



City of Saint Paul

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

Minutes - Final

City Council

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

Tuesday, July 3, 2012

3:30 PM

Council Chambers - 3rd Floor

Public hearings at 5:30 p.m.

ROLL CALL

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

Councilmember Stark excused

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

Absent 1 - Councilmember Russ Stark

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 - 19)

Item 10 was removed from the Consent Agenda for separate consideration. Item 16 was withdrawn.

A motion was made by Councilmember Bostrom to approve the balance of the Consent Agenda. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Councilmember Stark

- 1** [RES 12-1245](#) Approving the Labor Agreement (May 1, 2011 - April 30, 2013) between the City of Saint Paul and the North Central States Regional Council of Carpenters. (Laid over one week for adoption)

Laid over to July 11 for adoption

- 2 [RES 12-1221](#) Authorizing the Department of Parks and Recreation to enter into an Agreement and provide indemnification to the State of Minnesota, Department of Natural Resources, for the Cherokee Regional Trail project.
Adopted
- 3 [RES 12-1268](#) Authorizing the Department of Parks and Recreation to negotiate a lease in excess of five years for the Hamline Park Recreation Building at 1564 Lafond Avenue, without regard to the provisions of Saint Paul Administrative Code §86.03(b)(3) or City Charter §13.1.01.
Adopted
- 4 [RES 12-1235](#) Authorizing the Department of Parks and Recreation to accept a donation in the amount of \$1000 from the Men's Midway Club, 456 Idaho Avenue West, Saint Paul, MN 55117, for the Adaptive Recreation Program.
Adopted
- 5 [RES 12-1204](#) Approving the City's cost of providing Collection of Certificate of Occupancy Fees Services from May 2012, and setting date of Legislative Hearing for August 7, 2012 and City Council Public Hearing for September 19, 2012 to consider and levy the assessments against individual properties. (File No. CRT1210, Asmt No. 128212)
Adopted
- 6 [RES 12-1205](#) Approving the City's cost of providing Demolition Services from May 2012, and setting date of Legislative Hearing for August 7, 2012 and City Council Public Hearing for September 19, 2012 to consider and levy the assessments against individual properties. (File No. J1214C, Asmt No. 122015)
Adopted
- 7 [RES 12-1206](#) Approving the City's cost of providing Property Clean Up Services during May 2012, and setting date of Legislative Hearing for August 7, 2012 and City Council Public Hearing for September 19, 2012 to consider and levy the assessments against individual properties. (File No. J1212A, Asmt No. 128521)
Adopted

- 8 [RES 12-1207](#) Approving the City's cost of providing Trash Hauling Services during May 2012, and setting date of Legislative Hearing for August 7, 2012 and City Council Public Hearing for September 19, 2012 to consider and levy the assessments against individual properties. (File No. J1210G, Asmt No. 128711)
- Adopted**
- 9 [RES 12-1208](#) Approving the City's cost of providing Graffiti Removal Services during May 10 to 15, 2012, and setting date of Legislative Hearing for August 7, 2012 and City Council Public Hearing for September 19, 2012 to consider and levy the assessments against individual properties. (File No. J1211P, Asmt No. 128410)
- Adopted**
- 10 [RES 12-1217](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add an Entertainment B to the existing license Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor-Outdoor Service Area (Patio), Liquor Off Sale, Restaurant (4) 51 - 150 Seats, Restaurant (D) - Add-on, and Catering - Add On licenses, for FAC Restaurant Company LLC (I.D. # 20070000100), d/b/a Faces Mears Park at 380 Jackson Street.
- Councilmember Thune introduced an amendment and moved approval of the amended resolution.*
- Adopted as amended**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark
- 11 [RES 12-1229](#) Approving a zoning district boundary line adjustment stemming from right-of-way realignment and vacation at the intersection of Burns Avenue, Clarence Street, and Point Douglas Road.
- Adopted**
- 12 [RES 12-1300](#) Approving the Mayor's reappointments of John Bennett and Nneka Morgan to serve on the Saint Paul Port Authority.
- Adopted**
- 13 [RES 12-1301](#) Approving the Mayor's appointment of Mary Yackley to the Community Health Services Advisory Committee.
- Adopted**

