City of Saint Paul

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

Minutes - Final

City Council

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

Wednesday, June 1, 2016 **3:30 PM** **Council Chambers - 3rd Floor**

ROLL CALL

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

Councilmember Thao excused

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

Absent 1 - Councilmember Dai Thao

COMMUNICATIONS & RECEIVE/FILE

1 **CO 16-31** Letter from the Department of Safety and Inspections declaring 106 King Street East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

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)

Item 10 was removed from the Consent Agenda for separate consideration.

Councilmember Prince moved approval of the Consent Agenda as amended.

Conseent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thao

2 **RES 16-918** Approving the use of grant funds through the Ward 1 Neighborhood STAR Year-Round Program for the Capital Heights Banner Project and the East African Women's Shelter.

Adopted

3 **RES 16-948** Amending RES 16-181 to extend the timeline regarding the Airbnb study.

Adopted

4 **RES 16-919** Authorizing the Fire Department to enter into a joint powers agreement with Century College to provide Driver/Operator Maintenance Training June 16-July 29, 2016.

Adopted

6 **RES 16-878** Approving the Memorandum of Agreement for the 2016 Wage and Fringe Adjustment between the City of Saint Paul and the Sheet Metal Workers, Local 10.

Adopted

5 **RES 16-916** Approving the Memorandum of Agreement for the 2016 Wage and Fringe Adjustment between the City of Saint Paul and Plumbers, Local 34.

Laid over to June 8 for adoption

7 **RES 16-932** Acknowledging a public purpose for the Annual City Employee Cookout and granting permission to the City Employee Cookout Committee to spend City funds and to solicit for and accept donations on behalf of the City to defray the costs of the cookout to be held on Tuesday, August 16, 2016.

Adopted

8 **RES 16-920** Approving the Mayor's appointment of Luis Rangel Morales to serve on the Board of Zoning Appeals.

Adopted

9 **RES 16-897** Approving the Mayor's appointments of Tim Wilson and Dayna Martinez and reappointments of Peter Leggett and Steve Heckler to Serve on the Cultural STAR Board.

Adopted

11 **RES 16-892** Authorizing the appropriate personnel to enter into Mn/DOT Agreement No. 1003231 for the I-35E Harrison Avenue Noise-Wall Community Landscape Partnership Phase 2.

Adopted

12 **RES 16-906** Sustaining adverse licensing action against the Peddler license held by Jason L. Gabbert, d/b/a Metro Tickets.

Adopted

FOR DISCUSSION

10 **RES 16-891** Authorizing not using a Project Labor Agreement (PLA) for the Margaret Park Site Improvement Project.

Councilmember Prince moved a one week layover.

Laid over to June 8

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

Nay: 0

Absent: 1 - Councilmember Thao

PUBLIC HEARING

13 **RLH FCO 15-112** Appeal of Robert Stein to a Correction Notice - Complaint Inspection at 332 JESSAMINE AVENUE EAST.

The appellant arrived after Item 14.

Appellant Robert Stein appeared. He said he had consulted his attorney, and they had learned that there was no record of any permits of the wall, and a good portion of the wall was on the City right-of way and his property according to his survey. He said the City's survey dated back to the 1800s. He said the wall was very old, very large, and very expensive to replace. He said the fact that there were no permits pulled indicated it was built by the City. He said he was at a disadvantage because of all the unknowns, and the price to fix it was a huge responsibility. He said the cheaper route would be to re-slope it, and records indicated that the City had sloped it. He asked that there be some kind of joint responsibility with the City to rebuild or re-slope the wall. He said the fact that 10% was on the neighbor's property was another indication it was built by the City. He said financially it would be devastating to have to take it on. In response to a question from Councilmember Brendmoen, he said he purchased the property in 2010. He said photos indicated that the neighbor's wall had been patched and fixed, but there was no record of that either. In response to a question from Councilmember Brendmoen, he said it was an investment property that he had paid $40,000 for, which was the same as the estimate to repair the wall.

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

Councilmember Brendmoen said Glenn Pagel had done an extensive amount of work to try to learn more about the situation, and his findings were compelling and not consistent with the testimony from Mr Stein. She said Mr. Pagel identified that the entire slope was graded at the 1 to 1 1/2 ratio and there were just two parcels at the end of the block that had the wall in the backfill. She said there was no indication that the City built the wall. She said the City had done its due diligence and she was convinced that this wasn't a City wall. She moved to deny the appeal but said she understood it was a big investment and would work with Mr. Stein to see if anything could be done collaboratively.

