City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd Floor

City Council Meeting Minutes - Final

Katie Burger, Executive Assistant, 651-266-8560

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

Wednesday, April 19, 2017 **3:30 PM** **Council Chambers - 3rd Floor**

ROLL CALL

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

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, City Council President Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

COMMUNICATIONS & RECEIVE/FILE

1 **AO 17-32** Amending CDBG and ESG activities budgets.

Received and filed

2 **AO 17-33** Amending STAR activities budgets: allocation for Neighborhood and Cultural admin 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 3 - 13)

Councilmember Bostrom moved approval of the Consent Agenda.

Consent agenda adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

3 **RES 17-537** Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during December 12, 2016 to January 10, 2017, and setting date of Legislative Hearing for May 16, 2017 and City Council public hearing for June 21, 2017 to consider and levy the assessments against individual properties. (File No. CRT1709, Assessment No. 178208)

Adopted

4 **RES 17-538** Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during November 21 to December 22, 2016, and setting date of Legislative Hearing for May 16, 2017 and City Council public hearing for June 21, 2017 to consider and levy the assessments against individual properties. (File No. J1707E, Assessment No. 178307)

Adopted

5 **RES 17-539** Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during August 26 to December 2, 2016, and setting date of Legislative Hearing for May 16, 2017 and City Council public hearing for June 21, 2017 to consider and levy the assessments against individual properties. (File No. VB1710, Assessment No. 178813)

Adopted

6 **RES 17-540** Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during January 11 to 20, 2017, and setting date of Legislative Hearing for May 16, 2017 and City Council public hearing for June 21, 2017 to consider and levy the assessments against individual properties. (File No. VB1711, Assessment No. 178814)

Adopted

7 **RES 17-619** Authorizing the Fire Department to accept the donation of 93 stuffed animals valued at $186 from Susan Tessmer.

Adopted

8 **RES 17-638** Approving the Memorandum of Agreement for the May 1, 2017 Wage and Fringe Adjustment between the City of Saint Paul and The Operative Plasterers and Cement Masons International Association, Local 633.

Laid over to April 26 for adoption

9 **RES 17-637** Approving the Memorandum of Agreement for the May 1, 2017 Wage and Fringe Adjustment between the City of Saint Paul and The International Brotherhood of Electrical Workers Local 110.

Laid over to April 26 for adoption

10 **RES 17-601** Authorizing the Department of Planning and Economic Development to submit applications to the Department of Employment and Economic Development for Contamination Cleanup and Investigation Grants and to the Metropolitan Council for Tax Base Revitalization Account Program for the 838 Selby Avenue, 940 Selby Avenue, Capitol Region Watershed District, Exchange Street Apartments, Pioneer Press Affordable Housing, and West Sides Flats Phase 3 (A and B) sites.

Adopted

11 **RES 17-576** Approving a Liquor Outdoor Service Area (Patio) license with one condition to accompany the Malt On-Sale (Brewery Taproom), Liquor On-Sale-Sunday, and Malt-Off Sale (Brewery) licenses for 7th Street Beer Company, LLC, d/b/a Barrel Theory Beer Company (License ID #20170000548) at 248 Seventh Street East.

Adopted

12 **RES 17-626** Approving adverse action against the Solid Waste Hauler & Vehicle license application submitted by Curbside Waste, Inc.

Adopted

13 **RES 17-615** Sustaining adverse action against all licenses held by Tom Super USA, LLC, d/b/a Super USA at 976 Seventh Street East.

Adopted

FOR DISCUSSION

14 **RES 17-641** Authorizing the negotiation and execution of solar garden subscription agreements for up to 8 megawatts with GreenMark Solar, LLC.

Mike Solomon, Office of Financial Services, and James Giebel, City Energy Coordinator, gave a staff report.

Council President Stark moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

15 **RES 17-636** Honoring the recipients of the 2017 Sustainable Saint Paul Awards.