- 14 [RES 12-1302](#) Approving the Mayor's appointment of Elizabeth Scipioni to the Mayor's Advisory Committee for People with Disabilities.
Adopted
- 15 [RES 12-1303](#) Approving the Mayor's appointment of Steve Heckler to serve on the Cultural STAR Board.
Adopted
- 16 [RES 12-1306](#) Approving the Mayor's reappointment of Stephanie Alstead to serve on the Truth in Sale of Housing Board of Evaluators.
Withdrawn
- 17 [RES 12-1307](#) Approving the Mayor's reappointments of Monica Bryand, Patrick Sellner, and D'Ann Urbaniak Lesch to serve on the Long-Range Capital Improvement Budget (CIB) Committee.
Adopted
- 18 [RES 12-1308](#) Approving the Mayor's reappointments of Helen Murray and Bernie Hesse, and the appointment of Patricia Trotter to serve on the Saint Paul - Ramsey County Food and Nutrition Commission.
Adopted
- 19 [RES 12-1309](#) Approving the Mayor's appointment of Yer Ly to serve on the Police Civilian Review Commission.
Adopted

FOR DISCUSSION

No discussion items

ORDINANCES

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

Third Reading, No Public Hearing

- 20 [Ord 12-35](#) Memorializing City Council action granting the application of Dirk Dantuma/Ruth Dantuma for the rezoning of 311 Walnut Street from RM2 Medium-Density Multiple-Family Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.
Laid over to July 11 for final adoption

Councilmember Thune said he intended to continue the Cossetta's public hearing (Item 33) for two weeks. He said they thought they had a solution for 100% compliance.

Councilmember Carter noted the passing of Dorii Gbolo, CEO of Open Cities Health Center and Clinic.

The meeting was recessed at 3:34 p.m.

PUBLIC HEARINGS

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

- Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Melvin Carter III, City Council President Kathy Lantry, Councilmember Dave Thune and Councilmember Chris Tolbert
- Absent** 1 - Councilmember Russ Stark

Councilmember Thune said the Cossetta item would be laid over for two weeks.

- 21** [Ord 12-36](#) Amending Chapter 183 of the City of Saint Paul Legislative Code pertaining to human rights.
- No one appeared in opposition; Councilmember Thune moved to close the public hearing.*
- Public hearing held and closed; laid over to July 11 for final adoption**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark
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- 22** [RES PH 12-182](#) Approving the application of Jarret Oulman for a sound level variance in order to use a P. A. sound system and amplified music from 4:00 p.m. until 9:00 p.m. on June 22, July 6, 13, 20, 27, August 3, 10, 17, 24, & 31, 2012 at Ecolab Plaza on Wabasha between 5th & 6th Streets. (Public hearing continued from June 20)
- 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 Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

23 [RES PH
12-195](#)

Approving the application of Dr. James Kromhout for a sound level variance in order to present amplified music during a wedding reception from 7:00 p.m. until 11:30 p.m. on August 4, 2012 at 18 Kenwood Parkway.

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 Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

24 [RES PH
12-153](#)

Final Order approving improved lighting levels on St. Anthony Avenue and Syndicate Street to increase safety. (File No. 19133)

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Stark

25 [RES PH
12-147](#)

Final Order approving improvements on John Ireland Boulevard and Summit Avenue from Selby Avenue to Kellogg Boulevard. (File No. 19134)

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 Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 26** [RES PH](#)
 [12-148](#) Final Order approving improvements at Johnson Parkway and Maryland Avenue to increase safety at the intersection. (File No. 19135)
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark
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- 27** [RES PH](#)
 [12-181](#) Approving the establishment of the West Side Flats Tax Increment Financing District and approving tax increment financing plan therefor.
- 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 Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark
-
- 28** [RES PH](#)
 [12-189](#) Accepting a grant of \$100,944 from Ramsey County via the Minnesota Department of Public Safety, Office of Traffic Safety (OTS), and authorizing the Police Department to enter into an agreement and amend the 2012 budget.
- 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 Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark

29

[RES PH
12-194](#)

Approving the creation of the Gerdau Steel Mill Economic Development Tax Increment District and the adoption of the Tax Increment Financing Plan for the District.

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 Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

30 [APC 12-6](#)

Public hearing to consider the appeal of the District 6 Planning Council to a decision of the Planning Commission approving a conditional use permit for Volunteers of America-MN to operate a Department of Corrections-licensed community residential facility at 1394 Jackson Street.

Councilmember Brendmoen requested short staff report. She asked that both public hearings be conducted in their entirety before the Council members made their decisions.

