the Franchise Renewal Committee's recommendation for the City of Saint Paul to negotiate an agreement with Ramsey County for dark fiber on the County-owned network.
Adopted
- 7 **RES 12-1445** Approving and authorizing execution of an Amendment No. 1 to the Site Lease Agreement between the Board of Water Commissioners and Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless, providing revised utility easements necessary for the installation of telecommunications equipment at Highland Water Tower No. 3, 750 South Snelling Avenue.
Adopted
- 8 **RES 12-1467** Approving adverse action against the Taxicab Driver license application submitted by Mieso Negeso Dekebo.
Adopted

- 9 **RES 12-1485** Memorializing decisions of the Council to: (1) grant the appeal by District 6 of a decision of the Planning Commission approving a conditional use permit to operate a department of corrections-licensed community residential facility at 1394 Jackson Street, and (2) deny the appeal by the Volunteers of America regarding conditions imposed by the Planning Commission on the conditional use permit to operate a department of corrections-licensed community residential facility at 1394 Jackson Street.

Adopted

- 10 **RES 12-1484** Accepting the gifts of travel, lodging, and food costs, not to exceed \$1,377, from The Wilder Foundation for the Mayor's Education Director, Jane Eastwood, to travel to New York City for a Promise Neighborhood stakeholder meeting, July 16 through 19.

Adopted

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

- 11 **Ord 12-39** Memorializing City Council action granting the application of the HRA and Rodolfo Hernandez for the rezoning of 656 Wells Street from RT2 Townhouse Residential to VP Vehicular Parking, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held June 20, 2012)

Laid over to August 8 for final adoption

Second Reading

- 12 **Ord 12-41** Amending Chapter 409 of the Saint Paul Legislative Code pertaining to technical amendments for computation of time and appearances.

Laid over to August 15 for third reading/public hearing

- 13 **Ord 12-42** Amending Chapter 310 of the Saint Paul Legislative Code pertaining to technical amendments for computation of time and appearances.

Laid over to August 15 for third reading/public hearing

First Reading

- 14 Ord 12-43** Memorializing City Council action granting the application of the Department of Parks and Recreation for the rezoning of a portion of 665 Rose Avenue East from VP Vehicular Parking to RT1 Two-Family Residential, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held July 18, 2012)
Laid over to August 8 for second reading

SUSPENSION ITEMS

Councilmember Brendmoen moved suspension of the rules.

Rules suspended

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

Nay: 0

- RES 12-1521** Setting the date of public hearing for September 5, 2012 for Municipal Consent for the Minnesota Department of Transportation's I-35E/Cayuga Project (S.P. 6280-308).

Councilmember Brendmoen moved approval.

Adopted

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

Nay: 0

The Council recessed at 3:34 p.m. and convened as the Library Board (see Library Board minutes).

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:30 p.m.

Councilmember Brendmoen excused.

Present 5 - Councilmember Dan Bostrom, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dave Thune and Councilmember Chris Tolbert

Absent 2 - Councilmember Amy Brendmoen and Councilmember Melvin Carter III

**15 RES PH
12-219**

Approving the application of Sarah VanSickle for a sound level variance in order to provide amplified music and the use of a sound system from 9:00 a.m. until 10:00 p.m. on August 10, 11, & 12, 2012 during the Irish Fair of MN at Harriet Island.

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

Adopted

Yea: 5 - Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Carter III

Councilmember Carter arrived.

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

Absent 1 - Councilmember Amy Brendmoen

**16 RES PH
12-217**

Approving the application of HSR Events for a sound level variance in order to present amplified sound for a music festival from 12:00 noon until 10:00 p.m. on September 21 & 22, 2012 during the Festa Italiana at Harriet Island.

Linda DeRoode, Executive Director of Festa Italiana, 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 Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Brendmoen

**17 RES PH
12-216**

Approving the application of the Lowertown Bike Shop for a sound level variance in order to present amplified live music from 2:00 p.m. until 9:00 p.m. on September 1, 2012 in the parking lot of the Jax Building at 253 East 4th Street.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

18 **ABZA 12-12** Public hearing to consider the appeal of Roberta Bonoff, for Creative Kidstuff, to a decision of the Board of Zoning Appeals (BZA) denying a variance from the sign code to install new signs for Creative Kidstuff, 1074 GRAND AVENUE.

Yaya Diatta, Department of Safety and Inspections (DSI), gave a staff report on the variance request and appeal.

