



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

Wednesday, January 2, 2013

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 3:31 p.m.

Councilmember Carter excused

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 12-45](#) Authorizing accounting activities for the Neighborhood and Cultural STAR Programs.
Received and Filed

- 2 [AO 12-46](#) Authorizing the Police Department to provide alcoholic beverages, water, and food to conduct the Standard Field Sobriety Test training.
Received and Filed

- 3 [AO 12-47](#) Authorizing the Police Department to cover expenses for food, water, and soda for the 2013-1 Academy Comprehensive Field Practicals, Family Nights, and Graduation.
Received and Filed

- 4 [AO 12-49](#) Amending the 2012 budget of the NSP Federal Grants Fund.
Received and Filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 5 - 15)

*Items 6 and 15 were removed from the Consent Agenda for separate consideration.
Councilmember Tolbert moved approval of the balance of the Consent Agenda.*

Consent Agenda adopted as amended

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

Nay: 0

Absent: 2 - Councilmember Carter III and Councilmember Thune

Councilmember Thune arrived following the Consent Agenda vote.

- 5** [RES 13-21](#) Approving the minutes of the November 20 and 28, 2012 City Council meetings.
Adopted
- 6** [RES 13-7](#) Authorizing the withholding of tax-forfeit parcels from public sale for six months. (Laid over from January 2)
Councilmember Stark said he would like to add one parcel, and he moved a one week layover.
Laid over to January 9
Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
Nay: 0
Absent: 1 - Councilmember Carter III
- 7** [RES 13-8](#) Expanding the zoning study area designated under Ord 12-53 but exempting this expanded study area from the interim regulations imposed under Ord 12-53.
Adopted

- 8 [RES 13-9](#) Approving the request for a Class B Gambling license for Adonis ECO-Housing to operate at a site designated as Track's, 1964 University Avenue.
Adopted
- 9 [RES 13-10](#) Approving the request for a Class B Gambling license for CLIMB, Inc. (State ID # 02002) to operate at a site designated as Station 280, 2554 Como Avenue.
Adopted
- 10 [RES 13-11](#) Approving changes to Rule 14 of the City of Saint Paul Civil Service Rules to allow for promotion rights to employees holding the title of Parking Enforcement Officer or Community Liaison Officer in to the title of Police Officer.
Adopted
- 11 [RES 13-12](#) Approving changes to Rule 7 of the City of Saint Paul Civil Service Rules to properly reflect recent changes in Minnesota State Law regarding additional points to Veteran applicants.
Adopted
- 12 [RES 13-18](#) Authorizing the Police Department to enter into a facilities contract with the Saint Paul Public Schools for the 2013-1 Police Academy Graduation.
Adopted
- 13 [RES 13-20](#) Authorizing the Police Department to enter into a facilities rental agreement which includes an indemnification clause with the Neighborhood House at Wellstone Center.
Adopted
- 14 [RES 13-22](#) Authorizing the Department of Safety and Inspections to enter into a Joint Powers Agreement for Twin Cities Public Health and Environmental Health Mutual Aid.
Adopted

- 15** [RES 13-23](#) Amending the City of Saint Paul's 2013 Legislative Agenda to support efforts at the State and Federal levels to reduce gun violence .
- Councilmember Tolbert said the shooting at Sandy Hook Elementary School had brought to light the fact that the Council's Legislative Agenda did not address gun violence, and he felt it was a conversation St. Paul should participate in. He reviewed the details of the proposed amendment.*
- Councilmember Thune said he supported the amendment but felt people should be clear on the difference between automatic and semi-automatic weapons. He said he felt closing the loophole in background check requirements was key.*
- Councilmember Tolbert moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III

FOR DISCUSSION

- 16** [RLH RR
12-85](#) Ordering the razing and removal of the structures at 1278 POINT DOUGLAS ROAD SOUTH within fifteen (15) days after the December 5, 2012 City Council Public Hearing. (Public hearing held December 5)
- Council President Lantry said the bank had not provided the requested materials, and she confirmed with Legislative Hearing Officer Marcia Moermond that the recommendation was to order removal or repair of the building.*
- Council President Lantry moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III

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.