Allan Torstenson, Planning and Economic Development (PED), said a conditional use permit, with a modification of the condition pertaining to the number of residents, had been approved by the Planning Commission on June 1. He said the Planning Commission found that the use met all of the applicable standards and conditions but one, which limited the number of residents to 16 except in B4 and B5 business districts, where 32 residents was the maximum. He said Volunteers of America (VOA) had applied for a modification of the condition to allow up to 74 residents. He said the Planning Commission found that the applicable conditions were met to allow a modification for 32 residents but not for 74. He reviewed the two appeals.

Appellant:

Kerry Antrim, District 6 Planning Council, read a statement. She expressed concerns about residential use of a property that was in the middle of an industrial area and had not had a residential use in a long time. She said the decision might come down to interpretation of the policies set forth in the District 6 Plan and the City's Comprehensive Plan.

Karen Hauck, CEO of Advance Shoring, displayed an aerial photograph of the adjacent properties, and expressed concerns about a residential use next to her company's very industrial use.

Kirsten Libby, attorney representing District 6, said the appeal was based on errors in the findings of fact and in procedure. She reviewed the Volunteers of America (VOA) proposal and the effects upon adjacent properties and conflicts with the existing plans. She said the standards for the conditional use permit had not been met; she reviewed the errors and conflicts.

In opposition:

Tom Johnson, attorney representing VOA, said the proposal was to move an existing and successful program to a building designed for institutional residential use and designed to accommodate more residents than proposed. In response to points raised by Ms. Libby, he said the proposal was consistent with goal of job creation, and he stressed the distinction between family residential and institutional. He said the code allowed the institutional use.

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

(The vote on this item was taken following testimony on Item 31.)

Motion of Intent - Appeal granted

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

Nay: 0

Absent: 1 - Councilmember Stark

31 [APC 12-7](#)

Public hearing to consider the appeal of Volunteers of America-MN to a decision of the Planning Commission approving a conditional use permit for Volunteers of America-MN to operate a Department of Corrections-licensed community residential facility at 1394 Jackson Street.

Appellant:

Paula Hart (7625 Metro Boulevard, Edina), President and CEO of Volunteers of America (VOA) in Minnesota, described the organization. She said they were appealing to the Council to follow the wisdom of City staff, who had diligently guided VOA through the application process and followed the City's rules and precedent in making their determination. She said in connection with the conditional use permit, VOA-Minnesota would commit to paying the City an annual amount equal to the City portion of the property taxes levied at 1394 Jackson Street, would grant the City first right of refusal if VOA-Minnesota offered the property for sale, and would not sell the property as a community residential facility should the City choose not to exercise its right of first refusal.

Teri Twardowski, program manager of the Roseville location, described the program and goals.

Lance Petschl, past resident, described his experiences and the ways in which he had benefited from his time at the Roseville facility.

Tom Johnson, attorney representing VOA, said there was no dispute that VOA had met the legal standard for an upward modification. He said the limit of 32 residents was chosen arbitrarily, based on the fact that one of the Planning Commissioners knew that 32 was the limit for downtown facilities. He said the contract between the VOA and the Bureau of Prisons required a capacity of 74 residents, and a capacity of less than 74 was not economically sustainable for the VOA.

Kerry Antrim (District 6 Planning Council) said no one was disputing that the VOA ran a stellar program. She said it was rational and reasonable to allow 16 residents as per the code.

Kirsten Libby, attorney representing District 6, reiterated that the issue was land use and not VOA. She asked that the City overturn the conditional use permit, or at least limit the facility to 16 beds. She said they were asking that this industrial land be allowed to be developed in a way consistent with existing plans.

Dick, Jackson Street resident, expressed concern about loss of property value, the loss of needed industrial land, and the effect on the lives of long term residents of the area.

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

Councilmember Brendmoen thanked everyone for their work, and acknowledged District 6 and neighbors. She commended the VOA on their work. She said based on information in the record and after consultation with the City Attorney's office, her finding was that the that Planning Commission had erred in finding that the application met the City's standards for approving a conditional use permit. She cited specific sections of the code and comprehensive plans in explaining her decision.

Council President Lantry commended Councilmember Brendmoen on her work.