Appellant:

Roberta Bonoff (3939 E. 46th Street, Minneapolis), President and CEO of Creative Kidstuff, and architect Bruce Albinson (400 Clifton Avenue, Minneapolis), appeared. Ms. Bonoff said they considered some of what was at the storefront to be art rather than signage. She said concerns had been expressed about the storefront detracting from the "quaintness" of the neighborhood and being distracting, and she showed slides demonstrating that there were already businesses with signage or other storefront structures that could be considered distracting or not in keeping with the "quaint" character of Grand Avenue. She said they had chosen not to have the issue addressed in a more public forum in spite of interest from the press and strong support from the neighborhood and customers. She noted a letter of support from the Grand Avenue Business Association (GABA) in the packet submitted to the Council.

Michael O'Rourke, on behalf of US Bank (101 E. Fifth Street), agents for building owner Mass Realty, spoke in support of the storefront and said the classification of items on the storefront was not signage but architectural elements.

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

Jeff Roy, Summit Hill District 16 Planning Council, arrived and asked to be heard in opposition.

Councilmember Thune moved to re-open the public hearing. Yeas - 6 Nays - 0

In opposition:

Jeff Roy, executive director of the Summit Hill Association (SHA) District 16 Planning Council, said Creative Kidstuff was an excellent neighbor, and the SHA and Summit Hill community appreciated having them in the neighborhood. He said the SHA felt the variance was excessive and in conflict with the zoning ordinance and Grand Avenue special sign district. He said they wouldn't address whether the proposed signage presented safety issues, or whether it was art or a sign. He said the facts were clear based on current City code, Chapter 64.121-S, referring to figures, devices, designs, or trademarks. He said the BZA was correct in finding that the need for the sign was not due to unusual circumstances, and Creative Kidstuff had not demonstrated that the proposed sign would be in keeping with the character of the area.

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

Councilmember Thune said he understood the issues of signage and the limitations, but felt the proposal transcended that and did add to the unique character of neighborhood. He said he understood and respected the opposition, but found error in the BZA's findings as he felt the proposal was in harmony with the rest of the neighborhood, there were no hazards shown, it was in keeping with other signage examples shown by Ms. Bonoff, and he believed it was sculpture and not a sign. He moved to grant the appeal.

Councilmember Stark said Mr. Roy was right on the letter of the law, and that current code defined the proposed structure as a sign which needed a variance based on square footage. He said granting the appeal potentially opened the door for other people to do similar things and expect to have variances granted. He said he thought the proposed sign looked great but there was a conflict between personal reactions to it and the code. He said he would vote against granting the appeal, and felt perhaps the code should be reviewed to see if it made sense.

Council President Lantry said she did not view it as a sign or associate the image with Creative Kidstuff, and didn't think that a variance was required. She said the BZA erred in their finding that it was a hazard. She said she would support Councilmember Thune's motion based on her opinion that the proposed structure was not a sign.

Motion of intent - application granted

Yea: 5 - Councilmember Bostrom, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 1 - Councilmember Stark

Absent: 1 - Councilmember Brendmoen

**19 RES PH
12-111**

Approving the use of assessment financing in accordance with City policy for installation of a fire protection system requested by Cinema Ballroom for 1560 St. Clair Avenue. (File No. FP2011-01 Assmt. No. 117100).

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**20 RES PH
12-218**

Authorizing acceptance of Livable Communities Demonstration Account Grants and Local Housing Incentives Account Grants from the Metropolitan Council in the total amount of \$6,017,233, and authorizing amendment of the 2012 Budget to accept those grants.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

21 RES PH Accepting the sub-grant from the National Association of Police
12-215 Athletic/Activities Leagues, Inc. (National PAL), and amending the
2012 Police Department special funds budget for this grant.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

25 RLH RR Ordering the rehabilitation or razing and removal of the structure(s) at
12-62 888 BURR STREET within fifteen (15) days after the August 1, 2012
City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond gave a staff report on the property history. She described challenges being faced by the property owner and said standard conditions had not been met. She said based on the history and current circumstances she didn't feel there were good prospects for rehabilitation, and her recommendation was to order removal or repair within 15 days.

Diane Morales and friend Richard Chapman appeared. Ms. Morales said she wanted to rehab the house. She said it had been a long bumpy road for her but she had a job and things were looking up and she was asking for a chance and more time. She said she paid the house off in 2009, was getting support from family and friends, and seeking support from outside organizations. Mr. Chapman said he could vouch for Ms. Morales' character. He said the house was kept up, and other houses on the east side didn't meet code.