Adopted (appeal denied)

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 1 - Councilmember Bostrom

Absent: 1 - Councilmember Thao

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

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

Laid over to June 8 for second reading

BUDGET AMENDMENT PUBLIC HEARINGS

15 **RES PH 16-157** Amending the financing and spending plans in the Fire Department for the hazardous materials emergency response contract with the State of Minnesota Department of Public Safety in the amount of $15,000, and extending the end date of the contract to September 30, 2017.

There was no one present to testify in opposition or support. Councilmember Tolbert moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

16 **RES PH 16-158** Amending the financing and spending plans in the Fire Department in the amount of $250 to accept the donation from the Saint Paul Midway Lions Club.

There was no one present to testify in opposition or support. Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

Council members shared good news from their Wards.

The Council recessed at 3:53 p.m.

PUBLIC HEARINGS

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

Councilmember Thao excused

Present 5 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

Absent 2 - Councilmember Dai Thao and Councilmember Chris Tolbert

Councilmember Tolbert arrived after roll call.

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

Absent 1 - Councilmember Dai Thao

17 **RES PH 16-152** Approving the application of Geoff Barden for a sound level variance in order to present amplified music and announcements during the hours of 4:00 p.m. to 10:00 p.m., on Saturday, June 25, 2016, for a wedding event at 725 Hague Avenue.

There was no one present to testify in opposition or support. Councilmember President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

18 **RES PH 16-155** Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified live music from June 22 through June 25, 2016 during the Twin Cities Jazz Festival at Mears Park.

Event Executive Director Steve Heckler described the event.

There was no one present to testify in opposition. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

19 **RES PH 16-156** Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified music on June 23, 24, and 25, 2016, during the Twin Cities Jazz Festival at the Union Depot - North Plaza, 214 4th Street East.

There was no one present to testify in opposition or support. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

20 **RES PH 16-159** Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified music on June 24 and 25, 2016 during the Twin Cities Jazz Festival at Kellogg Park.

There was no one present to testify in opposition or support. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

21 **RES PH 16-160** Approving the application of Brian Horst for a sound level variance in order to present amplified music on eleven (11) Thursdays starting June 9, 2016 through August 25, 2016, except June 23, 2016, for the Music in Mears concert series, in Mears Park.

There was no one present to testify in opposition or support. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thao

22 **RES PH 16-162** Approving the application of Music in Mears LLC, Brian Horst, for a sound level variance in order to present amplified music on twelve (12) Fridays starting June 10, 2016 through August 26, 2016, for the Rhythm in Rice concert series in Rice Park.

There was no one present to testify in opposition or support. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thao

23 **RES PH 16-163** 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 6th Street and Sibley Street on Wednesday, June 15, 2016 from 4:30 p.m. to 9:30 p.m. for the St. Paul Downtown Criterium.

There was no one present to testify in opposition or support. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thao

24 **RES PH 16-151** Recommending that Ramsey County implement bicycle facilities on Upper Afton Road between Burns Avenue and McKnight Road.

Luke Hanson, Public Works, gave a staff report. He said Public Works recommended installing bike lanes on both sides of Upper Afton from Burns to McKnight Road as a component of the County's re-surfacing project. He said because of the width of Upper Afton, installing both eastbound and westbound bike lanes required removing parking between Burns and White Bear, and on the north side of Upper Afton between White Bear and McKnight. He said the public hearing for this updated proposal had been continued from the previous week to allow for notification of residents and property owners. he said the intent of the proposal was to increase safety for riders, walkers and drivers; and to provide residents of the East Side with enhanced transportation choices.

In opposition:
Michael Wawra (1623D Upper Afton Road)
Lana Schaffer (1458 Upper Afton Road)
Mike Kurki (2219 Upper Afton Road)
Karen Hintze (1446 Burns Avenue)
Kris Callinan (1641 Upper Afton Road)
Steve W. (Upper Afton Road)
Elinor Auge (1645 Upper Afton Road)
Michael Conlin (1653 Upper Afton Road)
Ben Koenig (1562 Upper Afton Road)

Council President Stark asked everyone present in opposition to stand.

