



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor

Katie Burger, Executive
Assistant, 651-266-8560

Minutes - Final

City Council

Council President Russ Stark
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Bill Finney
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, September 16, 2015

3:30 PM

Council Chambers - 3rd Floor

Council Voting

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

ROLL CALL

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

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.

- 1 [RES 15-1509](#) Recognizing Constitution Week, September 17 - 23, 2015.
Adopted
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
Nay: 0
- 2 [RES 15-1541](#) Approving assessment costs and setting the date of the City Council public hearing to ratify assessments for the 2015 Right-of-Way Maintenance Program and 2015 Above-Standard Lighting Operation and Maintenance Program. (File No. 15ROW FINAL, Assessment No. 150032)
Adopted
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 3 [RES 15-1553](#) Authorizing the City to enter into MnDOT Agreement No. 1000544 with State of Minnesota, Department of Transportation for power, operation and maintenance of bridge lighting on Griggs, Grotto, and Mackubin Pedestrian Bridges over Trunk Highway No. 94. (To be withdrawn)

Withdrawn

- 4 [RES 15-1568](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during May 11 to June 16, 2015 and setting date of Legislative Hearing for October 20, 2015 and City Council Public Hearing for January 20, 2016 to consider and levy the assessments against individual properties. (File No. CRT1602, Assessment No. 168201)

Adopted

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

Nay: 0

- 5 [RES 15-1569](#) Approving the City's cost of providing Collection of Vacant Building Registration fees billed during February 2 to June 19, 2015 and setting date of Legislative Hearing for October 20, 2015 and City Council Public Hearing for January 20, 2016 to consider and levy the assessments against individual properties. (File No. VB1602, Assessment No. 168801)

Adopted

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

Nay: 0

- 6 [RES 15-1570](#) Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during May 22 to June 19, 2015 and setting date of Legislative Hearing for October 20, 2015 and City Council Public Hearing for January 20, 2016 to consider and levy the assessments against individual properties. (File No. J1602E, Assessment No. 168301)

Adopted

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

Nay: 0

- 7 [RES 15-1571](#) Approving the City's cost of providing Graffiti Removal services during July 9 to August 1, 2015 and setting date of Legislative Hearing for October 20, 2015 and City Council Public Hearing for January 20, 2016 to consider and levy the assessments against individual properties. (File No. J1602P, Assessment No. 168401)
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 8 [RES 15-1589](#) Authorizing the City to enter into a Cooperative Agreement with MnDOT(MnDOT Agreement No. 1001178) for the City's share of the costs of the McKnight Trail.
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 9 [RES 15-1594](#) Memorializing City Council action taken August 19, 2015 sustaining adverse licensing action against all licenses held by Jefferson Avenue Investments, Inc. d/b/a Tavern On The Avenue located at 825 Jefferson Avenue in St. Paul.
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 11 [RES 15-1643](#) Approving and authorizing execution of an Amendment No. 2 to Site Lease Agreement between the Board of Water Commissioners and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless to provide for the installation of underground fiber optic cable at the Cottage Avenue Standpipe site located at 2095 Clear Avenue in Saint Paul.
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0

FOR DISCUSSION

- 12** [RES 15-1651](#) Declaring Community Gardening Day 2015.
- Councilmember Stark said this is an annual tradition. The Council supports community gardening in Saint Paul. There is a group joining us today from the community gardens around town.*
- (Stark read the resolution.)*
- Unknown female said the website has information about all the gardens in Saint Paul. She urged people to see the garden. They are treasures in the City.*
- Stark moved the resolution.
7 in favor, none opposed*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 13** [RLH FCO 15-75](#) Appeal of Will Anderson, for MFCA, to a Fire Inspection Correction Notice at 374/376 MARIA AVENUE.
- Marcia Moermond asked for a layover to October 7. They have made progress. She will meet with them at noon.*
- Finney moved a layover
7 in favor, none opposed
Laid over to October 7*
- Laid over to October 7**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 14** [RLH OA 15-10](#) Making recommendation to the Ramsey County Commissioners on the application of Cherie Johnson, for repurchasing the tax-forfeited property at 977 FULLER AVENUE.
- Councilmember Thao moved approval.
7 in favor, none opposed*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0

ORDINANCES

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

Third Reading, No Public Hearing

- 15 [Ord 15-44](#) Memorializing City Council action granting the application of BlueAnt Designs LLC to rezone property at 1174 Grand Avenue from BC community business (converted) to RM2 multiple family; and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held August 19, 2015)

Ordinance is laid over to September 23 for final adoption

Laid over to September 23 for final adoption

Second Reading

- 16 [Ord 15-47](#) Amending Chapter 370 of the Legislative Code regarding Building Trades Certificates of Competency.

Ordinance is laid over to October 7 for third reading/public hearing

Laid over to October 7 for third reading/public hearing

First Reading

- 17 [Ord 15-48](#) Amending the Zoning Map of Saint Paul as recommended by the Gold Line Station Area Plans.

Ordinance is laid over to September 23 for second reading

Laid over to September 23 for second reading

- 18 [Ord 15-49](#) Amending Chapter 34 of the Legislative Code, Minimum Property Maintenance Standards for All Structures and Premises, to include Outdoor Swimming Pools.

Ordinance is laid over to September 23 for second reading

Laid over to September 23 for second reading

- 19 [Ord 15-50](#) Amending Chapter 45 of the Legislative Code, Nuisance Abatement, to include Outdoor Swimming Pools.

Ordinance is laid over to September 23 for second reading

Laid over to September 23 for second reading

- 20 [Ord 15-52](#) Amending Chapter 91 of the Saint Paul Legislative Code pertaining to unpaid service charges.

Ordinance is laid over to September 23 for second reading

Laid over to September 23 for second reading

- 21 [Ord 15-53](#) Amending Chapter 157 of the Saint Paul Legislative Code pertaining to parking for larger vehicles.

Ordinance is laid over to September 23 for second reading.