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

Council President Lantry move to adopt Ms. Moermond's recommendation. She said it was not a matter of character but of capacity. She said she had discussed the situation with Councilmember Brendmoen, who supported that decision.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

26 RLH RR Ordering the rehabilitation or razing and removal of the structures at
12-48 1132 CENTRAL AVENUE WEST within fifteen (15) days after the
August 1, 2012 City Council Public Hearing. (Public hearing continued
from August 1, 2012) (Amended to removal only with no option for
rehabilitation)

Legislative Hearing Officer Marcia Moermond asked that the matter be referred back for Legislative Hearing on August 14, and the Council public hearing be continued to September 5.

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

Referred to Legislative Hearings on August 14; Council public hearing continued to September 5

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Brendmoen

**29 RLH TA
12-396**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209G1, Assessment No. 128713 at 483 COMO AVENUE. (Public hearing continued from August 1)

Legislative Hearing Officer Marcia Moermond asked that the matter be referred back for Legislative Hearing on August 7, and the Council public hearing be continued to September 19.

No one appeared in opposition; Councilmember Tolbert moved to continue the public hearing to September 19.

Referred to Legislative Hearings on August 7; Council public hearing continued to September 19

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

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Brendmoen

**30 RLH RR
12-27**

Ordering the razing and removal of the structures at 1673 COTTAGE AVENUE EAST within fifteen (15) days after the September 5, 2012 City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond asked that the matter be referred back for Legislative Hearing on August 14, and the Council public hearing be continued to September 5.

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

Referred to Legislative Hearings on August 14; Council public hearing continued to September 5

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**33 RLH FCO
12-432**

**Appeal of Vang Xiong to a Fire Inspection Correction Notice at 1019
EDGERTON STREET.**

Legislative Hearing Officer Marcia Moermond said the property owner disagreed with inspection practices and believed the inspection was unfair. She recommended granting the appeal related to the window in Unit 3; she said the other window orders were for windows that did not open properly. She said she felt the inspection was accurate and valid, and subsequent inspections based on the resulting larger lists would have charges associated with them. She noted that the amount of the bill was appealable when it came before the Council as a tax assessment and was not before the Council now.

At Council President Lantry's request Ms. Moermond clarified that her recommendation was to grant the appeal related to window size in Unit 3, and deny the appeal of the remainder of the items and grant until September 1 for compliance.

In opposition:

Property owner Vang Xiong distributed information, and reviewed the inspection history. he said everything was to code in 2009 and 2011. He gave examples of what he felt was improper, and said he felt inspection practices were discriminatory. He showed a brief video of his properties. He said there should not be subsequent inspections and charges, and inspectors hadn't show up even when there was an appointment.

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

Council President Lantry said inspectors should show up for appointments; she said she would notify Department of Safety and Inspections Director Cervantes. She moved to adopt the recommendation of the Legislative Hearing Officer.

Ms. Moermond said the operability of the window cranks would need to be verified.

Councilmember Carter moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**34 RLH TA
12-343**

**Ratifying the Appealed Special Tax Assessment for Real Estate
Project No. VB1208, Assessment No. 128810 at 1093 EDGERTON
STREET. (Public hearing continued from August 1)**

Legislative Hearing Officer Marcia Moermond asked that the matter be referred back for Legislative Hearing on September 4, and the Council public hearing be continued to September 19.

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to September 19.

**Referred to Legislative Hearings on September 4; Council public hearing
continued to September 19**

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**36 RLH RR
12-50**

Ordering the razing and removal of the structure(s) at 924 ELEANOR AVENUE within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (To be referred back to Legislative Hearing on September 11, 2012 and City Council Public Hearing on October 3, 2012)

Legislative Hearing Officer Marcia Moermond asked that the matter be laid over to August 15.

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to August 15.

Public hearing continued to August 15

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**48 RLH FCO
12-421**

Appeal of Artemus Anderkay, Beowulf Properties, to a Fire Inspection Correction Notice at 1759 MARYLAND AVENUE EAST.

Legislative Hearing Officer Marcia Moermond said the appeal related to a step in front of the house and the timing for repairs. She displayed a photograph. She said the owner would like to wait because the property was going to be sold, but her recommendation was to order replacement or a more thorough repair of the step by September 1.

In opposition:

Appellant Art Anderkey said he had missed the Legislative Hearing because of his job. He said the stairs had been repaired since the photo shown by Ms. Moermond was taken. He cited codes and said there was no violation or safety issue, and he was not sure what the inspector was looking for.

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

Councilmember Bostrom asked whether the issue was structural or just cosmetic. Ms. Moermond read from the inspector's report that the steps were deemed to be hazardous and not in compliance with the building code. She said she could send a building inspector to take a look.

Councilmember Bostrom moved to lay the matter over for two weeks to allow time for the steps to be inspected.

Public hearing held and closed; laid over to August 15

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**53 RLH VO
12-59**

Appeal of Patricia Johnson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 741 PIERCE BUTLER ROUTE.