Council members and Mayor Coleman honored the recipients of the 2017 Sustainable Saint Paul Awards.

Councilmember Noecker moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

16 **RES 17-396** Calling on Minnesota's U.S. Congressional Delegation to initiate an investigation into constitutional violations of President Donald J. Trump.

Councilmember Thao spoke in support of the resolution.

Council President Stark, and Council members Brendmoen and Tolbert spoke against the resolution.

Councilmember Thao moved approval of the resolution.

Motion for adoption failed

Yea: 1 - Councilmember Thao

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

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.

Second Reading

17 **Ord 17-14** Amending Chapter 64.04 of the Saint Paul Administrative Code pertaining to assessments.

Councilmember Brendmoen said she had been speaking with the Office of Financial Services, and they would like to lay the matter over to May 17.

Laid over to May 17 for third reading/public hearing

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

First Reading

18 **Ord 17-15** Granting the application of Porchua Xiong to rezone property at 1024 Ross Avenue from B3 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the Saint Paul zoning map.

Laid over to April 26 for second reading

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

19 **RES PH 17-104** Accepting a grant from The McKnight Foundation to match funds secured for the City Energy Project.

No one was present to testify; Council President Stark moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

20 **RES PH 17-95** Amending the financing and spending plans in the Fire Department in the amount of $10,118.00 for the 2016 Hazardous Materials Emergency Preparedness Grant.

No one was present to testify; Councilmember Tolbert moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

21 **RES PH 17-96** Amending the financing and spending plans in the Department of Public Works in the amount of $899,000 in additional revenues and $5,740,954 for transfer of appropriations.

No one was present to testify; Councilmember Brendmoen moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

SUSPENSION ITEM

Councilmember Noecker moved suspension of the rules.

Rules suspended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

RES 17-632 Memorializing City Council action taken on April 5, 2017 approving the preliminary and final plat for 200 Grand Avenue.

Councilmember Noecker moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

The Council recessed at 4:38 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:33 p.m.

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

Absent 1 - Councilmember Jane L. Prince

Councilmember Prince arrived after roll call

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, City Council President Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

22 ABZA 17-3 Public hearing to consider the appeal of McKenna Skrypek to a decision of the Board of Zoning Appeals (BZA) denying a variance of the minimum floor area ratio (FAR) in order to construct a new commercial building with three business spaces in the T2 Traditional Neighborhood zoning district at 373 Ruth Street North.

No one was present to testify. Councilmember Prince moved to continue the public hearing to May 3.

Public hearing continued to May 3

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

23 ABZA 17-5 Public hearing to consider the appeal of Lynn and Val Di Euliis to a decision of Board of Zoning Appeals (BZA) approving a variance request to construct an addition on to the Linwood Monroe Arts elementary school building at 1023 Osceola Avenue.

Sean Westenhofer and Yaya Diatta, Department of Safety and Inspections (DSI), gave a staff report on the application and appeal, and answered Council members' questions.

Deputy City Attorney Rachel Tierney said in order to grant the appeal, the Council would have to find that the BZA erred.

Councilmember Bostrom said he would like to hear from the school district as to why they chose the site for the expansion.

In support of the appellant
Stephen Warch (990 Fairmount), spoke in support of the appeal on behalf of the neighborhood.

Council President Stark asked those in support of the appeal to stand.

In support of the applicant:
John Schumacker (2183 Commonwealth) read a statement on behalf of the Board of education supporting the expansion.

Bryan Bass (6917 Gleason Road), Principal of Linwood

Naomi Narvaez (236 E. Congress Street)

Kim Kroetsch (1878 Laurel Avenue)

Saray Garnett - Hochuli (158 Isabel St. W.)

Dennis Grogan (1265 Wellesley Avenue)

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

Councilmember Noecker asked Tom Parent, St. Paul Schools Facilities Director, why the height variance was needed and why this expansion had to match the existing height.

