



City of Saint Paul

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

Minutes - Final

Katie Burger, Executive
Assistant, 651-266-8560

City Council

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

Wednesday, June 7, 2017

3:30 PM

Council Chambers - 3rd Floor

Budget Amendment Public Hearings at 3:30 p.m. Public Hearings at 5:30 p.m.

ROLL CALL

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

Councilmember Tolbert excused

Present 6 - Councilmember Dan Bostrom, City Council President Amy Brendmoen, Councilmember Dai Thao, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince
Absent 1 - Councilmember Chris Tolbert

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 17-34](#) Letter from the Department of Safety and Inspections declaring 1106 Hawthorne Avenue East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and filed
- 2 [AO 17-39](#) Establishing account codes for Neighborhood STAR Year-Round awards.
Received and filed
- 3 [AO 17-43](#) Amending the CDBG and ESG activities budgets.
Received and filed

- 4 [AO 17-44](#) Authorizing the Public Library Agency to reallocate budgeted amounts between spending accounts within the 2017 Adopted Budget to allow for a temporary increase to the library materials budget using savings from the a delay in a technology update to the Library's website.

Received and filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 5 - 25)

Item 15 was removed from the Consent Agenda for separate consideration.

Councilmember Bostrom moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 5 [RES 17-834](#) Memorializing the City Council's decision to deny an appeal of a BZA decision granting variances for the expansion of Linwood Schools, 1023 Osceola Avenue.

Adopted

- 6 [RES 17-844](#) Memorializing the City Council's decision to grant the appeal by Wayne Fischer of a decision of the Board of Zoning Appeals denying a variance needed for a 1,251 square foot detached garage in the rear yard of the property commonly known as 1560 Lincoln Avenue.

Adopted

- 7 [RES 17-843](#) Accepting a right-of-way easement at 1180 Arcade Street and authorizing payment to the property owner.

Adopted

- 8 [RES 17-499](#) Approving a change in the rate of pay for the unclassified title of Assistant Chief of Police from EG 17, Non-Represented City Managers, Grade 034, to EG 17, Non-Represented City Managers, Grade 035.

Laid over to June 14 for adoption

- 9 [RES 17-665](#) Approving establishment of the rate of pay for the new unclassified position of Deputy Chief of Police in Grade 034, of the EG 17, Non-Represented City Managers.
Laid over to June 14 for adoption
- 10 [RES 17-812](#) Approving the Memorandum of Agreement for the June 1, 2017 and January 1, 2018 Wage and Fringe Adjustment between the City of Saint Paul and the Sprinkler-Fitters Local 417.
Laid over to June 14 for adoption
- 11 [RES 17-842](#) Approving the Memorandum of Agreement for the May 1, 2017 Wage and Fringe Adjustment between the City of Saint Paul and The Bricklayers and Allied Craftworkers, Local Union 1 Minnesota/North Dakota.
Laid over to June 14 for adoption
- 12 [RES 17-864](#) Approving the Maintenance Labor Agreement (May 1, 2017 - April 30, 2020) between the City of Saint Paul and the International Association of Sheet Metal, Air, Rail, and Transportation Workers, Local 10.
Laid over to June 14 for adoption
- 13 [RES 17-858](#) Approving the Mayor's appointments of Marie Ellis, Brianne Hamm, and Brenda Kyle; and reappointment of Jim Commers to serve on the Business Review Council.
Adopted
- 14 [RES 17-865](#) Approving the Mayor's appointment of Sarah Osman to serve on the Community Health Services Advisory Committee.
Adopted
- 16 [RES 17-881](#) Authorizing the use of a Project Labor Agreement (PLA) on the construction portion of the Parque Castillo Play Area and Splash Pad project, and authorizing City officials to execute such an agreement.
Adopted
- 17 [RES 17-856](#) Approving the assignment, assumption, modification, and subordination of the City's Metropolitan Council Loan in connection with the Project for Pride in Living/Ain Dah Yung Center Project.
Adopted