Legislative Hearing Officer Marcia Moermond said the owner had not met the inspector for scheduled inspections. She said the lower unit appeared to be vacant, and the upper unit occupied, and the property has been abandoned by the landlord. She said the building had to be emptied because there was no responsible party and no access to the unoccupied unit. She said her recommendation was a September 1 vacate date; the tenant was asking for an October 1 vacate date so more money could be saved up.

In opposition:

Charles Booker appeared on behalf of the tenant. He asked for an extension to October 1. He said the tenant had just gotten a job and hadn't found a place to live.

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

Councilmember Carter asked about the condition of the upper unit. Ms Moermond said it was relatively okay. Councilmember Carter asked Ms. Moermond why extending to October 1 would be a problem. Ms. Moermond said there was no Certificate of Occupancy, and September 1 gave the tenant more than a month notice. She said the tenant stopped paying rent when the landlord disappeared and that had been taken into account in terms of the finances available for the next place.

Councilmember Carter moved to order a September 1 vacate date.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**56 RLH RR
12-53**

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

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

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to August 15.

Public hearing continued to August 15

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**58 RLH FCO
12-367**

Appeal of John Mezzenga to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 677 SUMMIT AVENUE.

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

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to August 15.

Public hearing continued to August 15

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**59 RLH RR
12-54**

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

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

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to August 15.

Public hearing continued to August 15

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**60 RLH VO
12-60**

Appeal of Ronald J. Adams to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 676 WELLS STREET.

Legislative Hearing Officer Marcia Moermond said a complaint-based inspection had brought to light a variety of issues and had lead to the condemnation.

Councilmember Bostrom said the matter was tied with Item 61, the tenant's appeal of the condemnation. He asked whether they could be considered together.

Ms. Moermond displayed photographs showing conditions at the property. She said her recommendation had been a vacate date of July 30, and the appellant had requested August 7. She said her revised recommendation was an August 3 vacate date.

In opposition:

Appellant Ronald Adams said the pictures were very misleading, and the water heater had been changed and the place cleaned up. He said they had a situation where an individual was refusing to pay the rent or make any attempt to leave, and they weren't asking that the order to vacate be changed.

Tenant Angela Lopez said she just wanted to leave the property and had a new place for August 7. She said she had paid almost \$400 in application fees and couldn't afford to stay in a hotel, and she didn't want to lose her belongings.

*Councilmember Bostrom moved to close the public hearings (for items 60 and 61).
Yeas - 6 Nays - 0*

Councilmember Bostrom said it was a difficult situation, but it had been going on a long time and something had to be done. He moved to order the building vacated on August 3.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**61 RLH VO
12-65**

Appeal of Angela Lopez, to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 676 WELLS STREET.

(See minutes for Item 60.)

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

**45 RLH RR
12-51**

Ordering the rehabilitation or razing and removal of the structures at 595 MACKUBIN STREET within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (Public hearing held August 1)

Legislative Hearing Officer Marcia Moermond said the house had good prospects for rehabilitation, but no one was stepping forward to work on the property and it was not scheduled to go tax forfeit until August 2013. She suggested a two week layover to allow time to explore options.

No one appeared in opposition; Councilmember Carter moved to close the public hearing and lay the matter over to August 15.

Public hearing held and closed; laid over to August 15

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

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 Stark moved to close the public hearing and approve balance of the Legislative Hearing Consent Agenda.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

- | | | |
|-----------|--------------------------|--|
| 22 | RLH VO
12-68 | Appeal of Johnnie and Shelley Harris to a Fire Certificate of Occupancy Revocation and Order to Vacate 260 BAKER STREET EAST.
Adopted |
| 23 | RLH RR
12-26 | Ordering the rehabilitation or razing and removal of the structures at 437 BANFIL STREET within fifteen (15) days after the July 3, 2012 City Council public hearing. (Public hearing continued from July 3)
Adopted |
| 24 | RLH TA
12-342 | Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1208, Assessment No. 128810 at 400 BATES AVENUE.
Adopted |
| 27 | RLH VO
12-46 | Appeal of Philip and Marcia Liniewicz to a Fire Certificate of Occupancy Revocation and Order to Vacate at 255 COLBORNE STREET.
Adopted |
| 28 | RLH TA
12-397 | Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208B, Assessment No. 128108 at 126 COLORADO STREET EAST.
Adopted |