Motion of Intent - Appeal denied

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

Nay: 0

Absent: 1 - Councilmember Stark

- 32** [PH 12-16](#) Public hearing to consider the application of Sherman Associates for preliminary and final plat approval for West Side Flats to create two (2) T3M Traditional Neighborhood parcels and two (2) outlots. (Zoning File # 12-060-531)

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

Motion of Intent - Appeal granted

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

Nay: 0

Absent: 1 - Councilmember Stark

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

No one appeared; Councilmember Thune moved to continue the public hearing to July 18. He said progress was being made in bringing Cossetta's into compliance.

Public hearing continued to July 18

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

Nay: 0

Absent: 1 - Councilmember Stark

34 [RES PH](#)
[12-164](#)

Memorializing City Council action taken on July 3, 2012 sustaining adverse licensing action against all licenses held by Vone X. Moua and Mee Lee Moua, d/b/a Malina's Sports Bar and Grill (License ID # 20010002326), 691 Dale Street.

Daphne Lundstrom, Assistant City Attorney representing the Department of Safety and Inspections (DSI), said the licensee or counsel were not in attendance, but had agreed to the terms of agreement as outlined in the memorialization.

Licensee Vone Moua (693 N. Dale Street) said they had agreed to the terms of the agreement set out in the Administrative Law Judge (ALJ) hearing. He apologized and said they did their best in the business and in the neighborhood. He said the adverse action process had taught them about the regulation and he hoped the inspector would provide further assistance. He said they'd made an honest mistake and wanted to work with the city.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Stark

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

Items 114 and 116 were considered together at the beginning of the Legislative Hearings.

114 [RLH VO](#)
[12-47](#)

Appeal of Southern Minnesota Regional Legal Services (SMRLS), on behalf of several tenants, to a Notice of Condemnation and Order to Vacate at 1205 WESTMINSTER AVENUE.

Legislative Hearing Officer Marcia Moermond reviewed the past Council action on the properties and described the current appeals. She said there was agreement among all parties that the conditions described in the orders did exist, and the question was whether the conditions supported an order to vacate. She noted that the condemnation of the balconies had been part of earlier orders. She said conditions had not changed significantly since January, and she described the change in ownership and management. She said the owner decided in late May that the work couldn't be done piecemeal, and the City issued orders to vacate by July 1. She expressed concern about what appeared to be continued use of the condemned balconies, and said she didn't believe conditions would improve since the owner and property management had indicated that they would not continue with piecemeal work. She said her recommendation was to order the properties vacated by July 9, and the appellant was asking for an extension in order to pursue a other legal remedies. She said an emergency tenant remedy action had been filed and a hearing scheduled for July 12, but that hearing was between the tenants and property owner and dealt with lease obligations.

In opposition:

Appellant Tovah Flygare (55 E. 5th Street, Ste. 400), Southern Minnesota Regional Legal Services (SMRLS), appeared along with a number of building tenants. Ms. Flygare reviewed the appeal and emphasized that tenants were not "asking for the moon" but were asking for their basic legal rights. She said the filing of the tenant remedies action had resulted in a favorable order, and a vacate date of July 9 date would not allow time for that legal process to be completed. In response to a question from Councilmember Thune, she said fewer than ten households remained, several with small children.

Councilmember Tolbert asked whether the tenants were looking for more time to find new housing or were asking for more time to allow repairs to be made at so they could continue to live there. Ms. Flygare said they were asking for additional time to enforce their legal rights under the law, and there were several alternative remedies in the order signed by the judge. Councilmember Carter asked for further clarification of the legal rights being pursued by the tenants. Ms Flygare said she was asking for time for the tenants to complete the emergency remedies action that had been filed.

Council President Lantry asked what date they were asking for. Ms. Flygare said August 1.

Councilmember Thune said he was still not clear as to whether the goal was to find new housing or make repairs so the tenants could remain. Ms. Flygare said both were possible remedies.

Tenant Aurelia (via interpreter) said she was present to tell about threats and abuses from Equimax (property management company). She shared an anecdote of intimidation by management and described deteriorating conditions with the new ownership.

Council President Lantry reminded those giving testimony that the issue before the Council was the condition of the apartments, and not issues with the management which would be addressed through the court system.

Leslie McMurray, Executive Director of the District 5 Planning Council, said she felt

that comments by the tenants did speak to conditions at the apartments.

Additional tenants gave testimony (via interpreters) about conditions at the apartments, intimidation from management, and they requested help from Council.

