City of Saint Paul

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

City Council Meeting Minutes - Final

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

Wednesday, July 20, 2016 **3:30 PM** **Council Chambers - 3rd Floor**

ROLL CALL

Councilmember Bostrom excused

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

Absent 1 - Councilmember Dan Bostrom

PUBLIC HEARING (The public hearing on this item will take place at 10:00 a.m. at the SPNN facility at 550 Vandalia Street. Following the public hearing, Council members will take a tour of the facility.)

1 **Ord 16-21** Creating a commercial development district at Can Can Wonderland (formerly American Can facility) located at 755 Prior Avenue North pursuant to Section 17.07.1 of the City Charter and Section 409.20 of the Legislative Code.

Public hearing held and closed; laid over to July 27 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Bostrom

RECESS (The Council will recess, and reconvene at 3:30 p.m. in Council Chambers.)

ROLL CALL

The Council reconvened at 3:30 p.m.

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

Absent 1 - Councilmember Dan Bostrom

COMMUNICATIONS & RECEIVE/FILE

2 **AO 16-55** Amending the Right of Way Fund 230 spending budget to allow for the purchase of a trailer mounted vactor for Bridge Maintenance.

Received and filed

3 **AO 16-56** Amending CDBG and HOME activities budgets.

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 4 - 19)

Consent Agenda adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

4 **Min 16-30** Approving the minutes of the February 3, 10, 17 and 24; and March 2, 9, 16 and 23, 2016 City Council meetings.

Adopted

5 **RLH OA 16-9** Making recommendation to Ramsey County on the application of Kenneth Hamblin for repurchase of tax forfeited property at 141 PAGE STREET EAST.

Adopted

6 **RLH OA 16-8** Making recommendation to Ramsey County on the application of Ken Hamblin for repurchase of tax forfeited vacant lot at 0 MECHANIC AVENUE (Pin 27-29-22-24-0059).

Adopted

7 **RES 16-1193** Approving the City's cost of providing Collection Fire Certificate of Occupancy fees billed during March 16 to April 8, 2016, and setting date of Legislative Hearing for August 16, 2016 and City Council public hearing for October 5, 2016 to consider and levy the assessments against individual properties. (File No. CRT1612, Assessment No. 168213)

Adopted

8 **RES 16-1194** Approving the City's cost of providing Collection Vacant Building Registration Fees billed during January 4 to April 21, 2016, and setting date of Legislative Hearing for August 16, 2016 and City Council public hearing for October 5, 2016 to consider and levy the assessments against individual properties. (File No. VB1615, Assessment No. 168822)

Adopted

9 **RES 16-1195** Approving the City's cost of providing Emergency Tree Removal services during December 2015 to May 2016, and setting date of Legislative Hearing for August 16, 2016 and City Council public hearing for October 5, 2016 to consider and levy the assessments against individual properties. (File No. J1613A, Assessment No. 168531)

Adopted

10 **RES 16-1196** Approving the City's cost of providing Demolition services from March to June 2016, and setting date of Legislative Hearing for August 16, 2016 and City Council public hearing for October 5, 2016 to consider and levy the assessments against individual properties. (File No. J1609C, Assessment No. 162012)

Adopted

11 **RES 16-1197** Approving the City's cost of providing Graffiti Removal services during June 1 to 22, 2016, and setting date of Legislative Hearing for August 16, 2016 and City Council public hearing for October 5, 2016 to consider and levy the assessments against individual properties. (File No. J1611P, Assessment No. 168411)

Adopted

12 **RES 16-1153** Authorizing the Fire Department to donate a 1991 Ford fire engine to the Minnesota Children's Museum.

Adopted

13 **RES 16-1211** Authorizing the Fire Department to enter into a lease agreement with Fire Nuggets for the use of the department's training facility.

Adopted

14 **RES 16-1226** Approving the Labor Agreement (January 1, 2016 - December 31, 2017) and Memorandum of Agreement (January 1, 2016 - December 31, 2017) between the City Saint Paul and the International Association of Fire Fighters, AFL-CIO Local 21.

