City Hall and Court House
15 West Kellogg Boulevard
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City of Saint Paul

City Council Meeting Minutes - Final

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

Wednesday, June 3, 2015 **3:30 PM** **Council Chambers - 3rd Floor**

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

ROLL CALL

The meeting was called to order by Council President Stark at 3:33 p.m.

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

COMMUNICATIONS & RECEIVE/FILE

1 **AO 15-53** Amending the 2015 spending budget for City Attorney's Office.

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 2 - 10)

Councilmember Finney moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

2 **RES 15-855** Approving assessment costs and setting date of City Council Public Hearing to ratify the assessment for a sidewalk improvement along the south side of Concordia Avenue from Arundel Street to Marion Street, and along the east side of Arundel Street from Concordia Avenue to 100 feet south of Concordia Avenue. (File No. S1401, Assessment No. 145300)

Adopted

3 **RES 15-720** Approving assessment costs and setting date of City Council Public Hearing to ratify the assessment for a sanitary sewer and connection at 1604 Point Douglas Road South. (File No. 18932A2, Assessment No. 156005)

Adopted

4 **RES 15-722** Approving assessment costs and setting date of City Council Public Hearing to ratify the assessment for a water main and connection at 1604 Point Douglas Road South. (File No. 18982B1, Assessment No. 156103)

Adopted

5 **RES 15-870** Approving the City's cost of providing Tree Removal services during April 2015, and setting date of Legislative Hearing for July 7, 2015 and City Council Public Hearing for August 19, 2015 to consider and levy the assessments against individual properties. (File No. 1507T, Assessment No. 159007)

Adopted

6 **RES 15-871** Approving the City's cost of providing Collection of Vacant Building Fees billed October 21, 2014 to March 19, 2015, and setting date of Legislative Hearing for July 7, 2015 and City Council Public Hearing for August 19, 2015 to consider and levy the assessments against individual properties. (File No. VB1510, Assessment No. 158822)

Adopted

7 **RES 15-872** Approving the City's cost of providing Property Clean Up services from April 1 to 30, 2015, and setting date of Legislative Hearing for July 7, 2015 and City Council Public Hearing for August 19, 2015 to consider and levy the assessments against individual properties. (File No. J1511A, Assessment No. 158524)

Adopted

8 **RES 15-873** Approving the City's cost of providing Trash Hauling services from April 1 to 29, 2015, and setting date of Legislative Hearing for July 7, 2015 and City Council Public Hearing for August 19, 2015 to consider and levy the assessments against individual properties. (File No. J1510G, Assessment No. 158411)

Adopted

9 **RES 15-958** Authorizing the City of Saint Paul, Department of Parks and Recreation, to accept up to an additional $10,000 from the Capital Region Watershed District's Special Projects Grant Program, and authorize the proper City of Saint Paul authorities to execute the grant amendment in compliance with all applicable laws, and authorizing staff to apply for reimbursement from the grant funds approved for the CHS Field (Lowertown Ballpark) project.

Adopted

10 **RES 15-971** Waiving the 45-day notice requirement to add a Liquor - Outdoor Service Area (Sidewalk) license to the existing Liquor On Sale - 100 seats or less and Liquor On Sale - Sunday licenses held by Tongue In Cheek, LLC, d/b/a Tongue In Cheek (License ID #20140000653) at 987 Payne Avenue.

Adopted

FOR DISCUSSION
No items

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.

Final Adoption

11 **Ord 15-26** Adding new sections to Legislative Code Chapters 73 and 61 in order to provide a process pursuant to Minn. Stat. § 471.194, Subd.3(6) to grant zoning use variances for the purpose of promoting the use and conservation of historic properties.

Councilmember Thune moved approval.

