



City of Saint Paul

City Council Meeting Minutes - Final

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor
Katie Burger, Executive
Assistant, 651-266-8560

*Council President Russ Stark
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert*

Wednesday, September 7, 2016

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, City Council President Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 16-60** Amending the Public Works Capital Improvement Budgets to combine two separate activities into one activity as the projects are being let together on the same contract.
Received and filed

- 2 **AO 16-64** Amending CDBG activities budgets.
Received and filed

- 3 **AO 16-66** Authorizing the Police Department to reallocate its 2016 Special and Grant Fund budget to more accurately record capital expenditure.
Received and filed

- 4 **AO 16-67** Authorizing the Police Department to reallocate its 2016 General Fund operating budget to more accurately record capital expenditures.
Received and filed

- 5 **AO 16-68** Authorizing the Police Department to reallocate its 2016 operating budget to more accurately record expenditures.
Received and filed

CONSENT AGENDA

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

Approval of the Consent Agenda

Item 27 was withdrawn. Councilmember Noecker moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 6 **RES 16-1504** Approving the use of grant funds through the Ward 7 Neighborhood Star Year-Round Program for the East Side Community Gym and for three Dayton's Bluff house rehabilitations.
Adopted

- 7 **RES 16-1304** Approving assessment costs and setting date of City Council public hearing to ratify the assessments for improvements along Jackson Street from Shepard Road to 7th Place. (File No. 19173, Assessment No. 165202)
Adopted

- 8 **RES 16-1342** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for an alley improvement in the block bounded by Juliet Avenue, Palace Avenue, Lexington Parkway, and Oxford Street. (Project No. 19177, Assessment No. 155001)
Adopted

- 9 **RES 16-1380** Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the improvements on Randolph Avenue from Syndicate to 35E. (File No. 19196, Assessment No. 165206)
Adopted

- 10 **RES 16-1319** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for completion of the city sidewalk on the south side of Brewster Street between Gibbs and Fifield, and the east side of Fifield Street between Brewster and Como. (Project No. S1502, Assessment No. 155302)
Adopted
- 11 **RES 16-1311** Approving assessment costs and setting date of City Council public hearing to ratify the assessments for improvements along Wheelock Parkway from Rice Street to Edgerton Street-Phase I, Part A. (File No. 19175B, Assessment No. 165201)
Adopted
- 12 **RES 16-1316** Approving assessment costs and setting date of City Council public hearing to ratify the assessments for improvements in the Payne Avenue & Bedford Street area. (File No. 19195B, Assessment No. 165204)
Adopted
- 13 **RES 16-1292** Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Third Street-Johnson Parkway to White Bear Avenue rehabilitation project. (File No. 19198, Assessment No. 165208)
Adopted
- 14 **RES 16-1432** Approving the City's cost of providing Property Clean Up services during June 27 to July 29, 2016, and setting date of Legislative Hearing for October 4, 2016 and City Council public hearing for January 4, 2017 to consider and levy the assessments against individual properties. (File No. J1701A, Assessment No. 178500)
Adopted
- 15 **RES 16-1433** Approving the City's cost of providing Trash Hauling services during July 8 to 27, 2016, and setting date of Legislative Hearing for October 4, 2016 and City Council public hearing for January 4, 2017 to consider and levy the assessments against individual properties. (File No. J1701G, Assessment No. 178700)
Adopted
- 16 **RES 16-1435** Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during March 7 to June 21, 2016, and setting date of Legislative Hearing for October 4, 2016 and City Council public hearing for January 4, 2017 to consider and levy the assessments against individual properties. (File No. VB1702, Assessment No. 178801)
Adopted