Laid over to July 27 for adoption

15 **RES 16-1104** Approving the Labor Agreement (January 1, 2016 - December 31, 2017) between the City of Saint Paul and the International Union of Operating Engineers, Local 70.

Adopted

16 **RES 16-1077** Authorizing the acceptance of two grants from the Minnesota Historical Society to complete a Cultural Resources Survey of the Hamline Midway Neighborhood, District 11.

Adopted

17 **RES 16-1106** Authorizing the City to enter into Cooperative Agreement PW2016-08 with Ramsey County for the construction of APS facilities on Maryland Avenue and Shepard Road.

Adopted

18 **RES 16-1220** Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add Liquor On Sale - 100 seats or less, and Liquor On Sale - Sunday licenses to the existing Liquor-Outdoor Service Area (Sidewalk) license, for Molto Inc. (I.D. # 20100003233), d/b/a Bottle Rocket at 1806 St. Clair Avenue.

Adopted

19 **RES 16-1192** Approving adverse action against the Taxicab Driver (Provisional) license application submitted by Christina L. Hough.

Adopted

FOR DISCUSSION

20 **RES 16-1235** Recognizing the City of Saint Paul as a Bird City of Minnesota.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

RES PH 16-124 Final Order approving the removal of a street bump-out at the northeast corner of Selby and Saratoga. (File No. 19216, Assessment No. 165211) (Public hearing held May 18; laid over from July 6)

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

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

22 Ord 16-25 Amending Chapters 65 and 66 of the Legislative Code pertaining to outdoor sports and entertainment.

Laid over to July 27 for second reading

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

23 RES PH 16-224 Moving $90,000 of available CIB Contingency funds to the Parks and Recreation Department's 2016 Capital Maintenance Program to allow for additional drainage measures to address bluff seepage and roadway icing problems along Water Street in Lilydale Regional Park.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

24 RES PH 16-225 Moving $79,607 of available CIB Contingency funds to the Parks and Recreation Department's 2015 Capital Maintenance Program to repair a water leak in the Como Zoo polar bear pool in Como Regional Park.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

25 **RES PH 16-229** Authorizing an increase in the Parks and Recreation Grant Fund Budget in the amount of $1,016,000 to reflect the updated awards for recurring Right Track grants received from the Otto Bremer Foundation, State of Minnesota DEED, and CDBG

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

26 **RES PH 16-208** Accepting a $60,000 grant from The McKnight Foundation to prepare an urban design plan for the Ford Site (District 15, Ward 3).

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

27 **RES PH 16-222** Amending the financing and spending plans in the Police Department in the amount of $20,000, and accepting the Grant Agreement Amendment from the State of Minnesota for the 2014 State Homeland Security Program grant.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

Council members shared good news from their wards.

The Council recessed at 3:48 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:31 p.m.

Councilmember Bostrom excused

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

Absent 1 - Councilmember Dan Bostrom

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

Councilmember Thao moved to continue the public hearing to September 7.

Council President Stark introduced an amendment with a minor language addition requested by DSI, explicitly stating that local, state and federal rules applied to what was being proposed. Yeas - 6 Nays - 0

In support:
Mindy Keskinen (2240 Hillside Avenue)

Public hearing continued to September 7

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

Nay: 0

Absent: 1 - Councilmember Bostrom

29 **Ord 16-16** Amending Chapter 376 of the Saint Paul Legislative Code updating taxicab regulations within the City of Saint Paul and creating a new license type for taxicab service companies.

Dan Niziolek, Deputy Director of the Department of Safety and Inspections gave a staff report.

In opposition:
Mike Breckman, owner of St. Paul Yellow Taxi
Cathie Wendell, owner at City Wide Cab Company

Council members discussed concerns about the different regulations for traditional taxi companies and transportation network companies.