Adopted as amended (amended May 13 and 27)

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

Nay: 0

Second Reading

12 **Ord 15-30** Memorializing City Council action granting the application of the Saint Paul Housing and Redevelopment Authority to rezone a portion of the parcel at 720 East Seventh Street (PIN: 322922130031) from T2 Traditional Neighborhood to RT1 Two-family Residential, to match the parcel to which it will be attached; and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held May 6, 2015)

Laid over to June 10 for third reading

First Reading

13 **Ord 15-23** Adopting the District 11 Hamline Midway Mixed Use Corridors 40-Acre Zoning Study and Zoning Change Recommendations.

Laid over to June 10 for second reading

Council President Stark said two items would be brought in under suspension at the beginning of Public Hearings.

Council members shared information about upcoming events in their wards.

The Council recessed at 3:39 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:31 p.m.

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

SUSPENSION ITEMS

Councilmember Thao moved suspension of the rules.

Rules suspended

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

Nay: 0

RES PH 15-141 Approving the application of the High School for Recording Arts for a sound level variance for a music performance event and announcements outdoors between 12:00 Noon and 9:00 p.m., with a pre-event sound check between 10:00 a.m. and 11:30 a.m., on Thursday, June 18, 2015 at a parking lot near 1166 University Avenue West. (Public hearing continued from June 3)

No one appeared in opposition; Councilmember Thao moved to continue the public hearing to June 10 at 3:30 p.m.

Public hearing continued to June 10 at 3:30

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

Nay: 0

Councilmember Thune moved suspension of the rules.

Rules suspended

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

Nay: 0

RES PH 15-142 Approving the application of the Ordway Center For The Performing Arts for a sound level variance to allow amplified sound and music during the Ordway Center Summer Dance Series to be held between 6:00 p.m. and 10:00 p.m., with pre-event sound checks between 3:30 p.m. and 5:30 p.m., on Thursdays, June 25, July 9, July 16, and July 23, 2015 at Rice Park. (Public hearing continued from June 3)

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to June 10 at 3:30 p.m. He said these were great events and encouraged everyone to attend.

Public hearing continued to June 10 at 3:30

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

Nay: 0

14 Ord 15-28 Changing Ames Avenue between Ames Place and White Bear Avenue from a one way street westbound to a two way street.

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

Public hearing held and closed; laid over to June 10 for final adoption

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

Nay: 0

15 **RES PH 15-123** Adopting the West Side Flats Master Plan and Development Guidelines as an addendum to the Comprehensive Plan and as the master plan for the T3M and ITM districts. (Public hearing held May 6 and June 3)

Councilmember Thune moved an amended version of the resolution. Yeas - 7 Nays - 0

The following appeared in support of the amended resolution and its support of industry and jobs:
Kathy Forester (1190 Eagan Industrial Road)
Erik Dueholm (900 2nd Ave S., Minneapolis)
Guy Humphrey (139 Eva Street), union leader at Rexam Can
Chris Palkowitsch (222 N. 2nd Street, Minneapolis), Rexam Can
Geoff Kaufmann (100 S. Robert Street), Red Cross
Carol Neumann (694 Oakdale Avenue)
Lorrie Louder (St. Paul Port Authority)
Bill Hosko (400 N. Robert Street)

In opposition:
Hokan Miller (227 Prescott), (West Side Citizens Association (WSCO), said they did not support Councilmember Thune's amendments. He said they wanted the Red Cross and Rexam to stay on the Flats, but felt the community must be prepared for the possibility they would move or shut down.

Councilmember Thune moved to close the public hearing and lay over for one week.

Public hearing held and closed; laid over to June 10

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

Nay: 0

16 **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.

Councilmember Thune moved an amended version. Yeas - 7 Nays - 0

No one appeared in opposition; Councilmember Thune moved to close the public hearing and lay the matter over to June 10 for final adoption.

Council President Stark said a lot of work had gone into the plan over a long period of time, and there had been a good debate over some important issues similar to the debate around the Green Line area. He said most people were in agreement on most of it, and he thanked everyone for their work.