Second Reading

- 17 [Ord 12-72](#) Amending Chapter 376 of the Saint Paul Legislative Code pertaining to insurance and technical amendments.

Laid over to January 16 for third reading/public hearing

- 18 [Ord 12-85](#) Amending Chapter 310 of the Saint Paul Legislative Code pertaining to the failure to pay license fees and failure to maintain taxicab insurance coverage.

Laid over to January 16 for third reading/public hearing

First Reading

- 19 [Ord 13-1](#) Amending Chapter 310 of the Saint Paul Legislative Code pertaining to Special Event Food Sales square footage requirements.

Laid over to January 9 for second reading

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:31 p.m.

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dave Thune and Councilmember Chris Tolbert

Absent 1 - Councilmember Melvin Carter III

- 20 [Ord 12-83](#) Amending Chapter 310 of the Saint Paul Legislative Code pertaining to the addition of license fees for Animal Day Care and Animal Boarding.

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

Public hearing held and closed; laid over to January 9 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Carter III

- 21 [RES PH 13-3](#) Approving the application of the University of St. Thomas for a sound level variance in order to present amplified music from 6:00 p.m. until 9:00 p.m. on May 11, 2013 during a music event at the John P. Monahan Plaza at 2115 Summit Avenue.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Carter III

- 22 [RES PH 13-1](#) Approving the application of Hangman Productions, Inc for a sound level variance in order to allow operation of chillers and generators from January 3, 2013 through February 4, 2013, and to allow the use of an amplified sound system for the events on January 23 through January 26, 2013.

In opposition:

Shaan Hamilton, Vice President of Finance and Operations at St. Paul College, said they supported the event but were concerned about the noise disturbing evening classes on January 23 and 24. He said Red Bull and Hangman had taken steps to mitigate the problem a little bit last year, but he wanted to make Council aware of the concerns and to encourage Red Bull to take whatever steps were possible to minimize disruption of classes.

Councilmember Thune said he had spoken with representatives from Red Bull and they were attempting to work things out with everyone. He said they had been good to work with in the past.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Carter III

- 23** [RES PH 13-4](#) Approving the application of the St. Paul Festival & Heritage Foundation for a sound level variance in order to present amplified music from 10:00 a.m. until 10:00 p.m. from January 24, 2013 through February 3, 2013 in Rice Park.

Councilmember Thune noted that the snow sculpting competition would be held again this year, and "Team Thune" would be representing Minnesota in the national competition in Lake Geneva.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Carter III

24 [RES PH](#)
[12-214](#)

Final Order approving the improvements on the north side of East Sixth Street between Sibley Street and Wacouta Street (File No. S1202). (Public hearing continued from October 17)

In response to a question from Councilmember Thune, Dan Haak, Public Works, said the issue would be on the January Heritage Preservation Commission (HPC) agenda. He showed a map of the existing street and sidewalk, and described the proposed changes including a dedicated bus/bike lane. He said the change would affect three parcels and two property owners, and 22 on-street parking spaces would be lost.

Councilmember Brendmoen asked why the change was being proposed. Mr. Haak said it was for sidewalk cafes.

Councilmember Stark asked whether other options had been considered, and he suggested smaller widening of the sidewalk and different configuring of street to allow a full bike lane. Mr. Haak said alternatives such as that were not considered.

Council President Lantry clarified that the project would be 100% assessed to the property owner. Mr. Haak said the property owners had signed the forms two years ago and he was checking with the City Attorney's office to see whether new forms were needed.

Council President Lantry asked for an estimate of lost parking meter revenue. John Maczko, Public Works, said the meters were used extensively but the City did not recoup the full value value of the meters. He said the potential loss was about \$30,000 a year.

Councilmember Thune asked whether the loss would be charged back to the property owner as was the case when meters were removed across from the federal courts building. He asked whether there was a City policy. Mr. Maczko said the lost revenue would not be charged back in this case; he described the arrangement with the Army Corp of Engineers and noted that the deal had not been finalized. Council President Lantry asked whether there was a City policy. Mr. Maczko said typically if the City made the decision to ban parking the lost revenue was not charged back to the property owner.

Councilmember Stark asked how the change would affect the flow of traffic. Mr. Maczko said there would be a transition area, and the impact on traffic flow would be minor.