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

Council President Stark said it sounded like there was interest in looking into some of the existing ordinances beyond the changes being proposed, and they would make sure there was follow-up.

Public hearing held and closed; laid over to July 27 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Bostrom

30 Ord 16-17 Granting the application of T.V. Eklund LLC to rezone their property at 476 Minnehaha Avenue West from VP vehicular parking to I1 light industrial, and amending Chapter 60 of the Legislative Code pertaining to the Saint Paul zoning map.

In support:
Blake Burling (476 W. Minnehaha Avenue) clarified the request.

Councilmember Thao thanked Mr. Burling for choosing St. Paul for their business. He asked that the neighborhood be respected, and he confirmed for the record that the business was towing and impound, and not salvage. He moved to close the public hearing and approve the application.

Public hearing held and closed; laid over to July 27 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Bostrom

31 Ord 16-18 Granting the application of TZK Corp. to rezone property at 113 Annapolis Street East from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

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

Public hearing held and closed; laid over to July 27 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Bostrom

32 **Ord 16-23** Granting the application of Hmong Village LLC and the City of Saint Paul to rezone a portion of the property at 1001 Johnson Parkway and a portion of the adjacent Johnson Parkway right-of-way from R2 one-family residential to IT transitional industrial to expand a parking lot into Johnson Parkway right-of-way, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

Bill Dermody, Planning and Economic Development, gave a staff report at the request of Councilmember Prince. Councilmember Prince said she was a strong supporter of outcome, and wanted to be clear that there would be a parks diversion plan coming forward for the portion in the Parkway. Mr. Dermody said it was being handled directly between Parks and Hmong Village. Councilmember Prince said, on behalf of Councilmember Bostrom who had initiated this action, she wanted to say that Hmong Village had become a destination business for the East Side that has outgrown its parking and this was a solution that had been in the works for a couple of years.

No one was present to testify. Councilmember Prince moved to close the public hearing.

Public hearing held and closed; laid over to July 27 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Bostrom

33 **Ord 16-22** Creating a commercial development district at North Garden Theater (Formerly the Garden Theater) located at 929 Seventh Street West pursuant to Section 17.07.1 of the City Charter and Section 409.20 of the Legislative Code.

Dan Niziolek, Deputy Director of the Department of Safety and Inspections, gave a staff report. He said the sole purpose of the Commercial Development District was to allow issuance of an on sale liquor license. He said issuing the license would be a separate public hearing.

In opposition:
Jon Walker (426 Daly Street)
Nance Davidson (941 W. 7th Street)
John Davidson (941 W. 7th Street)
Cher Louise LaFreniere (941 W. 7th Street)

In support:
Ryan North (29 Armor terrace, St. Anthony), property owner, read a statement in support.
Andrew Thoreen (900 W. 7th Street)
Councilmember Noecker moved to close the public hearing. Yeas - 6 Nays - 0

Councilmember Noecker thanked everyone who had come to testify. She expressed support, and said there were always tensions and challenges, but this was ultimately going to be a good thing for the neighborhood.

Public hearing held and closed; laid over to July 27 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Bostrom

34 **RES PH 16-220** Authorizing the use of a Project Labor Agreement (PLA) for a city project to construct a new Police Public Safety Training Facility at 600 Lafayette Road.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

35 **RES PH 16-221** Approving the application of St. Paul Saints Baseball Club Inc. for a sound level variance to present an All Star Game Home Run Derby and Concert Event with amplified music and use of a public address system outdoors on Monday, August 1, 2016 at CHS Field, 360 Broadway Street.

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

Tom Whaley (360 Broadway) requested sound check at 1:00 rather than 3:00 p.m.

Deputy City Attorney Rachel Tierney said that was not a material change, and there was no need to recall and amend the item.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

36 **RES PH 16-223** Approving the application of Podium Sports Marketing for a sound level variance in order to present a brief announcement and the National Anthem at Shepard Road at Walnut Street for the Event Start, and amplified music and announcements at the Finish at the east end of Upper Landing Park at Shepard Road just west of Ontario Street, for the RBC Minnesota Half Marathon on Saturday, August 6, 2016.