Public hearing held and closed; laid over to June 10 for final adoption

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

Nay: 0

17 APC 15-5 Public Hearing to consider the appeal of Friends of the Mississippi River of a Planning Commission decision granting a height variance for the Shepard Development LLC mixed use development at 1465 Davern.

Josh Williams, Planning and Economic Development (PED), gave a staff report on the variance application and appeal. He reviewed the hearing and appeal dates, and described the project. He showed an aerial map of the area within the Mississippi River Corridor Critical Area, and said the height limits of the site were regulated by the underlying T3 zoning and RC3 overlay. He said the base height allowed without a conditional use permit was 40', but the Minnesota DNR was currently studying new rules for the Mississippi River Critical Area to replace those stemming from the executive order from 1979. He said the most recent draft of the new rules was made available in December, and staff was lead to believe the DNR would be proposing a 65'height limit for the area of the proposed development with the possibility of going taller with a conditional use permit.

Appellants:
Whitney Clark, Executive Director of Friends of the Mississippi River (360 N. Robert Street), said the height variance did not pass the findings of fact test in three ways. He said the variance was not in harmony with the purposes and intent of the zoning code, was inconsistent in both letter and spirit with the Comprehensive Plan, and would alter the essential character of the surrounding area. He displayed photographs to support his points, and noted the historical and national significance of the site and the viewshed impacts of the proposed development. He said the Friends of the Mississippi River respectfully asked the Council to uphold the appeal and deny the variance request, to require view impact studies to ensure a development is built to fit within the surrounding topography, and to ask for mitigating concessions from the applicant if a variance were to be granted in the future.

Connie Barry (1800 Graham Avenue), representing Friends of Shepard Davern LLC, said they were very much in support of the appeal and had submitted a petition with over 200 signatures to the Mayor and Councilmember Tolbert, but it was not taken into account by the Planning Commission. She said their support had gone beyond the neighborhood and they'd formed Friends of Shepard Davern LLC and hired a land use attorney. She said a letter written by the attorney was part of the public record. She said the attorney's letter stated that a variance request must be predicated on practical difficulties in meeting ordinance standards but economic considerations alone did not constitute practical difficulties. She said the proposed height variance was inconsistent with the Comprehensive Plan and therefore with Minnesota law, and the developer had not shown that practical difficulties existed. She said the variance ignored years of study by the Shepard Davern Task Force leading to the T3 zoning adopted by the Council just three months ago. She said the Friends of Shepard Davern asked the Council to uphold the appeal and deny the variance, but they would support a 55' height consistent with the T3 zoning.

Jennifer Sorenson, Minnesota DNR area hydrologist (1200 Warner Road), said the DNR's review of the variance was to recommend denial based on the extent with which it deviated from the City's River Corridor Overlay District Zoning Code.

Joe Kolar (1918 Saunders), board member and secretary of the Highland District Council, said the Highland District Council supported the appeal. He stressed the importance of complying with the height limits within the Mississippi River Critical Area as set out in the recently approved updates to the Highland Park Neighborhood Plan Summary. He said concerns raised at community meetings were related to the height and mass of the proposed building in proportion to neighboring properties, obstruction of light and views from neighboring properties, anticipated increase in traffic and parking issues, and the uncertainty regarding the impact of future development on the site. He said the Highland District Council supported the positive aspects of the proposed development and would consider supporting a height variance of a lesser extent.

Shirley Erstad (1660 Laurel Avenue), Executive Director of Friends of the Parks and Trails of St. Paul and Ramsey County, said the organization was founded 30 years before in response to a development proposed at Crosby Regional Park. She said granting the variance currently before the Council would substantially alter the character of that area of the river corridor. She said the variance was not consistent with the Comprehensive Plan, and granting it would invariably set precedent for projects in the future.