Councilmember Thune said there was no public notification for this public hearing and the item will be laid over until after the HPC meeting. Council President Lantry said people could testify at the current public hearing and the continuation but could not give the same testimony twice.

In opposition:

Jim Ivey (300 Wall Street, #108) said he opposed doing the project now. He said the HPC was about to reconsider Lowertown design guidelines and the Capital River Council was just forming a parking task force, and the 6th Street project would be much better informed by having the information from those two sources. He echoed Councilmember Stark's statement that alternatives weren't considered, and he described some possible alternatives. He said the businesses that would benefit were already doing well.

Jim Bury (168 E. 6th Street, # 3901) said street parking was already limited in the

evenings, and parking spots had already been lost to a bus lane by Mears Park Apartments. He said from a safety standpoint he was concerned about taking away a row of parking that served as a buffer between traffic and pedestrians in Mears Park.

In favor:

Chuck Repke (154 W. Winifred) appeared representing the two building owners. He showed diagram of the current and proposed traffic lanes, and noted that the parking was being lost due to the bus/bike lane, and not because of the extended sidewalk.

Councilmember Thune moved to continue the public hearing to February 6.

Public hearing continued to February 6

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

Nay: 0

Absent: 1 - Councilmember Carter III

- 25** [RES PH 13-2](#) Final Order approving the sidewalk improvements on the north side of Montreal Avenue from West Seventh to I-35E (File No. S1301, Assmt. No. 135301).

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Carter III

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 37** [RLH RR
12-81](#) Ordering the rehabilitation or razing and removal of the structures at 704-706 BLAIR AVENUE within thirty (30) days after the January 16, 2013 City Council Public Hearing.
- Legislative Hearing Officer Marcia Moermond said she would be asking for a layover because the letter sent to the appellant after the Legislative Hearing had not been clear. She said the Code Compliance inspection had been applied for but none of the other conditions had been met prior to that day. She said the bond and property taxes were paid that day and some funds were demonstrated. She said neighbors had attended the Legislative Hearing and testified that they had been maintaining the property. She said she would be asking for \$50,000 in escrow, a sworn construction statement, and supporting subcontractor bids.*
- No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to January 16.*
- Public hearing continued to January 16**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III
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- 38** [RLH TA
12-534](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1301A, Assessment No. 138808 at 1302 BLAIR AVENUE. (To be continued to February 6, 2013)
- Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to February 6, at which point she expected the project to be complete and she could ask for a reduction in the fee.*
- No one appeared in opposition; Councilmember Stark moved to continue the public hearing to February 6.*
- Public hearing continued to February 6**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III

- 49** [RLH RR
12-83](#) Ordering the rehabilitation or razing and removal of the structures at 1143 EDGERTON STREET within fifteen (15) days after the January 2, 2013 City Council Public Hearing. (Amended to remove within 15 days)
- Legislative Hearing Officer Marcia Moermond said none of the conditions had been met, and she recommended ordering removal of the building with no option for rehabilitation.*
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended (remove within 15 days)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III
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- 55** **RLH TA
12-559** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1302C, Assessment No. 138809 at 1138 FOREST STREET. (To be continued to February 6, 2013)
- Legislative Hearing Officer Marcia Moermond asked that the public hearing be continued to February 6, at which point she expected the project to be complete and she could ask for a reduction in the fee.*
- No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to February 6.*
- Public hearing continued to February 6**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert
- Nay:** 0
- Absent:** 1 - Councilmember Carter III

72 [RLH TA](#)
[12-544](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301E, Assessment No. 138300 at 1385 MARGARET STREET.

Council President Lantry noted that an interpreter was present at the request of the appellant.

Legislative Hearing Officer Marcia Moermond said the vehicles were not moved by the deadline established in the orders, and an Excessive Consumption fee was charged. She said her recommendation was to ratify the assessment. She noted that there was a separate garbage hauling assessment for which her recommendation was to delete the assessment.

In opposition:

Property owner Neng Xiong said everything was in compliance and he was present to ask that the fee be deleted. He said he didn't have experience and didn't understand the note that was received from inspections so it took a longer time.

Ms. Moermond added add that the vehicle was to have been removed due to lack of current tabs; she said she had a photo of the non-compliant car taken a week after deadline.