Mike Cofrin (15325 Verdin Street, Andover) thanked the Council for their consideration and gave updates on earlier discussions relative to concerns raised by former Councilmember Thune. In response to a question from Councilmember Tolbert, he clarified the nature of the announcements made at the finish line, and the location of the finish line and said it was not in front of the condos.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

37 **RES PH 16-226** Approving the application of Sandy Schwarz, manager of Wild Tymes, for a sound level variance in order to present live music on August 6, 2016 on the patio at 33 Seventh Place West.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

38 **RES PH 16-227** Approving the application of Sandy Schwarz, manager of Wild Tymes, for a sound level variance in order to present live music on August 13, 2016 on the patio at 33 Seventh Place West.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

39 **RES PH 16-219** Approving the application of El Burrito Mercado for a sound level variance in order to present amplified music and announcements for the Fiestas Familiares music series on eight (8) Sundays starting July 31, 2016 through September 18, 2016 at the LaPlacita space at 193 Cesar Chavez Street.

Marissa Diaz (178 Cesar Chavez) gave an update on the event.

Councilmember Noecker expressed her support for the event. She moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

40 **RES PH 16-216** Approving the application of Groundswell for a sound level variance in order to present live bands for Grounds and Sounds Art and Music Festival on Saturday, August 20, 2016 at 1340 Thomas Avenue.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

41 **RES PH 16-202** Approving adverse action against the Auto Repair Garage license held by Afterhours Mobile Service, Inc., d/b/a Twin City Fleet Repair at 290 Larch Street. (Public hearing continued from July 6)

Geoffrey Karls, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the license condition violations. He said the Department would be justified in seeking an upward departure but would not impose a monetary fine given that finances seemed to be the issue. He said DSI was recommending that the license be suspended until the lot was brought into compliance.

Licensee John Vostech (290 Larch Street) described the circumstances leading to the current situation, and asked for an extension to September 15. He said if the license was pulled who couldn't make and money and couldn't pave the property.

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

Councilmember Thao said Mr. Vostech knew how to run his business but still needed to meet the same standards of other similar businesses. He asked what assurances the Council had that there would be compliance by September 15. Mr. Vostech said he'd had a bunch of bad luck, and this was the last step. He said he tried to run the best business he could, and hadn't had much contact with DSI prior to this.

Councilmember Thao moved to adopt DSI's recommendation.

Council President Stark confirmed with Mr. Karls that the license suspension lifted once work was done, and that the suspension would begin immediately. He said one option might be to allow a little more time. Mr. Karls said if that route was chosen, his recommendation would be to have a second public hearing to receive a staff report.

Councilmember Noecker said she would not support an extension, as this had been going on for nine years, taking taxpayers money and City resources.

Councilmember Brendmoen said she was struggling with her decision. She said she was struck by the potential loss of jobs. She said she knew contractors were busy, and put off small one-off jobs until they had time. She said she wouldn't be opposed to a small extension. She said it was unusual for a business owner to come before the Council and take responsibility for his situation, and a two or four week extension would be acceptable to her.

Councilmember Thao said he'd thought about that too, but nine years of extensions was a long time. He said the license suspension would help the business owner get his business on track.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

42 RES PH 16-228 Approving adverse action against the Solid Waste Hauler & Vehicle and Solid Waste Hauler (Each Additional Vehicle) licenses held by Coolidge Trucking Systems, Inc. d/b/a Coolidge Trucking Systems, Inc. located at 829 Central Avenue West in Saint Paul.

Geoffrey Karls, Assistant City Attorney representing the Department of Safety and Inspections (DSI) said there conversation prior to hearing leading to an agreeable resolution, and he asked that the public hearing be continued to August 3 with the anticipation of dismissal.