In support:
Paul Sawyer (1346 Point Douglas Road S.), President of District 1 Community Council

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

Councilmember Prince said she would like to lay the matter over to June 8 to try to work on some more ideas. She said she felt there was a real issue with trying to take a built city, with the needs and expectations of residents, and impose a system on it that may or may not be a good fit.

Council President Stark said he appreciated everyone coming to testify. He said this was obviously an issue that people felt strongly about, and one that was being dealt with across the City. He said some important issues had been raised. In response to a comment about the level of use of bike lanes on Ruth Street he said his experience was that segments of bike lanes weren't well used until they were connected to other facilities. He said this area of town presented particular challenges because there wasn't a traditional street grid and not many through streets for any mode of transportation. He said many of the comments related to group riders and the more serious riders, and part of what the City was trying to accomplish with the bike plan was to make biking easier, safer, and more convenient for more people. He said that didn't take away from the concerns.

Public hearing held and closed; laid over to June 8

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

Nay: 0

Absent: 1 - Councilmember Thao

25 ABZA 16-2 Public hearing to consider the appeal of Andrew Rorrig & Amanda Karls to a decision of the Board of Zoning Appeals (BZA) approving variances of the front, side, and rear setbacks, and lot coverage requirements in order to construct an eight - unit apartment building with underground and surface parking at 1174 Grand Avenue.

Councilmember Noecker recused herself because she had voted on this matter as a Planning Commissioner.

Yaya Diatta, Department of Safety and Inspections (DSI), gave a brief staff report on the application and appeal. He noted that the East Grand Avenue Overlay was

not brought up during the Board of Zoning Appeals (BZA) hearing and was new information. He displayed photographs of the previous structure, neighboring buildings, and a representation of the proposed project.

Council President Stark said this was very similar to a case the Council had heard earlier in in the year, and they had made a slight change on the rear setback. Mr. Diatta said that was correct. He said since the item was heard the first time, the applicant had pulled the building away from the alley to allow a greater setback and a smaller footprint. In response to a question from Council President Stark, Mr. Diatta said the proposed building was 37.5 feet in height. He said the East Grand Avenue Overlay limited the height of the building to 40 feet and limited the building footprint to no more than 25,000 square feet. He said this building was way under that. He said the Overlay District also limited the building to three stories, and the proposed building was three stories.

Councilmember Bostrom asked whether the duplex on the property had been moved. Mr. Diatta said the duplex had been removed and it was a vacant lot between to apartment buildings.

Appellant:
Mark Genereux (1165 Lincoln) said he was appearing on behalf of 24 other residents on the block who had consistently supported the appeal. He said the footprint was just barely smaller than the last time it came before the Council. He said the developer hadn't provided a scale drawing, and the appellants had developed their own. He said this was a gigantic building and would stick out like a sore thumb. He said they were appealing because of the errors of the BZA in misapplying the requirements for a variance, and because the proposed development was not at all in conformance with the East Grand Avenue Overlay District.

Amanda Karls (1174 Lincoln) said five of the seven findings that the BZA found had been met, had in fact not been met. She said another speaker would address why findings A, B and F were not met. She said element C placed the burden on the landowner to establish practical difficulties complying with the code and made clear that economic considerations were not practical difficulties. She said it was a standard lot with no unusual features, and if there were practical difficulties in complying with the code on this plot, then the code would have no relevance in many City neighborhoods, which was not the case. She said RM2 zoning allowed for any number of uses that would be applicable and acceptable. She said with respect to D regarding a plight not created by the landowner, there was no plight other than economic motivations, and the developer had options beyond a single family home or duplex. She said the developers had attempted to discredit the factual record created by the neighbors by citing case law regarding general complaints of neighbors, but the neighbors had provided specific points of fact and law. She said the conclusion reached by City staff about lot coverage was less than the floor plan and inconsistent with that provided by the developer, and was much too large regardless.

Andrew Rorvig (1171 Lincoln) responded to five "myths" regarding the opposition: He said area businesses and the Summit Hill Association were also opposed to the proposal; neighbors were in favor of redevelopment but wanted something consistent in terms of mass and scale; mass and scale had always been the issue; the perception that developers had made huge concessions was not accurate; and the scale had not changed since the previous vote.

Lori Bostrom (710 Summit Avenue), Summit Hill Association (SHA) Board member, read a statement in support of maintaining the integrity of the East Grand Avenue Overlay District.