Rory Stierler, Mississippi National River and Recreation Area (111 E. Kellogg Boulevard), said Congress had established the National Park to protect and preserve the unique values of the 72 mile corridor through the Twin Cities. He said the site of the proposed development near the confluence of the Mississippi and Minnesota Rivers, Fort Snelling, and Mississippi River Valley, was culturally, historically, and geographically significant. He said communities that preserved their values thrived.

Applicant:
Chris Palkowitsch (222 N. Second Street, Minneapolis), architect with the BKB Group, thanked City staff for their efforts and said BKB supported staff findings and decisions by the Zoning Committee and Planning Commission. He addressed those items in the appeal they felt were looking to expand the rules and regulations by stretching the interpretations beyond typical findings.

Councilmember Tolbert asked why the height of 73.5' was chosen. Mr. Palkowitsch said the hardship they were facing related to the bedrock that was approximately 3 to 4' He said the additional height was to conceal the garage and not have surface parking. He said they were trying to improve the walkability and public realm of the area. Councilmember Tolbert asked what the height would have been if the parking could have been buried. Mr. Palkowitsch said the height would have been reduced 18.5', which was the variance they were requesting.

Scott Belsaas (6205 Morningside Circle), Shepard Development, said the only new information was observations from the Friends of the Mississippi, and the other questions from the neighborhood group had been on the table since the project was put together. He said the property was going to be developed eventually, and he the proposed building would make the park more accessible to the neighbors. He said the height variance was an economic issue and was necessary to create the kind of building that would attract tenants. He said it was a very nice building and well-designed by the architect, and would be a wonderful addition to the City of St. Paul.

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

Councilmember Tolbert thanked everyone for their testimony. He said it was a tough issue and the discussion had been taking place over a long period of time with a lot of community involvement. He said the neighbors were in agreement in their desire for development at the site. He said a neighborhood task force had recently completed

an area plan, and he wasn't sure whether the height issues related to the bedrock were brought to the attention of the task force which was unfortunate. He said the Council's role was to look at the Planning Commission's decision in terms of applicable facts and laws, and based on those things he moved to deny the appeal and to modify the Planning Commission's decision based on a few errors. He said the appellant made an allegation about a procedural error which he didn't feel they had standing to do but which would be denied if there was standing. He detailed his motion to modify the Planning Commission's resolutions findings 1, 2, and 6, resulting in a reduction of the proposed building by 13.5'.

Motion of Intent - Appeal denied, with modifications to the Planning Commission's decision

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

18 RES PH 15-132 Approving the petition of Grand Realty Company, LLP to vacate surplus Ayd Mill Road right-of-way adjacent to its building at 1261 Grand Avenue (Kowalski's). (Public hearing continued from May 20)

Mike Oase, Kowalski's, thanked the Council for their consideration.

Councilmember Tolbert said the neighborhood was excited about the expansion, and appreciated Kowalski's willingness to work with the district council and historic district requirements.

No one appeared in opposition; Councilmember Tolbert 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

19 PH 15-9 Public hearing to consider the application of Twin City Concrete Products Co. to rezone property at 1474-1520 Minnehaha Avenue East, 685 Hazelwood Street, 1446 Beech Street, et al., from I1 Industrial and VP Vehicular Parking to T1 Traditional Neighborhood, and from R4 One-Family to RT1 Two-Family.

No one appeared in opposition; Councilmember Finney moved to close the public hearing and grant 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

20 **RES PH 15-139** Approving the application of Kelly O'Shaughnessy for a sound level variance in order to present amplified music with Sonos speakers from 4:00 p.m. until 11:00 p.m. on Saturday, June 13, 2015 for wedding music at 702 Fairmount Avenue.

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

21 **RES PH 15-145** Approving the application of Minnesota Bicycle Festivals Inc. for a sound level variance in order to present amplified music and announcements near the corner of Sixth Street and Sibley Street for the St. Paul Mears Park Criterium on Wednesday, June 17, 2015 from 4:30 p.m. to 9:30 p.m.