Mr. Parent spoke about the master plan and its development. Councilmember Noecker repeated her question. Nate Golin, U+B Architecture and Design, said best practice was to make floor levels in an addition match existing level, primarily for reasons of accessibility, and that allowed a smaller footprint. He said the need for

space for mechanicals also drove the need for the height.

In response to questions from Councilmember Prince, Mr. Golin said it was not accurate to say that no green space was being lost, but the appellants' figure of 40% loss was also not accurate. He displayed a diagram of the site and clarified.

In response to questions from Councilmember Prince, Mr. Parent described the community process.

Council President Stark asked the people in opposition to the appeal to stand. He said he felt it was appropriate to give the appellants time to respond since there had been several minutes of additional conversation about the proposal.

Councilmember Noecker said she would like to hear the appellants' response, and she agreed with Mr. Parent that the community engagement had been lacking.

In response to an earlier question from Councilmember Thao about demographics, Mr. Parent said the school was 73% students of color, 70% free and reduced price lunch, and 15% students in special education.

In support of the appellant:
Tim Oppenhiem (1009 Fairmount)

Patrick Freeman (1042 Fairmount)

Mr. Warch reiterated concerns about the loss of green space. He stressed that neighborhood cared deeply about Linwood School and was more than willing to partner to develop a plan that everyone could be happy with. He said they loved the neighborhood in part because Linwood was there.

Councilmember Noecker thanked everyone for their testimony and engagement, and said it was empowering and encouraging to see the level of engagement. She said it was difficult situation because there were strong feelings for good reasons on both sides, but as a Council the job was to decide whether the variances met six specific conditions. She said the two main issues presented by the appellant regarding the practical difficulties in complying and the plight of landowner were the key ones. She said those were specific legal terms which applied to the property itself and not to the use of the property. She said the district had shown that the small lot size and the requirements of ADA compliance did require the variances. She said the second issue was whether it altered the essential character of the neighborhood, and she was struck by the universal agreement in the public comments that the school was an essential element of the neighborhood. She said the character of the neighborhood was one of small and mid-sized homes, with some larger homes and apartment buildings, with a really large school right in the middle of it. She said that was the character of the neighborhood, and the variances would not change it. She asked for input from her colleagues.

Council President Stark in general these appeal of BZA decision were hard because there were two strongly held sides, and the things the Council could consider were very narrow. He said he don't see any error in the BZA's decision, but felt terms like the essential character of the neighborhood had a lot of subjectivity in them. He said he agreed with Councilmember Noecker that it was not a substantial change, and there was a lot in the staff report and the BZA minutes that suggested the variances were reasonable.

Councilmember Tolbert spoke in support of Councilmember Noecker's and Council President Stark's comments.

Councilmember Prince expressed concerns about the lack of community engagement and loss of green space but said she couldn't find error in the BZA's decision.

Councilmember Bostrom said he couldn't find error in the BZA's decision. He spoke about the history of the area and in support of the school. and in support of the school.

Councilmember Thao said he couldn't find error in the BZA decision, but stressed the importance of engaging to the homeowners who had invested in the neighborhood. He recommended that the school make spaces like the gym and library available to neighborhood kids and said he hoped SPPS would consider that as part of rebuilding trust.

Councilmember Noecker said she appreciated everyone's thoughts. She moved to deny the appeal. She said she hoped this could be the beginning of bringing the neighborhood back together and she wanted to be a part of that process.

Motion of Intent - Appeal denied

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

24 **Ord 17-6** Amending Chapter 412 of the Legislative Code pertaining to Massage and Bodywork Centers.

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

Public hearing held and closed; laid over to April 26 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

25 **Ord 17-7** Amending Chapter 414 of the Legislative Code pertaining to Massage and Bodywork Practitioners.

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

Public hearing held and closed; laid over to April 26 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

26 **Ord 17-11** Amending Chapter 375 of the Saint Paul Legislative Code pertaining to pedicab definitions.