- 18 [RES 17-855](#) Adopting the Central Station Block Design Guidelines as an amendment to the Downtown Station Area Plan, pending final approval by the Metropolitan Council.
Adopted
- 19 [RES 17-861](#) Authorizing the Police Department to enter into a Joint Powers Agreement with the State of Minnesota to make the records management system compatible with the National Incident-Based Reporting System.
Adopted
- 20 [RES 17-827](#) Authorizing the appropriate City personnel to enter into agreement 1025852 with Minnesota Department of Transportation (MnDOT) for the realignment of the intersection of Payne Avenue (CSAH 58) and Seventh Street (T.H. 5).
Adopted
- 21 [RES 17-831](#) Authorizing the City of Saint Paul to request funds from the FY 2019 Minnesota Department of Transportation (MnDOT) Metro Municipal Agreement Program and making a commitment for the local share of funding if grants are awarded.
Adopted
- 22 [RES 17-837](#) Approving a waiver of the 45-day notice requirement in order to upgrade a Wine On Sale and Malt On Sale (3.2) license to a Liquor On Sale - 100 Seats or less and a Liquor On Sale - Sunday license with two (2) additional conditions, to L & A Consulting & Food Service, Inc., d/b/a Ristorante Luci Ancora (License ID #0011707) at 2060 Randolph Avenue.
Adopted
- 23 [RES 17-869](#) Approving adverse action against the Sidewalk Café license held by Thai Cuisine, LLC, d/b/a Mango Thai Cuisine at 610 Selby Avenue.
Adopted
- 24 [RES 17-839](#) Approving adverse action against the Massage Practitioner license application submitted by Birhanu Astaw Desta for the premises located at 2140 Ford Parkway.
Adopted

- 25 [RES 17-838](#) Approving adverse action against the Tree Trimmer & 1 Vehicle, and Tree Trimmer-Each Additional Vehicle licenses held by Twin City Tree Service, Inc.

Adopted

FOR DISCUSSION

- 15 [RES 17-884](#) Authorizing City of Saint Paul Officials to accept a draft Energy Action Plan and sign a Memorandum of Understanding with Xcel Energy's Partners in Energy.

Anne Hunt, Mayor's Office, and John Marshall and Terri Gunderson, Xcel Energy, spoke about the City's Energy Action Plan and Xcel's Partners in Energy Program.

Council President Stark and Council members expressed their appreciation for the leadership of the Mayor's office, and the work of the team and partners.

Council President Stark moved approval of the resolution.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 26 [SR 17-42](#) Presentation by the Minnesota Recreation and Parks Association, of Awards of Excellence received by Saint Paul Parks and Recreation.

Mike Hahm, Parks and Recreation Director, spoke about recent department accomplishments, and introduced Michelle Snyder, Minnesota Recreation and Park Association. Ms. Snyder spoke about the awards. She presented the St. Paul Parks Department with a record six Awards of Excellence.

Council President Stark thanked and congratulated Parks staff.

Mr. Hahm recognized Deputy Director Kathy Korum and Paul Sawyer.

Received and filed

- 27 [RES PH 17-122](#) Denying the application submitted by Jaunae Brooks on behalf of Railroader Printing Building located at 235 East Sixth Street for an exception to the general hours of operation for pedestrian Skyway Bridge #15. (Public hearing held May 3 and May 17)

Dan Niziolek, Department of Safety and Inspections, gave a staff report and answered questions from Council members.

Councilmember Noecker said she would like to reopen the public hearing, and, since it wasn't noticed, continue it for two weeks until June 21.

Councilmember Brendmoen spoke in support and encouraged those interested in testifying, to testify in two weeks after taking time to digest the new information from the staff report. She said hearing the same thing three times in a row didn't necessarily have a different impact.

Vote to reopen public hearing: Yeas - 6 Nays - 0

Council President Stark said testimony would be limited to five minutes per side, knowing that in two weeks there would be the opportunity for up to 15 minutes per side.