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

22 **RES PH 15-151** Approving the application of Minnesota Public Radio for a sound level variance in order to present outdoor music from 10:00 a.m. until 5:00 p.m. on Friday, July 3, 2015 for Rehearsal; and from 10:00 a.m. to 10:00 p.m. on Saturday, July 4, 2015 for Performance, for a Live Radio Broadcast of A Prairie Home Companion at the Main Lawn of Macalester College by the Chapel and Student Center at 1600 Grand Avenue.

No one appeared in opposition; Councilmember Tolbert 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

23 **RES PH 15-149** Approving the application of Dubliner Pub for a sound level variance for an outdoor music event on Saturday, June 13, 2015 from 12:00 p.m. to midnight, with a pre-event sound check at 11:30 a.m.

No one appeared in opposition; Council President Stark 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

24 **RES PH 15-150** Authorizing the appropriate City designees to solicit donations, enter into contracts, and establish the budget for the purpose of holding City Council Inaugural events.

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

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

28 **RLH SAO 15-27** Appeal of Shirley Wyttenback to a Summary Abatement Order at 1053 BEECH STREET.

Legislative Hearing Officer Marcia Moermond said the issue was a deteriorated parking area. She said some class 5 had been laid down which was minimally compliant. She said the larger issue was drainage, which would probably come forward in separately. She recommended granting the appeal, anticipating that another order would come forward.

In opposition:
Appellant Shirley Wyttenback said she didn't realize Class 5 wasn't okay, and she couldn't afford anything else. Council President Stark clarified that the

recommendation was to grant the appeal.

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

33 RLH FCO 15-65 Appeal of Tara Schweiger, Maypop Sales and Services, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2554 COMO AVENUE, BUILDING C.

Legislative Hearing Officer Marcia Moermond said the issue was a business operating within a warehouse, which was considered a storage use for the purposes of Fire Certificate of Occupancy inspections, which was different from zoning and licensing. She said the business activity had been operating out of these particular spaces in the building for five years and out of the general area for a couple more. She said Fire's concerns were that activities taking place were more than just storage, and licensing was required for some of the activities going on, specifically second hand dealer rand auto repair. She said a business statement was developed during the Legislative Hearing process and submitted to DSI, and staff came to the determination that there wasn't a zoning issue, but licenses were needed for auto sales and repair. She recommended that licenses be applied for by June 12 or activities stopped.

Roseanne Hope (4999 France Avenue S., Minneapolis), attorney representing Maypop Sales, said they respected the position of the City and wanted to work with the City. She said they had been a tenant there and operating the business for 6 years without additional licenses, and had a good relationship with the inspectors and were always in compliance. She said they were not an automotive garage, but as a tire wholesaler sometimes installed tires for friends and family. She said they could not comply with the requirements for an automotive garage without making significant alterations to the building or relocating. She said they occasionally sold individual tires but were not a retail outlet. She said they were willing to pay the fee for the retail license but didn't want to trigger expensive building alterations.

Council President Stark said it seemed straightforward that the activities required licenses, and the options were to either discontinue the activities or get the licenses. He asked whether discontinuing the occasional auto repair would be considered. Ms. Hope said they just received the letter last week stating which licenses were required but were looking for clarification as to how Automotive Garage and Motor Vehicle Parts were defined and whether tires were included. Ms. Moermond read from Maypop's business plan describing the purchase of individual tires, and the City Attorney's comments related to the requirement for a dealer license. Ms. Hope said this was first she'd heard of the City Attorney's comments. She said they were happy to modify the business plan to comply with licensing requirements but they were not a retail operation.

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

Council President Stark asked Ms. Moermond whether it made sense that they had not heard the opinion from the City Attorney before now. Ms. Moermond said that

might be the case, but it had been attached to the public record for a week.

Council President Stark moved approval of Ms. Moermond's recommendation.

Adopted (compliance deadline of June 12 to either apply for licenses or discontinue activities)

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

Nay: 0

Absent: 1 - Councilmember Thune

54 RLH VO 15-25 Appeal of Mary Jo Charpentier to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1551 RUTH STREET NORTH.