In opposition to the appeal (in support of the project):
Ryan Burke, one of the developers, reviewed the process leading to the development of the existing plans. He clarified that the units were condos and not apartments, and he reviewed the existing plan, highlighting changes made. He said parking requirements could only be addressed with a parking garage, and the width was needed to accommodate the required size of the parking stalls and driveway. He said they were essentially the exact same footprint as the other four buildings. He reviewed the ways in which the current design addressed concerns about parking and traffic, privacy, building mass, and precedent. He said the proposed use was a better fit to the comprehensive development plan, zoning, and Grand Avenue Development Overlay than conforming apartments or retail.

Jason Lien (1060 Laurel Avenue), attorney for the developer, said it was the appellants' burden to demonstrate an error in fact, procedure, or findings made by the BZA, and the appeal failed to do that. He said their calculations were based on what was in their application, and the percentages were accurately calculated by City staff and were not disputed. He said they disputed the claims of misrepresentations related to letters of support, and the issue was not a finding by the BZA. He said the ZLU Committee of the Summit Hill Association voted 3 to 1 to approve the revised plan, but the developers didn't feel they got a fair chance at the board vote because the appellants were board members and participated in the board discussion. He said they didn't feel the letter submitted by the SHA accurately reflected the split vote, and was not authorized according to the board bylaws. He said there were no errors in procedure identified, and all of the findings were supported by the record, by City staff, and twice by the BZA. He said all of the concerns expressed were with the effect of the height and mass on the character of the neighborhood, but those issues were not related to the variance being sought. He said the BZA recognized that Grand Avenue was a mixed use corridor, and this development was between four apartment buildings of similar size. He said it would not alter the essential character of the surrounding area, and the BZA was correct in its findings. He asked that the Council deny the appeal.

Kyle Lenzen, one of the 1174 Grand property owners, spoke about design standards in terms of whether the proposed development fit in the nature of the larger area on Grand Avenue.

Kathy Plessner (2038 Summit) spoke in support.

Councilmember Tolbert moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Tolbert said variances were tough because they were inconsistent with the law but also the right of the property owner. He said he had voted against the variances last time but felt all variance conditions were met this time, and he would move to deny the appeal.

Council President Stark said he was torn about the project then and now, but he had re-read the staff report and BZA findings and hearings, and couldn't find there was error. He said it was close before, and the change was just enough that it changed his opinion.

Councilmember Prince said she wasn't on the Council when the issue was hard the first time, but didn't feel the changes were significant and the development still did not meet findings 1, 3, 4 or 6. She said she would be voting against the motion.

Councilmember Bostrom said it was a good looking proposal the first time. He said the changes were modest, but he didn't think the BZA erred in this case. He said a similar development would be welcome on the East Side. He said it was an indication that development was happening which was a good thing.

Motion of Intent - Appeal denied

Yea: 4 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert and City Council President Stark

Nay: 1 - Councilmember Prince

Absent: 1 - Councilmember Thao

Abstain: 1 - Councilmember Noecker

26 RES PH 16-174 Accepting "Organized Trash Collection in Saint Paul: Report on Community Input and Draft Goals and Objectives" from the Saint Paul Department of Public Works.

Ellen Biales, Public Works, gave a staff report on community input and the draft rules and objectives related to organized trash collection. She reviewed the history and background, the means of soliciting and collecting public comment, the demographics of respondents, and the priorities of respondents in selecting a provider. She said they also asked the question about alley plowing. She summarized resident responses and comments. She said there had been meetings with all 14 existing licensed haulers, and most haulers agreed there could be some efficiencies. She said the inability to expand and grow was a consistent concern among haulers, and small local haulers were concerned about being under-bid by national haulers. She said labor peace was a bigger concern for large haulers. She said bills were analyzed, but represented a snapshot as the number of bills was not statistically significant. She outlined the recommendations and priorities if the City decided to move forward. She answered questions from Council members.

