



**SUMMARY MINUTES OF THE
SAINT PAUL CITY COUNCIL
Wednesday, September 1, 2010 - 3:30 p.m.**

PUBLIC HEARINGS - 5:30 P.M.

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

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

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

Present – 5 – Bostrom, Carter, Harris, Lantry, Stark, Thune
Absent – 2 – Harris (arrived after roll call), Helgen (excused);

CONSENT AGENDA (Items 1 - 16)

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

It was noted that a request was received to withdraw Item 12.

Councilmember Stark removed Item 7 for discussion.

Council President Lantry removed Item 13 for discussion.

Councilmember Stark moved approval of the consent agenda as amended.

Consent agenda adopted as amended Yeas – 6 Nays – 0

1. Approval of minutes of July 7, and 14, 2010.
Adopted Yeas – 6 Nays – 0

2. Resolution – 10-949 – Approving the appointment of John Kuderka, by Mayor Coleman, to the Civil Service Commission. (GS 3117130-Ward 7)
Adopted Yeas – 6 Nays – 0

3. Resolution – 10-950 – Approving the reappointments of Missy Staples Thompson and Maria Manzanares, by Mayor Coleman, to the Saint Paul Public Housing Authority. (GS 3117132-Ward 7)
Adopted Yeas – 6 Nays – 0

4. Resolution – 10-951 – Supporting the VISTA program involvement and authorizing the proper City officials to enter into a Memorandum of Understanding with the Corporation for National and Community Service for the 2010-2011 VISTA program year. (GS 3116409-Ward 7)

Councilmember Harris extended his appreciation to the VISTA volunteers for their service to the community. He suggested a special recognition of these volunteers be held at a future date.

Adopted Yeas – 6 Nays – 0

5. Resolution – 10-952 – Memorializing City Council action taken August 4, 2010 denying the appeal of Candele R. Hill for a variance to convert a single-family dwelling, which had been constructed as a duplex into a tri-plex, at 1120 Laurel Avenue. [ZF 10 517316] (GS 3116971-Ward 1)

Adopted Yeas – 6 Nays – 0

6. Resolution – 10-953 – Authorizing the proper City officials to enter into an agreement for the filming of a program “Operation Infrastructure” with the History Channel. (GS 3117081-Ward 7)

Adopted Yeas – 6 Nays – 0

7. Resolution – 10-954 – Adopting a Finance Plan for Rebuild Saint Paul. (GS 3116972-Ward 7)
(Discussed after the consent agenda)

8. Resolution – 10-955 – Authorizing the expenditure of tax increments from the Snelling/University tax increment financing district per the special law enacted by the Minnesota State Legislature. (GS 3116995-Ward 4)

Adopted Yeas – 6 Nays – 0

9. Resolution – 10-956 – Authorizing the Department of Parks and Recreation to accept 12 cases of granola bars donated by General Mills for various recreation center activities. (GS 3116646-Ward 7)

Adopted Yeas – 6 Nays – 0

10. Resolution – 10-957 – Authorizing the Department of Parks and Recreation to accept t-shirts donated by the Minnesota School of Barbering for the Jimmy Lee, West Minnehaha, and Scheffer Recreation Centers T-ball teams. (GS 3115386-Ward 7)

Adopted Yeas – 6 Nays – 0

11. Resolution – 10-958 – Authorizing the Police Department to enter into an agreement with the United States Department of Justice, Drug Enforcement Administration to participate in an organized drug enforcement task force from September 30, 2010 through September 30, 2011. (GS 3117042-Ward 7)
Adopted Yeas – 6 Nays – 0
12. Resolution – 10-959 – Approving the petition of the Saint Paul Port Authority to vacate portions of Seminary Avenue and Hubbard Street between Chatsworth and Milton Streets to assemble additional land for redevelopment purposes. (GS 3116788-Ward 1)
Withdrawn
13. Resolution – 10-960 – Approving the petition of Gillette Children’s Specialty Healthcare to vacate air rights over University Avenue east of Jackson Street for a skyway structure. (GS 3116805-Ward 1)

(This item was inadvertently placed on the consent agenda rather than the public hearing agenda. It was considered as a public hearing at this time and again after Item 19)
No one appeared at this time; Councilmember Thune moved to lay over to 5:30 p.m. for continuation of the public hearing.

14. Resolution – 10-961 – Approving adverse action against all licenses held by Grand 7 Saloon, Inc., 315-7th Street West. (GS 3116828-Ward 2)
Adopted Yeas – 6 Nays – 0
15. Resolution Approving Assessment – 10-962 – In the matter of the assessment of benefits, cost, and expenses for the Seventh Place Mall operation and maintenance costs for 2009, and setting date of public hearing for October 20, 2010. [18428-10] (GS 3116728-Ward 2)
Adopted Yeas – 7 Nays – 0
16. Preliminary Order – 10-963 – In the matter of the Seventh Place Mall operation and maintenance costs for 2010, and setting date of public hearing for October 20, 2010. [18428-11] (GS 3116726-Ward 2)
Adopted Yeas – 6 Nays – 0