No one was present to testify. Councilmember Thao moved to continue the public hearing to August 3.

Public hearing continued to August 3

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

Nay: 0

Absent: 1 - Councilmember Bostrom

43 RES PH 16-217 Approving adverse action against the Taxicab Driver license held by Jemal Omer Tahiro.

Geoffrey Karls, Assistant City Attorney representing the Department of Safety and Inspections (DSI) gave a staff report on the license violation by Jemel Omer Tahiro. He said the Department's recommendation was to adopt the proposed resolution revoking the taxicab license. Council President Stark asked whether Mr. Tahiro could re-apply for a license at a certain point. Mr. Karls said Mr. Tahiro could re-apply three years after his discharge from probation.

In opposition:
Jamal Omer Tahiro said he had been driving for 10 years. He described the incident, and said he was the victim and was losing his taxicab license because of it. He said it

was not fair.

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

Council President Stark said it was difficult for the Council to judge the circumstances because they didn't have all of the information of all of the parties involved, and so they had to rely on what happened in court. He said, under those circumstances, he was going to move DSI's recommendation.

Councilmember Prince asked whether there was any discretion to refer to an Administrative Law Judge (ALJ) or was the Council bound by the requirements in terms of what Mr. Tahiro plead guilty to. Mr. Karls said that was two questions. He said his understanding was that the Council could refer a matter to an ALJ at any time of they felt it was necessary. He said this ordinance was clear that a license would not be renewed within three years of discharge from probation for a non-traffic misdemeanor conviction, which was what they had in this situation.

Councilmember Brendmoen said she understood the question. She said it didn't even seem like there should be an appeal process when the Council didn't have any latitude to do anything.

Deputy City Attorney Rachel Tierney said the Council could refer the matter to an ALJ for a recommendation, but the appellant had conceded the fact that he was convicted criminally and the ALJ would be bound by the same ordinance. She said the discretion was whether the Council wanted to follow the ordinance.

Council President Stark said he felt the Council should do that, as it was the situation they were in, for better or for worse. He said he had made that motion.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

73 RLH TA 16-291 Ratifying the Appealed Special Tax Assessment for Property at 202 SEVENTH STREET EAST. (File No. J1607C, Assessment No. 168526)

Legislative Hearing Officer Marcia Moermond gave a staff report on the tax assessment resulting from a sidewalk collapse into an areaway underneath. She said the sidewalk and areaway underneath were associated with private property, and the cost for rebuilding went back to the private individual. She said the City's knowledge of the areaways was discussed in the Legislative Hearing. She said there was some effort in the mid-1990s to identify where the areaways were, and notification was sent to property owners to either have them filled or have them inspected. She said the department was coming across them occasionally and dealing with them on a case by case basis. She said there wasn't an inventory and she didn't know if deeds indicated if an areaway was present. She said this was an expense the City incurred on an emergency basis, and she acknowledged the $6000+ was a financial burden. She recommended approval of the assessment, with payments spread over 5 years.

Council President Stark said a number of areaways were dealt with along University during Green Line construction, and there were some along Jackson.

In opposition:
Lynne Swalchick, agent for the management company, said she protested the assessment and she felt the areaways had been known about. She said their company bought the building in the early 2000s and sold it to another company in 2012 and still managed it. She said this was a sidewalk they shoveled and maintained, but they had no knowledge of the areaway and shouldn't be responsible for the assessment.

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

Councilmember Noecker said she was troubled by the situation and been back and forth with Ms. Moermond trying to understand the details and the rationale for why the assessment was the property owner's responsibility. She said she understood it felt unjust, but these were private, and even if you had been notified it would have been their responsibility. She said they were spreading the assessment over the longest time possible. She said she would work with DSI on continuing efforts to find these. She moved to adopt Ms. Moermond's recommendation

Councilmember Thao said he supported the recommendation. He said the repair had been done and was benefit to general public and to the business.