Legislative Hearing Officer Marcia Moermond said the appeal was accepted after the deadline, and there had been two no-show hearings due to illness and misunderstanding, so there hadn't been a hearing. She said photos in the building record showed a sewage back-up in the basement, unsanitary conditions on the upper level, and general dilapidation of the building. She said the original order to vacate was May 4, and the tenant was looking for more time to find someplace else to live. She recommended that the Council go no further than July 1 with an extension.

Appellant Mary Jo Charpentier said the photo of broken lock shown by Ms. Moermond was a garage door not included in lease, and the upstairs had been cleaned up. She said she needed more time. She said the bank was it back on August 17 but she probably wouldn't be there that long. She asked for an extension to August 1.

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

Councilmember Bostrom said the documentation showed that it was in really tough shape; he moved Ms. Moermond's recommendation of a July 1 deadline to vacate.

Adopted as amended (July 1 vacate date)

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

Nay: 0

Absent: 1 - Councilmember Thune

63 RLH TA 15-255 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1508, Assessment No. 158207 at 685 VAN BUREN AVENUE.

Legislative Hearing Officer Marcia Moermond said the issue was a tax assessment associated with Fire Inspection fee, and the substance of the Legislative Hearing was that the reference number on Fire Certificate of Occupancy (CO) orders was not the same as the assessment number on the tax rolls. She clarified the two numbers, and said they never matched. She said the property owner also said he didn't receive the bill and that his wife handled the bills.

In opposition:
Property owner Leslie Lucht said they were assessed in February 2005. He said he'd had problems with his roof at 685 and been granted extensions, with the inspection cycle finally completed in 2013. He said he was assessed for that property, which he wasn't disputing. He said now this other property was being assessed and he'd never received an invoice for 2014 when the property was re-inspected. He said none of the numbers of the bills he'd received matched up.

Council President Stark said the invoice dated November 26, 2014 was in the public record attached to the file.

Ms. Moermond clarified the date cycle, and said there'd been lots of reinspections so the previous cycle ended very close to start of the new one.

Mr. Lucht displayed an invoice from 2013, and said he still maintained he never received the bill.

Councilmember Brendmoen asked whether Mr. Lucht was disputing the amount of the bill, or just saying he didn't receive it.

Mr. Lucht said he would have paid the bill if he'd gotten the invoice. He described a previous situation when he paid and the check got lost.

Councilmember Finney asked Mr. Lucht whether he felt he should have to pay the whole amount or should be given a break. Mr. Lucht said he felt he should be given a break. He said the City tacked on a fee if the charge went to assessment. In response to a question from Council President Stark, Ms. Moermond said the CO fee was $200 with a $155 fee added on. Council President Stark confirmed with Mr. Lucht that he was asking to not have to pay the $155.

Councilmember Thao said he appreciated Mr. Lucht coming to the meeting. He said it sounded like Mr. Lucht was a good landlord and would have paid if he'd gotten the invoice. He said one perspective was that Mr. Lucht would pay the $355 but perhaps needed need more time. Mr. Lucht said if he had to pay the full amount he would ask for an extension, but he was asking for the $155 to be waived. Councilmember Thao said if he gave Mr. Lucht a break he would have to give everybody a break and the system didn't work that way. He said he was willing to take off $50.

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

Adopted as amended (assessment reduced from $355 to $305)

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

Nay: 0

Absent: 1 - Councilmember Thune

64 RLH RR 14-12 Ordering the razing and removal of the structures at 391 VIEW STREET within fifteen (15) days after the July 23, 2014, City Council Public Hearing. (Public hearing continued from August 19)

Legislative Hearing Officer Marcia Moermond said the property had been before the Council a number times. She said neighbors were interested in saving the large brick structure but it was considerably deteriorated. She said DSI had agreed to do a

Code Compliance inspection at no cost, which would provide a lot more information. She noted that the taxes due and owing were substantial, and the City could seek a shortened redemption time period. She requested a one month layover.

