



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

Minutes - Final

City Council

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

Wednesday, April 15, 2015

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 5:30 p.m.

Council Voting

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

ROLL CALL

The meeting was called to order by Council President Stark at 3:32 p.m.

Councilmember Thune excused

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark

Absent 1 - Councilmember Dave Thune

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 15-38](#) Establishing three new Neighborhood STAR Year-Round Program projects and completing an accounting adjustment to one 2014 Neighborhood STAR Program award.

Received and Filed

- 2 [AO 15-39](#) Authorizing the Department of Parks and Recreation to reallocate a total of \$190,395 within its various accounting units in the 2015 adopted budget, thereby adjusting the budget to most accurately reflect the projected actual spending in each accounting unit, while also providing the appropriate levels of spending authority.

Received and Filed

- 3 [AO 15-40](#) Authorizing the Department of Emergency Management to pay for all costs incurred to host a Surveillance Detection Training class March 17-19, 2015.
Received and Filed
- 4 [AO 15-42](#) Amending the 2015 spending budget in the Public Works Administration Fund, PW Office Administration accounting unit, to reflect hiring of a Right Track Intern to assist with various projects part time for 8 weeks.
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 - 17)

*Item 17 was removed from the Consent Agenda for separate consideration.
Councilmember Brendmoen moved approval of the Consent Agenda as amended.*

Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 5 [RES 15-673](#) Approving the acceptance of the donation of facility expenses as well as volunteer artist talent by local artists, for Mayor Chris Coleman's State of the City Address.
Adopted
- 6 [Min 15-26](#) Approving the minutes of the March 18 and 25, 2015 City Council meetings.
Adopted
- 7 [RES 15-589](#) Preliminary Order setting a date of City Council Public Hearing for May 6, 2015, regarding public improvements on streets in the 2015 Saint Paul Street Vitality Project (2015 SPSVP).
Adopted

- 8 [RES 15-597](#) Preliminary Order setting the date of City Council Public Hearing for May 6, 2015 to consider approval of a street paving and lighting improvement along Raymond Avenue from Hampden Avenue to Energy Park Drive. (File No. 19171, Assessment No. 155201)
- Adopted**
- 9 [RES 15-599](#) Approving assessment costs and setting date of City Council Public Hearing for May 6, 2015 to ratify the assessments for water service connections completed during the Raymond Avenue streetscape project. (File No. 19097WC2, Assessment No. 156102)
- Adopted**
- 10 [RES 15-665](#) Approving the expenditure of program dollars on housing expenses for Ariel Sehr, the VISTA Leader of Saint Paul's VISTA Program, in an amount not to exceed \$2,250.
- Adopted**
- 11 [RES 15-606](#) Approving the May 1, 2015 Wage and Fringe Adjustment between the City of Saint Paul and The Bricklayers and Allied Craftworkers, Local Union 1 Minnesota/North Dakota.
- Adopted**
- 12 [RES 15-581](#) Authorizing the Department of Parks and Recreation to accept an in-kind donation valued at \$450 to perform a single foliage treatment on specific trees in the Japanese Garden located at the Como Park Zoo and Conservatory.
- Adopted**
- 13 [RES 15-571](#) Authorizing the Department of Parks and Recreation to enter into a joint powers agreement with the State, including an indemnification clause, to accept fishing pier components for Lake Phalen.
- Adopted**
- 14 [RES 15-650](#) Authorizing the Police Department to enter into an agreement with ISD #625 for the School Patrol program.
- Adopted**
- 15 [RES 15-625](#) Authorizing the City to enter into MnDOT Agreement No.1000022 with State of Minnesota, Department of Transportation, to provide for payment by the State to the City, for City-provided construction services on Snelling Avenue (TH 51) between Selby and Pierce Butler Route.
- Adopted**

- 16 [RES 15-667](#) Approving adverse action against the Auto Body Repair/Painting Shop license held by Safe Auto Body Shop at 931 Atlantic Street.