In support of the applicant:

Chuck Repke, representing the applicant, distributed some information. He said there were currently six with exceptions, five of which were government buildings or had government tenants. He said the resolutions granting those exceptions stated that the buildings had security and screening, meaning that those buildings already had the security that other building owners felt they were being forced to have after 8:00 p.m. He said the irony of allowing an exception because security was being provided was not lost on the building owners. He said the only fair reason for the five exceptions was that the buildings were at the end of the skyway system, and they were asking for the same treatment. He said River Park Lofts had requested an exception nine years earlier for the same skyway bridge citing the same problems as Ms. Brooks' was experiencing, indicating that nothing had changed in those nine years. He said there were no businesses in the skyway level of their building open past 8:00 p.m., and there was nothing in anyone's skyway easements requiring them to provide access from the skyway to businesses that had street level forefronts. He said their easement didn't even show the elevator. He said there was no more or less reason for them to provide access after 6:00 p.m. than there was for City Hall and the City Hall Annex or the Metro Square or Sibley Buildings.

In opposition:

Rick Cardenas (City Walk) spoke in opposition to the waiver request. He said St. Paul tried to be an inclusive city, and an inclusive city provided access to all aspects of the city to people with disabilities. He said Barrio was beyond the skyway bridge and there was restricting access to Barrio was a violation of ADA, the Human Rights Act, and the City's own ordinance.

Nikki Villavicencio (no address given) said she also opposed it and was a frequent user of the skyway with her family, including in that area and after 8:00. She said her initial answer to the problem was that the bathrooms in the skyway were deplorable at all times, and cleaning the bathrooms might cause the problems to dissipate. She said she and her partner, who were both in wheelchairs, accessed the light rail, the bus stop, Saints games, the Children's Museum, and everywhere in the skyway.

Kari Sheldon (no address given) said she use skyway frequently to get access businesses in the area, specifically on Fifth Street, and she felt keeping the skyway open reduced barriers for people with disabilities.

Council President Stark thanked everyone and reiterated that there would be additional time for testimony in two weeks.

Councilmember Noecker moved to continue the public hearing to June 21.

Public hearing re-opened and continued to June 21

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 28** [RLH TA 16-543](#) Ratifying the Appealed Special Tax Assessment for Property at 847 HUDSON ROAD. (File No. VB1703, Assessment No. 178803; amended to File No. VB1703A, Assessment No. 178809) (Public hearing held January 4 and February 15; laid over from May 17)

Councilmember Prince said she had considered the matter and would like to move an assessment of 50% of the vacant building fee as proposed, and payable over five years. In response to a question from Council President Stark she said she was dealing with a person who had been confused by the City's process because of language and other difficulties. She said he was awaiting action on his rezoning application and the project was moving forward, and she felt it would be completed by later in the summer.

Adopted as amended (assessment reduced; payments spread over five years)

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

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.

First Reading

- 29 [Ord 17-21](#) Amending Chapter 409 of the Saint Paul Legislative Code to allow for intoxicating liquor off-sale on Sunday.

Laid over to June 14 for second reading

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

- 30 [RES PH 17-133](#) Amending the spending and financing budgets for the Public Safety Training Facility, Special Investigative Unit, and Communications Services & Maintenance Projects.

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

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 31 [RES PH 17-142](#) Accepting \$15,000 in Fair Housing Assistance Partner Partnership Funds for enhanced education and outreach from the Department of Housing and Urban Development.

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

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 32** [RES PH 17-147](#) Amending the financing and spending plans in the Office of Technology and Communications budget in the amount of \$94,000 of PEG grant revenue for completion of several audio/visual capital projects.

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

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:32 p.m.

Council President Stark welcomed everyone, and explained the procedures for public testimony.