No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to July 1.

Referred to Legislative Hearings on June 23; Council public hearing continued to July 1

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

Nay: 0

Absent: 1 - Councilmember Thune

66 RLH RR 15-15 Ordering the rehabilitation or razing and removal of the structures at 155 WHEELOCK PARKWAY EAST within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (Public hearing continued from June 3) (Amended to grant 120 days)

Legislative Hearing Officer Marcia Moermond said she had met with the attorney for the bank, who said he would make sure his client provided the $5000 performance deposit and ordered the Code Compliance inspection. She said that was barely enough for her to ask that the Council allow time for her to look at the rest of the materials. She asked that the matter be laid over for a month and sent to Legislative Hearing just prior to that.

No one appeared in opposition; Councilmember Brendmoen moved to continue the public hearing to July 1.

Referred to Legislative Hearings on June 23; Council public hearing continued to July 1

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

No one appeared in opposition; Councilmember Tolbert 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

25 **RLH VBR 15-34** Appeal of Mike Safi to a Vacant Building Renewal Notice at 253 ANNAPOLIS STREET.

Adopted

26 **RLH TA 15-249** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507B, Assessment No. 158106 at 529 ARUNDEL STREET.

Adopted as amended (assessment deleted)

27 **RLH VBR 15-37** Appeal of Terry Glass to a Vacant Building Registration Notice at 646 AURORA AVENUE.

Adopted

29 **RLH VBR 15-36** Appeal of Ryan Holten to a Vacant Building Registration Fee at 618 BRIMHALL STREET.

Adopted

30 **RLH TA 15-233** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 674 BURR STREET/492 BEAUMONT STREET.

Adopted

31 **RLH TA 15-240** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 1737 BUSH AVENUE.

Adopted

32 **RLH TA 15-239** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 693 CASE AVENUE.

Adopted

34 **RLH RR 15-5** Ordering the rehabilitation or razing and removal of the structures at 668-670 CONWAY STREET within fifteen (15) days after the March 4, 2015, City Council Public Hearing. (To be laid over to October 6 Legislative Hearing and Public Hearing on October 21, 2015)

Referred to Legislative Hearings on June 9; Council public hearing continued to June 17

35 **RLH TA 15-244** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 123 COOK AVENUE WEST.

Adopted

36 **RLH TA 15-262** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 54 DELOS STREET WEST (INCLUDES 56 DELOS STREET WEST).

Adopted

37 **RLH RR 15-12** Ordering the razing and removal of the structures at 1181 EDGERTON STREET within fifteen (15) days after the June 3, 2015, City Council Public Hearing.

Adopted

38 **RLH VBR 15-31** Appeal of Jonathan Gutierrez to a Vacant Building Registration Fee at 25 ELIZABETH STREET EAST.

Adopted

39 **RLH TA 15-250** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507B, Assessment No. 158106 at 43 ELIZABETH STREET EAST.

Adopted

40 **RLH RR 15-13** Ordering the razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (Amended to grant 15 days removal of the structure)

Referred to Legislative Hearings on June 9; Council public hearing continued to June 17

41 **RLH TA 15-238** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 1033 HYACINTH AVENUE EAST.

Adopted

42 **RLH TA 15-245** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1508, Assessment No. 158207 at 1134 JESSIE STREET.

Adopted

43 **RLH TA 15-246** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1508, Assessment No. 158207 at 1605 LAFOND AVENUE.

Adopted

44 **RLH SAO 15-21** Appeal of George Lange to a Summary Abatement Order at 815 LINCOLN AVENUE.

Adopted

45 **RLH TA 15-251** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 134 MARIA AVENUE.

Adopted

46 **RLH TA 15-235** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1508, Assessment No. 158207 at 1952 MARYLAND AVENUE EAST.