Adopted

FOR DISCUSSION

- 17 [RES 15-651](#) Accepting the gift of the costs of conference registration fees from the State & Local Government representative, Randy White, from Microsoft for CIO Tarek Tomes to attend the Microsoft Ignite conference to be held in Chicago, Illinois, May 4 - 8, 2015.

Councilmember Stark amended the resolution to include Jeff Nyberg as an additional recipient for the travel donation. He moved approval of the resolution as amended.

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 18 [RES 15-664](#) Proclaiming Wednesday, April 15, 2015 to be Billy Collins Day in the City of Saint Paul.

Councilmember Thao invited Billy Collins to the podium. He acknowledged Mr. Collins' leadership in St. Paul, and read the resolution. Mr. Collins made brief comments. Councilmember Thao moved approval of the resolution.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

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

- 19 [Ord 15-19](#) Amending Chapter 65 of the Saint Paul Legislative Code pertaining to cellular telephone antennas.

Laid over to April 22 for second reading

- 20 [Ord 15-20](#) Amending Legislative Code §66.331 (density/dimensional standards for TN districts); §66.531 (density/dimensional standards for industrial districts); and, §60.303 (rezoning specific property) for consistency with the West Side Flats Master Plan and Development Guidelines.
Laid over to April 22 for second reading
- 21 [Ord 15-21](#) Amending Chapter 105 of the Saint Paul Legislative Code, Care and Maintenance of Boulevards, to add definitions and other requirements in order to create boulevard rain gardens and manage storm water runoff from streets and surfaces.
Laid over to April 22 for second reading
- 22 [Ord 15-22](#) Amending Chapter 116.05 of the Saint Paul Legislative Code pertaining to Boulevard Rain Gardens.
Laid over to April 22 for second reading

Councilmember Bostrom asked that staff and the administration provide a status update on the billboard on the roof of the Eastern District Patrol Office, specifically related to the antennas attached, and whether they would need to be relocated and the cost to do so. Councilmember Finney said he shared the concern, and asked whether removal of the antennas would have implications for police services.

Council members shared information about upcoming events in their wards.

The Council recessed at 3:49 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:30 p.m.

Present 6 - Councilmember Dan Bostrom, Councilmember Dai Thao, Councilmember Dave Thune, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark

Absent 1 - Councilmember Amy Brendmoen

Councilmember Brendmoen joined the meeting during the public hearing for Item 23.

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

23 [Ord 15-12](#)

Amending Chapter 324 of the Saint Paul Legislative Code pertaining to licensing the sale of tobacco at retail, adding a penalty for revocation of license at a location.

Dan Niziolek, Department of Safety and Inspections (DSI), gave a staff report on the ordinance amendment. He said the language was crafted to apply to a limited number of properties, specifically inappropriately managed convenience stores selling tobacco products. He said inappropriately managed convenience stores negatively impacted livability in the neighborhood and were a drain on City resources, and existing regulatory tools had not always been able to address behaviors in a long term manner. He said the ordinance amendment aimed to provide long term regulatory tools without resulting in unintended consequences. He said the ordinance would work by prohibiting the issuance of a tobacco license in a location for five years after a license revocation at the location. He said to prevent the unintended consequence of needlessly creating vacant storefronts, the ordinance set forth conditioners under which a license could be issued sooner than five years after a revocation. He said the ordinance included language requiring an applicant to have held a tobacco license for five years, and DSI was recommending that that requirement be reduced to two years. He said property owners were notified whenever there was an adverse action involving their property, so property owners had the opportunity to address problems before the City got to the point of a revocation.

Councilmember Bostrom asked whether the operator of a business with a revoked license could operate elsewhere, and whether there was a specific time restriction before an operator could be relicensed. Mr. Niziolek said relicensing of an operator was regulated elsewhere in the code, and there was no set time limit on restricting relicensing of the person. Councilmember Bostrom suggested that that be added. He said it made sense for the business operator to have the same consequences as the property owner.

In support:

Jon Kerr (270 West Page Street), former small business owner and director of Greening the Avenue, read a statement in support. He said they'd been successful working with several small businesses along Stryker Avenue, and knew that a single negative operator could affect an entire area.