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7. Resolution – 10-954 – Adopting a Finance Plan for Rebuild Saint Paul. (GS 3116972-Ward 7)

Councilmember Stark stated the Rebuild Saint Paul slate has many great projects in it, all of which he fully supports. There is \$15.5 million in financing overall and \$14 million of that is

identified somewhat in terms of where the financing is coming from. About \$10 million of that is going into projects that include housing. A total of 486 new housing units are being proposed between the West Side Flats, Lofts at Farmers' Market, and Penfield. Mr. Stark said he has not seen anything about where the financing is coming from for Schmidt. Councilmember Thune added that there will be a number of resources for Schmidt including tax credits which will provide 240 units of low-income housing. Councilmember Stark said for the 486 units, only 36 (7%) of them are affordable and those are the West Side Flats. The rest will be market rate. These are all good and important projects but the Housing Chapter Comp Plan talks about the goal of 30% of all new units being affordable and with the City's expanded roll in the Penfield and lofts at Farmers' Market projects where the City/HRA will be the owner/developer, there is somewhat of a disconnect between the planning goals and these later projects. Stark said there are two possible conclusions: one to try to get affordable units in those projects. He understands why that doesn't look real feasible without getting a few projects done so he is not proposing that. The second would be to dedicate some money from the scattered site TIF resources to an affordable housing fund which was created in the context of the Sisters of Carondelet project. He suggested putting at least \$3 million into that fund as the fund balance starts to accumulate after these projects move forward. Because this set of projects does not include the affordability component that it should, he said he will vote against the resolution.

Councilmember Thune said he shares Stark's concern about providing affordable housing in the City but noted in the last year the downtown area has produced the commerce building, Minnesota Building, and RenBox which are all 100% affordable. There is also the Schmidt Brewery. There are a number of reasons why the City or HRA does business. One of them is affordable housing and the other is neighborhood redevelopment. That involves jobs, types of businesses, and attracting moves to neighborhoods. Downtown is one of those neighborhoods. A lot of affordable housing has been provided and gears need to be shifted to get a blend of housing so there is middle income as well as expensive housing. Thune said he felt financing could be found to do any affordable project. He said the city is on track to meet its goal but funding becomes specific to the type of project.

Councilmember Carter said he shares Stark's concerns as well but he will support the finance plan. Those concerns are not addressed by Mr. Thune's statement. Carter said he does not consider neighborhood revitalization and affordable housing to be an either/or type of thing. The spirit of the kind of affordable housing policy that St. Paul has is to try to create mixed income housing in the City. Those affordable house aggregate goals can be met by building hi-rise towers which are poorly built 70s style housing, but that's not what we want to do, he said. Instead, they need to be driven to get good mixed-income housing/neighborhoods where opportunities can be created for the people who want to stay in a neighborhood and those who want to come into a neighborhood. Developers can also be asked how to create room for affordable housing in their projects.

Discussion ensued. Councilmember Harris moved approval.

Adopted Yeas – 5 Nays – 1 (Stark)

FOR DISCUSSION

17. Resolution Ratifying Assessment – 10-918 – In the matter of the assessment of benefits, cost, and expenses for demolition of a vacant building at 507 Dale Street North in March 2010 (non CDBG funds). [J1005C1] (GS 3116109-Ward1) [public hearing held, closed, and laid over from August 18] (Legislative Hearing Officer recommends approval)

Councilmember Carter said he does not take exception to any of the costs for this project but there are things that were not included in the initial bid which he feels should be and he and Ms. Moermond are still working with city staff on these issues.

Councilmember Carter moved to lay over to October 6, 2010.

Laid over to October 6, 2010 Yeas – 5 Nays – 0 (Thune not present)

ORDINANCES

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

None

PUBLIC HEARINGS

The City Council recessed and convened as the Library Board to consider the following item:

President Harris called the Library Board meeting to order.

Present – 6 Absent – 1 (Helgen - excused)

18. L.B. Resolution – 10-08 – Amending the Spending and Financing Plans in the Saint Paul Public Library to address a reduction in Local Aid from the State of Minnesota. (GS 3117093)

No one appeared in opposition; Board Member Lantry moved to close the public hearing and approval.

Adopted Yeas – 6 Nays – 0

Board Member Lantry moved to adjourn the Library Board.

Yeas – 6 Nays – 0

The City Council reconvened.

Present – 6 Absent – 1 (Helgen – excused)

19. Resolution – 10-964 – Amending the Spending and Financing Plans to address a reduction in Local Aid from the State of Minnesota. (GS 3117117)

Councilmember Stark moved to introduce an amended resolution.