Councilmember Tolbert excused

Present 6 - Councilmember Dan Bostrom, City Council President Amy Brendmoen, Councilmember Dai Thao, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

Absent 1 - Councilmember Chris Tolbert

- 33** [RES PH 17-150](#) Updating the Saint Paul Bicycle Plan to incorporate the recommendations of the Capital City Bikeway Network Study and Design Guide as well as the Grand Round Design and Implementation Plan. (Public hearing continued from June 7)

Reuben Collins, Public Works, gave a staff report on the Bicycle Plan update. He clarified that the Grand Round and Capital City Bikeway Planning documents were not being adopted as part of the resolution, and the recommendation of the legal department was to continue the public hearing to allow time to clarify some of the language in the Bike Plan. He said the changes being considered had to do with the Capital City Bikeway, the Grand Round, and a couple of housekeeping issues.

Council President Stark clarified that the intention was to continue the public hearing for two weeks to June 21 to clarify some of the issues around what was actually being adopted as part of a plan from a technical perspective. He said there may be some changes at the continuation of the public hearing.

In support:

Amy Schwarz (2031 Itasca Avenue)

Eric Saathoff (691 Wells Street)

Roberta Avidor (214 E. Fourth Street)

Ethan Osten (1288 Marion Street)

Matt Decuir (2410 University Avenue W.)

Councilmember Prince moved to continue the public hearing to June 21.

Councilmember Noecker thanked those who came to speak and those who sent emails. She said it was duly noted that the City needed to follow through on the promises in the plan and also on the funding.

Public hearing continued to June 21

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 34** [RES PH 17-144](#) Approving installation of bicycle facilities along Pelham Boulevard, Myrtle Avenue, and Raymond Avenue, and making a portion of Myrtle Avenue a one-way street.

Reuben Collins, Public Works, gave a staff report and answered questions from Council President Stark about parking issues at the southern end of Pelham.

In opposition:

David Tierney (264 Pelham)

Teri Olsen (542 Pelham)

Rebecca Goetz (2324 University Avenue W.)

Jerome Goetz (295 Pelham)

In support:

Matt Decuir (2410 University)

Drew Ross (2434 Beverly Road)

Amy Schwarz (2031 Itasca Avenue)

Gena Berglund (1516 Lincoln Avenue)

Sarah McGee (820 Emerald Street)

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

Council President Stark thanked everyone for coming done. He said the plan wasn't perfect but would be an improvement, and changes could be made if there were problems. He moved approval of the resolution. He reiterated that if changes needed to be made he would be the first to say they had to get done.

Councilmember Prince and Council President Stark made additional comments.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 35** [RES PH 17-130](#) Approving the petition of the Saint Paul Public Schools to vacate a portion of Morton Street west of Livingston Avenue.

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

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 36** [RES PH 17-141](#) Approving the application of Tawfiq Islamic Center for a sound level variance for the Eid-al-Fitr Muslim Festival on Saturday, June 24 or Sunday, June 25, 2017 at the Oxford Community Center Football Field, 270 Lexington Parkway North.
- A representative of the Tawfic Islamic Center spoke in support.*
- No one was present to testify in opposition. Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
-
- 37** [RES PH 17-145](#) Approving the application of Toua Xiong, Hmong Town Marketplace, for a sound level variance in order to present amplified music during the Hmong Town Festival at 217 Como Avenue, on Como Avenue between Marion Street and Galtier Street, and at Sheffer Park.
- Toua Xiong described the event.*
- No one was present to testify in opposition. Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
-
- 38** [RES PH 17-137](#) Approving the application of Brian Horst, B Horst Productions, for a sound level variance in order to present amplified music for the Music in Mears concert series on twelve Thursdays from June 8 through August 24, 2017 in Mears Park.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0

Absent: 1 - Councilmember Tolbert

- 39** [RES PH 17-138](#) Approving the application of Brian Horst, B Horst Productions, for a sound level variance in order to present amplified music for the Rhythm in Rice concert series on twelve Fridays from June 9 through August 25, 2017 in Rice Park.