Daisy Haung, property owner at 712 University Avenue, spoke about the negative effect St. Paul Grocery had on her other tenants. She asked that the Council find a way not to place a burden or restriction on the property owner.

Traielle Godfrey (1514 Maryland Avenue) member of Vision in Living Life "Change is Possible" said he lived down the street from one of the stores most plagued by criminal and gang activity in the city, and he was concerned about the safety of his family and neighborhood. He said he believed in making his community healthier and safer which meant being drug, alcohol and crime free. He said he felt this ordinance would help make his neighborhood safer.

Damone Presley (1075 Selby Avenue), Director of Vision in Living Life "Change is Possible", spoke in support of the ordinance and expressed concerns about the effects of poorly run businesses on the safety and health of communities.

Duffy Pearce (683 Dodd Road) expressed support for the ordinance and encouraged the City to more aggressively enforce existing codes and laws.

Vaughn Larry (519 Central Avenue West), Crime Prevention Coordinator for Aurora

St. Anthony Development Corporation, spoke about quality of life issues related to activities at two stores in the area. He thanked the Council for the ordinance, and said it would go a long ways toward helping them have a safe and prosperous community.

Anna Botz (143 West Baker Street) asked for the Council's support and said this was an important moment for the future of their neighborhood.

Noel Nix (425 Dayton Avenue) said the ordinance was a tool that would allow a good, positive things to take root where negative activities were bringing neighborhoods down. He encouraged the Council's support.

Councilmember Thune moved to close the public hearing. 7-0

Councilmember Bostrom said he had asked Deputy City Attorney Jerry Hendrickson to look at some proposed language which would help take care of the operators as well as the buildings. Mr. Hendrickson reviewed his suggested language.

Councilmember Tolbert asked whether that would revoke all of an operator's licenses throughout the City. Mr. Hendrickson said the language he was suggesting referred only to tobacco licenses and at the location of the adverse action. Councilmember Tolbert asked whether the City would have the authority to get rid of all of an operator's tobacco licenses. Mr. Hendrickson said if it was the will of the Council he could do some additional research, there would be a constitutional problem when there was no connection between the license and the adverse action being taken against it.

Councilmember Thune said an amendment would require another public hearing, and he would like to proceed forward with this. He reiterated Mr. Niziolec's point that this was already regulated elsewhere in code, and said an additional ordinance could be drafted later if needed.

Council President Stark said he supported holding off on making additional substantial changes.

Public hearing held and closed; laid over to April 22 for final adoption

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

Nay: 0

Councilmember Thune was excused from the meeting.

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark

Absent 1 - Councilmember Dave Thune

- 24** [Ord 15-13](#) Repealing Legislative Code Chap. 67, Art. III, pertaining to the Shepard Davern Commercial and Residential Redevelopment Overlay District as recommended in the Shepard Davern Area Zoning Study adopted on January 28, 2015.

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

Public hearing held and closed; laid over to April 22 for final adoption

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 25** [Ord 15-17](#) Amending Section 409.30 - Districts; Pertaining to Block Party Rules Within the Downtown Development District.

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

Public hearing held and closed; laid over to April 22 for final adoption

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 26** [Ord 15-18](#) Amending Chapter 31.09 of the Saint Paul Legislative Code pertaining to electronic reallocation of votes.

Joe Mansky, Ramsey County Elections Manager, gave a brief report on the changes.

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

Public hearing held and closed; laid over to April 22 for final adoption

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

27 [ABZA 15-3](#)

Public hearing to consider the appeal of Cheryl Fogarty and neighborhood residents to a decision of the Board of Zoning Appeals (BZA) approving a variance in order to legalize an existing single-family student dwelling at 2146 Grand Avenue.

Yaya Diatta, Department of Safety and Inspections, gave a staff report on the application and appeal.