Yeas – 6 Nays – 0

No one appeared in opposition; Councilmember Stark moved to close the public hearing approval. Adopted Yeas – 6 Nays – 0

13. Resolution – 10-960 – Approving the petition of Gillette Children’s Specialty Healthcare to vacate air rights over University Avenue east of Jackson Street for a skyway structure. (GS 3116805-Ward 1)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval. Adopted Yeas – 6 Nays – 0

20. Resolution – 10-965 – Approving the application of William and Christine Bluhm for a sound level variance in order to present amplified music, with limitations, for a fundraiser at 92 Mississippi River Boulevard N. from 6:00 p.m. to 12:00 midnight on September 11, 2010. (GS 3116747-Ward 3)

No one appeared in opposition; Councilmember Harris moved to close the public hearing and approval. Adopted Yeas – 6 Nays – 0

21. Resolution – 10-966 – Approving the application of Mary Easter and Matt Hopp for a sound level variance in order to present amplified live music for a wedding reception at the Minnesota History Center, 345 Kellogg Boulevard N. from 8:00 p.m. to 11:00 p.m. on October 8, 2010. (GS 3116488-Ward 2)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval. Adopted Yeas – 6 Nays – 0

22. Resolution – 10-967 – Approving the application of Skinner’s Pub, represented by Molly Skinner, for a sound level variance in order to present live music, with limitations, in an enclosed tent for a 10-year anniversary party at 919 Randolph Avenue from 12:00 Noon to 10:30 p.m. on October 2, 2010. (GS 3116587-Ward 2)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval. Adopted Yeas – 5 Nays – 0

23. Resolution – 10-968 – Amending the budget in the Department of Emergency Management by establishing a financing and spending plan for a 2009 Urban Area Security Initiatives grant in the amount of \$412,405. (GS 3116485-Ward 7)

No one appeared in opposition; Councilmember Carter moved to close the public hearing and approval. Adopted Yeas – 6 Nays – 0

24. Resolution – 10-969 – Amending the budget in the Department of Parks and Recreation by establishing a financing and spending plan for Metropolitan Council grant funds received in the amount of \$546,000 for the channel and native plant restoration project at Phalen Regional Park. (GS 3115469-Ward 6)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval. Adopted Yeas – 6 Nays – 0

25. Resolution – 10-970 – Approving spending plans for various tax increment financing districts as required under Minnesota Statutes for the Jobs Bill. (GS 3116966-Ward 7)

Paul Breckner, Burnsville, MN, appeared and said he fully agrees in principle with many of Councilmember Stark’s concerns expressed earlier in the meeting on affordable housing and that all the tools available must be utilized to maintain affordability in the City and particularly along Central Corridor. For many good reasons, the Penfield and Farmers’ Market Lofts Project deserve to go forward now, he said. Most are within a block of a station in the Central Corridor and both have been on the drawing board for more than a decade and have deep community and planning support. The Farmers’ Market Lofts are already partly built and construction of the Penfield for years has been looked at as a key and pivotal moment in the history of downtown. It will bring the first full-service grocery store to downtown and union wage jobs will be brought to downtown. Downtown is also an important place to achieve affordability because of access to transit networks. A lot of affordable housing has already been done in the downtown area. If the Renaissance Box -- 70 units of affordable housing, the Minnesota Building -- 137 units of affordable housing, and the Commerce Building -- 45 units of affordable housing were included in the Rebuild St. Paul proposal, it would make the proposal look affordable housing dominant in a significant way. He urged the Council to remember the two things that really make these projects unique. They have been on the drawing board for a long time and are strongly supported by Planning.

Councilmember Bostrom said there is still a lot to be done. He feels there is one thing missing which is the old Public Safety building. Also, the Penfield should be connected to the skyway system in order for it and the grocery store to be successful.

Councilmember Harris moved approval.

Adopted Yeas – 5 Nays – 1 (Stark)

26. Resolution – 10-971 – Approving the Jobs Bill spending plan. (GS 3116916) [This item will be withdrawn]
Withdrawn
27. Resolution – 10-972 – Authorizing the Housing and Redevelopment Authority to expand the Scatter Site Tax Increment Financing District for The Lofts at Farmers Market for development of 58 units of rental housing at the site located at 5th and Wall Streets in Lowertown. (GS 3116945-Ward 2)

John Slade, Ramsey County Organizer for the Metropolitan Interfaith Council on Affordable Housing appeared. He said his statement is also backed by the St. Paul Area Council of Churches. These are hard economic times for many people, he said, as well as tough times for the City of St. Paul and the State of Minnesota. They understand why the City, the Council, and the Mayor want to improve downtown and the tax base. The vision should be that St. Paul be a livable city for all and that there be adequate housing for all citizens. When they look at the Penfield and Lofts projects and they see private money going for public development that serves a relatively wealthy group, and they see the Central Corridor and the spirit of Rondo still haunting that avenue, they see real fears of gentrification. They feel public subsidy should serve the public good. The Gateway Project is a good example of housing that was privately developed and had an affordable component. The market of for-profit housing without an affordable component is something they do not feel public money should be spent on right now. The two projects are about 320 units of market-rate housing. If the 30% comprehensive plan goal were applied to those two projects, it would be 90 units of affordable housing. Mr. Slade said they would ask that the city commit resources equitably so everyone, without exception, can have safe, decent, and affordable housing.