Council President Lantry moved to close the public hearing. Yeas - 6 Nays - 0

Council President Lantry moved to approve the assessment; she said current tabs were not just City code but state law as well.

Adopted (assessment approved)

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

Nay: 0

Absent: 1 - Councilmember Carter III

93 [RLH VO](#)
[12-120](#)

Appeal of Narin Vong to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 315 UNIVERSITY AVENUE WEST.

Legislative Hearing Officer Marcia Moermond said the issue was a long term problem with structural support in basement. She said the building had been vacated but there was a wish to re-occupy; she recommended upholding the condemnation and order to vacate until the structural issues had been addressed. She displayed file photos showing temporary shoring, and said Department of Safety and Inspections (DSI) inspectors had asked for permanent shoring on several occasions but the property owner wished to continue with the temporary shoring. She said if there were a structural engineer's report indicating the shoring was sufficient this could be revisited.

In opposition:

Property owner Narin Vong said he had appealed the condemnation order a couple of weeks before but had not had a structural engineer with him at that time, but today he had an engineer present. He said the basement had never been broken, was solid and sound, and the shoring pictured was not temporary. He said he couldn't finish the repairs before the deadline because concrete could not be poured in cold weather. He said his structural engineer would testify that there was no imminent danger.

Council President Lantry asked how long the building had been vacant. Mr. Vong said it had never been vacant. He said he had a tenant inside the property at all times, his daughter has a shop, he had an office, and there was a restaurant there. He said he was asking for an extension until spring, and structural engineer would attest to the building's soundness.

Structural engineer Gary Reinhold (2565 Highway 12, #12-544, Woodville, WI) said "a fix" had been designed and the drawings approved. He said he had inspected again recently and the temporary shoring was performing, and there was no reason why this couldn't wait until spring.

Council President Lantry noted that the temporary shoring had been there for almost 11 years. Mr. Reinhold said there was no reason it couldn't continue to perform for another 4 to 6 months.

Ms. Moermond read a memo from Mr. Reinhold and noted that the condemnation and order to vacate meant the space must be code complaint before reoccupation.

Mr. Vong said the building had never been unoccupied. He said a permit had been pulled and approved, and he was asking to be allowed to stay in the building until the work could be finished in the spring.

Councilmember Brendmoen moved to close the public hearing.

In response to a question from Councilmember Stark, Ms. Moermond confirmed that the basement extended under the public sidewalk. She said the Metropolitan Council had identified this as an ongoing problem and reminded City staff that it had been going on since 2002.

Council President Lantry moved to deny the appeal.

Adopted (appeal denied)
(This item was recalled following Item 42.)

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

Nay: 0

Absent: 1 - Councilmember Carter III

96 [RLH VBR
12-93](#)

Appeal of Alex Jerome to a Vacant Building Registration Renewal Notice at 601 WESTERN AVENUE NORTH.

Legislative Hearing Officer Marcia Moermond said the issue was the Vacant Building fee for 2012-2013, and no one had appeared at the Legislative Hearing. She said the property continued to be a Vacant Building as it was at the time of acquisition, and she recommended denying the appeal.

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

Adopted (appeal denied)

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

Nay: 0

Absent: 1 - Councilmember Carter III

105 [RLH AR
12-120](#)

Ratifying the assessments for Demolition Services from July 2012 (NON-C.D.B.G). (File No. J1302C, Asmt No. 132001)

Legislative Hearing Officer Marcia Moermond asked that 1901 E. Maryland be removed from the roll for separate consideration.

No one appeared in opposition; Councilmember Bostrom moved to approve the resolution as amended.

Adopted as amended (1901 Maryland Avenue E. removed from the roll for separate consideration)

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

Nay: 0

Absent: 1 - Councilmember Carter III

107 [RLHAR](#)
[12-122](#)

Ratifying the assessments for Collection of Vacant Building Fees Services billed from March 23 to June 21, 2012. (File No. VB1302, Assessment No. 138801)

Legislative Hearing Officer Marcia Moermond asked that 1160 Montreal Avenue be removed from the roll for separate consideration.

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

Ray Vorderbhruggen (6924 W. 105th Street) appeared and asked that his property at 1161 Norton Street be removed from the roll for separate consideration.