- 17 **RES 16-1436** Approving the City's cost of providing Collection of Vacant Building Registration Fees billed on December 7, 2015 at 373 Ruth Street North, and setting date of Legislative Hearing for October 4, 2016 and City Council public hearing for January 4, 2017 to consider and levy the assessment against the property. (File No. VB1702A, Assessment No. 178802)
Adopted
- 18 **RES 16-1483** Authorizing the Fire Department to enter into a joint powers agreement with the City of Saint Anthony Village for the use of the Saint Paul Fire Department training facilities.
Adopted
- 19 **RES 16-1522** Approving the Maintenance Labor Agreement (May 1, 2016 - April 30, 2019) between the City of Saint Paul and the International Union of Painters and Allied Trades District Council 82.
Laid over to September 14 for adoption
- 20 **RES 16-1499** Approving the Labor Agreement (January 1, 2016 - December 31, 2017) between the City of Saint Paul and the Classified Confidential Employees Association.
Laid over to September 14 for adoption
- 21 **RES 16-1500** Approving the Maintenance Labor Agreement (May 1, 2016 - April 30, 2019) between the City of Saint Paul and the United Association of Pipefitters Local Union No. 455.
3:31 p.m.
Laid over to September 14 for adoption
- 22 **RES 16-1507** Establishing the rate of pay for the new classification of Community Engagement Specialist, in Grade 011, of EG 06, Professional Employees Association, Salary Schedule.
Adopted
- 23 **RES 16-1508** Authorizing the Department of Parks and Recreation to donate the surplus exercise stations at Wilder Park to Rebuilding Together Twin Cities (RTTC) in as-is condition for no cost.
Adopted
- 24 **RES 16-1498** Adopting the North End District 6 Plan as an amendment to the Saint Paul Comprehensive Plan.
Adopted

25 **RES 16-1509** Approving the Liquor Outdoor Service Area (Patio) and Entertainment (B) licenses for Capitol Ridge II, LLC, d/b/a Peddlers Pub & Capitol Ridge Event Center (License ID #20160001640) at 161 St. Anthony Avenue.

Adopted

26 **RES 16-1477** Approving adverse action against the Cigarette/Tobacco license held by Richard A. Stai, d/b/a 5th Street Convenience at 55 Fifth Street East.

Adopted

27 **RES 16-1513** Approving adverse action against the Cigarette/Tobacco license held by Mahn P. Lu, d/b/a Mini Market at 2019 Minnehaha Avenue East. (To be withdrawn)

Withdrawn

ORDINANCE

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.

Final Adoption

30 **Ord 16-29** Amending Legislative Code Title XXIII, reserved Chapter 233, pertaining to Public Health, Safety and Welfare by adopting language requiring Saint Paul employers to provide earned safe and sick time for their workers in Saint Paul.

Councilmember Tolbert moved approval. Council members commented.

Adopted as amended (amended August 3, 10, 17 and 24)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

FOR DISCUSSION

28 **RES 16-1187** Honoring Senator Sandy Pappas for the League of Minnesota Cities Legislator of Distinction Award.

Councilmember Noecker invited Senator Pappas to the podium and read a portion of the resolution. Senator Pappas made brief comments. Councilmember Noecker moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

29 RES 16-1337

Honoring Gerald T. Hendrickson for his forty-two years of service to the City of Saint Paul and the Office of the City Attorney.

Council President Stark invited Jerry Hendrickson to the podium and read the resolution. Mr. Hendrickson made brief comments. Council members individually expressed their appreciation for Mr. Hendrickson and his work.

Councilmember Bostrom moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

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.

Second Reading

31 Ord 16-32

Amending Chapter 33 of the Saint Paul Legislative Code pertaining to Establishment of Permit Fees.

Laid over to September 21 for third reading/public hearing

32 Ord 16-33

Amending Chapter 39 of the Saint Paul Legislative Code pertaining to Smoke Alarms and Carbon Monoxide Alarms in Certain Buildings.

Laid over to September 21 for third reading/public hearing

33 Ord 16-34

Amending Chapter 40 of the Saint Paul Legislative Code pertaining to Fire Certificate of Occupancy.

Laid over to September 21 for third reading/public hearing

34 Ord 16-35

Amending Chapter 55 of the Saint Paul Legislative Code pertaining to the Fire Code.

Laid over to September 21 for third reading/public hearing

- 35 **Ord 16-36** Adopting an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4 pending the completion of a zoning study and actions based upon the study including amending the City’s official controls as they may pertain to the regulation of “temporary family healthcare dwellings” as permitted residential uses.

Laid over to September 21 for third reading/public hearing

First Reading

- 36 **Ord 16-30** Granting the application of Open Cities Health Center Inc to rezone the property at 127 Front Avenue from RT1 Two-Family Residential to B2 Community Business, and amending Chapter 60 of the Legislative Code pertaining to the Saint Paul zoning map.