Laid over to September 23 for second reading

PUBLIC HEARINGS (public hearings will begin at 5:30 p.m.)

- 10 [RES 15-1604](#) Granting the application of Thomas Schroeder for a historic use variance to allow a tap house / microbrewery with food service in a one-family residential district. (This item will be moved to the public hearing portion of the agenda.)

Item 10

Bill Dermody, PED, gave a report. This historic use variance at 445 Smith is the first one received under the new ordinance authorizing HUV's that was passed a couple of months ago. This was for investments under certain circumstances when appropriate. As required by code, a staff report was provided to Historic Preservation Commission (HPC) that addressed 5 findings in Chapter 73. A 6th finding was also addressed. HPC accepted the staff findings. The Planning Commission addressed 3 of the 6 findings and they recommended conditional approval. The resolution is for approval subject to 6 conditions. The HPC and Planning Commission held public hearings on this issue. Any written testimony was forwarded to the City Council. Tonight, we are dealing with only the historic use variance issue. There are other approvals they need: license to serve alcohol, site plan review, design review through HPC. There was a public hearing for the design review and it was laid over. The recommendation is for approval subject to 6 conditions.

Council President Stark said the applicant is first and those in support.

(He passed out 2 handouts)

Tom Schroeder, 194 McBoal Street, spoke. After 5 prior public hearings, this has been vetted thoroughly. He thanked supporters, etc. He is not the bar developer people think he is. He is a neighbor and has lived there for 34 years. Everyone loves this building. They have been restoring this building for 5 years. It could have more impact if the public can experience it the way it used to be experienced. That saloon use was brief, it is the way it was used. The history is ensconced in City ordinance. Seeking an HUV to operate a saloon is the highest best use of this building. It will be accurately restored and furnished civil war building. This will be a nano brewery.

(He showed a spreadsheet)

Schroder continued: there will be no more than 550 barrels annually. The neighborhood is not saturated with micro breweries or beer. This would be an asset to the City. This is not a bar. There is no liquor sought or served. No amplified music. No pool tabs. He is not going for a bar clientele. Here are the criteria: Criteria 1) The project has to be reasonable and compatible with the historic use. This should be easy. This was a logger beer saloon and that is what he wants to do with the building. Criteria 1 is met.

Criteria 2) The proposed use has to comply with adopted preservation program and the Secretary of Interiors Standards for Rehabilitation. It is designated and forever subject to design review by the HPC. He can't get a permit until the standards are met. Criteria 2 is met.

Criteria 3) The historic use variance is to alleviate practical difficulties unique to the site that prevents its use in a manner consistent with it's historic use. The zoning is not caused by him. This building was originally constructed with the old Fort Road. West 7th didn't exist. West 7th was constructed in 1959. The historic site is the last structure. Criteria 3 is met.

Criteria 4) The only proposed new construction is the Brew Bar. That is where he would like to put the modern amenities. Those would be housed in the green

structure. It is smaller than some of the other houses on the street. One opposing letter states that is primarily a residential block. In the surrounding area, there is a brewery, bar and restaurant, Salvation Army, shelter, yoga studio, tattoo shop. The neighborhood is a mixed use. The compatibility is asking can all these uses get along with each other. (A picture was shown.) The Stone Saloon has the support of various associations (he mentioned them). The Stone Saloon is the impetus of this ordinance. This is the power of an idea.

Adam Yust, 202 McBoal Street, member of District 9, stated he is excited about this. There is a lot of support in the neighborhood for this.

Katie Swanson, 201 McBoal Street, said she supported the Stone Saloon from the beginning. It created a love of history. Her 6 year old is here at his 4th hearing of 5. When he moved into the neighborhood, there were several business. They like the neighborhood. They want to walk to the things the City has to offer.

John, long time resident of Saint Paul, said he would like to reiterate his excitement of this project. He hopes they lend support.

Naomi Austin, 90 Garfield Street, moved to the neighborhood for the history and great sense of the old Saint Paul. This is a unique opportunity by returning it to its original purpose. It would bring old Saint Paul into the present. It could be a destination spot. Tom Schroeder lived in the neighborhood and cares about it.

Becky Yust, 256 Goodrich Avenue, said this is a tool that would be fabulous for any neighborhood.

Those who are in opposition:

Joycullen Boykin, 233 Goodrich Avenue, said she is glad this is the last round. She is opposed to this project as it would change their life forever. Everything is in jeopardy right now. This is a R4 one family neighborhood which is what they signed on for. Tom has been lying about his intentions for the Stone House. He has spent the last few years manipulating the system and the Minnesota Media who don't live in the neighborhood. This has nothing to do with the concern or care of the neighborhood or families this will hurt. This is not a bar hop area and they want to keep it that way. A saloon brewery would not be compatible. The precedent for the R4 single family zone is very clear. The historic use variance is new. Tom's plans include the commercial building. This is not compatible with the context; it is not neighborhood friendly. He does not have to alter the building and the add on is not the history of the house he has. It is huge. Tom is proposing to provide 4 car parking while serving 50-55 customers plus employees. This does not make sense. Every home buyer should know that their home can be rezoned at any time by new variances if this goes through. The original use was a residential house. It was a saloon maybe--that's not proven--for a few months. The building is beautiful. How does she know? She lives right next door. The little house is gone. He is clearing it for a big building he wants to put there. It will be an invasion of her property. We have known about this for 3 to 4 months. He has been doing this for a couple of years. She hopes it does not put them all out so he can get in.

Terry Schreiner, 433 N. Smith Avenue, said he is within spitting distance of that building. He has been to 5 committee hearings. He has kids that play in the alley, but not anymore because there is too much traffic with the brewery. There was a bad breeze and it was a terrible smell. They will brew with wheat. His grandson has a wheat allergy, which will affect his breathing. Tom Schroeder has lied to them from the beginning. It was a violin shop in the beginning. His agenda is tap room all the way. It does not fit next to his house. He chose to live on Smith Avenue. Now he

has a brewery and two are being proposed. How many breweries or tap rooms do we need? Saturation? Yes. There is plenty of that.