Speaking in support of the resolution was Mona Langston, policy advocate for the Housing Preservation Project. She said the Housing Preservation Project as been working closely with City staff, Mayor's staff, and PED staff to insure that enough units of affordable housing get built along the Central Corridor. Even though the market is fairly good right now, they are concerned that public dollars that are being used for private market rate development at some time may become unaffordable to most people. With the economic crisis and all of the money that has to be spent along the corridor and all the things that have to be balanced in the city, they want to work with the city to identify additional resources, discretionary resources that can start to be set aside so that even when a fully market rate apartment complex is built, some of the funds could

be used to build some affordable housing close by. They support mixed-income neighborhoods and nothing should be 100% market or 100% affordable. The 30% comprehensive plan policy should be applied to every single project that comes into the city. She reiterated their desire to work with the city to achieve these goals.

Darielle Dannen, Metropolitan Consortium of Community Developers, said they work with developers who work throughout St. Paul...downtown, Central Corridor area, as well as other areas. They are very interested in making sure the resources that the city spends on affordable housing are distributed equitably throughout the city. They are also interested in work with Councilmembers and the Mayor's office to find a way to insure the city is meeting its' goals for affordability and that it is being done in an equitable manner. The city investing dollars in affordable housing projects helps their developers to be able to leverage additional funds so a very small investment by the city allows for a very large investment and also produces jobs.

Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas – 5 Nays – 1 (Stark)

Councilmember Harris thanked the Mayor and city staff for their hard work on these projects.

(Councilmember Harris left the meeting at this time)

28. Resolution – 10-973 – Adopting the creation of the Chatsworth - Pierce Butler Redevelopment Tax Increment District and the Hazardous Substance Subdistrict, and adoption of the Chatsworth - Pierce Butler Tax Increment Financing Plan. (GS 3116913-Ward 1)

No one appeared in opposition; Councilmember Carter moved to close the public hearing and approval. Adopted Yeas – 5 Nays – 0

29. Resolution – 10-974 – Adopting the creation of the Pelham Redevelopment Tax Increment District and the Hazardous Substance Subdistrict, and adoption of the Pelham Tax Increment Financing Plan. (GS 3116915-Ward 4)

No one appeared in opposition; Councilmember Stark moved to close the public hearing and approval. Adopted Yeas – 5 Nays – 0

30. Resolution – 10-975 – Approving adverse action against all licenses held by Paul Kamp, d/b/a Kamp's, 1059 Western Avenue. (GS 3116996-Ward 5)

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

31. Final Order – 10-976 – In the matter of construction and/or reconstruction of sidewalk along the south side of Arlington Avenue East from Arkwright to Desoto Streets and from Westminster to Arkwright Streets. [S1003] (GS 3116466-Ward 5)

No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to October 6

Laid over to October 6 for continuation of the public hearing Yeas – 5 Nays – 0

32. Resolution – 10-977 – Ordering the owner to remove or repair the building(s) at 85 Battle Creek Road within fifteen (15) days from adoption of resolution. (GS 3115905-Ward 7) (Legislative Hearing Officer's recommendation is forthcoming)

Marcia Moermond, Legislative Hearing Officer, recommended removal of the building within fifteen days with no option for rehabilitation.

No one appeared in opposition; Council President Lantry moved to close the public hearing and approval as amended

Adopted as amended (Remove within fifteen days) Yeas – 5 Nays – 0

Council President Lantry moved to recall this item at the end of the meeting.

Yeas – 4 Nays – 0 (Bostrom not present)

Marcia Moermond, Legislative Hearing Officer, reiterated her recommendation for removal of the building within fifteen (15) days. Brian Tucker attorney for JP Morgan Chase Bank was at the Legislative Hearing on behalf of Freddie Mac. There was interest in keeping this property and doing rehabilitation. She indicated in the hearing that the building had a lot of strikes against it and several things needed to occur in order for additional time to be recommended to develop a work plan. The vacant building fees for 2010-11 in the amount of \$1,100 must be paid, they must apply for a code compliance inspection, the \$5,000 performance deposit must be posted and the property must be maintained. A plan for preventing nuisance activity at the property must be prepared. As of this date, nothing has been presented to her office addressing any of those items.

Brian Tucker, JP Morgan Chase Bank, attorney for the property, appeared. He said at this time the property has been conveyed to Freddie Mac and they are still working with them to bring them up on the issues necessary for them to comply with and they are definitely looking at complying with those issues. They have asked for an additional 15 days on top of what has already has been put out for the property to be dispositioned. They need 30 days to get their local REO broker involved and get the property moving forward for inspections with the bond, etc. that is required. Mr. Tucker said as a servicer, they often get caught in the middle of the situation where they have to go back to the investor for guidance as to what to do before or after they take over the property. This property was conveyed after the initial hearing. There are high level individuals at Freddie Mac who are willing to go to bat on this property. They want to comply

and they want to bring it back to a marketable property.

Council President Lantry moved to close the public hearing. She expressed her appreciation for Mr. Tucker's presence on behalf of the bank. She stated this property has been an on-going concern for quite some time. The property was conveyed on August 3, 2010, the hearing was held August 10, and there was 20 days to act and nothing was done. Therefore, she said she did not feel inclined to change what was recommended by the Legislative Hearing Officer.