- 31 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-338 Project No. J1208B, Assessment No.128108 at 1202 DALE STREET
 NORTH.
 Adopted
- 32 **RLH RR** Ordering the razing and removal of the structures at 1175 EARL
12-49 STREET within fifteen (15) days after the August 1, 2012 City Council
 Public Hearing.
 Adopted
- 35 **RLH FOW** Appeal of David Herrema to a Fire Inspection Correction Notice at
12-275 1043 EDMUND AVENUE.
 Adopted
- 37 **RLH VO** Appeal of David Chavez to a Notice-Order to Vacate placed on the
12-67 door at 721 FOURTH STREET EAST, UNIT 1.
 Adopted
- 38 **RLH FCO** Appeal of Erin Benson to a Fire Certificate of Occupancy Approval
12-443 With Corrections at 2002 HAWTHORNE AVENUE EAST.
 Adopted
- 39 **RLH FCO** Appeal of JoAnn Donley to a Fire Inspection Correction Notice at 2010
12-422 HAWTHORNE AVENUE EAST.
 Adopted
- 40 **RLH SAO** Appeal of Timothy Kelleher to a Notice to Cut Tall Grass and/or
12-21 Weeds at 1540 IGLEHART AVENUE.
 Adopted
- 41 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-321 Project No. J1210A, Assessment No.128517 at 592 JESSAMINE
 AVENUE EAST.
 Adopted
- 42 **RLH FCO** Appeal of Ronald D. Juelfs to a Fire Inspection Correction Notice at
12-446 759 JESSIE STREET.
 Adopted
- 43 **RLH VBR** Appeal of Trai Nguyen to a Vacant Building Registration Notice at 312
12-40 KING STREET WEST.
 Adopted

- 44 **RLH RR** Ordering the razing and removal of the structures at 763 LAWSON
12-52 AVENUE EAST within fifteen (15) days after the August 1, 2012 City
 Council Public Hearing.
 Adopted
- 46 **RLH FCO** Appeal of Greg Ryan to a Fire Inspection Correction Notice at 1963
12-389 MARSHALL AVENUE.
 Adopted
- 47 **RLH VO** Appeal of Jacqueline Ricks, owner; MFO Property Holdings LLC; to a
12-64 Revocation of Fire Certificate of Occupancy and Vacant Building
 Registration Notice at 1156 MARION STREET.
 Adopted
- 49 **RLH FCO** Appeal of Linda Jerome to a Fire Inspection Correction Notice at 1849
12-379 MARYLAND AVENUE EAST.
 Adopted
- 50 **RLH FCO** Appeal of Cynthia and Noel Totten to a Re-Inspection Fire Certificate
12-451 of Occupancy With Deficiencies at 1649 and 1651 MINNEHAHA
 AVENUE WEST.
 Adopted
- 51 **RLH TA** Deleting the Appealed Special Tax Assessment for Real Estate Project
12-300 No. VB1207, Assessment No. 128807 at 633 PALACE AVENUE.
 Adopted
- 52 **RLH FCO** Appeal of Gerald Yost to a Fire Inspection Correction Notice at 2142
12-317 PALACE AVENUE.
 Adopted
- 54 **RLH FCO** Appeal of Nicolas and Christine Mackaman to a Fire Certificate of
12-228 Occupancy Inspection Correction Notice at 1748 SAINT CLAIR
 AVENUE.
 Adopted
- 55 **RLH FCO** Appeal of Patrick Lamb, on behalf of Selby Dale Co-Op, to a
11-125 Correction Notice Re-Inspection Complaint at 651, 637, 671 and 675
 SELBY AVENUE.
 Adopted
- 57 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-341 Project No. VB1208, Assessment No. 128810 at 922 SIXTH STREET
 EAST.
 Adopted

- 62 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate
12-340 Project No. J1208B, Assessment No.128108 at 877 WESTMINSTER
 STREET.
 Adopted
- 63 **RLH AR** Ratifying the assessments for Collection of Vacant Building Fees
12-75 Services in March 2012 (File No. VB1208, Assessment No. 128810).
 Adopted
- 64 **RLH AR** Ratifying the assessments for Demolition Services in March 2012.
12-76 (File No. J1212C, Assessment No. 122013)
 Adopted
- 65 **RLH AR** Ratifying the assessments for Tree Removal Services in March 2012.
12-77 (File No. 1208T, Assessment No. 129010)
 Adopted
- 66 **RLH AR** Ratifying the assessments for Boarding and Securing Services in
12-80 March 2012. (File No. J1208B, Assessment No. 128108)
 Adopted
- 67 **RLH AR** Ratifying the assessments for Trash Hauling Services in April 2012.
12-111 (File No. J1209G, Assessment No. 128709)
 Adopted

ADJOURNMENT

Councilmember Bostrom moved adjournment.

The meeting was adjourned at 7:15 p.m.

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

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