Council President Stark asked for clarification of the Board of Zoning Appeal's (BZA) reason for approving the variance request. Mr. Diatta said the property owner stated he was not notified of the student housing ordinance, but he noted that the applicant was on the list of those notified. He said the applicant stated the home had been used for student housing for ten years and had the records to prove it, but no documentation had been provided. He said board found that if the applicant had been renting to students for ten years, there had been no change and no rationale to deny the variance.

Appellant:

Cheryl Fogarty (2166 Lincoln) said they were appealing the BZA decision in order to protect the integrity of the student housing neighborhood impact overlay ordinance from this and future similar variance requests. She said 40 households, the two district councils, and the West Summit Neighborhood Advisory Council (WSNAC) had joined and funded the appeal. She said they were concerned about precedent and alarmed by the undermining of the City's own ordinance meant to stabilize the neighborhood. She said the ordinance was working and had helped stabilize the neighborhood, particularly south of campus.

Cathy Plessner (2038 Summit) said she had earned that privilege to be a student landlord by going through the process, and that process had made the neighborhood stronger. She questioned the property owner's ignorance of the student rental ordinance, and asked the Council to uphold the law and treat student rental as a privilege that demanded responsibility.

Rachel Westermeyer (1935 Summit Avenue), representing the Summit Avenue Residential Preservation Association on the WSNAC board, said she had been a landlady for over 50 years. She said Mr. Gudim had failed to meet the requirements set out in the ordinance, and was asking to be excused from the requirements that 240 other property owners successfully followed. She said 40 neighborhood residents and two district councils were asking for the Council to overturn the BZA's erroneous decision. She said Mr. Gudim did not meet five of the six criteria for granting a variance; she reviewed the criteria. She asked for the Council's continuing support of the student housing overlay ordinance.

Applicant:

Karen Gudim (1025 Selby Avenue) said Mr. Gudim had not received that letter. She said they were working with St. Thomas to get the documentation of the history of student rental at the property. She said they had definitely been renting to St. Thomas students for ten years and didn't get the letter to be grandfathered in. She said the letter went to a different address and was never sent back.

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

Council President Stark said after reading the material in the record and hearing the testimony, he was surprised at the BZA's decision, given that the staff report read that five of the six criteria for a variance were not met. He said on that basis he

believed the BZA erred in going against the staff recommendation. He said the City and community partners had gone out of their way to make sure notice was given to property owners after the ordinance was passed, and that argument didn't hold up as a primary reason for granting the variance. He moved to grant the appeal based on the BZA's decision to go against a very strong staff report.

Motion of Intent - Appeal granted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

28 [PH 15-4](#)

Public hearing to consider the application of Mississippi Market LLC to rezone property at 740 Seventh Street East from T2 Traditional Neighborhood to RT1 Two-Family Residential.

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

Motion of Intent - Application granted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

29 [RES PH 15-77](#)

Ratifying the assessment for reconstruction of the boulevard concrete, curbing, and trench drains along the Sims Avenue side of 931 Arcade Street. (Project No. S1509, Assessment No. 155309)

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

30 [RES PH 15-78](#)

Ratifying the assessment for reconstruction of the boulevard sidewalk in front of 1067 Hudson Road. (Project No. S1508, Assessment No. 155308)

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 31** [RES PH 15-79](#) Ratifying the assessment for reconstruction of two additional sidewalk panels in front of 96 Mounds Boulevard. (Project No. S1510, Assessment No. 155310)

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 32** [RES PH 15-83](#) Final Order approving the upgrade in size to water service connection serving 1041 Selby Avenue. (File No. 19182, Assessment No. 156100)