Council President Lantry moved that the building be removed within fifteen (15) days.
Yeas – 4 Nays – 0 (Bostrom not present)

33. Resolution – 10-978 – Ordering the owner to remove the building(s) at 759 Bush Avenue within fifteen (15) days from adoption of resolution. (GS 3115910-Ward 6) (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, stated the realtor questioned if this property could be sold as is and the buyer doing the demolition. The low bid for the demo was \$8,680. She recommended removal of the building.

Kevin Rooney, 771 East Minnehaha Avenue, appeared and said he had a bid in on the property. He wondered if the price of the property would increase due to the cost of the demolition or if he could take care of it himself if he's the winning bidder. Council President Lantry responded that the Council did not have the answer to that.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval. Adopted Yeas – 5 Nays – 0

34. Resolution – 10-979 – Ordering the owner to remove or repair the building(s) at 1036 Bush Avenue within fifteen (15) days from adoption of resolution. (GS 3115904-Ward 7) (Legislative Hearing Officer recommends continuing the public hearing to October 6, 2010 City Council public hearings.)

Marcia Moermond, Legislative Hearing Officer, requested this item be referred back for a Legislative Hearing on September 28, and City Council public hearing on October 6. Plans are being actively developed for the building's rehabilitation, she said.

No one appeared in opposition; public hearing continued to October 6, 2010
Yeas – 5 Nays – 0

35. Resolution – 10-980 – Ordering the owner to remove or repair the building(s) at 694-696 Fourth Street East within fifteen (15) days from adoption of resolution. (GS 3115899-Ward 7) (Legislative Hearing Officer recommends continuing the public hearing to October 6)

Marcia Moermond, Legislative Hearing Officer, requested this item be referred back for a Legislative Hearing on September 28, and City Council public hearing on October 6.

No one appeared in opposition; Council President Lantry moved to continue the public hearing to October 6, 2010. Yeas – 5 Nays – 0

36. Resolution – 10-981 – Ordering the owner to remove or repair the building(s) at 667 Lafond Avenue within fifteen (15) days from adoption of resolution. (GS 3115901-Ward 1) (Legislative Hearing Officer recommends removing within 15 days)

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

Adopted as amended, per the recommendation of the Legislative Hearing Officer (Remove within 15 days) Yeas – 5 Nays – 0

37. Resolution – 10-982 – Ordering the owner to remove the building(s) at 38 Lawson Avenue West within fifteen (15) days from adoption of resolution. (GS 3115907-Ward 5) (Legislative Hearing Officer recommends approval.)

Alan Cramer, Aitkin, MN, appeared and stated he and his mother are the property owners. They had a contractor do some fix-up work and then he disappeared. He is not opposed to a demolition but he did not want to incur the charges that would be involved. He said he tried to give the property to HUD and also Ugly Houses saying it's a good house but it needs a lot of work and money put into it. He questioned if the demolition charges could be assessed against the lot.

Council President Lantry explained to Mr. Cramer that he would receive a bill and it would go on the tax rolls as an outstanding assessment and the seller would pay the assessment.

Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas – 5 Nays – 0

38. Resolution – 10-983 – Ordering the owner to remove the building(s) at 1297 Payne Avenue within fifteen (15) days from adoption of resolution. (GS 3115900-Ward 6) (Legislative Hearing Officer recommends approval.)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval. Adopted Yeas – 5 Nays – 0

39. Resolution – 10-984 – Ordering the owner to remove the building(s) at 655 Sherburne Avenue within fifteen (15) days from adoption of resolution. (GS 3115906-Ward 1) (Legislative Hearing Officer recommends approval.)

No one appeared in opposition; Councilmember Carter moved to close the public hearing and approval. Adopted Yeas – 5 Nays – 0

40. Resolution – 10-985 – Ordering the owner to remove or repair the building(s) at 688 Sherburne Avenue within fifteen (15) days from adoption of resolution. (GS 3115903-Ward 1) (Legislative Hearing Officer recommends continuing the public hearing to September 15.)

Marcia Moermond, Legislative Hearing Officer, requested this matter be referred back to a Legislative Hearing on September 14 and City Council public hearing on October 6. Ms. Moermond said this is a rare property that she would encourage the HRA or the Greater Frogtown CDC to look at a second time. HPC and DSI staff told her it was a good candidate for rehabilitation.

No one appeared in opposition; Councilmember Carter moved to refer back to a Legislative Hearing and continue the City Council public hearing per the recommendation of the LHO as noted above.

Public hearing continued to October 6, 2010 Yeas – 5 Nays – 0

41. Resolution – 10-986 – Ordering the owner to remove the building(s) at 623 Wells Street within fifteen (15) days from adoption of resolution. (GS 3115898-Ward 6) (Legislative Hearing Officer recommends approval.)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval. Adopted Yeas – 5 Nays – 0

42. Resolution Ratifying Assessment – 10-987 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 1053 Central Avenue West on April 29, 2010. [J1008A1] [Laid over from August 4] (GS 3116588-Ward 1) (Legislative Hearing Officer recommends approving the assessment and spreading the payments over two years.)