In support:
Julian Loscalzo (1141 Portland Avenue)
Bill Lindeke (148 W. Seventh)

Mr. Loscalzo answered questions from Council members.

Councilmember Noecker moved to close the public hearing.

Public hearing held and closed; laid over to April 26 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

27 **Ord 17-13** Establishing the classification titled Deputy Chief of Police in the unclassified service pursuant to Section 12.03.02(H) of the City of Saint Paul Charter.

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

Public hearing held and closed; laid over to April 26 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

28 **Ord 17-10** Granting the application of Budd Sieger et. al to rezone their property at 816 - 818 Ashland Avenue from RT1 two family residential to RT2 townhouse residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

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

Public hearing held and closed; laid over to April 26 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

29 **Ord 17-12** Granting the application of JSK Limited Partnership to rezone property at 33, 39, and 45 Syndicate Street South from RM2 multiple family, T1 traditional neighborhood, and OS office, to T2 traditional neighborhood; and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Tony Johnson, Planning and Economic Development, gave a brief staff report at the request of Councilmember Tolbert.

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

Public hearing held and closed; laid over to April 26 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

30 RES PH 17-102 Approving Insituform's request for sound level variances, to allow for multiple cure-in-place sewer liner projects at eight (8) locations within the City: James Avenue from Prior Avenue to Kenneth Street; Wellesley Avenue from Davern Street to Wheeler Street; Cambridge Street from Summit Avenue to Grand Avenue; Reaney Avenue from Kennard Street to Germain Street; York Avenue from Barclay Street to Birmingham Street; Arkwright Street from Maryland Avenue to Brainerd Street; Lawson Avenue from Agate Street to Jackson Street; and Wheelock Parkway from Avon Street to Victoria Street beginning April 24, 2017 through August 31, 2017.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

31 RES PH 17-112 Requesting approval of the petition by the City to vacation portions of surplus right-of-way along and near Kellogg Boulevard between West Seventh Street and Washington Street.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

32 RES PH 17-93 Approving the petition of Robert D. McCollough to vacate the alley in Hoyt's Subdivision of Morrison's Block of Hoyt's Addition (block bounded by Jackson, 9th, 10th and Temperance).

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

33 **RES PH 17-111** Approving the Parkland Diversion Request of Hmong Village Inc.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

34 **RES PH 17-67** Ratifying the assessment for an upgrade in size to a water service connection serving 526 Selby Avenue. (File No. 19191WC, Assessment No. 166100)

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

35 **RES PH 17-77** Final Order approving the improvements on Como Avenue from Raymond Avenue to Commonwealth Avenue. (File No. 19202, Assessment No. 175206)

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

36 **RES PH 17-72** Final Order approving installation of lantern style LED lighting on Sixth Street from Arcade to Johnson Parkway. (Project No. 19228, Assessment No. 175105)

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

37 **RES PH 17-78** Final Order approving the improvements on Battle Creek Road from Upper Afton Road to Park Ridge Court. (File No. 19201, Assessment No. 175207)

In opposition:
Denise Anderson (25 Battle Creek Road)

Laird Anderson (25 Battle Creek Road)

Mark Robertson (17 Battle Creek Road)

Councilmember Prince asked for show of hands from Battle Creek Road. She moved to close the public hearing. Yeas - 7 Nays - 0

Dan Haak, Public Works, and Lynn Moser, Real estate, answered Council members' questions.

Councilmember Prince said she was aware that this was burdensome, but there was no disagreement that the road needed to be done. She moved approval of the resolution.

Councilmember Tolbert spoke in support and stressed the importance of maintenance of infrastructure.

Councilmember Thao expressed he would support the motion but felt the cul-de-sacs should be assessed since they used Battle Creek for access.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

53 **RLH TA 17-68** Ratifying the Appealed Special Tax Assessment for Property at 521 FOREST STREET. (File No. CRT1705A, Assessment No. 178209)

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of the Fire Certificate of Occupancy bill. She recommended approving the assessment.