Jane Prince (1004 Burns Avenue), appearing as East Sider and volunteer, distributed a letter. She said the building situation had not changed since December when the Council decided not to condemn or order vacation, and that the Council did not have to order condemnation and vacation of all units now.

Al Oertwig (509 Fred Street), President of the District 5 Planning Council, said District 5 wanted two things: safe living conditions and protection of residents while repairs are being made. He said there had been no rush over the past few years to correct conditions at the property, but there appeared to be a rush now to remove the residents, potentially making some of them homeless. He asked the Council to grant more time.

Ms. McMurray, made closing comments about the behavior of the management and conditions at the property. She said displacement of the tenants would not improve health and safety of the community.

(The vote on this item was taken following testimony on Item 115.)

Adopted (appeal denied)

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

Nay: 0

Absent: 1 - Councilmember Stark

Items 115 and 117 were considered together.

115 [RLH VO](#)
[12-61](#)

Appeal of Peter W. Brown, on behalf of several tenants, to a Notice of Condemnation and Order to Vacate at 1205 WESTMINSTER STREET.

Peter Brown, clarified that the appellants were 18 residents, including some residents who had already testified. He distributed materials related to orders issued earlier, and said at that time it was determined both in Legislative Hearings and City Council that adequate progress was being made. Legislative Hearing Officer Marcia Moermond clarified that those materials were already a part of the record.

Pablo Tapia (3840 Patriot Lane, Lexington) said he was a cofounder of an alliance of Latino-speaking churches and had learned of the conditions at the apartment from renters who attended churches in the organization. He said they found the worsening living conditions troublesome, and felt that the conditions were the fault of the management and not the tenants. On behalf of the organization, he demanded that the tenants be give enough time and be given the dignity and respect they deserved.

Mr. Brown said the condemnation order put the power of the City behind the management's push to get the tenants out, when the City could have been using that power on behalf of the tenants with an emergency tenant remedies action (ETRA). He said the City was now interfering with the ETRA filed by SMRLS, and the purpose of the housing code was to protect these poor and mostly minority residents and not to push them out through gentrification. He said conditions were the same on June 1 as they had been on May 8 and May 18, and the property was not deemed condemnable on May 8.

Leslie McMurray, District 5, asked for short extension to allow tenants to be relocated through the legal actions.

Mr. Brown said the decks had been used for 30 years and a board had never cracked. He said the decks had been condemned on February 17, but Department of Safety and Inspections (DSI) inspectors had noted apparent use of the decks since then and it didn't appear that anyone really believed the decks represented an immediate threat.

In support:

Wade Shatzer (1161 Wayzata Boulevard, #312, Wayzata), owner of property management company Equimax Real Estate, said only six families remained of the 45 who were there are on May 1. He said they, along with some charitable organizations, had been working tirelessly to help tenants find new housing, and at this point there was no excuse. He said they had found it wasn't possible to fix things with the units occupied, and they had acted quickly so moves could take place in the summer before school started. He said the goal was to make the property an asset.

Councilmember Brendmoen moved to close the public hearing. Yeas - 5 Nays - 0 (Carter not present for vote)

Councilmember Brendmoen thanked residents and City staff, and reviewed conditions and activity at properties since January. She said it was not safe for tenants to remain in a building that was largely vacant, but she was committed to helping the remaining tenants relocate.

Councilmember Carter said the Council's responsibility was to the tenants not the property, and in this case that meant helping them move on.

Councilmember Tolbert commended CM Brendmoen on her work. He said the time

was now to move forward and get the tenants out of the poor conditions.

Councilmember Thune agreed that sometimes buildings reached the point where it was not possible to make necessary repairs with tenants in residence. He suggested an extension to the end of July.

Council President Lantry said the Council's desire to avoid displacing tenants in the winter and before the holidays had resulted worsening conditions and the current situation. She said property management company gave notice for June 30, and the City was not responsible for the decisions of the tenants. She said great efforts were made to give the tenants support in making the transition, but the temptation to grant a little more time was tempered by the possibility of tragedy due to unsafe conditions. She suggested one vote on items 114 - 117.

Councilmember Thune asked for clarification of what would happen if tenants were still in residence on July 9.

DSI Director Ricardo Cervantes said inspectors would go out and ask for assistance from police to remove anyone remaining.

Councilmember Thune said he still felt that after working on the issue this long, the Council should grant an extension to July 31.

Councilmember Bostrom said he didn't think anything would be different on July 31.