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

Adopted (per the recommendation of the LHO) Yeas – 5 Nays – 0

43. Resolution Ratifying Assessment – 10-988 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 1286 Clarence Street on April 23, 2010. [J1008A2] [Laid over from August 4] (GS 3116589-Ward 6) (Legislative Hearing Officer recommends deleting the assessment.)

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

Adopted as amended (per the recommendation of the Legislative Hearing Officer)

Yeas – 5 Nays – 0

44. Resolution Ratifying Assessment – 10-989 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 718 Lafond Avenue on April 28, 2010. [J1008A3] [Laid over from August 4] (GS 3116590-Ward 1) (Legislative Hearing Officer recommends approving the assessment and spreading the payments over two years.)

Marcia Moermond, Legislative Hearing Officer, provided a staff report stating that the original Legislative Hearing was scheduled for July 20, 2010 but was laid over to August 17 at the request of the property owner; however, the owner did not appear on 8/17 either. The video of the property showed a significant amount of material; items that were covered by a tarp as well as an air conditioner, scrap wood, and scattered trash. A clean-up had taken place and the total assessment is \$456.00.

Jamie Diaz, speaking for her mother, said they did some cleanup one day but the second day there was a sign not allowing them to get near the property. Council President Lantry suggested that Ms. Moermond talk to them outside the Council Chambers to see if there was any way the city could assist them.

Ms. Moermond spoke with the appellants and returned to the Council and said it would appear the house is in the process of foreclosure and it was at that point that the bank had taken possession of the property and a “lock-out” of them as occupants so they did not have access to

the property to take care of the situation in the yard. Given that they were making an attempt to take care of it, she recommended the assessment be deleted.

Councilmember Carter asked Ms. Moermond if the Diaz' would keep control of the property. She said they are trying to sell it. She made a referral to Laura Carroll at the Mortgage Foreclosure Prevention Program. Council President Lantry suggested City staff call them to insure the connection is made.

No one appeared in opposition; Councilmember Carter moved approval as amended.
Adopted as amended (assessment deleted, per the recommendation of the LHO)
Yeas – 4 Nays – 0 (Bostrom not present)

45. Resolution Ratifying Assessment – 10-990 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 99 Acker Street East on May 4, 2010. [Laid over from August 18] [J1009A1] (GS 3117074-Ward 5) (Legislative Hearing Officer's recommendation is forthcoming.)

Marcia Moermond, Legislative Hearing Officer, stated this was a "no show" hearing but the appellant came to the office in the afternoon. Her recommendation was to approve the assessment.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.
Adopted Yeas – 5 Nays – 0

46. Resolution Ratifying Assessment – 10-991 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private property at 1136 Ross Avenue on May 6, 2010. [Laid over from August 18] (GS 3117073-Ward 6) (Legislative Hearing Officer's recommendation is forthcoming.)

Marcia Moermond, Legislative Hearing Officer, said this is one of five assessments for this property. There has been a request from the owner and his attorney that it be laid over to the September 21, 2010 Legislative Hearings and October 6, 2010 City Council public hearings to be heard with the other four.

No one appeared in opposition; Councilmember Bostrom moved to lay over per the recommendation above.
Laid over to September 21 Legislative Hearings and October 6 City Council public hearings
Yeas – 5 Nays – 0

47. Resolution Ratifying Assessment – 10-992 – In the matter of the assessment of benefits, cost, and expenses for weekly garbage hauling on private properties from May 19 to 26, 2010. [J1010G] (GS 3115465) (Legislative Hearing Officer recommends approval)

No one appeared in opposition; Councilmember Stark moved to close the public hearing and approval. Adopted Yeas – 5 Nays – 0

48. Resolution Ratifying Assessment – 10-993 – In the matter of the assessment of benefits, cost, and expenses for property cleanup on private properties from May 13 to 29, 2010. [J1010A] (GS 3115466) (Legislative Hearing Officer recommends the following:

941 Cypress Street – recommendation is forthcoming; lay over to the September 15 City Council public hearing;

1378 Searle Street – approve the assessment;

533 Blair Avenue – delete the assessment;

1806 Arlington Avenue East – approve the assessment;

925 Cook Avenue East – approve the assessment;

730 Edmund Avenue – reduce the assessment from \$300 to \$150;

1285 Fremont Avenue – approve the assessment;

245 Forbes Avenue – approve the assessment;

603 Galtier Street – approve the assessment;

168 George Street – lay over to September 7, 2010 Legislative Hearings and September 15, 2010 City Council public hearings;

1136 Jackson Street – approve the assessment;

677 Jessamine Avenue East – approve the assessment;

1074 Jessie Street – approve the assessment;

759 659 Lafond Avenue – recommendation is forthcoming; approve the assessment;

599 Maryland Avenue East – approve the assessment;

1799 Orange Avenue East – approve the assessment;

916 Rice Street – recommendation is forthcoming; approve the assessment;

738 Selby Avenue – approve the assessment;

101 Sycamore Street West – approve the assessment; and

565 Winslow Avenue – approve the assessment)

Marcia Moermond, Legislative Hearing Officer made changes as noted above.