Richard Haus, 444 Smith Avenue North, directly across the street from the Stone Saloon. There is a lack of transparency of this issue. He says one thing to one person and something else to another. The problem is parking. It is restricted parking. After 8:00, it is open to anyone. Will he be listening to car doors slam in the middle of the night? He gets up at 5:30 to make his job at 6:30. His wife gets up at 4:00 to make her job at 5:30. They have grandchildren coming over. Does he want them out doing things in the yard with a saloon across the street with people coming and going? This is not the history of that building. It was a residence and should have stayed a residence. The building he is proposing is almost double the size of the original footprint.

Thune moved to close the public hearing
7 in favor, none opposed
Public hearing is closed

Thune moved approval. He understands the concerns. The Licensing department can regulate noise and other things. They are outside of zoning. West 7th has all kinds of uses throughout the avenue; they mesh well and add character to the neighborhood. The house is historic, has been restored meticulously, adds to the resurgence of West 7th, and fits in well.

Tolbert said he used to live on Mcboal while in law school and would jog by this building as it sat vacant. It always seemed like it had a better purpose. He is excited to see what is possible. It is a special building, and he is glad it is still standing.

Thune said he would be having a meeting with Licensing to talk about various conditions.

7 in favor, none opposed
Resolution is adopted

Adopted

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

Nay: 0

- 22** [RES PH 15-267](#) Approving the application of Crystal Sursely, Lowertown Bike Shop, for a sound level variance in order to present amplified music on Sunday, October 4, 2015 for the Lowertown Bike Shop LBS Alley Party Event at 253 4th Street East.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and resolution is adopted

Adopted

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

Nay: 0

- 23 [RES PH 15-268](#) Approving the application of St Paul Saints Baseball Club Inc. for a sound level variance to present a concert with amplified music and use of a public address system outdoors on Saturday, October 3, 2015 at CHS Field, 360 Broadway Street.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

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

Nay: 0

- 24 [RES PH 15-269](#) Approving the application of Tawfiq Islamic Center for a sound level variance for the Eid-al-Adha Muslim Prayer Festival Service, on Thursday, September 24, 2015 or Friday, September 25, 2015, at the Oxford Community Center Football Field, 270 Lexington Parkway North.

(No one wished to be heard.)

Councilmember Thao moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

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

Nay: 0

- 25 [RES PH 15-272](#) Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and use of microphones on Saturday, October 3, 2015 and Sunday, October 4, 2015 during the Medtronic Twin Cities Marathon Event 2015 at 75 Rev Dr Martin Luther King Jr Boulevard of the State Capitol Complex.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

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

Nay: 0

26 [Ord 15-41](#)

Amending Chapter 72 of the Legislative Code, Floodplain Management, adopting an amended map panel for the Pig's Eye Treatment Facility levee.

(No one wished to be heard.)

Councilmember Finney moved to close the public hearing and resolution is adopted. Public hearing is closed and ordinance is laid over to September 23 for final adoption.

Public hearing closed; laid over to September 23 for final adoption

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

Nay: 0

27 [Ord 15-43](#)

Amending Chapter 113 of the Legislative Code as it pertains to snow and ice on sidewalks.

(No one wished to be heard.)

Councilmember Stark moved to close the public hearing

7 in favor, none opposed

Public hearing is closed and ordinance is laid over to September 23 for final adoption

Public hearing closed; laid over to September 23 for final adoption

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

Nay: 0

28 [Ord 15-45](#)

Amending Chapter 160, Traffic Code, Parking Meter Zones, to authorize the traffic engineer to enforce the provisions of Section 152.10, as amended in a companion ordinance, and to amend language to accommodate changes in technology.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing.

7 in favor, none opposed

Public hearing is closed and ordinance is laid over to September 23 for final adoption

Public hearing closed; laid over to September 23 for final adoption

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

Nay: 0

- 29** [Ord 15-46](#) Amending Chapter 152, Traffic Code, Regulations and Enforcement By City Departments, to authorize the traffic engineer to set parking meter rates and hours based upon certain criteria.
- (No one wished to be heard.)*
- Councilmember Thune moved to close the public hearing.
7 in favor, none opposed
Public hearing is closed and ordinance is laid over to September 23 for final adoption*
- Councilmember Bostrom said there is nothing here that is establishing parking meters in the commercial district. Council President Stark responded that is correct.*
- Public hearing closed; laid over to September 23 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
-
- 30** [RES PH 15-213](#) Final Order approving the improvement to the alley bounded by Winona, Belvidere, Livingston and Robert. (File No. 19186, Assessment No. 155000) (Public hearing continued from August 19, 2015.)
- (No one wished to be heard.)*
- Councilmember Thune moved to lay this over to October 7 and continue the public hearing.
7 in favor, none opposed
Public hearing is continued to October 7*
- Public hearing continued to October 7**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
-
- 31** [RES PH 15-274](#) Further modifying Area 1 Residential Permit Parking per the Union Park District Council request.
- (No one wished to be heard.)*
- Councilmember Thao moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and resolution is adopted*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0

- 32** [RES PH 15-242](#) Ratifying the assessment for the street paving and lighting improvements along Western Avenue from Selby Avenue to University Avenue. (File No. 19160, Assessment No. 145207)

(No one wished to be heard.)

Councilmember Thao moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

- 33** [RES PH 15-243](#) Ratifying the assessment for the 8th Street, Wacouta to Wall and Wall Street, 7th to 8th Street paving/lighting project. (File No. 19155 and 19163, Assessment No. 145205 and 145208)

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

- 34** [RES PH 15-244](#) Ratifying the assessment for the Maiden Lane, Western to Nina and Virginia Street, Dayton to Marshall street paving/lighting project. (File No. 19153 and 19154, Assessment No. 145203 and 145204)

(No one wished to be heard.)