Laid over to September 14 for second reading

- 37 **Ord 16-31** Granting the application of St. Paul Leased Housing Associates VIII to rezone their property at 2300 Territorial Road from I1 Light Industrial to T3 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

Laid over to September 14 for second reading

- 38 **Ord 16-37** Granting the application of Donald E. Olson/Alice E. Olson to rezone property at 1445 White Bear Avenue North from OS Office-Service to T1 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

Laid over to September 14 for second reading

- 39 **Ord 16-38** Granting the application of Phalenview Real Estate LLC to rezone property at 419 Whitall Street from RT1 Two-Family Residential to RM2 Multiple Family Residential, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

Laid over to September 14 for second reading

BUDGET AMENDMENT PUBLIC HEARINGS (held during the 3:30 portion of the meeting)

- 40 **RES PH 16-286** Authorizing City Attorney's Office to accept a grant in the amount of \$139,767 from The Office of Justice Programs of the US Department of Justice to expand services to the most vulnerable, often underserved victims of domestic violence, and elder and vulnerable adult abuse victims.

No one was present to testify; Councilmember Prince moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 41 RES PH 16-266** Amending the financing and spending plans in the Department of Emergency Management budget in the amount of \$30,000 to accept the 2016 Emergency Management Performance Grant (EMPG) to provide emergency management assistance to attend training conferences, provide community outreach, and EMAP accreditation.

No one was present to testify; Councilmember Thao moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 42 RES PH 16-265** Amending the financing and spending plans in the Fire Department in the amount of \$155,455 to accept the 2015 Assistance to Firefighters Grant to enhance our health and wellness program for firefighters.

No one was present to testify; Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 43 RES PH 16-285** Amending the financing and spending plans in the Fire Department in the amount of \$17,400 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for training for firefighters.

No one was present to testify; Councilmember Brendmoen moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

44 RES PH 16-272 Accepting Contamination Cleanup and Investigation Grants from the Minnesota Department of Employment and Economic Development and the Metropolitan Council and amending the 2016 budget.

No one was present to testify; Councilmember Tolbert moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

45 RES PH 16-260 Authorizing Public Works to enter into a grant agreement with The Recycling Partnership, Inc. to improve access to residential recycling systems.

No one was present to testify; Councilmember Tolbert moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Council members shared good news from their wards.

The Council recessed at 4:13 p.m.

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

The Council reconvened for public hearings at 5:32 p.m.

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, City Council President Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

46 Ord 16-13 Amending Chapters 61, 63, 65, and 66 of the Saint Paul Legislative Code pertaining to establishing accessory dwelling units as a permitted use in the R1-RM2 and T1-T3 zoning districts within one-half mile of University Avenue between Emerald Street and Marion Street (amended to Lexington Parkway).

Councilmember Thao moved an amendment to apply the ordinance only to the area from Emerald Street to Lexington Parkway. He said he couldn't gather the support from the additional area.

Council President Stark spoke against the amendment.

Councilmembers Bostrom and Prince spoke in support of using the smaller area as a

test, with the option of adding the remaining area later.

Vote on amendment: Yeas - 6 Nays -1 (Stark)

Deputy City Attorney Rachel Tierney said a second public wasn't required since the amendment was reducing and not expanding the area.

Councilmember Thao moved to close the public hearing.

Public hearing held and closed; laid over to September 14 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

47 Ord 16-14

Amending Chapter 229 of the Legislative Code setting curfew times for children. (To be withdrawn.)

No one was present to testify. Councilmember Noecker moved to continue the public hearing to October 5.

Public hearing continued to October 5

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

48 RES PH 16-281

Approving the application of Whole Foods Market for a sound level variance for live music outdoors on Saturday, September 10, 2016 on Dayton Avenue between Snelling Avenue and Saratoga Street North.

In support: Philip Higgs, Community Engagement for Whole Foods, described the event.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

49 RES PH 16-288

Approving the application of Tawfiq Islamic Center for a sound level variance for the Eid-al-Adha Muslim Festival, on September 10 or 11, 2016 at the Oxford Community Center Football Field, 270 Lexington Parkway North.

IShamsadin Omar, Tawfic Center, spoke in support.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 50 **RES PH 16-271** Approving the application of Brian Horst, Music in Mears LLC, for a sound level variance in order to present amplified music on September 16, 23 and 30, 2016, during the Kellogg Craft Beer Overlook Event at Kellogg Park.