Additional addresses:

657 Lafond Avenue – approve the assessment; and

1208 Arcade Street – approve the assessment.

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

Adopted as amended Yeas – 5 Nays – 0

49. Resolution Ratifying Assessment – 10-994 – In the matter of the assessment of benefits, cost, and expenses for emergency boarding and securing and/or boarding of vacant buildings in April 2010. [J1006B] (GS 3115467) (Legislative Hearing Officer recommends the following:

1658 Idaho Avenue East – lay over to September 7, 2010 Legislative Hearings and September 15, 2010 City Council public hearings;
1859 Case Avenue – approve the assessment;
944 Farrington Street – approve the assessment;
380 Randolph Street– approve the assessment; and
695 Simon Avenue – approve the assessment)

Marcia Moermond, Legislative Hearing Officer added the following addresses.

Additional addresses:

706 Sims Avenue – lay over to the September 7 Legislative Hearings and September 15 City Council public hearings;
694 Birmingham – approve the assessment, and
380 Randolph Avenue – approve the assessment.

Regarding 380 Randolph, Ms. Moermond said there were two boarding orders issued in April 2010. The total amount of the assessment is \$800.85. Those who appeared on behalf of the property indicated the property is a constant nuisance to the neighborhood. Because it was an emergency boarding, the police responded and ordered the building secured. Ms. Moermond recommended approval of the assessment as the work was required to be done.

Paul Breckner, Breckner Development, appeared and said he was present to educate the Council on the efforts that have been done. The property was secured and it was found the previous day that vandals had again cut the fence. He's at the property a couple of times a week and tries to keep it secure. He distributed material showing the efforts made to secure Island Station and the problems that occur. They took over the property in foreclosure in 2005 and have been wrestling with what to do with it ever since. They are not developers but were only financing. With all the vandalism that's been taking place, the police should be there more often, he said.

Council President Lantry said the only thing before the Council is whether the City performed the work and if they did, the developer must pay the assessment.

Councilmember Thune moved to close the public hearing and approval as amended.

Adopted as amended (per the recommendation of the LHO) Yeas – 5 Nays – 0

50. Resolution Ratifying Assessment – 10-995 – In the matter of the assessment of benefits, cost, and expenses for graffiti removal on private properties from April 2 to 18, 2010. [J1008P] (GS 3115471) (Legislative Hearing Officer recommends the following:

171 Isabel Street East – delete the assessment;
1960 Stillwater Avenue – delete the assessment; and
842 Vandalia Street – delete the assessment)

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

Adopted as amended (per the recommendation of the LHO)

Yeas – 5 Nays – 0

51. Resolution Ratifying Assessment – 10-996 – In the matter of the assessment of benefits, cost, and expenses for collection of delinquent vacant building fees (re-invoiced) in May 2010. [VB1005] (GS 3115473) (Legislative Hearing Officer recommends the following:

1082 Arcade Street – delete the assessment;
1343 Bush Avenue – approve the assessment;
731 Fifth Street East – delete the assessment;
1255 Hewitt Avenue – delete the assessment;
1028 Loeb Street – recommendation is forthcoming; referred back to Legislative Hearing on September 7, 2010 and City Council public hearing on September 15, 2010;
651 Magnolia Avenue – delete the assessment;
1849 Reaney Avenue – delete the assessment;
1180 Seventh Street East – approve the assessment; and
887 Third Street East – lay over to September 21, 2010 Legislative Hearings and October 6, 2010 City Council public hearings)

No one appeared in opposition; Councilmember Stark moved to close the public hearing and approval as amended. Adopted Yeas – 5 Nays – 0

52. Appeal of Damion Ortiz to a Certificate of Occupancy Revocation, which includes Condemnation and order to Vacate, for property at 786 Geranium Avenue East. (Ward 6) (Legislative Hearing Officer recommends denying the appeal and granting an extension to September 1, 2010 to vacate the main floor unit only, and denying the appeal on the vacate date for the basement unit.)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing, deny the appeal and grant an extension.

Appeal denied and extension granted (per the recommendation of the LHO) Yeas – 5 Nays – 0

53. Appeal of Brenden Goldfarb to a Certificate of Occupancy Deficiency List for property at 1964 Marshall Avenue. (Ward 4) (Legislative Hearing Officer recommends denying the appeal and granting an extension to December 31, 2010.)

Marcia Moermond, Legislative Hearing Officer, said she feels the issues were resolved in the Legislative Hearing except for a one-hour fire separation in a hallway. The question was whether the wall needs to be rebuilt to be the appropriate thickness to meet the fire separation requirements or if it could simply be repaired. She feels the wall is sufficiently damaged and open that it justifies being built to current specifications.