Councilmember Thao moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

- 35 [RES PH 15-249](#) Ratifying the assessment for the improvement of Ford Parkway from Mississippi River Blvd. to east of Kenneth and Cleveland from Hillcrest to Bayard (File No. 19162, Assessment No. 145401).

Howard Rosten, attorney, representing Highland Shopping Center, said they are being assessed for 5 things. The record should reflect they submitted a letter. Highland Shopping Center has been there for a long time. There are local and national tenants. It becomes more and more difficult to lease tenants because the assessments go to the tenants. It will have a chain effect. Under Minnesota assessment law, the City has the burden to prove that the value of the property has been improved. Without that data, the assessment will fail from the start. The assessments are unlawful and invalid. They ask that the assessment value be postponed.

Patrick J. Kelly, 2145 Ford Parkway, Lifetime Fitness, said he agrees with the previous statements. In looking at the assessment, Saint Paul has two different procedures. This is a local improvement assessment and not right of way. There usually is a direct notification of this procedure. There is a lack of benefit. They would like it delayed. They do not have any appraisals.

(No one else came forward.)

*Councilmember Tolbert moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and the resolution is adopted*

Adoped

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

Nay: 0

- 36 [RES PH 15-260](#) Amending the financing and spending plans in the Fire Department in the amount of \$8,613.13 for the 2014 Hazardous Materials Emergency Preparedness Grant.

(No one wished to be heard.)

*Councilmember Finney moved to close the public hearing and approve
7 in favor, none opposed
Public hearing is closed and the resolution is adopted*

Adopted

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

Nay: 0

- 37 [RES PH 15-266](#) Amending the financing and spending plans in the Department of Public Works General Fund in the amount of \$308,000 for the expansion of the parking meter system.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted.

Adopted

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

Nay: 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.

- 38 [RLH TA 15-400](#) Deleting the Appealed Special Tax Assessment for Property at 253 ANNAPOLIS ST WEST. (File No. VB1511, Assessment No. 158824)

Adopted

- 39 [RLH CO 15-22](#) Appeal of Shirley Wyttenback to a Correction Order at 1053 BEECH STREET. (Public hearing continued from September 16)

Public hearing continued to October 7

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

Nay: 0

Approval of the Consent Agenda

Councilmember Thao moved to close the public hearing and approve the remaining Legislative Hearing items.

7 in favor, none opposed

Consent Agenda is adopted as amended

Adopted

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

Nay: 0

- 40 [RLH TA 15-412](#) Ratifying the Appealed Special Tax Assessment for Property at 1128 BEECH STREET. (File No. J1512A, Assessment No. 158527)

Adopted

- 41 [RLH TA 15-406](#) Deleting the Appealed Special Tax Assessment for Property at 1680 BEECH STREET. (File No. J1512A, Assessment No. 158527)

Adopted

- 42 [RLH TA 15-398](#) Ratifying the Appealed Special Tax Assessment for Property at 955 BRADLEY STREET. (File No. J1512A, Assessment No. 158527)

Adopted

- 43 [RLH TA 15-394](#) Ratifying the Appealed Special Tax Assessment for Property at 975 BRADLEY STREET. (File No. J1512A, Assessment No. 158527)

Adopted

- 44 [RLH TA 15-401](#) Deleting the Appealed Special Tax Assessment for Property at 618 BRIMHALL STREET. (File No. VB1511, Assessment No. 158824)

Adopted

- 45 [RLH TA 15-395](#) Ratifying the Appealed Special Tax Assessment for Property at 904 BURR STREET. (File No. J1512A, Assessment No. 158527)

Adopted

- 46 [RLH TA 15-320](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1509, Assessment No. 158816 at 1020 CARROLL AVENUE. (Amended to File No. VB1509B, Assessment No. 158830)

Continue Public Hearing to January 20, 2016

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

Nay: 0

- 47 [RLH TA 15-432](#) Ratifying the Appealed Special Tax Assessment for Property at 545 CENTRAL AVENUE WEST. (File No. J1512A, Assessment No. 158527)

Adopted

- 48 [RLH RR 15-5](#) Ordering the rehabilitation or razing and removal of the structures at 668-670 CONWAY STREET within fifteen (15) days after the March 4, 2015, City Council Public Hearing. (Public hearing continued from September 16) (Amended to remove within 15 days with no option for repair)
- Legislative Hearing 10-6-15; City Council Public Hearing 10-21-15*
- Laid over to October 6 Legislative Hearing and October 21 City Council Public Hearing**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 49 [RLH TA 15-414](#) Ratifying the Appealed Special Tax Assessment for Property at 924 COOK AVENUE EAST. (File No. J1512A, Assessment No. 158527)
- Adopted**
- 50 [RLH TA 15-415](#) Ratifying the Appealed Special Tax Assessment for Property at 924 COOK AVENUE EAST. (File No. J1511G, Assessment No. 158712)
- Adopted**
- 51 [RLH TA 15-404](#) Deleting the Appealed Special Tax Assessment for Property at 407 CURTICE STREET EAST. (File No. J1512A, Assessment No. 158527)
- Adopted**
- 52 [RLH TA 15-409](#) Deleting the Appealed Special Tax Assessment for Property at 1176 DALE STREET NORTH. (File No. J1509P, Assessment No. 158408)
- Adopted**
- 53 [RLH TA 15-407](#) Ratifying the Appealed Special Tax Assessment for Property at 1202 DALE STREET NORTH. (File No. J1512A, Assessment No. 158527)
- Adopted**
- 54 [RLH TA 15-403](#) Deleting the Appealed Special Tax Assessment for Property at 714 DAYTON AVENUE. (File No. VB1511, Assessment No. 158824)
- Adopted**
- 55 [RLH VBR 15-67](#) Appeal of Gary Richardson to a Vacant Building Registration Requirement at 825 DELAWARE AVENUE
- Adopted**