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

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 40** [RES PH 17-139](#) Approving the application of Brian Horst, B Horst Productions, for a sound level variance in order to present amplified music every Tuesday through Friday from Tuesday, June 13 through Tuesday, October 31, 2017, except Tuesday, July 4 through Friday, July 7, 2017, during the Kellogg Craft Beer Overlook Event at Kellogg Mall Park.

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

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 41** [RES PH 17-143](#) Approving the application of Minnesota Bicycle Festivals Inc. for a sound level variance in order to present amplified music and announcements at 788 Grand Avenue for the North Star Bike Festival on Wednesday, June 14, 2017 from 4:30 p.m. to 9:30 p.m.

Councilmember Noecker thanked the applicant and welcomed them to Grand Avenue. She moved an amendment to reduce the decibel limit, in response to concerns expressed by the Summit Hill Association, and asked for clarification of the ending time of the event. A representative from the event clarified.

A vote was taken on the amendment following addition discussion among the Council members. Yeas - 6 Nays - 0

Representatives of the event made additional comments.

Council members Noecker and Brendmoen spoke in support of the event.

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

Adopted as amended (65 dBA limit)

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 42** [RES PH 17-146](#) Reciting a proposal for a Housing Finance Program for a Multi-family Rental Housing Development; giving preliminary approval to the Project and the program pursuant to Minnesota Statutes, Chapter 462C; authorizing the City's Housing and Redevelopment Authority to issue Conduit Multifamily Housing Revenue Bonds; and authorizing the preparation of necessary documents and materials in connection with said project and program, 787 Hampden Avenue (Union Flats Apartments Project District 12, Ward 4).

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

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 43** [RES PH 17-106](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Properties during January to March 2017. (File No. 1703LDSRP, Assessment No. 174002)

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

Adopted

Yea: 5 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Tolbert and Councilmember Noecker

- 44** [RES PH 17-107](#) Ratifying the assessments for Repair of Sanitary Sewer Line on Private Properties during January to March 2017. (File No. SWRP1703, Assessment No. 173002)

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

Adopted

Yea: 5 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Tolbert and Councilmember Noecker

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 49** [RLH SAO 17-34](#) Making finding on the appealed nuisance abatement ordered for 1400 BRADLEY STREET in Council File RLH SAO 17-19.

Legislative Hearing Officer Marcia Moermond said the appellant had been given an extension to May 19, and as of today the property had not been completely cleaned up. She recommended that the Council find the nuisance had not been abated and authorize the Department of Safety and Inspections to conduct an abatement. She said the owner was no longer present.

No one was present to testify. Councilmember Brendmoen moved to close the public hearing and adopt Ms. Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

54 [RLH VO 17-12](#)

Appeal of Cornelia Turner to a Condemnation and Order to Vacate at 1241 CLARENCE STREET.

Legislative Hearing Officer Marcia Moermond said this was an owner occupied townhome which was condemned due to the electric being locked off, and broken doors and windows. She said it was brought to the attention of code enforcement by neighbors and police. She said the owner of the property had moved out, and her sons continued to live there. She said the conditions at that time had merited condemnation but she couldn't speak to the current conditions. She recommended denying the appeal, and the implications of the denial would be that the property would be referred to the vacant buildings program, and as an owner-occupied property it would require a code compliance report. She said those particular townhomes had to be owner-occupied. She said the owner didn't have to funds to make the repairs and wanted to sell the property and avoid the vacant building program if possible.

Johnny Burgin (1241 Clarence) said he was the new owner and was prepared to have the electric and utilities turned on., and was a general contractor. He said people had been climbing up the balcony to climb into the unit and that was the concern leading to the City wanting to make it a vacant building. He said those people were no longer there, and he was in charge of overseeing the property, and he intended to bring it up to code compliance.