Property owner Brenden Goldfarb appeared. He said during the Certificate of Occupancy inspection in July, the Fire Marshall discovered a corner of the sheetrock that was exposed on the first floor of the rear common hallway and the measurement showed that it did not meet code. The common hallway extends from floor 1 to floor 3 consisting of different sections of the stairwell to arrive at each level. He displayed photos of these areas. A licensed contractor evaluated the sheetrock on the first floor section of the common hallway and noted the sheetrock on the floor of one hallway had been installed more recently and did not resemble the craftsmanship of the sheetrock on the second/third floor of the hallway which is plastered together seamless and appears to be a professional job. He suggested the first floor sheetrock was probably replaced when the kitchen was remodeled in 2005.

Council President Lantry asked Mr. Goldfarb if he did not want to replace the sheetrock. He responded that if the sheetrock was never exposed, there would be no reason to replace it but he did say he understands why the first floor section should be replaced. He talked about the upgrades he has made and said he could not handle the cost of \$11,700 for the sheetrock replacement but said he has no problem doing the section that is exposed and the parallel wall.

Council President Lantry said it was her understanding that because the first floor stairwell was exposed, the inspector could see it wasn't a one-hour fire rated sheetrock so he made the assumption that the common stairwell will all need to be done. Ms. Lantry asked Ms. Moermond what the reason was for the requirement to do floors 2 and 3.

Ms. Moermond responded that the wall is open so it was easy to do the measurement in that section. She said Fire Inspection could take another look at it. The damage was very significant including a hole in the wall and some pretty good separation of doorway trim from the wall and a split in the trim so it was easy to make a determination as to how thick the plaster was. There was no observed damage on the second or third floors and it wasn't in the orders.

Ms. Moermond suggested a one month layover so another inspection could be done. She said Mr. Goldfarb will be responsible for setting up the appointment.

Councilmember Stark moved to continue the public hearing to October 6.

Public hearing continued to October 6, 2010 Yeas – 4 Nays – 0 (Bostrom not present)

54. Appeal of Korrine Teschendorf, Hillsberry Apartments, to a Certificate of Occupancy Deficiency List for property at 300 Ruth Street. (Ward 7) (Legislative Hearing Officer recommends revoking the previously granted variance on the heating facility service requirement and granting 90 days for compliance.)

No one appeared in opposition; Council President Lantry moved to close the public hearing and approval of the Legislative Hearing Officer's recommendation.

Variance previously granted on the heating facility service requirement was revoked and 90 days granted for compliance (per the recommendation of the LHO)

Yeas – 4 Nays – 0 (Bostrom not present)

55. Appeal of Thomas Hanten to a Notice of Condemnation and Order to Vacate property at 929 Seventh Street West. (Legislative Hearing Officer recommends denying the appeal.)

No one appeared in opposition. Councilmember Thune said there has been progress on the property and he moved to continue the public hearing to October 6.

Yeas – 4 Nays – 0 (Bostrom not present)

56. Appeal of Richard Kedrowski to a Certificate of Occupancy Deficiency List for property at 712 Thomas Avenue. (Ward 1) [Appeal denied on 8/18; recalled and laid over on 8/25 for public hearing] (Legislative Hearing Officer recommends denying the appeal.)

Marcia Moermond, Legislative Hearing Officer, said there are two rooms in the upstairs of this house. One of the spaces does not have a legal egress window and cannot be used as a sleeping space. The one that could be used as a sleeping space has a 6 ft. 3 in. ceiling and the requirement is that it be 7 ft. over one-half of the room. She recommended the Council deny the appeal as she does not feel that is enough room for most people to navigate and she has a concern that emergency personnel would not be able to navigate with ceilings that low.

Richard Kedrowski appeared on behalf of his father and said he has been working with his father on properties since 1970. The house at 712 Thomas was built in 1893. It has two floors. The upper level has two rooms and the only bathroom. It was obviously designed to have the second floor used. The room is 127 sq. ft. so it's adequate size for a bedroom but does have the lower clearance. Mr. Kedrowski said he has owned the property for 20 years and has never had an issue with the ceiling. The house was inspected in March 2009 by Fire Prevention and because of the requirement for egress windows, that was installed but there was not an issue with the ceiling height at that time. It was recently brought about because of a problem with a tenant and inspectors came in. He showed pictures of the house and said it was purchased as a three-

bedroom home but they changed it to a two-bedroom because there was a problem with the pass-through bedroom on the main floor. He hoped it would not have to go back to a one-bedroom house as that would not be very useful.

Councilmember Carter moved to close the public hearing.
Yeas – 4 Nays – 0 (Bostrom not present)

Councilmember Carter said he feels the safety of the renters should not be compromised as well as the safety of firefighters.

Councilmember Carter moved to deny the appeal.
Appeal denied (per the recommendation of the LHO)
Yeas – 4 Nays – 0 (Bostrom not present)

Councilmember Thune moved to adjourn the meeting.
Yeas – 4 Nays – 0 (Bostrom not present)

ADJOURNED at 7:00 P.M.

ATTEST:

Mary Erickson
Assistant Council Secretary

Kathy Lantry, Council President

Submitted by:
Mary Erickson

Minutes approved by Council