- 56 [RLH VBR 15-65](#) Appeal of Michael Champion to a Vacant Building Registration Requirement at 418 EARL STREET
Adopted
- 57 [RLH TA 15-417](#) Deleting the Appealed Special Tax Assessment for Property at 305 EDMUND AVENUE. (File No. VB1511, Assessment No. 158824)
Adopted
- 58 [RLH FCO 15-198](#) Appeal of James Swartwood to a Fire Certificate of Occupancy Correction Notice at 1765 FREMONT AVENUE
Adopted
- 59 [RLH TA 15-405](#) Ratifying the Appealed Special Tax Assessment for Property at 42 FRONT AVENUE. (File No. VB1511, Assessment No. 158824)
Adopted
- 60 [RLH TA 15-428](#) Deleting the Appealed Special Tax Assessment for Property at 795 FULLER AVENUE. (File No. VB1511, Assessment No. 158824)
Adopted
- 61 [RLH RR 15-28](#) Ordering the rehabilitation or razing and removal of the structures at 1004 GROTTO STREET NORTH within fifteen (15) days after the September 2, 2015, City Council Public Hearing. (amended to grant 90 days)
Adopted As Amended (90 days)

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

 Nay: 0
- 62 [RLH FCO 15-188](#) Appeal of Vivian and Colin Hempel to a Fire Certificate of Occupancy Correction Notice at 107 HAMLIN AVENUE NORTH
Adopted
- 63 [RLH TA 15-416](#) Deleting the Appealed Special Tax Assessment for Property at 453 HATCH AVENUE. (File No. J1512A, Assessment No. 158527)
Adopted
- 64 [RLH TA 15-418](#) Deleting the Appealed Special Tax Assessment for Property at 1700 HILLCREST AVENUE. (File No. J1512A, Assessment No. 158527)
Adopted

- 65 [RLH TA 15-434](#) Deleting the Appealed Special Tax Assessment for Property at 717 HOPE STREET. (File No. J1512A, Assessment No. 158527)
Adopted
- 66 [RLH RR 15-33](#) Ordering the razing and removal of the structures at 720 JENKS AVENUE within fifteen (15) days after the September 16, 2015, City Council Public Hearing.
Adopted
- 67 [RLH FCO
15-112](#) Appeal of Robert Stein to a Correction Notice - Complaint Inspection at 332 JESSAMINE AVENUE EAST. (Public hearing continued from February 3)
Continue public hearing to October 7
- 68 [RLH TA 15-420](#) Deleting the Appealed Special Tax Assessment for Property at 1015 JESSAMINE AVENUE EAST. (File No. J1512A, Assessment No. 158527)
Adopted
- 69 [RLH TA 15-427](#) Ratifying the Appealed Special Tax Assessment for Property at 429 JOHNSON PARKWAY. (File No. J1512A Assessment No. 158527)
Adopted
- 70 [RLH TA 15-402](#) Ratifying the Appealed Special Tax Assessment for Property at 707 KENT STREET. (File No. J1512A, Assessment No. 158527)
Adopted
- 71 [RLH TA 15-396](#) Ratifying the Appealed Special Tax Assessment for Property at 309 LAWSON AVENUE EAST. (File No. J1512A, Assessment No. 158527)
Adopted

- 72 [RLH TA 15-408](#) Ratifying the Appealed Special Tax Assessment for Property at 2013 LINCOLN AVENUE. (File No. J1512A, Assessment No. 158527)
- Marcia Moermond said this is recouping the expense of conducting that abatement. It was demolished.*
- Blake Traylor said she submitted extra records, but they may not be there. (She read a statement, which is attached to this file.)*
- Councilmember Stark moved to close the public hearing.
7 in favor, none opposed
Public hearing is closed*
- Councilmember Stark said he had a conversation with her about a year ago when she was asking for more time to deal with the situation. It has been going on for quite a while. The period of time was reasonable to fix or demolish. He asked for information about the bid.*
- Moermond said she has not seen a bid time that includes Parks and Rec. An outside contractor is used; therefore, there is no videotape. The Council talked to the appellant in the past. The Summary Abatement Order was in front of the Council and granted an extension which does constitute due process.*
- Stark said the roof was failing. Moermond responded concurred and said there is always an opportunity to repair or remove. It would be a good idea to follow up on the bid part.*
- Stark moved approval and said he would like to look at the bid part. This can be brought back to Council.*
- 7 in favor, none opposed
Resolution is adopted*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 73 [RLH TA 15-413](#) Ratifying the Appealed Special Tax Assessment for Property at 122 LYTON PLACE. (File No. J1512A, Assessment No. 158527)
- Adopted**
- 74 [RLH TA 15-397](#) Deleting the Appealed Special Tax Assessment for Property at 1141 MARGARET STREET. (File No. J1512A, Assessment No. 158527)
- Adopted**
- 75 [RLH TA 15-390](#) Ratifying the Appealed Special Tax Assessment for Property at 1660 MARGARET STREET. (File No. J1512A, Assessment No. 158527)
- Adopted**

76 [RLH VO 15-45](#)Appeal of Elsie Maynard to a Condemnation and Order to Vacate at
755 MINNEHAHA AVENUE WEST

Marcia Moermond said Ms. Maynard's house has two units. One does not have gas and electric and has not for a good length of time. Maynard has legal assistance. Moermond's recommendation is to grant until October 1 to vacate the property. It does not have basic facilities.

Councilmember Thao asked why we require properties to have gas and electric. Moermond responded smoke and carbon monoxide need to be functioning, gas to provide hot water and to provide heat in the winter. Electricity is to refrigerate food. It is listed in Chapter 34.