The following appeared in opposition:
Matt Pfluge, East Metro Environmental
Jim Berquist, Ken Berquist & Son Disposal
Rona Krupenny, Krupenny & Sons Disposal
Alexa Fang and Thor Nelson, Aspen Waste Systems
Amy Sperling (1036 Davern)
Scott Larson (1656 St. Clair)
Bobby Stewart, Highland Sanitation
Joe Aho (1510 Randolph Avenue)

The following appeared in support:
Darius Masoudi (1011 Stinson Street)
Joseph DeBoer (1011 Stinson Street)
Mary Vik, League of Women Voters St. Paul
Steve Yetter (1499 Hythe Street)
Steve Ford (703 Portland Avenue)
Jennifer Nguyen (1039 Loeb Street)
Oakley Biesanz (233 Page Street)
Brian Martinson (1943 Princeton Avenue)
Neil Roper (1230 Edmund Avenue)

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

Council members commented.

Councilmember Tolbert moved approval of the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

27 **RES PH 16-166** Approving the petition of International Institute, Inc. to vacate a portion of Aldine Street and Wynne Street, Saint Paul, Minnesota.

There was no one present to testify in opposition or support. Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

28 **RES PH 16-127** Ratifying the assessment for above standard street lighting and other improvements as needed along Snelling Avenue from Selby to Pierce Butler Route. (File No. 19179, Assessment No. 155100)

Ben Hawkins, Public Works, gave a brief staff report. Council President Stark noted that assessments came in about 30% lower than originally estimated.

In opposition:
Yohannes (686 Snelling Avenue N.)
Larry Leventhal (319 Ramsey Street)
Katherine Nelson (665 Snelling Ave N.)

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

Council President Stark made comments and moved approval of the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

30 **RLH VBR 16-28** Appeal of Donald J. Klemmer to a Summary Abatement Order, Vehicle Abatement Order, and Vacant Building Registration Notice at 1060 AVON STREET NORTH.

Legislative Hearing Officer Marcia Moermond said this was an appeal of the Vacant Building registration. She said there was no appeal of the condemnation, and DSI was proposing a Category 2 due to the condemnation and major code violations. She

said the vehicle abatement order was now in compliance. She recommended denying the appeal, as the building was condemned and the conditions were believed to still persist, although the inspector had not been granted access to confirm. In response to a question from Councilmember Brendmoen she said the Category 2 status meant a Certificate of Code Compliance was required to re-occupy the building.

In opposition:
Donald Klemmer (1060 Avon) said he resided at the residence. He said he originally bought the property in 2013 for himself and his wife, who passed shortly thereafter. He said it was a big house and he had five kids, and it was a big responsibility. He said some things from a recycling business ended up at the property, and he heard the complaints and tried to address them as best he could, and felt that matter was resolved. He said and the vacant property stemmed from a hoarding condition. He said he didn't get a lot of answers in Legislative Hearings as to standards and procedures and guidelines, and he didn't feel the conditions in his home constituted hoarding. He acknowledged there were some unsafe conditions, and said he had made all of the repairs. He said he had made it clear to the inspector that the repairs had been made, but scheduling issues had prevented the re-inspection from occurring. He said he couldn't afford to maintain the property by himself and his intention was to sell. He said the house was in great shape and he'd had a discussion with a neighbor about making it a rental property. He said he understood the City's concerns but his circumstances had changed and he just wanted to be able to sell the house and move along.

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

Councilmember Brendmoen thanked Mr. Klemmer for staying through the meeting to testify. She said there were a lot of details attached to this, but the focus was the Category 2 status. She said Mr. Klemmer held the key to meeting the requirements and in getting the property back online and ready to sell. She said she hoped he could get in touch with inspectors to move that along as quickly as possible. She moved to deny the appeal.

Adopted (appeal denied)

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

Nay: 0

Absent: 1 - Councilmember Thao

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 29 - 53)

There was no one present to testify in opposition or support. Councilmember Brendmoen moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thao

29 **RLH FCO 16-59** Appeal of Josie Macey Daly to a Re-inspection Fire Certificate of Occupancy With Deficiencies at 1817 ASHLAND AVENUE.

Adopted

31 **RLH TA 16-263** 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 1474 BROMPTON STREET. (File No. VB1501, Assessment No. 158800)

Adopted

32 **RLH FCO 16-61** Appeal of Ben Greiling to a Re-inspection Fire Certificate of Occupancy with Deficiencies at 982 CONWAY STREET.

Adopted

33 **RLH TA 15-570** Ratifying the Appealed Special Tax Assessment for Property at 790-794 FRANK STREET. (File No. J1603E, Assessment No. 168302; amended to File No. J1603E1, Assessment No. 168306 and to approve the assessment)

Adopted as amended (amended to change file numbers and approve the assessment)

34 **RLH SAO 16-15** Appeal of Clifford Scott to a Summary Abatement Order at 434 FRY STREET.