In opposition:
Simarra Smith (521 Forest) said there was a lot of disjointed communication with the inspector. She said it was not her intention not to pay. At the inspector's supervisor's request, she submitted her concerns in writing and was told there might be a discount, but there was no follow-up. She said she would like to be able to pay the invoice rather than having it go to assessment.

Councilmember Prince moved to close the public hearing and adopt Ms. Moermond's

recommendation.

Adopted (assessment approved)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

79 RLH TA 17-75 Ratifying the Appealed Special Tax Assessment for Property at 717 THIRD STREET EAST. (File No. J1707A, Assessment No. 178506)

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of the assessment for removal of a barricade. She recommended approval of the assessment as reduced by Hearing Officer Nhia Vang. She said the reduction was recommended due to the possibility of a lapse in communication.

In opposition:
Property owner Julie Larson said she contacted the City to ask whether she or the City was responsible for the barricade, and she didn't hear from the City until receiving an invoice in February. She asked that the charge be dismissed.

Council President Stark said there was a notice dated November 22 sent to 717 Third Street East. Ms. Larson said she didn't live there. Ms. Moemond said it was the address on record. Council President Stark said the only address the City could use was the one provided by the County.

Councilmember Prince asked additional questions of the appellant, and moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Prince asked for clarification of Ms. Moermond's recommendation, and moved to adopt the recommendation.

Adopted (assessment reduced from $448 to $288)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda (Items 38 - 91)

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

Legislative Hearing Consent Agenda adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

38 **RLH FCO 17-34** Appeal of Mary Schwartzbauer to a Fire Inspection Correction Notice at 1353/1355 ARONA STREET.

Adopted

39 **RLH FCO 17-35** Appeal of Mary Schwartzbauer to a Fire Inspection Correction Notice at 1364 ASBURY STREET.

Adopted

40 **RLH TA 17-98** Deleting the Appealed Special Tax Assessment for Property at 296 BATES AVENUE. (File No. J1706E, Assessment No. 178305)

Adopted

41 **RLH TA 17-82** Ratifying the Appealed Special Tax Assessment for Property at 962 BAYARD AVENUE. (File No. J1707A, Assessment No. 178506)

Adopted

42 **RLH TA 17-99** Deleting the Appealed Special Tax Assessment for Property at 442 BEACON STREET. (File No. J1707A, Assessment No. 178506)

Adopted

43 **RLH TA 17-100** Deleting the Appealed Special Tax Assessment for Property at 703-705 BEDFORD STREET. (File No. J1707A, Assessment No. 178506)

Adopted

44 **RLH TA 17-110** Deleting the Appealed Special Tax Assessment for Property at 1012 BUSH AVENUE. (File No. J1705P1, Assessment No. 178408)

Adopted

45 **RLH TA 17-86** Ratifying the Appealed Special Tax Assessment for Property at 1024 BUSH AVENUE. (File No. J1707A, Assessment No. 178506)

Adopted

46 **RLH TA 17-95** Deleting the Appealed Special Tax Assessment for Property at 1802 BUSH AVENUE. (File No. J1706E, Assessment No. 178305)

Adopted

47 **RLH TA 17-113** Deleting the Appealed Special Tax Assessment for Property at 512 CENTRAL AVENUE WEST. (File No. VB1706, Assessment No. 178806)

Adopted

48 **RLH TA 17-118** Ratifying the Appealed Special Tax Assessment for Property at 281 CESAR CHAVEZ STREET. (File No. J1707A, Assessment No. 178506)

Adopted

49 **RLH TA 17-92** Deleting the Appealed Special Tax Assessment for Property at 943 EARL STREET. (File No. VB1706, Assessment No. 178806)

Adopted

50 **RLH TA 17-107** Deleting the Appealed Special Tax Assessment for Property at 1022 EARL STREET. (File No. J1706E, Assessment No. 178305)

Adopted

51 **RLH VO 17-6** Appeal of Trent Miller to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1188 EARL STREET.