Following further discussion among the Council members and Ms. Moermond, Councilmember Bostrom moved to close the public hearing and adopt Ms. Moermond's recommendation. He said the matter could be reconsidered if additional information came forward.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

55 [RLH FCO 17-67](#) Appeal of Tim Maple to a Fire Certificate of Occupancy Correction Notice at 571 COMO AVENUE.

Legislative Hearing Officer said the owner's biggest concern was that he was in the Fire Certificate of Occupancy program. She said the owner's daughter lived in the house, but the situation was not one she felt warranted a waiver being granted. She said she had no problem recommending the extension to January 1, 2018 that had been requested for making corrections, and waiving the requirement for landlord education class as long as the current tenancy continued. She said there was a deadline in the resolution for addressing corrections to an unvented third floor bathroom. In response to a question from Councilmember Thao, she reviewed her recommendations. In response to a question from Councilmember Brendmoen she clarified the difference between homesteaded and Certificate of Occupancy properties.

Tim Maple (1130 Idaho Avenue) said there needed to be a distinction between a non-owner-occupied home and a non-owner occupied rental property. He said he was willing to make the corrections but didn't think it was fair to be charged a Certificate of Occupancy fee and for inspections. He said he would like to appeal the reinspection date of June 13, and felt there should only be one reinspection after the December 31 inspection.

Following additional discussion among Council members about the ordinance and need to apply it consistently, Councilmember Thao moved to close the public hearing and adopt Ms. Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

63 [RLH RR 17-21](#) Granting a stay of enforcement for 180 days of City Council File RLH RR 16-36 ordering the rehabilitation or razing and the removal of the structures at 106 KING STREET EAST within 180 days after the September 7, 2016 City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond said the rehabilitation did not occur within the 180 days granted, and a legislative hearing was held to assess the situation. She said the work was more than 50% done and new financial evidence and an updated work plan had been submitted. She recommended continuing the performance bond and not requiring another, and granting an additional 180 days.

Property owners Lauron and Molly Morgan provided a status report.

Councilmember Noecker thanked them for persisting, and said she looked forward to welcoming them to the neighborhood. She moved to close the public hearing and adopt Ms. Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen,
Councilmember Thao, Councilmember Stark, Councilmember Noecker and
Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

69 [RLH VO 17-13](#)

Appeal of William and Wendy Jansen to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 677 THOMAS AVENUE (610 SAINT ALBANS STREET NORTH).

Legislative Hearing Officer Marcia Moermond said it was an awkward and complicated case. She said the property had been before the Council a number of times over the years. She said there were two houses on the parcel, and this case involved the house on Thomas Avenue. She said the parcel went tax forfeit to the State of Minnesota and there was a default on the confession of judgment. She said on the same day as the May 23 Legislative Hearing, the county gave the owners 90 days to sell. She said the owners were in the position of having to do a short sale, and the house was extremely dilapidated. She said the owners needed the money from the sale of the house to find another place to live, but the house wouldn't sell if people were living in it. She said given the distress of the property and lack of probability that something was going to happen, she did not feel the quality of mercy was in letting the owners continue to reside there, and her recommendation was to deny the appeal. She said a complicating factor was that there was a tenant who lived in an upstairs and not paying rent during the time it was in possession of the State. She said the funds, which could have been accrued and used towards repairs, weren't collected by the County, and the owners were told that they couldn't collect the funds. She said the housing conditions were more than sufficient to justify the order to vacate.

Councilmember Thao asked what would be required to remove the tenant. Ms. Moermond said it would require filing an unlawful detainer which would involve some time and some expense for the owners.

In opposition:

Property owner Wendy Jansen said the family had owned the house since 1970, and there had been one complaint or another since they'd owned it. She said she and her husband are very quiet and felt this was unfair. She said there were exterior things that needed to be done but all of these things were not done at the same time, and there was only a little bit of work left to do. She said her mother passed away in February which set her back, and she asked for more time to be able to do more improvements and be able to have people in and show the house. She said she wished they could stay but one of the conditions of resale was that they would have to leave within 90 days. She said both of William's (her husband) parents had passed in that house, and they had cared for them both, and their spirits were there. She said she didn't think they should be kicked out. She displayed photographs.