Councilmember Brendmoen moved to recall the Item. Yeas - 6 Nays - 0

Ms. Moermond said she would refer the Norton address back to Legislative Hearings along with the other address.

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

Adopted as amended (1160 Montreal Avenue and 1161 Norton Street removed from the roll for separate consideration)

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

Nay: 0

Absent: 1 - Councilmember Carter III

41 [RLH VO](#)
[12-126](#)

Appeal of Timothy Gordon to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 591 CLIFFORD STREET.

Legislative Hearing Officer Marcia Moermond said the issue was ongoing exterior orders at this owner-occupied property. She said this had been an issue for five years, and the condition had deteriorated to a point where safe exit and entry was a concern, along with the safety of property in general. She showed photographs and reiterated that the orders had been going on for a very long time. She recommended issuing a vacate order, and she proposed an extension to January 4 for repairs or vacation.

In opposition:

Property owner Timothy Gordon said he didn't deny that it had taken too long to get the work done. He said the original order was for roof, soffit, and fascia repairs, and those had taken his available cash. He said he was looking for a contractor, and he asked for an extension of time.

In response to questions from Councilmember Stark, Mr. Gordon said he lived at the property by himself and wasn't sure how much time was needed because he hadn't been able to get a hold of the contractor.

Ms. Moermond noted that carpentry could be done year round but painting and caulking were temperature dependent. In response to a question from Councilmember Stark she reviewed the nature of the safety concerns.

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

Councilmember Stark and Ms. Moermond reviewed the history of the orders. Councilmember Stark said if there was a real opportunity to get the work done he would like to give a little bit of time. He asked Ms. Moermond for input. Ms. Moermond suggested ordering that the permit be pulled for ingress and egress repairs within two weeks and that the work be completed after an additional two weeks. She clarified that that addressed the condemnation and order to vacate but not other issues.

Councilmember Stark moved to lay the matter over to February 6.

Public hearing held and closed; laid over to February 6

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

Nay: 0

Absent: 1 - Councilmember Carter III

42 [RLH VO](#)
[12-124](#)

Appeal of Tara Schweiger, Maypop Sales and Services, to a Correction Notice-Reinspection Complaint (includes condemnation of Unit 5) at 2554 COMO Avenue #5.

Legislative Hearing Officer Marcia Moermond said the issue was excessive accumulation of tires both inside and outside of the building, and also tires stored on a "mezzanine." She said the property owner anticipated they would be in compliance by the deadline at the end of the week. She recommended denying the appeal on the order to vacate and granting an extension to January 4.

Property owner Tara Schweiger appeared and said they would meet the deadline.

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

Adopted (appeal denied)

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

Nay: 0

Absent: 1 - Councilmember Carter III

Councilmember Thune moved to recall Item 93. Yeas - 6 Nays - 0

[RLH VO](#)
[12-120](#)

Appeal of Narin Vong to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 315 UNIVERSITY AVENUE WEST.

Councilmember Thune said he would like to find out how many other businesses this would affect; he asked to lay the matter over for a week. He said he hated to put everyone out of business when the structural engineer said the building was stable.

Councilmember Stark said he could live with a week layover, and noted that the property owner had mentioned an office and his daughter's business.

Council President Lantry said the issue was safety and not how many businesses. She said nothing was known about the engineer the property owner had brought in, and the blame for the situation did not belong with the Council but with the property owner who had let this go on for 12 years. She expressed concern about the stability of the temporary supports with all of the (Light Rail) construction that had been going on in the area. Councilmember Brendmoen noted the ample number of supports and said if Councilmember Stark could live with a week, it would allow time to get questions answered.

Legislative Hearing Officer Marcia Moermond said the engineer was registered and she noted for the record that that the engineer's statements were qualified. She said a permit had been pulled and was in the review process, but the notes from the City's engineer were not available online yet and that information would be useful in making a determination.

Councilmember Thune said he was relying on facts as stated by engineer, and he didn't like to see businesses shut down without reason. Councilmember Stark said the facts presented to the Council were in the orders issued by the City.

Council President Lantry reviewed the orders in the file.