Council President Stark said he would support the motion as well. He said beyond the benefit, as Ms. Noecker said, even if it was unknown it was a privately owned and built thing that happened to be under the sidewalk.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

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 44 - 82)

No one was present to testify. 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 Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Bostrom

44 **RLH TA 16-278** Ratifying the Appealed Special Tax Assessment for Property at 996 ALBEMARLE STREET (File No. J1610A, Assessment No. 168526).

Adopted

45 **RLH TA 16-250** Ratifying the Appealed Special Tax Assessment for Property at 1325 ARKWRIGHT STREET. (File No. VB1607C, Assessment No. 168818) (Amend to delete the assessment)

Adopted as amended (assessment deleted)

46 **RLH TA 16-293** Ratifying the Appealed Special Tax Assessment for Property at 1016 AURORA AVENUE. (File No. J1610A, Assessment No. 168526))

Public hearing continued to October 19

47 **RLH TA 16-296** Deleting the Appealed Special Tax Assessment for Property at 231 BATES AVENUE. (File No. J1610A, Assessment No. 168526)

Adopted

48 **RLH VBR 16-40** Appeal of Michael Unger to a Vacant Building Registration Requirement at 1134 BEECH STREET.

Adopted

49 **RLH TA 16-277** Ratifying the Appealed Special Tax Assessment for Property at 1061 BUSH AVENUE. (File No. J1610A, Assessment No. 168526)

Adopted

50 **RLH TA 16-272** Deleting the Appealed Special Tax Assessment for Property at 1096 BUSH AVENUE. (File No. J1610A, Assessment No. 168526)

Adopted

51 **RLH TA 16-270** Ratifying the Appealed Special Tax Assessment for Property at 963 CASE AVENUE. (File No. J1610A, Assessment No. 168526)

Adopted

52 **RLH SAO 16-20** Appeal of Leon and Lavera Daisy to a Vehicle Abatement Order at 265 CHATSWORTH STREET.

Adopted

53 **RLH TA 16-275** Ratifying the Appealed Special Tax Assessment for Property at 457 CLINTON AVENUE. (File No. J1610A, Assessment No. 168526; amended to File No. J1610A3, Assessment No. 168541 and to delete the assessment)

Public hearing continued to October 19

54 **RLH VO 16-26** Appeal of Herbert D. Steele to a Notice of Condemnation as Unfit for Human Habitation and Oder to Vacate at 1321 DAYTON AVENUE.

Adopted

55 **RLH RR 16-20** Ordering the razing and removal of the structures at 889 DESOTO STREET within fifteen (15) days after the July 20, 2016, City Council Public Hearing.

Adopted

56 **RLH TA 16-269** Ratifying the Appealed Special Tax Assessment for Property at 1032 DULUTH STREET (File No. J1610A, Assessment No. 168526).

Adopted as amended (assessment ratified and payable in one installment)

57 **RLH TA 16-280** Ratifying the Appealed Special Tax Assessment for Property at 1044 FOURTH STREET EAST. (File No. J1610A, Assessment No. 168526)

Adopted

58 **RLH TA 16-267** Deleting the Appealed Special Tax Assessment for Property at 1593 GERMAIN LANDING. (File No. J1610A, Assessment No. 168526)

Adopted

59 **RLH RR 16-32** Granting a stay of enforcement to provide a 90-day extension for Patrick Nseuman for the rehabilitation or removal of for property at 805 HUDSON ROAD.