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 33** [RES PH 15-86](#) Amending the financing and spending plans in the Fire Department in the amount of \$5,000 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for conferences/seminar/symposium training for firefighters.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 34** [RES PH 15-85](#) Authorizing the Department of Parks and Recreation to accept a grant of \$120,000 from the Saint Paul Foundation-Central Corridor Funders Collaborative-Grants Catalyst Fund to fund a two year, part-time, Green Line Parks and Privately Owned Public Space (POPS) Planner position, and to amend the finance and spending plan in the amount of \$120,000 in the Department of Parks and Recreation to reflect the Saint Paul Foundation POPS grant.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 35** [RES PH 15-88](#) Granting an interim use permit to District 6 Planning Council for a farmers market on HRA property at 168 Front Avenue.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 36** [RES PH 15-91](#) Authorizing the Police Department to amend the total grant budget for the Ramsey County sub-grant contract 2014 Toward Zero Death Enforcement Program.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 37 [RES PH 15-93](#) Authorizing the Police Department to accept a donation from the City of Maplewood for noise mitigation at the outdoor range and to amend the 2015 budget for this donation.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

SUSPENSION ITEM

Councilmember Brendmoen moved suspension of the rules.

Rules suspended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- [RES PH 15-97](#) Approving the application of USA Triathlon for a sound level variance in order to provide amplified music and the use of a sound system for announcements from 6:00 a.m. until 3:00 p.m. on Saturday, June 6, 2015, during the Duathlon National Championships Event at Harriet Island.

In support:

Kris Swarhout (5779 Elliot Avenue S., Minneapolis), representing the organizers, described the variance request.

Public hearing continued to May 6

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

53 [RLH TA 15-189](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1504B, Assessment No. 158815 at 693 DESOTO STREET. (Public hearing held April 15)

Legislative Hearing Officer Marcia Moermond gave a staff report on the vacant building fee for October 2014 through 2015. She said the owner acquired the property in March and was not aware of the assessment, which had been pending since November and should have been caught by the people doing the closing. She recommended approving the assessment since it was more than six months into the billing year.

Councilmember Brendmoen asked for clarification of the circumstances leading to the buyer being unaware of the assessment. Ms. Moermond said generally the brokers and closers checked for pending assessments and alerted the purchaser, and it was incumbent on the seller to disclose pending assessments. She said in this case it appeared there was no notice, however, the City was performing the work of monitoring the building, and the buyer had recourse by talking to the seller.

In opposition:

Rex Hale (693 Desoto Street) said he had purchased the property on March 20 with the intention of rehabbing and bringing it up to code for occupancy, and he was actively working on it and had open permits. He said he was requesting a waiver of the fee since his intention was that it wouldn't remain vacant, or a proration to point of occupancy, which was planned for the end of May.

Councilmember Brendmoen asked Mr. Hale whether he owned other properties. Mr. Hale said he also owned a duplex at 1515 Blair Avenue, and had owned it for over 25 years.

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

Councilmember Bostrom asked how long the property had been in the vacant buildings program. Ms. Moermond said it entered the program in October in 2012.

Councilmember Brendmoen said the vacant building fee was to cover the City's costs of monitoring the property, but they also wanted to get houses back on the tax rolls, especially in challenged areas. She said while it wasn't the City's fault she didn't think it was unreasonable to ask to prorate the remainder of the vacant building fee from the time the Certificate of Occupancy is approved. She moved to credit the difference for the partial year.

Councilmember Stark asked whether the fee was assessed for last year or for the current year. Ms. Moermond said this was for ratification of the fee, and if the desire was to prorate the fee she suggested doing a layover.

Councilmember Brendmoen moved to lay the matter over to June 17.

Public hearing held and closed; laid over to June 17

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

60 [RLH VO 15-16](#)

Appeal of Jennifer Garcia to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 675 HALL AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the condemnation and order to vacate. She said that this was a situation in which conditions warranting a condemnation and order to vacate were found during a regular noticed inspection on March 30. She said Fire had re-inspected on Monday (April 13), and the conditions were extreme dilapidation, and a fair number of wiring concerns with Xcel shutoff scheduled due to unpaid bills. She recommended ordering vacation by Friday (April 17). She reviewed the parties involved, and said the repairs done between the Legislative Hearing on April 7 and Monday were haphazard and did not improve safety significantly. She noted that there were also unsanitary conditions.