Legislative Hearing Officer Marcia Moermond said the condemnation and order to vacate meant the space could not be occupied, and she asked whether the Council was saying the space should not be occupied for the next week.

Councilmember Thune said if it was being used now, the current occupants should be able to stay. He reiterated that he would like to lay the matter over for a week to allow time for the City and private engineers to meet.

Councilmember Bostrom said the Council should accept the recommendation of the City engineer as stated in the orders and that it shouldn't be a matter of negotiation.

Councilmember Thune said he felt the Council should err on the conservative side since these were businesses and human beings being affected.

Council President Lantry asked whether the tenants were notified that this hearing was occurring. Ms. Moermond said the building had been placarded with the condemnation and order to vacate, but it would have been up to the building owner to notify the tenants of the hearing.

Councilmember Brendmoen noted a file photograph showing that the building was placarded on November 6.

Councilmember Stark reiterated that he was okay with laying the matter over for one week, but said either way the building should already have been vacated.

Assistant City Attorney Rachel Tierney said if the Council laid the matter over now in order to get more information, the property owner should be notified of the layover, encouraged to watch the video recording of the Council's conversation, and informed that action on his part was required.

Councilmember Thune said the property owner's engineer could contact the City engineer, and there was no need to go back and reinspect.

In response to a question from Councilmember Brendmoen, Ms. Moermond said an immediate vacate order was issued on November 6 and appealed on November 14, but the appeal did not affect the immediate vacate order.

Councilmember Bostrom said in his experience the best way to ensure things got done was to stick with orders and deadlines.

Council President Lantry confirmed with Ms. Moermond that the building occupants were aware of the vacate order and that the building could be re-occupied once a structural engineer made the determination that the building was structurally sound. In response to a comment made earlier by the appellant she said concrete footings could be poured indoors during the winter. She reiterated that the property owner had had outstanding orders since 2002.

Councilmember Thune moved a one week layover during which time the private and City engineers could meet and after which the City engineer would report back. He said he was fine with ordering the building vacated during that time.

Ms. Tierney clarified that the motion was to lay the matter over for one week, so a City engineer could weigh in, and the property was to remain vacated during that time.

Yeas -3 Nays - 3 (Bostrom, Tolbert, Lantry)
Motion failed

Councilmember Thune moved to adopt the recommendation of the Legislative Hearing Officer. Yeas - 6 Nays - 0

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Carter III

- 36 [RLH TA](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 [12-508](#) No. J1208E1, Assessment No. 138302 at 670 BELLOWS STREET.

 Adopted
- 39 [RLH TA](#) Ratifying the Appealed Special Tax Assessment for Real Estate
 [12-560](#) Project No. VB1302, Assessment No. 138801 at 1157 BREEN
 STREET.

 Adopted
- 40 [RLH FCO](#) Appeal of Joseph H. Chuang, on behalf of Hunan Garden, to a
 [12-639](#) Correction Order at 380 CEDAR STREET (aka 55 Fifth Street East).

 Adopted
- 43 [RLH TA](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 [12-593](#) No. VB1302, Assessment No. 138801 at 1512 CONCORDIA
 AVENUE.

 Adopted
- 44 [RLH TA](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 [12-551](#) No. J1301A, Assessment No. 138500 at 1570 CONWAY STREET.

 Adopted
- 45 [RLH RR](#) Ordering the rehabilitation or razing and removal of the structures at
 [12-82](#) 1673 COTTAGE AVENUE EAST within one hundred eighty (180) days
 after the January 2, 2013 City Council Public Hearing.

 Adopted
- 46 [RLH TA](#) Ratifying the Appealed Special Tax Assessment for Real Estate
 [12-529](#) Project No. J1301A, Assessment No. 138500 at 1192 DALE STREET
 NORTH.

 Adopted
- 47 [RLH TA](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 [12-515](#) No. J1301A, Assessment No. 138500 at 1946 DOROTHEA AVENUE.

 Adopted
- 48 [RLH TA](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 [12-550](#) No. VB1301, Assessment No. 138800 at 759 EDGERTON STREET.

 Adopted

- 50 [RLH TA
12-536](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1301, Assessment No. 138800 at 1230 EDGERTON STREET.