Elsie Maynard appeared and said she has an issue with Xcel. Now, she has to have another lawyer deal with the City. The City should have no issue with the bill. She got the letter and went to the hearing officer. Inspector did not call her back. They told her to appeal. The inspector said he would be coming to the hearing. Another inspector came to the hearing. The Hearing Officer did not know what was going on. She asked what is her due process. The inspector set her up and framed her for Xcel to do something behind her back. After the hearing, she went to the house and Xcel was not there. They make the whole thing up. Xcel sent a letter. She has four meters at her house. She wants the City Council to stop this. She has two attorneys. One is from Voluntary Network.

(She submitted a letter to Trudy)

Council President Stark said the recommendation is to restore the gas. If she is not able to get the basic facilities restored, she has to move out because these are basic life safety issues. Maynard responded she has gas and light.

Stark says there are two units.

Moermond said she talked to Xcel this afternoon. One unit has gas and electric and the other does not. There was a question as to why she has electricity in her unit.

Stark said if there is gas and electric to her unit, then she is fine. Maynard responded she has a bill from Xcel. She has an attorney; he could not be here today. What they are doing to the citizens of Saint Paul is wrong.

Stark said this is the due process. She is here. It is simple: the owner should have gas and electric by November 1. If she doesn't, then she has to get out. Maynard responded she has gas to her unit. Stark said that can be verified. If the service has been restored, then there is no problem.

(Maynard gave Moermond the number for the attorney. Moermond responded she has it already.)

*Councilmember Thao moved to close the public hearing.
7 in favor, none opposed
Public hearing is closed*

Thao moved to extend the deadline to October 15 to get utilities restored or property vacated. This has been an ongoing issue. She was here a year on the same issue. This is a serious concern.

7 in favor, none opposed

Resolution is adopted as amended

Adopted as amended (extension granted to October 15)

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

Nay: 0

- 77 [RLH TA 15-389](#) Ratifying the Appealed Special Tax Assessment for Property at 1455/1465 MINNEHAHA AVENUE EAST. (File No. J1512A, Assessment No. 158527)

Adopted

78 [RLH FCO
15-192](#)

Appeal of Tong Yang to a Fire Certificate of Occupancy Correction
Notice at 2033 NOKOMIS AVENUE

Marcia Moermond said the primary issue of contention had to do with the ceiling height in the upstairs bedroom space. Ceiling is 6'1. Eleven inches is too great of a variance. She is recommending the appeal be denied.

(A picture was shown.)

The owner said he is not satisfied with his rental property. The County came, assessed, and said the ceiling is too low. The ceiling is not approved for the two bedrooms. He lost so much money. He likes the City of Saint Paul. They do investments. He needs the City to give them this. If it is not two bedrooms, how can he sell the house? He would like the two bedrooms back.

*Councilmember Finney closed the public hearing.
6 in favor, none opposed (Thune is gone)*

Finney said the owner bought the house as a three bedroom. The inspector said he had to get an egress window. He spent \$3,000 for new windows, they were installed under permit, and the inspector has not given him a final inspection. The order for the ceiling and the windows are right next to each other. For many of these 1920's houses, some rooms are not intended for sleeping purposes.

Finney asked why it was listed. Moermond responded it was the realtor.

Finney asked is it used as a bedroom. Male responded for three years.

Council President Stark said sometimes the ceilings are taller in some places than other. Moermond responded that is not the case here. The window permit was finalized. That was taken care of.

Finney asked is it the owner's place of residence or rental. Male responded for rental, not residential.

Councilmember Bostrom asked why there is height issue. Moermond responded at 6'1" someone can stand up and give themselves a head injury. Firefighters are tall with their equipment.

Bostrom said the code is 7 feet. He is concerned about a child getting injured or killed if the Council said it was okay. This is a rental property. This is dangerous. Council President Stark agreed. They might grant a few inches. In some cases, the ceilings are too low in some areas and tall in others.

*Finney moved to accept the recommendation of the Legislative Hearing Officer.
7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

- 79 [RLH TA 15-410](#) Deleting the Appealed Special Tax Assessment for Property at 1809 OLD HUDSON ROAD. (File No. J1512A, Assessment No. 158527)
Adopted
- 80 [RLH VO 15-46](#) Appeal of Rafael Fuentes to a Fire Certificate of Occupancy Revocation and Order to Vacate at 436-438 PAGE STREET EAST
Adopted
- 81 [RLH TA 15-391](#) Deleting the Appealed Special Tax Assessment for Property at 933 PAYNE AVENUE/ 635 SIMS AVENUE. (File No. J1509P, Assessment No. 158408)
Adopted
- 82 [RLH FCO 15-194](#) Appeal of Rick Huston to a Fire Certificate of Occupancy Correction Notice at 435 PHALEN BOULEVARD
Adopted
- 83 [RLH FCO 15-195](#) Appeal of Rick Huston, on behalf of Health Partners, to a Fire Certificate of Occupancy Correction Notice at 445 PHALEN BOULEVARD
Adopted
- 84 [RLH FCO 15-217](#) Appeal of Shoua Xiong to a Fire Certificate of Occupancy Correction Notice at 967 REANEY AVENUE. (Public hearing continued from September 16)
Continue public hearing to October 7
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
Nay: 0
- 85 [RLH VO 15-47](#) Appeal of Jim McEnroe to a Condemnation and Order to Vacate at 2121 REANEY AVENUE EAST
Adopted
- 86 [RLH FCO 15-172](#) Appeal of Mary Arvanitis to a Fire Certificate of Occupancy Correction Notice at 444-448 SAINT PETER STREET.
Adopted

87 [RLH RR 15-38](#)

Denying request for a stay of enforcement of Council File RLH RR 13-62 ordering the rehabilitation or razing and the demolition of the structures at 929 SEVENTH STREET WEST within 180 days after the March 5, 2014 City Council Public Hearing.