In opposition:

Jennifer Garcia (675 Hall Street), said she was the tenant and her mother was the owner. She said they received notification around mid-March that a Certificate of Occupancy was required for them to continue renting. She said she and her husband and family took it upon themselves to do the work and did what they could, and the first inspector said some things could wait for 30 days. She said they were arguing with the owner over her lack of responsibility or help with the repairs, and the owner said she wanted them out right away even though the inspector had said they could have 30 days. She reviewed the repairs done since the appeal had been filed, and said it was very upsetting when the fire marshal issued the condemnation on Monday. She said they were putting all their energy into working on the house and always paid their bills, and needed a place to live. She said the owner would like to move back in and not have the responsibility of the Certificate of Occupancy. She said they didn't have anywhere to go, and would like more time.

Property owner Carolyn Curtis (9280 Indian Boulevard, Cottage Grove) said she had owned the house since 1985, and her daughter and son-in-law had lived there with her three grandchildren as of September 2014. She said she'd had no notification of the inspection. She said she rented to her daughter and son-in-law in September 2014, after her daughter was evicted from her previous home in August. She said they had stored their belongings in her garage and stayed with her in Cottage Grove initially but police were called four times and she was almost evicted. She said a younger daughter was living in the house at that time with five foster children at that time and it was a little small for them but had been approved for foster care and was in good condition. She said she had sent letter of eviction to Jennifer and her son-in-law that day, explaining that she had to reside the house in order to get a rehabilitation loan from the mortgage company. She said she had had to leave the house when she was at a very bad place in her life, and she was sad to say the house had been a nuisance house with numerous police calls over the years. She said there had been numerous police calls, violence, and drug abuse since Jennifer had lived there. She read from the eviction notice, and said she was enabling her family by providing what was intended to be a safe place. She said she didn't want the house to be condemned, but it was a good house and a good neighborhood that didn't deserve the behaviors that was taking place there.

Councilmember Brendmoen asked Ms. Curtis to stick to restrict the discussion to the appeal and not to personal matters.

Ms. Curtis said in order to rehab the property she had to occupy it, and as it stood the house did no good for the family, the neighborhood, or herself.

Ms. Moermond said the eviction mentioned was a completely separate procedure

than the condemnation for health, safety and welfare concerns. In response to a question from Councilmember Brendmoen she clarified the difference between vacation and eviction.

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

Councilmember Tolbert said it was hard to remove people from their homes, but this situation was a public safety hazard for the neighborhood and the occupants. He moved to support Ms. Moermond's recommendation.

Council President Stark agreed these were tough situations but the designation of unfit for human habitation was not something that inspectors took lightly.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

82 [RLH TA 15-150](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 609 SNELLING AVENUE NORTH.

Legislative Hearing Officer Marcia Moermond gave a staff report. She said there was a fire at the property in July or August 2014 leading to 90 day waiver of the vacant building fee and code compliance requirement. She said an additional extension had been granted in the Legislative Hearing process, and given the length of time the property had been in the vacant building program, her recommendation was approval of the vacant building assessment with payments spread over three years.

In opposition:

Property owner Renae Reed said her understanding from the hearing in March was that Ms. Moermond had reduced the fee by half. Ms. Moermond said that was contingent on closing out the permits. Ms. Reed said it had been a stressful situation for her and beyond her control, because the contractor wasn't moving along very fast. She said the electrical was done and just needed inspection, and the plumbing was almost done but trying to coordinate with the plumber and electrician. She said she had warned the contractor several times, but there was nothing she could do, and her hands were tied. She said she had no income coming in, and was past her insurance amount. She said she didn't make a profit at the building and it was her only rental building, and she believed in providing affordable housing. She said she was hoping for a reduction of the fee, or for an extension. She said it was just more expense out of her pocket when there was nothing is coming in.

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

Council President Stark said he heard what Ms. Reed was saying in terms of the contractor and being stuck on the timing and the contractor, but the building had been in the vacant building program since three months after the fire, and the City was doing the work to monitor it. He said reducing the fee would not be fair to the City and the rest of the program for the City to subsidize this property. He moved Ms. Moermond's recommendation to assess the vacant building fee.