 Adopted
- 51 [RLH TA
12-538](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No.138500 at 406 EDMUND AVENUE.

 Adopted
- 52 [RLH TA
12-561](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301E, Assessment No. 138300 at 964 EDMUND AVENUE.

 Adopted
- 53 [RLH TA
12-516](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1207 FIFTH STREET EAST.

 Adopted
- 54 [RLH TA
12-545](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1301E, Assessment No. 138300 at 1207 FIFTH STREET EAST.

 Adopted
- 56 [RLH TA
12-533](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1093 FOURTH STREET EAST.

 Adopted
- 57 [RLH TA
12-509](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1301G, Assessment No. 138700 at 1111 FOURTH STREET EAST.

 Adopted
- 58 [RLH TA
12-548](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301E, Assessment No. 138300 at 1111 FOURTH STREET EAST.

 Adopted
- 59 [RLH TA
12-517](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301G, Assessment No. 138700 at 1306 FOURTH STREET EAST.

 Adopted

- 60 [RLH TA](#)
 [12-557](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1302, Assessment No. 138801 at 782 FRANK STREET.

 Adopted
- 61 [RLH TA](#)
 [12-607](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1301, Assessment No. 138800 at 1860 GLEN TERRACE.

 Adopted
- 62 [RLH TA](#)
 [12-514](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301E, Assessment No. 138300 at 637 GOTZIAN STREET.

 Adopted
- 63 [RLH TA](#)
 [12-518](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1301E, Assessment No. 138300 at 1845 HAWTHORNE AVENUE EAST.

 Adopted
- 64 [RLH CO](#)
 [12-26](#) Appeal of Zona Butler to a Correction Notice at 79 ISABEL STREET EAST (aka 81 Isabel Street East and 83 Isabel Street East).

 Adopted
- 65 [RLH TA](#)
 [12-562](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1302, Assessment No. 138801 at 1411 IVY AVENUE EAST.

 Adopted
- 66 [RLH TA](#)
 [12-527](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1301, Assessment No. 138800 at 1171 JACKSON STREET.

 Adopted
- 67 [RLH TA](#)
 [12-541](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1301, Assessment No. 138200 at 344 JENKS AVENUE.

 Adopted
- 68 [RLH TA](#)
 [12-520](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No.138500 at 871 LEXINGTON PARKWAY SOUTH.

 Adopted

- 69 [RLH TA](#)
 [12-610](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 No. J1301A, Assesment No. 138500 at 1070 MACKUBIN AVENUE.
Adopted
- 70 [RLH TA](#)
 [12-611](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 No. J1301A, Assessment No. 138500 at 1072 MACKUBIN STREET.
Adopted
- 71 [RLH TA](#)
 [12-510](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 No. J1301G, Assessment No. 138700 at 1385 MARGARET STREET.
Adopted
- 73 [RLH TA](#)
 [12-531](#) Ratifying the Appealed Special Tax Assessment for Real Estate
 Project No. J1301A, Assessment No. 138500 at 256 MARSHALL
 AVENUE.
Adopted
- 74 [RLH FCO](#)
 [12-641](#) Appeal of Theodore Gliske, on behalf of Maryland Bible Chapel, to a
 Fire Certificate of Occupancy Correction Notice at 606 MARYLAND
 AVENUE EAST.
Adopted
- 75 [RLH TA](#)
 [12-546](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 No. J1301E, Assessment No. 138300 at 786 MARYLAND AVENUE
 EAST.
Adopted
- 76 [RLH TA](#)
 [12-512](#) Deleting the Appealed Special Tax Assessment for Real Estate Project
 No. J1301P, Assessment No. 138400 at 933 MINNEHAHA AVENUE
 WEST.
Adopted
- 77 [RLH TA](#)
 [12-558](#) Ratifying the Appealed Special Tax Assessment for Real Estate
 Project No. VB1202, Assessment No. 138801 at 685 ORANGE
 AVENUE EAST.
Adopted
- 78 [RLH TA](#)
 [12-563](#) Ratifying the Appealed Special Tax Assessment for Real Estate
 Project No. VB1302, Assessment No. 138801 at 1016 PACIFIC
 STREET.
Adopted

- 79 [RLH TA](#)
 [12-539](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1301, Assessment No. 138200 at 1581 PAYNE AVENUE.