Councilmember Brendmoen expressed concern about the City's liability should something happen between July 9 and 31. She moved to deny the appeals.

Adopted (appeal denied)

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

Nay: 0

Absent: 1 - Councilmember Stark

116 [RLH VO
12-48](#)

Appeal of Southern Minnesota Regional Legal Services (SMRLS), on behalf of several tenants, to a Notice of Condemnation and Order to Vacate at 1225 WESTMINSTER STREET.

(See minutes for item 114)

Adopted (appeal denied)

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

Nay: 0

Absent: 1 - Councilmember Stark

- 117 [RLH VO](#)
 [12-50](#) Appeal of Peter W. Brown, on behalf of several tenants, to a Notice of Condemnation and Order to Vacate at 1225 WESTMINSTER STREET.

(See minutes for item 115)

Adopted (appeal denied)

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

Nay: 0

Absent: 1 - Councilmember Stark

- 38 [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)

Councilmember Thune moved to continue the public hearing to August 1.

Public hearing continued to August 1

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

Nay: 0

Absent: 1 - Councilmember Stark

- 50 [RLH RR](#)
 [12-27](#) Ordering the rehabilitation or razing and removal of the structures at 1673 COTTAGE AVENUE EAST within fifteen (15) days after the July 3, 2012, City Council Public Hearing. (To be referred back to Legislative Hearing on August 14 and City Council Public Hearing on September 5, 2012)

At Legislative Hearing Officer Marcia Moermond's request, Councilmember Bostrom moved to refer the matter for a July 24 Legislative Hearing, and continue the Council public hearing to August 1.

Referred back for a July 24 Legislative Hearing; Council public hearing continued to August 1

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

Nay: 0

Absent: 1 - Councilmember Stark

- 52** [RLH WP
12-55](#) Appeal of Renewal by Andersen, on behalf of Ernest Goodman, to an Egress Window Non-Compliance Determination at 1045 DAVERN STREET.
- Legislative Hearing Officer Marcia Moermond said the window width and glazed area were substantially short of the requirement; she recommended denying the appeal.*
- Bryan Horton, Renewal by Anderson (1920 W. County Road C, Roseville) described the challenges presented by the unique design of the home, and said changing the window openings would alter the home's character.*
- Councilmember Tolbert moved to close the public hearing and grant the appeal.*
- Adopted as amended (appeal granted)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark
-
- 59** [RLH FOW
12-211](#) Appeal of Elizabeth Caturia to a Fire Certificate of Occupancy Correction Notice at 830 GRAND AVENUE, UNIT 1.
- Legislative Hearing Officer Marcia Moermond said the issue was whether the window was installed under permit and met the exemption requirements, and it appeared that it did meet those requirements. She recommended granting the variance.*
- No one appeared in opposition; Councilmember Thune moved to close the public hearing and adopt the resolution as amended.*
- Adopted as amended (appeal granted)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark
-
- 61** [RLH VO
12-56](#) Appeal of Howard Jones to a Correction Order-Complaint Inspection (includes condemnation) at 867 HAGUE AVENUE.
- Legislative Hearing Officer Marcia Moermond recommended denying the appeal.*
- No one appeared in opposition; Councilmember Carter moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry and Councilmember Thune
- Nay:** 0

Absent: 2 - Councilmember Stark and Councilmember Tolbert

64 **RLH RR**
12-28

Ordering the rehabilitation or razing and removal of the structures at 466 IGLEHART AVENUE within fifteen (15) days after the July 3, 2012 City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond said there was community interest in the historical value of the property and the one in the next item. She said Ward 1 wanted to meet with the owners and neighbors to see if there were other options; she recommended continuing the public hearing to September 5.

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to September 5. (Legislative Hearing on August 14)

Referred back for an August 14 Legislative Hearing; Council public hearing continued to September 5

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

Nay: 0

Absent: 1 - Councilmember Stark

92 **RLH RR**
12-29

Ordering the rehabilitation or razing and removal of the structures at 451 SELBY AVENUE within fifteen (15) days after the July 3, 2012, City Council Public Hearing. (To be referred back to a Legislative Hearing on July 10 and continue City Council public hearing to July 18)

No one appeared in opposition; Councilmember Carter moved to continue the public hearing to September 5. (Legislative Hearing on August 14)

Referred back for an August 14 Legislative Hearing; Council public hearing continued to September 5

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

Nay: 0

Absent: 1 - Councilmember Stark

94 **RLH RR**
12-30

Ordering the rehabilitation or razing and removal of the structures at 1204 SEVENTH STREET EAST within one-hundred eighty (180) days after the July 3, 2012 City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond said all conditions had been met; she recommended granting 180 days to rehabilitate the structure.