Adopted as amended (assessment ratified and payable over 3 years)

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

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 38 - 99)

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

Legislative Hearing Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

- 38** [RLH TA 15-161](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 1126 ALBEMARLE STREET.
Adopted
- 39** [RLH RR 15-9](#) Ordering the razing and removal of the structures at 1404 BARCLAY STREET within fifteen (15) days after the April 15, 2015, City Council Public Hearing.
Adopted
- 40** [RLH TA 15-152](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805, at 1125 BEECH STREET.
Adopted
- 41** [RLH VO 15-11](#) Appeal of Eugene Kotz to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 315 BLAIR AVENUE.
Adopted

- 42 [RLH TA 15-157](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 695 BLAIR AVENUE.
Adopted
- 43 [RLH TA 15-143](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 990 BURR STREET.
Adopted
- 44 [RLH TA 15-167](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 1751 BUSH STREET.
Adopted
- 45 [RLH TA 15-176](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 608 CASE AVENUE.
Adopted
- 46 [RLH TA 15-170](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 971 CENTRAL AVENUE WEST.
Adopted
- 47 [RLH TA 15-144](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 2012 CLEAR AVENUE.
Adopted
- 48 [RLH TA 15-174](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 123 COOK AVENUE WEST.
Adopted
- 49 [RLH TA 15-172](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 663 COOK AVENUE EAST.
Adopted
- 50 [RLH TA 15-149](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 910 COTTAGE AVENUE EAST.
Adopted

- 51 [RLH RR 15-10](#) Ordering the razing and removal of the structures at 1192 DALE STREET NORTH within fifteen (15) days after the April 15, 2015, City Council Public Hearing.
Adopted
- 52 [RLH TA 15-180](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 340 DALY STREET.
Adopted
- 54 [RLH TA 15-179](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 912 DESOTO STREET.
Adopted
- 55 [RLH TA 15-177](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 1011 EDGERTON STREET.
Adopted
- 56 [RLH TA 15-153](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 605 FRONT STREET.
Adopted
- 57 [RLH TA 15-162](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 366 FULLER AVENUE (ARCHIVED 368 FULLER AVENUE).
Adopted
- 58 [RLH TA 15-168](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 530 GERANIUM AVENUE EAST.
Adopted
- 59 [RLH FCO 15-26](#) Appeal of John Wengler for Bilco, Inc. to a Fire Inspection Correction Notice at 857 GRAND AVENUE.
Public hearing continued to May 6
- 61 [RLH TA 15-137](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 146 IVY AVENUE WEST/1315 RICE STREET.
Adopted

- 62 [RLH TA 15-190](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 732 JESSAMINE AVENUE EAST.
Adopted
- 63 [RLH TA 15-166](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No.158506 at 555 KENT STREET (565 KENT STREET).
Adopted
- 64 [RLH TA 15-160](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 2013 LINCOLN AVENUE.
Adopted
- 65 [RLH TA 15-141](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 898 LINWOOD AVENUE.
Adopted
- 66 [RLH SAO 14-50](#) Appeal of Anastasia Mastrogiorgos to a Vehicle Abatement Order at 30 MISSISSIPPI RIVER BOULEVARD NORTH. (Public hearing continued from April 15)
Public hearing continued to May 6
- 67 [RLH OA 15-2](#) Appeal of Robert H. Brandtjen to an Inspection Appointment Letter from Fire Inspection and a letter requiring \$120 payment from Code Enforcement at 2097 NILES AVENUE.
Adopted
- 68 [RLH TA 15-148](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 884 PARK STREET.
Adopted
- 69 [RLH VO 15-14](#) Appeal of Gordon and Nancy Barnes to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 1159 PASCAL STREET NORTH. (Public hearing continued from April 15)
Referred to Legislative Hearings on May 5; Council public hearing continued to May 20
- 70 [RLH VBR 15-19](#) Appeal of Blake and Noelle Elliott to a Vacant Building Registration Notice at 339 PELHAM BOULEVARD.
Adopted