 Adopted
- 80 [RLH TA](#)
 [12-543](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1301, Assessment No. 138200 at 412 PIERCE STREET.

 Adopted
- 81 [RLH TA](#)
 [12-542](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1301, Assessment No. 138200 at 848/850 RANDOLPH AVENUE.

 Adopted
- 82 [RLH TA](#)
 [12-537](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 54 ROSE AVENUE WEST.

 Adopted
- 83 [RLH TA](#)
 [12-547](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1301E, Assessment No. 138300 at 1494 SCHEFFER AVENUE.

 Adopted
- 84 [RLH TA](#)
 [12-555](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301B, Assessment No. 138100 at 561 SEVENTH STREET WEST.

 Adopted
- 85 [RLH TA](#)
 [12-524](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1237 SEVENTH STREET EAST.

 Adopted
- 86 [RLH TA](#)
 [12-530](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301G, Assessment No. 138700 at 1101 SIXTH STREET EAST.

 Adopted
- 87 [RLH FCO](#)
 [12-638](#) Appeal of Tim McCarty to a Fire Certificate of Occupancy Correction Notice at 442 SUMMIT AVENUE #2.

 Adopted

- 88 [RLH TA](#)
 [12-522](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 101 SYCAMORE STREET WEST.

 Adopted
- 89 [RLH SAO](#)
 [12-41](#) Appeal of Steven Feig to a Summary Abatement Order and Correction Notice at 1012 THIRD STREET EAST.

 Adopted
- 90 [RLH CO](#)
 [12-25](#) Appeal of Andrew Hybben to a Correction Order at 1056 THIRD STREET EAST #3.

 Adopted
- 91 [RLH TA](#)
 [12-525](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No.138500 at 678 THOMAS AVENUE.

 Adopted
- 92 [RLH TA](#)
 [12-519](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 879 THOMAS AVENUE.

 Adopted
- 94 [RLH VBR](#)
 [12-91](#) Appeal of Kirk O'Neal to a Vacant Building Registration Requirement at 419 VAN DYKE STREET.

 Adopted
- 95 [RLH TA](#)
 [12-526](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 609 WELLS STREET.

 Adopted
- 97 [RLH TA](#)
 [12-511](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1301P, Assessment No. 138400 at 1511 WHITE BEAR AVENUE NORTH.

 Adopted
- 98 [RLH TA](#)
 [12-532](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 2254 WILLIAM TELL ROAD.

 Adopted

- 99 [RLH AR
12-114](#) Ratifying the assessments for Collection of Vacant Building Fees Services billed from March 7 to May 18, 2012. (File No. VB1301, Assessment No. 138800)
Adopted
- 100 [RLH AR
12-115](#) Ratifying the assessments for Graffiti Removal Services from June 20 to July 19, 2012. (File No. J1301P, Assessment No. 138400)
Adopted
- 101 [RLH AR
12-116](#) Ratifying the assessments for Collection of Certificate of Occupancy Fees Services billed from May 2 to June 1, 2012. (File No. CRT1301, No. 138200)
Adopted
- 102 [RLH AR
12-117](#) Ratifying the assessments for Property Clean Up Services from July 2 to July 25, 2012. (File No. J1301A, Assessment No. 138500)
Adopted
- 103 [RLH AR
12-118](#) Ratifying the assessments for Trash Hauling Services from July 3 to July 25, 2012. (File No. J1301G, Assessment No. 138700)
Adopted
- 104 [RLH AR
12-119](#) Ratifying the assessments for Demolition Services from July 2012. (File No. J1301C, Asmt No. 132000)
Adopted
- 106 [RLH AR
12-121](#) Ratifying the assessments for Boarding and/or Securing Services during June 2012. (File No. J1301B, Assessment No. 138100)
Adopted
- 108 [RLH AR
12-123](#) Ratifying the Assessments for Excessive Use of Inspection Services billed from May 25 to July 19, 2012 (File No. J1301E, Assessment No. 138300).
Adopted

ADJOURNMENT

Councilmember Thune moved adjournment.

The meeting was adjourned at 7:04 p.m.

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

Nay: 0

Absent: 1 - Councilmember Carter III

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