Adopted

35 **RLH TA 16-252** Ratifying the Appealed Special Tax Assessment for Property at 497 HOPKINS STREET. (File No. VB1607D, Assessment No. 168819)

Adopted

36 **RLH RR 16-16** Ordering the razing and removal of the structures at 808 JACKSON STREET within fifteen (15) days after the June 1, 2016, City Council Public Hearing.

Adopted

37 **RLH TA 16-204** Ratifying the Appealed Special Tax Assessment for Property at 985 JENKS AVENUE. (File No. CRT1608, Assessment No. 168208)

Adopted

38 **RLH RR 16-8** Ordering the rehabilitation or razing and removal of the structures at 595 JESSAMINE AVENUE EAST within fifteen (15) days after the March 16, 2016, City Council Public Hearing.

Adopted as amended (remove within 15 days with no option for repair)

39 **RLH TA 16-198** Ratifying the Appealed Special Tax Assessment for Property at 716 MAGNOLIA AVENUE EAST. (File No. CRT1608, Assessment No. 168208)

Adopted

40 **RLH TA 15-613** Ratifying the Appealed Special Tax Assessment for Property at 1727 MARSHALL AVENUE. (File No. J1604E, Assessment No. 168303; amended to File No. J1604E2, Assessment No. 168311) (To be deleted.)

Adopted as amended (amended to change file numbers and delete the assessment)

41 **RLH FCO 16-63** Appeal of May Vue to a Fire Inspection Correction Notice at 1388 PROSPERITY AVENUE.

Adopted

42 **RLH FCO 16-56** Appeal of Thomas & Sheila Casper, d/b/a Copper Dome/Tommy C's Randolph Griddle, to a Fire Certificate of Occupancy Correction Notice - Complaint Inspection at 1333 RANDOLPH AVENUE.

Adopted as amended (deny the appeal and grant until September 1, 2016 for compliance)

43 **RLH FCO 16-66** Appeal of Ain Dah Yung Center to a Fire Inspection Correction Notice at 1212 RAYMOND AVENUE.

Adopted

44 **RLH TA 16-253** Deleting the assessments for Property Clean Up services from February 1 to 25, 2016 at 17 SEVENTH PLACE WEST. (File No. J1609A, Assessment No. 168525)

Adopted

45 **RLH CO 16-17** Appeal of Hanz and Heidi Lehrke to a Fire Inspection Correction Notice at 1871 STILLWATER AVENUE.

Adopted

46 **RLH RR 16-17** Ordering the razing and removal of the structures at 72 SYCAMORE STREET EAST within fifteen (15) days after the June 1, 2016, City Council Public Hearing.

Adopted

47 **RLH RR 16-9** Ordering the rehabilitation or razing and removal of the structures at 839 THOMAS AVENUE within fifteen (15) days after the March 16, 2016, City Council Public Hearing.

Adopted as amended (remove or repair within 45 days)

48 **RLH AR 16-25** Ratifying the assessment for Property Clean Up services on October 8, 2015 at 1169 UNIVERSITY AVENUE WEST. (File No. J1605A2, Assessment No. 168524)

Adopted

49 **RLH TA 16-197** Ratifying the Appealed Special Tax Assessment for Property at 1169 UNIVERSITY AVENUE WEST. (File No. J1605A2, Assessment No. 168524)

Adopted

50 **RLH FCO 16-54** Appeal of Wally Nelson; Renovation, Inc.; to a Fire Inspection Correction Notice at 1076 WAKEFIELD AVENUE.

Adopted as amended (appeal granted with extension to May 31, 2017)

51 **RLH AR 16-26** Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed November 10 to December 11, 2015. (File No. CRT1608, Assessment No. 168208)

Adopted

52 **RLH AR 16-27** Ratifying the assessments for Graffiti Removal service from January 21 to February 2, 2016. (File No. J1608P, Assessment No. 168407)

Adopted

53 **RLH AR 16-28** Ratifying the assessments for Tree Removal services during January 2016. (File No. 1604T, Assessment No. 169003)

Adopted

ADJOURNMENT

Councilmember Prince moved adjournment.

Meeting adjourned at 8:38 p.m.

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

Nay: 0

Absent: 1 - Councilmember Thao

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