No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 51 **RES PH 16-274** Approving the application of West End Festivals for a sound level variance in order to present a live band and announcements at Rice Park on September 16, 17 and 18, 2016 for St. Paul Oktoberfest.

A representative of West End Festivals spoke in support.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 52 **RES PH 16-275** Approving the application of Michael Keuler, Event Coordinator for Color Vibe, for a sound level variance in order to present announcements and music on Saturday, October 15, 2016 for the Color Vibe 5K Event at Harriet Island.

Nick Kilfoil (881 W. 700N, Logan, Utah) , representing the Color Vibe 5K, spoke in support.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 53 **RES PH 16-276** Approving the application of Michael Keuler, Event Coordinator for Color Vibe, for a sound level variance in order to present announcements and music on Saturday, October 15, 2016 for the Color Vibe 5K Event on Water Street beneath the Smith Avenue Bridge for Music Station #1.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 54 **RES PH 16-277** Approving the application of Michael Keuler, Event Coordinator for Color Vibe, for a sound level variance in order to present announcements and music on Saturday, October 15, 2016 for the Color Vibe 5K Event at the corner of Water Street and Joy Avenue for Music Station #2.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 55 **RES PH 16-279** Approving the application of Catholic Schools Center of Excellence (CSCOE), All School Mass, for a sound level variance to present a Mass with worship music and amplified music playing after the Mass with use of a public address system outdoors on Thursday, September 22, 2016, with a pre-event sound check on Wednesday, September 21, 2016 at CHS Field, 360 Broadway Street.
- In opposition:
Michael Ross (308 Prince Street)*
- In support:
Diana Brasch (136 Mallard Court)*
- Councilmember Noecker moved to close the public hearing. Yeas - 7 Nays - 0*
- After consulting with the applicant, Councilmember Noecker moved to amend the resolution to no more than 90 decibels at 100 feet. She acknowledged Mr. Ross's concerns and said she would speak to him about them.*
- Adopted as amended (limit of 90 dBA 100 feet from sound source)**

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 56 **RES PH 16-280** Approving the application of Forward Events LLC for a sound level variance in order to present amplified music on Saturday, September 24, 2016 during the St. Paul Food Truck Festival at Mears Park.

No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 57 **RES PH 16-284** Approving the application of Maureen McGuire and Andrew Dull for a sound level variance in order to present outdoor ambient music with speakers on Saturday, September 10, 2016 for a wedding event at 666 Fairmount Avenue.

No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 58 **RES PH 16-269** Approving the application of Jessica McMahon for a sound level variance in order to present a live band for wedding reception music on Friday, September 23, 2016 at the East Como Pavilion, 1199 Midway Parkway.

No one was present to testify. Council President Stark moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 59 **RES PH 16-278** Approving the application of ALS Association Minnesota North Dakota South Dakota Chapter, for a sound level variance in order to present outdoor music and announcements for the Twin Cities Walk to Defeat ALS, on Saturday, September 17, 2016 at Lake Phalen Park.

No one was present to testify. Councilmember Bostrom moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

67 RLH SAO 16-28 Appeal of Thomas Rogge to Summary and Vehicle Abatement Orders at 842 CLEAR AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the Summary and Vehicle Abatement Orders, and said the primary item under discussion would be the vehicle abatement order. She displayed a photograph of the vehicle in question and said the question was whether it was a commercial vehicle. She read the definition of commercial vehicle and said the vehicle met the definition.. She recommended denying the appeal. She said the summary abatement order was a variety materials, with a deadline of August 3. She recommended the Council deny the appeal. She said photos in the file indicated there was justification for issuance of the order.

In Opposition:

Thomas Rogge (842 Clear) said the truck was used as a recreational vehicle, didn't have commercial vehicle plates, and didn't meet the definition of commercial vehicle. He said it had been there for two years, and the problem stemmed from a visit from an inspector with whom there is a bad relationship. He said the regular inspector had okayed the yard, and there had never been a Summary Abatement at his property before. He said the neighbors had no problem with the situation, and he felt this was about harassment from a problem inspector.

Councilmember Brendmoen asked whether this had to do with the recent ordinance change related to vehicles used for agriculture. Ms. Moermond said the vehicle in question was not that type. She responded to Mr. Rogge's arguments that the vehicle was not a commercial vehicle.