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

Adopted as amended (Remove or repair within 180 days)

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

Nay: 0

Absent: 1 - Councilmember Stark

104 [RLH RR](#)
[12-24](#)

Ordering the rehabilitation or razing and removal of the structures at 482 STINSON STREET within fifteen (15) days after the June 20, 2012, City Council Public Hearing. (Public hearing held June 20; laid over from July 3)

Legislative Hearing Officer Marcia Moermond said HUD had not informed the buyer (appellant) of the order to abate a nuisance building, and the appellant had begun work on the property without pulling permits. She said her biggest concern was the lack of an adequate work plan. She displayed a photo of the property, and said the department estimate for rehabilitation was upwards of \$75,000. She said given the property owner's difficulty in meeting basic requirements, she was not confident the rehabilitation could be completed successfully, and she recommended ordering removal or repair within 15 days.

At Councilmember Carter's and Council President Lantry's request, Ms. Moermond clarified that the house was a Category 3 vacant building and had an order to abate a nuisance property at the time the appellant purchased it, and that information was not disclosed by HUD.

In opposition:

Lionel Mendez, subcontractor, said they had completed 70% of repairs to the house, and the only thing stopping them was that they couldn't get plumbing and electrical permits. He said they were asking for the opportunity to get permits so the work could be completed. He said everything would be done to code. He provided photographs.

Thomas Garcia, property owner, appeared and affirmed the points made by Mr. Mendez.

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

After consulting with Ms. Moermond, Councilmember Carter moved to lay the matter over for two weeks to allow the owner time to provide more detailed bids and financial information, and to have an inspector out to check work already done.

Public hearing held and closed; laid over to July 18

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

Nay: 0

Absent: 1 - Councilmember Stark

- 107** [RLH RR
12-31](#) Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days after the July 3, 2012 City Council Public Hearing. (To be referred back to Legislative Hearing on September 11, 2012 and City Council public hearing on October 3, 2012)
- On Legislative Hearing Officer Marcia Moermond's recommendation; Council President Lantry moved to refer the matter for an August 7 Legislative Hearing and continue the Council public hearing to August 15.*
- Referred back for an August 7 Legislative Hearing; Council public hearing continued to August 15**
- 112** [RLH FCO
12-339](#) Appeal of Terry F. Fransen to a Correction Notice-Complaint Inspection at 1039 WAKEFIELD AVENUE.
- Legislative Hearing Officer Marcia Moermond recommended denying the appeal. She said the appellant had been present but had left.*
- 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 Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Stark
- 42** [RLH FCO
12-396](#) Appeal of Odis Lewis to a Correction Notice - Complaint Inspection (Condemnation in Unit 1) at 1076 BRADLEY STREET.
- Legislative Hearing Officer Marcia Moermond said there had been no gas or electric service for several weeks. The appellants' request was that occupancy be allowed to the end of July; Ms. Moermond said her recommendation was to order vacation by July 6.*
- David, speaking on behalf of the Odis Lewis (appellant), said Mr. Lewis was not staying at the property now, and was working hard to pay off the Xcel bill with assistance from East Side Family Services. He requested two more weeks to allow time get the bill paid. He said Mr. Lewis had his son every other weekend and was going through some things now.*
- Councilmember Brendmoen moved to close the public hearing. Yeas - 6 Nay - 0*
- Councilmember Brendmoen thanked the appellants for their testimony. After consulting with Ms. Moermond, she recommended referring the matter back for a July 10 Legislative Hearing to review details of the Xcel payment plan, and continuing the public hearing to July 18. (A motion was made to reopen the public hearing. Yeas - 6 Nays - 0)*
- Referred back for a July 10 Legislative Hearing; Council public hearing continued to July 18**

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

Nay: 0

Absent: 1 - Councilmember Stark

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 (Items 35 - 121)

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 Carter III, City Council President Lantry, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Stark