Marcia Moermond said her recommendation is to deny the request. She asked for the things she always asks for in a resolution that would result in the demolition of a structure:

- 1) detailed work station or construction statement,*
- 2) permit application could constitute the code compliance inspection (this is an empty brick building right now),*
- 3) financing adequate to rehabilitate the structure,*
- 4) the ownership title was not clear and still is not clear, Ramsey County's records the tax owner is Andre Stouvenel, who bought it from the previous owner. She believes it was purchased on a contract for deed, but the contract was defaulted*
- 5) Taxes were due and in arrears and were brought up to date*
- 6) Requested \$10,000 performance deposit be put in place with DSI. That performance deposit check was not honored by Western Bank, and later they said it was their mistake and should have been honored.*
- 7) Financing for the repair. The loan information is based on a cash account already in place. The loan would go up to the amount of the cash in his account. Moermond is not confident about the financing. There is mixed information about the intent to rehabilitate or sell. She just talked to the brother of the owner, who said the title is in his name and a purchase agreement is in place. It looks like it will be sold to someone who will rehabilitate the structure. Based on the financing and the history, she is requesting a stay of enforcement be denied and there could be a future application made.*

Council President Stark asked about the 180 days in March to rehabilitate or remove. He asked are we at that point. Moermond responded there are two resolutions. The original resolution was adopted in March 2014 and that was granting 6 months for the work to be done. The second resolution was to stay that and give time for the rehabilitation to occur. There is a resolution and stay already; this would be the second stay.

Councilmember Thune asked what is being stayed is the order to demolish. Moermond responded the request is to stay the demolition in order for the property to be sold or rehabilitated. She is recommending they deny the request for a stay and to proceed with a new request if someone wants to buy the property.

Ferdinand Peters, attorney representing the owner Midway Mover LLC, Tom Hanten, and his brother Hank Hanten who controls Midway Mover LLC. Peters has been asked to come here on short notice. He believes the Council should not follow the recommendation that has been provided. He recorded the information in Ramsey County. He has documents with the recording information on them. Andre Stouvenel is out of this property completely. This is a historic property. Every one of the documents have been provided by Mr. Hanten, who will address them when he comes up. The engineer is here because it is news to him that there are structural problems with the property. The engineer has provided a detailed report. Moermond responded they are attached except the one submitted 10 minutes ago.

Peters continued:

a detailed work plan has been provided, the detail of a code compliance will take place in the permitting process, financing is adequate, a \$10,000 performance deposit has been made, letter of credit has been issued by Western Bank.

Moermond responded she has not seen a deed.

Brendmoen said it seems like they are winging it. Perhaps it should go back to Legislative Hearing

(Bostrom left)

Peters said there is not a title issue here. Midway owns the property and he did the filing work.

Stark asked if Midway Movers is not interested in repurposing or building. Peters responded Hanten is trying to deal with compliance letters in order to change the recommendation. Hanten is capable of rehabbing the property and has an agreement with a buyer. They don't want to pay the price if it will be demolished. He would like to sell it to them. Everything has been provided. If it is necessary to address some issues. He would request some more time to conclude the purchase. There are contingencies in it. They have a proven track record with the City.

Thune asked how long the purchase is good for. Peters responded the contingency period has been started. (Someone responded October 9.)

Tolbert asked did he give Moermond the stuff that he claims has been done. Peters responded he will do that.

Hank Hanten came forward. He has complied with all the items on the August 27 letter. This is the 4th letter from Western Bank in attempt to comply with the needs the office has asked for. MM responded it is attached to the report.

Hanten said he has a receipt from the City. He paid property tax, put \$10,000 bond down, architectural plans are drawn up. He has a sworn construction statement. That was done within 30 days. Peterson is correct: he is not in the business to do it, but he will do it. He has done all of the things asked for: sworn construction statement, paid outstanding taxes, posted bond, revised the letter four times in attempt to satisfy the request from Mermond. The goal is to ask for time. He would like to submit the plans in case that purchaser is not able to follow through. There was also in question the integrity of the building. He has three letters from a Minnesota licensed engineer saying the structure is sound. It is a beautiful building. He has a copy of the engineer report.

*Thune moved to close the public hearing
7 in favor, none opposed
Public hearing is closed*

Thune said they have been wanting something to happen with this the building. He is encouraged about the possibility of a sale. To clear the decks, he will deny the request for a stay and move ahead with an order to demolish with the understanding it will take a couple of weeks for anything to be done. He moved to deny the request for a stay. He does not want to jinx the sale. They have to clear the decks on the first proposal which is not adequate.

Moermond said it is important to address a couple of the ideas. One of the documents is not an engineer analysis: it is a surface analysis. A deeper analysis will be needed when they pull a permit. She was out there with the building official about a year ago and determined it would be necessary. There was considerable discussion about the building's use. That has been unclear. The architectural shows a small office in the front of this space. These are rudimentary plans without an

intended use. One way to approach this might be to vote to deny this request, vote to approve the resolution, and looking for the second request. They did receive a purchase request.

Thune asked what would be the motion. Deny the initial request to hold on to the stay and grant them until mid October before we actually send demolition people in.

Councilmember Bostrom said they could make it 30 days remove/repair. If they have made progress, that gives them more days.

Stark asked the current time line. Moermond said the Council already passed a resolution to remove the building. The appellant wants to sell this and does not want to have the lack of clarity moving forward. One option could be to lay it over and bring forward two resolutions.

Thune moved to deny the request for the stay and grant two weeks to come up with an agreement to sell the property. Moermond responded she can create a resolution to do that in three weeks. Thune responded sure. He is interested in an agreement to stay or a new owner who can pull this off.

Stark said they could deny the request and the intent of the Council is to not have the property demolished prior to a certain day.

Gerry Hendrickson, City Attorney's Office, said the Council could pick a demolition date. If someone has significant information, they can bring it in.

Thune moved to deny the request for a stay, but the intent that there is no demolition for the next 30 days and before that Moermond can come back with the status report of a pending sale. If there is a buyer at hand, they can undo the demolition.

Moermond said the motion is to amend the resolution to delay demolition for 30 days, but deny the request.