Mr. Rogge said he needed more time for the yard, and it wasn't visible. He reiterated that the vehicle was used as an RV and didn't meet the size and weight definitions of commercial vehicle.

Councilmember Bostrom moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Bostrom asked Ms Moermond for clarification of her recommendations. Ms. Moermond said her recommendation was to deny and grant until September 14 for compliance.

Councilmember Bostrom moved to adopt Ms. Moermond's recommendation.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

93 **RLH VBR 16-46** Appeal of Bruce Bennett to a Vacant Building Registration Requirement at 1672 THOMAS AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report. She said the property was in the Certificate of Occupancy program for a number of years and became vacant at the time the Certificate of Occupancy Inspector transferred to code enforcement, and remained vacant due to an oversight. She said significant investment was being made in the property and rehab was taking place, and the department discovered it was vacant and recommended that it go into Vacant Buildings program. She recommended that it go into Vacant Building program but that the owner be allowed owner to pull permits. She said she would recommend prorating the fee based on progress made at the time of assessment. She said there were major code violations and a large rehab, but things were happening and looking good.

In opposition:

Appellant Bruce Bennett (1290 Ford Parkway) said he'd purchased the house in October of 2013 and had been working on it on weekends as he could afford it. He said he didn't want to borrow he could use nine months to complete it to the standard he wanted to. In response to a question from Council President Stark he said the property had been vacant since October or November of 2013. He said he had no problem with the vacancy.

Councilmember Tolbert asked Mr. Bennett whether he was opposed to Ms. Moermond's recommendation. Mr. Bennett said he was trying to avoid \$2500 assessment. He said what he was asking for cost the City very little, and the project in its completed state would be a valuable piece of property for the City.

Patrick J Kelly (1318 Ford Parkway) neighbor and friend of Mr. Bennett, spoke in support of Mr. Bennett.

Council President Stark moved to close the public hearing. Yeas - 7 Nays - 0

Council President Stark said he appreciated the investment, and it sounded like it was going to be a benefit to the neighborhood when the project was done. He said he appreciated the testimony of neighbor. He said, on the other hand, the Council had to treat everyone equally, and as with all vacant buildings, staff had to stop by and make inspections.

In response to a question by Councilmember Tolbert, Ms. Moermond clarified that what was being considered was the vacant building registration and initial fee.

Council President Stark moved to adopt Ms. Moermond's recommendation.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

77 **RLH RR 16-36** Ordering the rehabilitation or razing and removal of the structures at 106 KING STREET EAST within fifteen (15) days after the September 7, 2016, City Council Public Hearing. (Amend to grant 180 days.)

Legislative Hearing Officer Marcia Moermond said the Code Compliance inspection had been completed that day, and all other requirements had been met.

Property owner Molly Morgan (225 9th Street) said she was excited about moving into King Street and the Robert Street neighborhood, and looked forward to being in the house in six months or less.

Ms. Moermond said progress was being made and she recommended granting 180 days for the rehabilitation.

Councilmember Noecker moved to close the public hearing and adopt Ms. Moermond's recommendation. She thanked the property owners for their hard work and welcomed them to the neighborhood.

Adopted as amended (180 days to remove or repair)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

78 RLH SAO 16-31

Appeal of Anthony Gulden to a Summary Abatement Order at 31 KIPLING STREET.

Legislative Hearing Officer Marcia Moermond gave a staff report on the clean-up of a backyard following a garage fire. She said the fire took place earlier in the summer and the order were issued August 15. She showed photographs of the burned-out garage and materials. She said, ostensibly, items were in the backyard for inventory for insurance purposes, but the order put a conclusion date on how long the items could remain. She recommended granting an extension to September 12 for removal of the rest of the items.

In opposition:

Appellant Tony Gulden (31 Kipling Street) said the recommendation was fine. He said he wasn't sure what he was supposed to be doing other than getting rid of things. He said he was bringing in lumber and cement block but was told he couldn't get a permit until after this meeting. He said a vehicle motor and safe were pretty much all that was there other than new stuff.

Council President Stark clarified the order, and confirmed that Mr. Gulden was fine with the recommendation. He asked Ms. Moermond whether Mr. Gulden should request an inspection if the Council adopted the resolution. Ms. Moermond said the re-inspection would take place the day after the deadline provided, and a work order would be issued if the work wasn't don. She said as to the issue of the permit, she was not sure what a person at the counter would have said, and she would withhold comment.