- 35** [RLH VO
12-44](#) Appeal of Curtis Finney to a Fire Certificate of Occupancy Correction Notice (Condemnation - Unit 106) at 1365 ARKWRIGHT STREET.
Adopted
- 36** [RLH FOW
12-208](#) Appeal of Kent Peterson to a Fire Inspection Correction Notice at 816 ASHLAND AVENUE.
Adopted
- 37** [RLH FCO
12-269](#) Appeal of Tarik Propes to a Correction Notice-Reinspection Complaint at 277 AURORA AVENUE.
Adopted
- 39** [RLH FOW
12-218](#) Appeal of Joseph Kummer to a Fire Inspection Correction Notice at 443 BANFIL STREET.
Adopted
- 40** [RLH FOW
12-191](#) Appeal of Lisalan Thai to a Fire Certificate of Occupancy Inspection Correction Notice at 635 BLAIR AVENUE.
Adopted

- 87 [RLH FOW
12-210](#) Appeal of Olson Property Investments to a Fire Inspection Correction Notice at 905 RUSSELL STREET.
Adopted
- 88 [RLH FCO
12-327](#) Appeal of Lori Kustritz to a Fire Certificate of Occupancy Inspection Correction Notice at 1960 SAINT CLAIR AVENUE.
Adopted
- 89 [RLH VO
12-58](#) Amending RLH VO 12-25, Appeal of Lymoua Mouacheupao to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 41 SANDRALEE DRIVE WEST.
Adopted
- 90 [RLH WP
12-52](#) Appeal of Renewal by Andersen, on behalf of John Wilebski, to an Egress Window Non-Compliance Determination at 1239 SCHEFFER AVENUE.
Adopted
- 91 [RLH WP
12-59](#) Appeal of Mark A. Pierce to an Egress Window Non-Compliance Determination at 1361 SEARLE STREET.
Adopted
- 93 [RLH RR
12-18](#) Ordering the rehabilitation or razing and removal of the structures at 1186 SEVENTH STREET EAST within fifteen (15) days after the June 6, 2012, City Council Public Hearing. (Public hearing held June 6; laid over from June 13)
Adopted
- 95 [RLH VO
12-40](#) Appeal of Charlie McCarty to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1734 SEVENTH STREET EAST.
Adopted
- 96 [RLH VO
12-43](#) Appeal of Southern Minnesota Regional Legal Services, on behalf of Lolita Cole, to a Fire Certificate of Occupancy Revocation and Order to Vacate 1155 SEVENTH STREET WEST.
Adopted
- 97 [RLH VO
12-45](#) Appeal of Christopher Deuth to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1155 SEVENTH STREET WEST.
Adopted

- 109 [RLH VBR](#)
 [12-35](#) Appeal of Tony Hoong, on behalf of Zheng Rental Properties, to a Vacant Building Registration Notice and Order to Vacate at 731 THOMAS AVENUE.

 Adopted
- 110 [RLH FOW](#)
 [12-212](#) Appeal of Kevin Busko to a Fire Inspection Correction Notice at 407 TORONTO STREET.

 Adopted
- 111 [RLH FOW](#)
 [12-205](#) Appeal of Debbie Vasquez, on behalf of Real Property Management, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 441 VIEW STREET.

 Adopted
- 113 [RLH FOW](#)
 [12-187](#) Appeal of Gretchen Iwen, on behalf of Steve and Rachel Alwin, to a Fire Certificate of Occupancy Inspection Correction Notice at 1779 WELLESLEY AVENUE.

 Adopted
- 118 [RLH FCO](#)
 [12-346](#) Appeal of Jay R. Hill to a Fire Certificate of Occupancy Inspection Correction Notice at 538 WHEELock PARKWAY WEST.

 Adopted
- 119 [RLH FOW](#)
 [12-207](#) Appeal of Raymond Wyatt to a Fire Inspection Correction Notice at 876 WHEELock PARKWAY EAST.

 Adopted
- 120 [RLH RR](#)
 [12-20](#) Ordering the razing and removal of the structures at 721 WILSON AVENUE within fifteen (15) days after the July 3, 2012 City Council Public Hearing. (Public hearing continued from June 6, 2012)

 Adopted
- 121 [RLH FCO](#)
 [12-354](#) Appeal of Tom Yang to a Fire Inspection Correction Notice at 673 YORK AVENUE.

 Adopted

ADJOURNMENT

Councilmember Thune moved to adjourn the meeting.

The meeting was adjourned at 9:06 p.m.

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

Nay: 0

Absent: 1 - Councilmember Stark

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