Adopted

60 **RLH TA 16-243** Ratifying the Appealed Special Tax Assessment for Property at 321 JENKS AVENUE. (File No. J1601V, Assessment No. 168000) (Amend to delete)

Adopted as amended (assessment deleted)

61 **RLH TA 16-281** Ratifying the Appealed Special Tax Assessment for Property at 778 JENKS AVENUE. (File No. J1610A, Assessment No. 168526)

Adopted

62 **RLH TA 16-287** Ratifying the Appealed Special Tax Assessment for Property at 478-480 LEXINGTON PARKWAY SOUTH. (File No.J1610A, Assessment No. 168526)

Adopted

63 **RLH TA 16-282** Ratifying the Appealed Special Tax Assessment for Property at 781 MAGNOLIA AVENUE EAST. (File No. J1610A, Assessment No. 168526)

Adopted

64 **RLH TA 16-273** Ratifying the Appealed Special Tax Assessment for Property at 789 MAGNOLIA AVENUE EAST. (File No. J1610A, Assessment No. 168526)

Adopted

65 **RLH TA 16-283** Ratifying the Appealed Special Tax Assessment for Property at 1295 MARION STREET (File No. J1610A, Assessment No. 168526).

Adopted

66 **RLH CO 16-15** Appeal of Philip Varchenko to a Correction Order at 1627 MARSHALL AVENUE. (Public hearing continued from June 15)

Adopted as amended (appeal denied and extension granted to July 1, 2017)

67 **RLH VO 16-25** Appeal of Christy Perrine to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 346 MARYLAND AVENUE EAST.

Adopted

68 **RLH TA 16-284** Ratifying the Appealed Special Tax Assessment for Property at 963 MINNEHAHA AVENUE EAST. (File No. J1610A, Assessment No. 168526)

Adopted

69 **RLH TA 16-285** Ratifying the Appealed Special Tax Assessment for Property at 974 MINNEHAHA AVENUE EAST. (File No. J1610A, Assessment No. 168526)

Adopted

70 **RLH TA 16-274** Ratifying the Appealed Special Tax Assessment for Property at 302 MORNINGSIDE CIRCLE. (File No. J1610A, Assessment No. 168526; amended to File No. J1610A4, Assessment No. 168542

Referred to Legislative Hearings on August 2; Council public hearing continued to August 17

71 **RLH TA 16-276** Ratifying the Appealed Special Tax Assessment for Property at 1574 PACIFIC STREET. (File No. J1610A, Assessment No. 168526; amended to File No. J1610A2, Assessment No. 168540)

Public hearing continued to October 5

72 **RLH VO 16-19** Appeal of Nancy Barnes to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1159 PASCAL STREET NORTH.

Adopted

74 **RLH TA 16-279** Ratifying the Appealed Special Tax Assessment for Property at 333 SHERBURNE AVENUE. (File No. J1610A, Assessment No. 168526)

Adopted

75 **RLH TA 16-286** Deleting the Appealed Special Tax Assessment for Property at 581 VAN BUREN AVENUE. (File No. J1610A, Assessment No. 168526)

Adopted

76 **RLH TA 16-292** Deleting the Appealed Special Tax Assessment for Property at 978 WOODBRIDGE STREET. (File No. J1610A, Assessment No.168526)

Adopted

77 **RLH VO 16-24** Appeal of Don Cameron to a Fire Certificate of Occupancy Revocation and Order to Vacate at 669 YORK AVENUE.

Adopted

78 **RLH AR 16-39** Ratifying the assessments for Property Clean Up services during February 29 to March 29, 2016. (File No. J1610A, Assessment No. 168526)

Adopted

79 **RLH AR 16-40** Ratifying the assessments for Trash Hauling services during March 2 to 30, 2016. (File No. J1610G, Assessment No. 168710)

Adopted

80 **RLH AR 16-41** Ratifying the assessments for Demolition services from December 2015 to January 2016. (File No. J1607C, Assessment No. 162008)

Adopted

81 **RLH AR 16-42** Ratifying the assessments for Demolition services from December 2015 to January 2016. (File No. J1608C, Assessment No. 162009)

Adopted

82 **RLH AR 16-43** Ratifying the assessments for Tree Removal services from March to April 2016. (File No. 1605T, Assessment No. 169004)

Adopted

ADJOURNMENT

Councilmember Prince moved adjournment.

Meeting adjourned at 7:22 p.m.

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

Nay: 0

Absent: 1 - Councilmember Bostrom

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