Councilmember Prince moved to close the public hearing and approve Ms. Moermond's recommendation.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

68 RLH RR 16-34 Ordering the razing and removal of the structures at 656 DESOTO STREET within fifteen (15) days after the September 7, 2016, City Council Public Hearing.

Councilmember Brendmoen requested a two-month layover. She said this was a raze and remove of a structure on Railroad Island, and she'd been asked by neighbors for time to work on avoiding the razing of the structure, which was built in 1884.

Legislative Hearing Officer Marcia Moermond asked that it go back to Legislative Hearing so she could receive materials. She suggested a Legislative Hearing on November 8 and continued public hearing on December 7.

No one was present to testify; Councilmember Brendmoen moved to refer the matter to Legislative Hearings on November 8 and continue the public hearing to December 7.

Referred to Legislative Hearings on November 8; Council public hearing continued to December 7

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

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.

Approval of the Consent Agenda

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

Legislative Hearing Consent Agenda adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

60 RLH TA 16-354 Ratifying the Appealed Special Tax Assessment for Property at 662 BURR STREET. (File No. J1611E, Assessment No. 168321)

Adopted

61 RLH TA 16-347 Ratifying the Appealed Special Tax Assessment for Property at 740 CAPITOL HEIGHTS. (File No. J1611E, Assessment No. 168321)

Adopted

62 RLH TA 16-344 Deleting the Appealed Special Tax Assessment for Property at 771 CASE AVENUE. (File No. J1611E, Assessment No. 168321)

Adopted

- 63 **RLH TA 16-346** Ratifying the Appealed Special Tax Assessment for Property at 154 CHARLES AVENUE. (File No. CRT1611, Assessment No. 168212)
Adopted
- 64 **RLH TA 16-345** Deleting the Appealed Special Tax Assessment for Property at 289 CHARLES AVENUE. (File No. J1611E, Assessment No. 168321)
Adopted
- 65 **RLH SAO 16-30** Appeal of Ron Richardson to a Summary Abatement Order at 964 CHARLES AVENUE.
Adopted
- 66 **RLH RR 16-33** Ordering the razing and removal of the structures at 1530 CHARLES AVENUE within fifteen (15) days after the September 7, 2016, City Council Public Hearing.
Referred to Legislative Hearings on September 13; Council public hearing continued to October 5
- 69 **RLH CO 16-30** Appeal of Mary Anne Davis to a Correction Notice at 465 EDMUND AVENUE.
Referred to Legislative Hearings on December 6
- 70 **RLH TA 16-353** Deleting the Appealed Special Tax Assessment for Property at 1640 FIFTH STREET EAST. (File No. J1611E, Assessment No. 168321)
Adopted
- 71 **RLH TA 16-368** Ratifying the Appealed Special Tax Assessment for Property at 1758 FORD PARKWAY. (File No. CRT1611, Assessment No. 168212)
Adopted
- 72 **RLH TA 16-369** Ratifying the Appealed Special Tax Assessment for Property at 1778 FORD PARKWAY. (File No. CRT1611, Assessment No. 168212)
Adopted
- 73 **RLH TA 16-338** Ratifying the Appealed Special Tax Assessment for Property at 1110 FOREST STREET. (File No. CRT1611, Assessment No. 168212)
Adopted
- 74 **RLH RR 16-35** Ordering the razing and removal of the structures at 1242 HEWITT AVENUE within fifteen (15) days after the September 7, 2016, City Council Public Hearing.
Public hearing continued to September 21