Public hearing continued to May 17

52 **RLH TA 17-85** Ratifying the Appealed Special Tax Assessment for Property at 1100 FARRINGTON STREET. (File No. J1707A, Assessment No. 178506)

Adopted

54 **RLH TA 17-76** Deleting the Appealed Special Tax Assessment for Property at 892 FOURTH STREET EAST. (File No. J1707A, Assessment No. 178506)

Adopted

55 **RLH TA 17-80** Ratifying the Appealed Special Tax Assessment for Property at 1221 GALTIER STREET. (File No. J1707A, Assessment No. 178506)

Adopted

56 **RLH TA 17-81** Deleting the Appealed Special Tax Assessment for Property at 1276 HAGUE AVENUE. (File No. J1706E, Assessment No. 178305)

Adopted

57 **RLH TA 17-111** Ratifying the Appealed Special Tax Assessment for Property at 670 HOLLY AVENUE. (File No. J1707A, Assessment No. 178506)

Adopted

58 **RLH TA 17-78** Ratifying the Appealed Special Tax Assessment for Property at 884 HYACINTH AVENUE EAST. (File No. J1707A, Assessment No. 178506)

Public hearing continued to September 6

59 **RLH TA 17-101** Deleting the Appealed Special Tax Assessment for Property at 916 JESSAMINE AVENUE EAST. (File No. J1707A, Assessment No. 178506)

Public hearing continued to September 20

60 **RLH TA 17-74** Deleting the Appealed Special Tax Assessment for Property at 866 JESSIE STREET. (File No. J1707A, Assessment No. 178506)

Adopted

61 **RLH TA 17-77** Deleting the Appealed Special Tax Assessment for Property at 809 LAWSON AVENUE EAST. (File No. J1706E, Assessment No. 178305)

Adopted

62 **RLH TA 17-97** Deleting the Appealed Special Tax Assessment for Property at 207 MAPLE STREET. (File No. J1706E, Assessment No. 178305)

Adopted

63 **RLH TA 17-70** Deleting the Appealed Special Tax Assessment for Property at 214 MAPLE STREET. (File No. J1707A, Assessment No. 178506)

Adopted

64 **RLH TA 17-79** Ratifying the Appealed Special Tax Assessment for Property at 1032 MARGARET STREET. (File No. J1707A, Assessment No. 178506)

Adopted

65 **RLH TA 17-87** Ratifying the Appealed Special Tax Assessment for Property at 525 MARYLAND AVENUE EAST. (File No. J1706E, Assessment No. 178305)

Adopted

66 **RLH TA 17-121** Ratifying the Appealed Special Tax Assessment for Property at 544 MINNEHAHA AVENUE WEST. (File No. J1707A, Assessment No. 178506)

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

67 **RLH TA 17-122** Ratifying the Appealed Special Tax Assessment for Property at 550 MINNEHAHA AVENUE WEST. (File No. J1707A, Assessment No. 178506)

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

68 **RLH TA 17-123** Deleting the Appealed Special Tax Assessment for Property at 550 MINNEHAHA AVENUE WEST. (File No. VB1706, Assessment No. 178806)

Adopted

69 **RLH TA 17-138** Deleting the Appealed Special Tax Assessment for Property at 1657 MINNEHAHA AVENUE EAST. (File No. J1707A, Assessment No. 178506)

Adopted

70 **RLH TA 17-72** Deleting the Appealed Special Tax Assessment for Property at 1817 MINNEHAHA AVENUE EAST. (File No. J1706E, Assessment No. 178305)

Adopted

71 **RLH TA 17-128** Ratifying the Appealed Special Tax Assessment for Property at 575 PARK STREET. (File No. VB1706, Assessment No. 178806)

Adopted

72 **RLH FCO 17-36** Appeal of Mary Schwartzbauer to a Fire Inspection Correction Notice at 1422 PASCAL STREET NORTH.