- 71 [RLH TA 15-130](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 613 ROSE AVENUE EAST.
Adopted
- 72 [RLH TA 15-135](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 841 ROSE AVENUE EAST.
Adopted
- 73 [RLH TA 15-145](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 1029 ROSE AVENUE EAST.
Adopted
- 74 [RLH TA 15-147](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1506G, Assessment No. 158705 at 1029 ROSE AVENUE EAST.
Adopted
- 75 [RLH TA 15-159](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 1064 ROSE AVENUE EAST.
Adopted
- 76 [RLH TA 15-223](#) Amending Council File RLH AR 14-100 to ratify and spread the assessment for Emergency Abatement services from June through August 2014 at 1269 ROSS AVENUE. (File No. J1503A, Assessment No. 158502)
Adopted
- 77 [RLH FCO 15-39](#) Appeal of Jeff Martinson, TBG Holdings LLC, to a Fire Inspection Correction Notice at 1032 RYDE STREET.
Adopted
- 78 [RLH TA 15-158](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 610 SAINT ALBANS STREET NORTH/677 THOMAS AVENUE.
Adopted
- 79 [RLH VBR 15-17](#) Appeal of Ken Swanson and Corine Kurtti to a Vacant Building Registration Notice at 1172 SEMINARY AVENUE.
Adopted

- 80 [RLH TA 15-140](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 675 SHERWOOD AVENUE.
Adopted
- 81 [RLH TA 15-181](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 1024 SIXTH STREET EAST.
Adopted
- 83 [RLH TA 15-138](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No.158303 at 290 STINSON STREET.
Adopted
- 84 [RLH TA 15-169](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 537 SUPERIOR STREET. (Amended to delete)
Adopted as amended (assessment deleted)
- 85 [RLH TA 15-142](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 865 THIRD STREET EAST.
Adopted
- 86 [RLH VO 15-13](#) Appeal of Amy Nephew and Franklin Neeland to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 548 VAN BUREN AVENUE.
Adopted
- 87 [RLH TA 15-194](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 737 VAN BUREN AVENUE.
Adopted
- 88 [RLH TA 15-163](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 441 VIEW STEET.
Adopted
- 89 [RLH TA 15-164](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 2010 WELLESLEY AVENUE.
Adopted

- 90 [RLH TA 15-171](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 1436 WESTMINSTER STREET.
Adopted
- 91 [RLH FCO 15-34](#) Appeal of John Lanners to a Fire Inspection Correction Notice at 275 WHITE BEAR AVENUE NORTH.
Adopted
- 92 [RLH TA 15-155](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 220 WINIFRED STREET WEST. (Public hearing continued from April 15) (To be amended to File No. VB1506A, Assessment No. 158821)
Public hearing continued to May 6
- 93 [RLH TA 15-175](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 343 WINIFRED STREET EAST.
Adopted
- 94 [RLH TA 15-205](#) Amending Council File RLH AR 14-76 to delete the assessment for Collection of Vacant Building Fees billed November 18, 2013 to June 25, 2014 at 387 WINSLOW AVENUE. (File No. VB1501, Assessment No. 158800)
Adopted
- 95 [RLH TA 15-154](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 1937 WORCESTER AVENUE.
Adopted
- 96 [RLH AR 15-14](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed September 4 to November 7, 2014. (File No. J1504E, Assessment No. 158303)
Adopted
- 97 [RLH AR 15-15](#) Ratifying the assessments for Property Clean Up services from December 1 to 30, 2014. (File No. J1507A, Assessment No. 158506)
Adopted
- 98 [RLH AR 15-16](#) Ratifying the assessments for Trash Hauling services from December 3 to 31, 2014. (File No. J1506G, Assessment No. 158705)
Adopted

- 99 [RLH AR 15-17](#) Ratifying the assessments for Collection of Vacant Building Fees billed July 10 to November 21, 2014. (File No. VB1506, Assessment No. 158805)

Adopted

ADJOURNMENT

Councilmember Thao moved adjournment.

Meeting adjourned at 7:02 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thune

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