- 75 **RLH RR 16-28** Ordering the razing and removal of the structures at 129 JESSAMINE AVENUE EAST within fifteen (15) days after the August 17, 2016, City Council Public Hearing. (Amended to grant 180 days)
Adopted as amended (180 days to remove or repair)
- 76 **RLH VO 16-35** Appeal of Karl W. Jorgenson to a Condemnation and Order to Vacate at 417 JESSAMINE AVENUE EAST.
Adopted
- 79 **RLH TA 16-340** Ratifying the Appealed Special Tax Assessment for Property at 652 MAGNOLIA AVENUE EAST. (File No. J1611E, Assessment No. 168321)
Adopted
- 80 **RLH SAO 16-23** Appeal of Craig Deuth, Manager, to a Summary Abatement Order at 659 MANOMIN AVENUE.
Adopted
- 81 **RLH TA 16-390** Ratifying the Appealed Special Tax Assessment for Property at 1202 MARGARET STREET (File No. VB1613, Assessment No. 168815).
Adopted
- 82 **RLH FCO**
16-123 Appeal of Angelic Powell to a Correction Notice-Complaint Inspection at 1320 MARSHALL AVENUE.
Adopted
- 83 **RLH TA 16-348** Deleting the Appealed Special Tax Assessment for Property at 2083 MARSHALL AVENUE. (File No. J1611E, Assessment No.168321)
Adopted
- 84 **RLH FCO**
16-115 Appeal of Steven Lee to a Fire Inspection Correction Notice at 1836 MECHANIC AVENUE.
Adopted
- 85 **RLH FCO**
16-127 Appeal of Dan Olson to a Fire Inspection Correction Notice at 1931 NORTONIA AVENUE.
Adopted
- 86 **RLH TA 16-337** Deleting the Appealed Special Tax Assessment for Property at 652 OAKDALE AVENUE. (File No. CRT1611, Assessment No. 168212)
Adopted

- 87 **RLH VBR 16-51** Appeal of Jason Nyquist to a Vacant Building Registration Requirement at 1623 RANDOLPH AVENUE.
Adopted
- 88 **RLH TA 16-336** Deleting the Appealed Special Tax Assessment for Property at 373 RUTH STREET. (File No. J1610B, Assessment No. 168110)
Adopted
- 89 **RLH TA 16-343** Ratifying the Appealed Special Tax Assessment for Property at 1271 SEMINARY AVENUE. (File No. J1611E, Assessment No. 168321)
Adopted
- 90 **RLH TA 16-335** Deleting the Appealed Special Tax Assessment for Property at 197 SEVENTH STREET EAST (211 SEVENTH STREE EAST). (File No. J1610B, Assessment No. 168810)
Adopted
- 91 **RLH TA 16-342** Ratifying the Appealed Special Tax Assessment for Property at 832 SHERBURNE AVENUE. (File No. CRT1611, Assessment No. 168212)
Adopted
- 92 **RLH VO 16-34** Appeal of Hugh Wegwerth to a Fire Certificate of Occupancy Revocation and Order to Vacate at 898 SIXTH STREET EAST.
Adopted
- 94 **RLH VO 16-38** Appeal of Winston Nguyen, representing Dianna Dong Thi Bui, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 850 UNIVERSITY AVENUE WEST.
Adopted
- 95 **RLH TA 16-339** Ratifying the Appealed Special Tax Assessment for Property at 979 UNIVERSITY AVENUE WEST. (File No. CRT1611, Assessment No. 168212)
Public hearing continued to September 21
- 96 **RLH TA 16-352** Ratifying the Appealed Special Tax Assessment for Property at 2274 UNIVERSITY AVENUE WEST. (File No. CRT1611, Assessment No. 168212)
Adopted
- 97 **RLH VO 16-36** Appeal of Douglas M. Henneman to a Summary Abatement and Condemnation & Order to Vacate at 1536 VAN BUREN AVENUE.
Adopted

- 98 **RLH SAO 16-21** Appeal of Gan Mizrachi-Monti to a Summary Abatement Order at 76 WHEELLOCK PARKWAY EAST.
Adopted
- 99 **RLH VO 16-30** Appeal of Al Bernstein and Jeff Bernstein to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1225 WHITE BEAR AVENUE NORTH.
Public hearing continued to September 21
- 100 **RLH AR 16-52** Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during February 15 to March 15, 2016. (File No. CRT1611, Assessment No. 168212)
Adopted
- 101 **RLH AR 16-53** Ratifying the assessments for Collection of Vacant Building Registration Fees billed during December 15, 2015 to March 18, 2016. (File No. VB1613, Assessment No. 168815)
Adopted
- 102 **RLH AR 16-54** Ratifying the assessments for Excessive Use of Inspection/Abatement services billed during February 25 to March 30, 2016. (File No. J1611E, Assessment No. 168321)
Adopted
- 103 **RLH AR 16-55** Ratifying the assessments for Boarding and/or Securing services billed during March 2016. (File No. J1610B, Assessment No. 168110)
Adopted

ADJOURNMENT

Councilmember Bostrom moved adjournment.

Meeting adjourned at 6:31 p.m.

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

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