Daniel Jansen, son, described some of the circumstances leading to the current conditions and said he and his brother and sister were trying to get a loan and purchase the house. He said if they could get a more time to stay it would be best since they didn't have the money to go anywhere else.

Councilmember Thao asked how much time they needed. Ms. Jansen said they had the 90 days to sell, and would like more time within that period. She suggested August, and said the current vacate date of July 1 would be very hard for them to do. She said these things were all exterior and not serious, and she didn't think they should be kicked out.

Councilmember Thao said Ms. Jansen seemed like an honest person, and he asked whether the middle of July would work. Ms. Jansen said they were hoping for August. Councilmember Thao said it would be August 1. Mr. Daniel Jansen said they should

be able to get the upstairs tenant out during that time. Ms. Jansen said they could get more improvements done. She said they would like to be able to keep the house in the family.

Councilmember Thao moved to amend the resolution to extend the vacate date to August 1.

Councilmember Brendmoen asked what the Ramsey County date was. Ms. Moermond said 90 days from May 23 was August 23, so essentially it would be empty for three weeks.

Council President Stark asked Ms. Moermond whether the current conditions presented life safety concerns for the occupants. Ms. Moermond said this was an owner occupied property and there hadn't been access to the interior. She said there were significant defects in walls, roof, and foundation, and she was very concerned about water infiltration and foundation stability. She said she couldn't speak to interior safety.

Councilmember Bostrom asked what assurance there was that the tenant would be out in time for the property to be sold. Ms. Moermond said the order to vacate applied to everyone regardless of the deadline, and she had every reason to believe this would go into the vacant building program.

Mr. Daniel Jansen asked if it would it help if he and his brother helped with the unlawful detainer. Ms. Moermond said whether or not there was a tenant didn't affect the Council's action. Mr. Daniel Jansen said having the tenant out would allow them access to get more work done. Ms. Jansen said it would be difficult for everyone to move out at the same time.

Councilmember Thao conformed with Ms. Jansen that they were still living at the property. He said he would trusted that it was livable and they would continue to do the work, and would vacate on August 1. He said with the passing of Ms. Jansen's mother it would be hard if the Council put more burden on, but there was a clear goal and objective by August 1.

Council President Stark said it was a complicated case and he didn't have a clear answer as to how to do anything differently. He called for a vote on Councilmember Thao's motion to amend the resolution to extend the vacate deadline to August 1.

Adopted as amended (extension granted to August 1)

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda (Items 45 - 75)

No one was present to testify. Councilmember Brendmoen moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 45** [RLH SAO 17-38](#) Making finding on the appealed nuisance abatement ordered for 1469 ALBANY AVENUE in Council File RLH SAO 17-27.
Adopted
- 46** [RLH TA 17-157](#) Ratifying the Appealed Special Tax Assessment for Property at 1611 ARLINGTON AVENUE EAST. (File No. CRT1708, Assessment No. 178207)
Adopted
- 47** [RLH VBR 17-34](#) Appeal of Bruce Hoffmann, BMK Management LLC, to a Vacant Building Registration Fee at 45 ATWATER STREET.
Adopted
- 48** [RLH TA 17-161](#) Deleting the Appealed Special Tax Assessment for Property at 706 BLAIR AVENUE. (File No. CRT1708, Assessment No. 178207)
Adopted
- 50** [RLH VBR 17-38](#) Appeal of Christopher Eggers to a Vacant Building Registration Notice and a Fire Certificate of Occupancy Revocation and Order to Vacate at 939 BURR STREET.
Adopted
- 51** [RLH SAO 17-50](#) Appeal of John Lor to a Vehicle Abatement Order at 746 CASE AVENUE.
Adopted
- 52** [RLH SAO 17-32](#) Appeal of Sherold Mustin to a Summary Abatement Order at 1027 CASE AVENUE.
Adopted