Adopted

73 **RLH TA 17-73** Ratifying the Appealed Special Tax Assessment for Property at 1335 PAYNE AVENUE. (File No. J1707A, Assessment No. 178506)

Adopted

74 **RLH TA 17-117** Deleting the Appealed Special Tax Assessment for Property at 2011 PORTLAND AVENUE. (File No. J1706E, Assessment No. 178305)

Adopted

75	**RLH TA 17-88**	Ratifying the Appealed Special Tax Assessment for Property at 586 REANEY AVENUE. (File No. J1707A, Assessment No. 178506) **Adopted**
76	**RLH FCO 17-6**	Appeal of Lon LeVitre for ResCare MN to a Correction Notice - DHS Licensing Inspection at 1585 RICE STREET. **Adopted as amended**
77	**RLH TA 17-112**	Deleting the Appealed Special Tax Assessment for Property at 178 ROBIE STREET WEST. (File No. J1706E, Assessment No. 178305) **Adopted**
78	**RLH TA 16-573**	Ratifying the Appealed Special Tax Assessment for Property at 474 SHERBURNE AVENUE. (File No. J1703E, Assessment No. 178302) (Amended to File No. J1703E1, Assessment No. 178306 and to delete the assessment) **Adopted as amended (assessment deleted)**
80	**RLH VBR 17-11**	Appeal of Mike Kelleher to a Vacant Building Registration Requirement and Order to Vacate at 2137 WELLESLEY AVENUE. **Adopted**
81	**RLH TA 17-94**	Ratifying the Appealed Special Tax Assessment for Property at 653 WESTERN AVENUE NORTH. (File No. VB1708, Assessment No. 178808) **Adopted**
82	**RLH AR 17-24**	Ratifying the assessments for Collection of Vacant Building Registration Fee billed April 1, 2015 and April 1, 2016 at 653 Western Avenue North. (File No. VB1708, Assessment No. 178808) **Adopted**
83	**RLH VO 17-7**	Appeal of Lorraine Coroni to a Condemnation and Order to Vacate at 1260 WESTMINSTER STREET. **Adopted**
84	**RLH SAO 17-26**	Finding noncompliance with the July 7, 2016 Summary Abatement Order for 76 WHEELOCK PARKWAY EAST and directing abatement of the nuisance condition. **Adopted**
85	**RLH TA 17-131**	Ratifying the Appealed Special Tax Assessment for Property at 953 WILSON AVENUE. (File No. J1707A, Assessment No. 178506) **Adopted**

86 **RLH RR 17-2** Ordering the rehabilitation or razing and removal of the structures at 865 YORK AVENUE within fifteen (15) days after the February 1, 2017, City Council public hearing. (Amended to remove within 15 days)

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

87 **RLH TA 17-108** Ratifying the Appealed Special Tax Assessment for Property at 1426 YORK AVENUE. (File No. J1707A, Assessment No. 178506)

Adopted

88 **RLH AR 17-20** Ratifying the assessments for Collection of Vacant Building Registration Fees billed during June 6 to October 21, 2016. (File No. VB1706, Assessment No. 148806)

Adopted

89 **RLH AR 17-21** Ratifying the assessments for Property Clean Up services during November 30 to December 30, 2016. (File No. J1707A, Assessment No. 178506)

Adopted as amended (1140 Jackson Street removed from the assessment roll for separate consideration)

90 **RLH AR 17-22** Ratifying the assessments for Trash Hauling services during December 7 to 29, 2016. (File No. J1706G, Assessment No. 178705)

Adopted

91 **RLH AR 17-23** Ratifying the assessments for Excessive Use of Inspection/Abatement services billed during October 24 to November 18, 2016. (File No. J1706E, Assessment No. 178305)

Adopted

ADJOURNMENT

Councilmember Thao moved adjournment.

Meeting adjourned at 8:06 p.m.

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

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