Adopted

47 **RLH VO 15-27** Appeal of Andrew Kirchoff to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1544 MONTANA AVENUE EAST.

Adopted

48 **RLH TA 15-241** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 1718 MONTANA AVENUE EAST.

Adopted

49 **RLH SAO 15-20** Appeal of Steven Gilsdorf to a Vehicle Abatement Order at 679 OTTAWA AVENUE.

Adopted

50 **RLH FCO 15-68** Appeal of Troy Olson, T.V. Eklund LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1048 PAYNE AVENUE and 1050 PAYNE AVENUE.

Adopted

51 **RLH FCO 15-69** Appeal of Kirsten Libby to a Fire Certificate of Occupancy Approval with Corrections at 855 RICE STREET.

Adopted

52 **RLH FCO 15-71** Appeal of David P. Allie, DC to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1654 RICE STREET.

Adopted

53 **RLH TA 15-242** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 1064 ROSE AVENUE EAST.

Adopted

55 **RLH RR 15-14** Ordering the rehabilitation or razing and removal of the structures at 1839 SAINT ANTHONY AVENUE within one hundred and twenty (120) days after the June 3, 2015, City Council Public Hearing.

Adopted

56 **RLH TA 15-254** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No.158307 at 1261 SELBY AVENUE.

Adopted

57 **RLH FCO 15-60** Appeal of Dawn Grant, on behalf of Sherman Street Condo Association, to a Fire Inspection Correction Notice at 310 SMITH AVENUE NORTH.

Adopted

58 **RLH TA 15-294** Amending Council File RLH AR 15-19 to delete the assessment for Graffiti Removal services from November 1 to December 30, 2014 at 368 SNELLING AVENUE SOUTH. (File No. J1504P, Assessment No. 158403)

Adopted

59 **RLH FCO 15-64** Appeal of Brikti Ytbarek and Kidane Assefa to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1068 SUMMIT AVENUE.

Adopted

60 **RLH SAO 15-23** Appeal of Luis Miguel Oyarzabal De Haro to a Summary Abatement Order at 962 THIRD STREET EAST.

Adopted

61 **RLH TA 15-237** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1508, Assessment No. 158207 at 674 THOMAS AVENUE.

Adopted

62 **RLH FCO 15-73** Appeal of Koua Lee to a Fire Inspection Correction Notice at 642 VAN BUREN AVENUE.

Adopted

65 **RLH TA 15-234** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 1181 WESTMINSTER STREET.

Adopted

67 **RLH TA 15-133** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 427 WHITALL STREET. (Public hearing continued from June 3)

Public hearing continued to June 17

68 **RLH TA 15-178** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505E, Assessment No. 158307 at 343 WINIFRED STREET EAST.

Adopted

69 **RLH TA 15-232** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1508, Assessment No. 158207 at 25 WINTER STREET.

Adopted

70 **RLH FCO 15-61** Appeal of Megan Kohler Keyser to a Fire Inspection Correction Notice at 1645 YORK AVENUE.

Adopted

71 **RLH AR 15-26** Ratifying the assessments for Collection of Certificate of Occupancy Fees billed November 18 to December 11, 2014. (File No. CRT1508, Assessment No. 158207)

Adopted

72 **RLH AR 15-27** Ratifying the assessments for Boarding and/or Securing services during January 2015. (File No. J1507B, Assessment No. 158106)

Adopted

73 **RLH AR 15-28** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed November 12 to December 29, 2014. (File No. J1505E, Assessment No. 158307)

Adopted

74 **RLH AR 15-29** Ratifying the assessments for Demolition services from December 2014. (File No. J1504C, Assessment No. 152003)

Adopted

75 **RLH AR 15-30** Ratifying the assessments for Demolition services from December 2014. (File No. J1505C, Assessment No. 152004)

Adopted

ADJOURNMENT

Councilmember Finney moved adjournment.

Meeting adjourned at 7:22 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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