- 53 [RLH TA 17-148](#) Deleting the Appealed Special Tax Assessment for Property at 1111 CASE AVENUE. (File No. J1707P, Assessment No. 178406)
Adopted
- 56 [RLH FCO 17-46](#) Appeal of Jeff Guertin to a Fire Certificate of Occupancy Correction Notice at 826 COMO AVENUE.
Adopted
- 57 [RLH VBR 17-35](#) Appeal of Yan Yun Zhou to a Vacant Building Registration Notice at 1188 EARL STREET.
Adopted
- 58 [RLH SAO 17-40](#) Making finding on the appealed nuisance abatement ordered for 824 FREMONT AVENUE in Council File RLH SAO 17-14.
Adopted
- 59 [RLH VBR 17-37](#) Appeal of Mark Cemensky to a Vacant Building Notice at 977 FULLER AVENUE.
Adopted
- 60 [RLH VBR 17-31](#) Appeal of Dan Veesenmeyer to a Vacant Building Registration Notice and Summary Abatement Order at 171 GRANITE STREET.
Adopted
- 61 [RLH TA 17-152](#) Ratifying the Appealed Special Tax Assessment for Property at 366 JENKS AVENUE. (File No. CRT1708, Assessment No. 178207)
Adopted
- 62 [RLH TA 17-234](#) Amending Council File No. RLH AR 17-27 to delete the assessment for Boarding and/or Securing services during November 2016 at 50 KELLOGG BOULEVARD WEST. (File No. J1706B, Assessment No. 178105)
Adopted
- 64 [RLH VBR 17-21](#) Appeal of Paul Belmonte to a Vacant Building Registration Renewal Notice at 632 LEXINGTON PARKWAY NORTH.
Adopted
- 65 [RLH SAO 17-52](#) Making finding on the appealed nuisance abatement ordered for 2157 LINCOLN AVENUE in Council File RLH SAO 17-12. (Legislative Hearing on June 6, 2017)
Adopted as amended (nuisance condition abated)

- 66 [RLH AR 17-34](#) Ratifying the assessments for Demolition service during December 2016 at 575 McKnight Road South. (File No. J1703C, Assessment No. 172002)
Adopted
- 67 [RLH FCO 17-51](#) Appeal of Angie Mulvaney, Fiduciary Foundation LLC, on behalf of Wallace W. Ginkel Trust, to a Provisional Fire Certificate of Occupancy Renewal Invoice at 1415 MECHANIC AVENUE.
Adopted
- 68 [RLH VBR 17-33](#) Appeal of Paul Karas to a Vacant Building Registration Fee Warning Letter at 1064 SHERBURNE AVENUE.
Adopted
- 70 [RLH VO 17-14](#) Appeal of Vanessa Jenkins to a Correction Notice - Complaint Inspection at 345 WABASHA STREET NORTH, APT 709.
Adopted
- 71 [RLH TA 17-166](#) Deleting the Appealed Special Tax Assessment for Property at 1041 WESTERN AVENUE NORTH. (File No. CRT1708, Assessment No. 178207)
Adopted
- 72 [RLH CO 17-13](#) Appeal of Patricia K. Scholtes to a Correction Order at 660 WHEELLOCK PARKWAY EAST.
Adopted
- 73 [RLH AR 17-33](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during November 7 to December 20, 2016. (File No. CRT1708, Assessment No. 178207)
Adopted
- 74 [RLH AR 17-35](#) Ratifying the assessments for Demolition services from October to November 2016. (File No. J1704C, Assessment No. 172003)
Adopted
- 75 [RLH AR 17-36](#) Ratifying the assessments for Graffiti Removal services January 17 to February 3, 2017. (File No. J1707P, Assessment No. 178406)
Adopted

ADJOURNMENT

Councilmember Prince moved adjournment.

Meeting adjourned at 7:37 p.m.

Yea: 6 - Councilmember Bostrom, City Council President Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

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