*7 in favor, none opposed
Resolution is adopted as amended*

Adopted as amended (delay demolition for 30 days)

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

Nay: 0

- 88** [RLH TA 15-399](#) Ratifying the Appealed Special Tax Assessment for Property at 1891 SEVENTH STREET EAST. (File No. J1512A, Assessment No. 158527)

Adopted

- 89** [RLH TA 15-419](#) Ratifying the Appealed Special Tax Assessment for Property at 1950 SEVENTH STREET WEST (File No. J1512A, Assessment No. 158527). (Legislative Hearing September 15, 2015)

Adopted as amended (approve and spread over 5 years)

- 90 [RLH TA 15-393](#) Ratifying the Appealed Special Tax Assessment for Property at 929 SIXTH STREET EAST. (File No. J1512A, Assessment No. 158527)
Adopted
- 91 [RLH TA 15-380](#) Deleting the Appealed Special Tax Assessment for Property at 737 STEWART AVENUE. (File No. J1509P, Assessment No. 158408)
Adopted
- 92 [RLH VO 15-49](#) Appeal of Charles Lampert to a Condemnation and Order to Vacate at 701 SUMMIT AVENUE
Adopted
- 93 [RLH FCO
15-189](#) Appeal of Nick Hubers to a Fire Certificate of Occupancy Correction Notice at 2138 THIRD STREET EAST
Adopted
- 94 [RLH VBR 15-64](#) Appeal of Emily Baldwin to a Vacant Building Registration Requirement at 778 UNIVERSITY AVENUE WEST
Adopted

95 [RLH SAO 15-60](#) Appeal of Ronald Adams to a Summary Abatement Order at 676 WELLS STREET

Marcia Moermond said there is a Summary Abatement Order to remove the tent. It is lacking basic facilities. Basic sanitation concerns are not met. It is not intended for camping purposes.

Ronald Adams, 676 Wells Street, said he started to send an email. Moermond responded it is attached.

Adams continued: If the tent is an uninhabitable structure, then every Boy Scout should take their tents down. He is waiting for October 1 where the appellate court is asking for oral arguments. He is broke and out of money. The City was able to put his pets to sleep, so he does not have an expense for them. He is living in the tent and sleeping in it. They can take an inspection anytime. He is going to leave after November 1. He may come back to town next summer to see if there are any tents around. Also, wouldn't the City have to staple a notice to the tent flap, say it is condemned, and get contractor bids to take down the tent? The other thing is they could not have stuff on the vacant lot. By stuff they meant him. It does not matter much because the City is going to do what they are going to do. If he prevails on October 1, he assumes the city will take this to the Supreme Court and it will go on for more years. He will sleep in the middle of that property with a bedroll until October 1. They can table this for a few weeks, as he is leaving. He will see them in court at the State Capitol.

*Councilmember Bostrom moved to close the public hearing
6 in favor, none opposed (Thao is absent)
Public hearing is closed*

Bostrom asked what is the position of the City for something that is not a permanent structure. This has been condemned or ordered to be removed. There must be some basis or we can have tents on every lot in town. Moermond said there could be tents on every lot in town if they had houses where Boy Scouts could go inside to go to the bathroom and wash their hands. We don't have this for that particular parcel. That is the concern to have someone living on a tent on a piece of land without having those facilities.

Bostrom said that is what he was trying to make clear: there would have to be a regular structure with the necessary facilities available to anybody there.

*Bostrom moved to adopt the resolution.
7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

96 [RLH FCO 15-202](#) Appeal of Dareld Meggitt to a Fire Certificate of Occupancy Correction Notice at 1058 WESTERN AVENUE NORTH

Adopted

- 97 [RLH VBR 15-66](#) Appeal of Mahad Farah (Twin Cities Prop Mgmt) to a Vacant Building Registration Requirement at 735 WILSON AVENUE
Adopted
- 98 [RLH SAO 15-61](#) Appeal of Erik Ritland to a Summary Abatement Order at 1747 YORK AVENUE.
Adopted
- 99 [RLH AR 15-56](#) Ratifying Property Clean Up services during May 5 to June 5, 2015. (File No. J1512A, Assessment No. 158527)
Adopted as amended (947 Barclay Street deleted for separate consideration and continued to October 7)
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
Nay: 0
- 100 [RLH AR 15-57](#) Ratifying Trash Hauling services during May 6 to June 3, 2015. (File No. J1511G, Assessment No. 158712)
Adopted
- 101 [RLH AR 15-58](#) Ratifying Graffiti Removal services during April 24 to May 19, 2015. (File No. J1509P, Assessment No. 158408)
Adopted
- 102 [RLH AR 15-59](#) Ratifying Collection of Vacant Bldg Registration fees billed during February 27 to April 24, 2015. (File No. VB1511, Assessment No. 158824)
Adopted as amended (1515 Hague Avenue; delete for separate consideration - referred back to Legislative Hearing on October 6 and City Council Public Hearing on October 21)
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
Nay: 0
- 103 [RLH AR 15-60](#) Ratifying Tree Removal services from May 2015. (File No. 1508T, Assessment No. 159008)
Adopted

SUSPENSION ITEMS

Moved by Councilmember Bostrom, Rules Suspended. The motion carried by the following vote:

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

Nay: 0

[RLH TA 15-350](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1510, Assessment No. 158822 at 1164 COOK AVENUE EAST. (Public Hearing continued from September 16) (Amended File No. VB1510A, Assessment No. 158832)

*Councilmember Bostrom moved suspension of the rules.
7 in favor, none opposed
Rules are suspended*

Marmond Moermond said she is asking for it to be laid over.

*Bostrom moved to lay over to October 7
7 in favor, none opposed
Public hearing is continued to October 7*

Public hearing continued to October 7

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

Nay: 0

ADJOURNMENT

*Councilmember Tolbert moved to adjourn.
7 in favor, none opposed
Meeting is adjourned*

The meeting was adjourned at 7:38 p.m.

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

Nay: 0

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