City of Saint Paul

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

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd Floor

Katie Burger, Executive Assistant, 651-266-8560

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

Budget Amendment Public Hearings at 3:30 p.m.
Public Hearings at 5:30 p.m.

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 16-38 Amending the Capital Improvement Budgets in the Department of Public Works to move funds budgeted for the 880 Vento Trail, out of Trunk Highway Project Payne - East Seventh Street and into local street project Payne Bedford Vento 880, to reflect how the construction contracts will be bid.

Received and Filed

2 AO 16-39 Authorizing the Police Department to pay a portion of the cost of food associated with the Police Explorer State Conference.

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

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 16-679 Approving the use of Neighborhood STAR Year-Round Program funds for a project in Ward 6.

Adopted

4 RES 16-533 Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed December 15, 2015 to January 12, 2016, and setting date of Legislative Hearing for May 17, 2016 and City Council public hearing for July 6, 2016 to consider and levy the assessments against individual properties. (File No. CRT1609, Assessment No. 168209)

Adopted

5 RES 16-534 Approving the City's cost of providing Excessive Use of Inspection/Abatement services billed December 21, 2015 to January 12, 2016, and setting date of Legislative Hearing for May 17, 2016 and City Council public hearing for July 6, 2016 to consider and levy the assessments against individual properties. (File No. J1609E, Assessment No. 168313)

Adopted

6 RES 16-535 Approving the City's cost of providing Boarding and/or Securing services during November 2015 at 837 4th Street East, and setting date of Legislative Hearing for May 17, 2016 and City Council public hearing for July 6, 2016 to consider and levy the assessments against individual properties. (File No. J1606B1, Assessment No. 168108)

Adopted

7 RES 16-536 Approving the City's cost of providing Boarding and/or Securing services during January 2016, and setting date of Legislative Hearing for May 17, 2016 and City Council public hearing for July 6, 2016 to consider and levy the assessments against individual properties. (File No. J1608B, Assessment No. 168107)

Adopted

8 RES 16-537 Approving the City's cost of providing Towing of Abandoned Vehicle services from April through December 2015, and setting date of Legislative Hearing for May 17, 2016 and City Council public hearing for July 6, 2016 to consider and levy the assessments against individual properties. (File No. J1601V, Assessment No. 168000)

Adopted

9 RES 16-615 Approving assessment costs and setting date of City Council Public Hearing to ratify the assessment for the improvement of the sidewalk at 1759 Selby Avenue. (File No. S1601, Assessment No. 165301)

Adopted

10 RES 16-618 Approving assessment costs and setting date of City Council Public Hearing to ratify the assessment for the improvement of the sidewalk at 187 Geranium Avenue West. (File No. S1602, Assessment No. 165302)

Adopted

11 RES 16-599 Declaring a hardship to satisfy petition requirements for a proposed vacation of Superior Street adjacent to the property at 603 West Seventh Street.

Adopted

12 RES 16-578 Authorizing the Fire Department to accept the donation of $195 from Sentera, LLC.

Adopted

13 RES 16-616 Authorizing the Fire Department to enter into a joint powers agreement with Century College to provide Fire Apparatus Operator training for firefighters April 4 - May 24, 2016.

Adopted

14 RES 16-625 Authorizing the Fire Department to accept the donation of a 2014 Road Rescue ambulance from the Saint Paul Fire Foundation.

Adopted

15 RES 16-688 Approving the Maintenance Labor Agreement between the Independent School District 625 and Electricians (2015 - 2018) and the Memorandums of Agreement between the Independent School District 625 and Pipefitters (2015 - 2016), Plumbers (2015 - 2016), Roofers (2015 - 2016) and Sheet Metal Workers (2015 - 2016) Wage and Fringe Adjustments.

Laid over to April 27 for adoption

16 RES 16-621 Approving the Memoranda of Agreement between the Independent School District 625 and Carpenters (2014 - 2015 and 2015 - 2016), Cement Masons (2014 - 2015 and 2015 - 2016) and Glaziers (2014 - 2015) Wage and Fringe Adjustments and Glaziers (2015 - 2018) Maintenance Labor Agreement.

Laid over to April 27 for adoption

17 RES 16-629 Proclaiming May 21, 2016 to be International Migratory Bird Day in the City of Saint Paul.

Adopted

18 RES 16-684 Authorizing the Departments of Parks and Recreation and Public Works to apply for a federal Transportation Investment Generating Economic Recovery Discretionary Grant.

Adopted

19 RES 16-660 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 2300 Territorial, 719 Payne, Dorothy Day Opportunity Center, RS Eden Workforce on Marshall, St. Paul Village, Thomas Avenue Flats, West Side Flats Phase III, 428 Minnesota, and Hamm's Brewery sites.

Adopted

20 RES 16-651 Authorizing the Police Department to accept the donation/granted funds from the Saint Paul Police Foundation for the Police Explorer Program.

Adopted

21 RES 16-675 Authorizing the Police Department to enter into memoranda of understanding with multiple government agencies for the Statewide Human Trafficking Task Force.

Adopted

22 RES 16-676 Authorizing the Police Department to enter into a Memorandum of Understanding with Ramsey County and other non-government agencies for participation in the Body Worn Camera project.

Adopted

23 RES 16-666 Approving adverse action against the Solid Waste Hauler & Vehicle and Solid Waste Hauler (Each Add'l Vehicle) licenses held by Trojes Trash Pick Up, Inc.

Adopted

FOR DISCUSSION

24 RES 16-696 Honoring the recipients of the 2016 Sustainable Saint Paul Awards.

Council President Stark welcomed everyone and noted that it was the 10th anniversary of the awards. He thanked Mayor Coleman for creating the awards and spoke about the importance of promoting sustainability. He acknowledged the committee, and introduced Mayor Coleman. Mayor Coleman thanked the participants and others involved in the continuation of the awards. Mayor Coleman and Council members presented the awards.

Councilmember Tolbert moved approval.

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.

Final Adoption

25 Ord 16-9 Amending Chapters 157 and 165 of the Saint Paul Legislative Code pertaining to permitting agricultural vehicles to park on city streets.

Council President Stark said a fair amount of correspondence had been received about the issue over the course of the week, and the issue was more complicated than originally met the eye. He said the intent initially had been, and still was was, to allow farmers to be able to park a vehicle on the street legally. He said because some farmers had multiple vehicles, concerns were raised that it could become like businesses operating on residential streets in some cases. He said it had raised questions for him about other small business owners and their ability to park vehicles on the street legally. He said one of the things they were grappling with was trying to address this issue without opening a Pandora's box.

Councilmember Brendmoen said the perception was that this was being newly introduced to be restrictive when in fact it was being introduced to be less restrictive. Council President Stark said currently agricultural vehicles could not be parked on the street at all, and the item before the Council would allow one vehicle per address. He said it was his intention to also ask the Planning Commission to review the broader issue of commercial vehicles parking in neighborhoods.

Councilmember Noecker said she felt there was something particular to agricultural vehicles in terms of the seasonality of the business and parking needs, and she was ambivalent about asking the Planning Commission to study others. She said she felt, for now, this ordinance addressed a very specific need they'd heard a lot about.

Councilmember Prince said Dayton's Bluff was becoming a food hub and she'd heard from many members of the community. She said she felt strongly that in light of the expansion of urban farming and the diversity in the City, she would like to see the Council not cap the numbers until it became a problem.

Councilmember Tolbert said they wanted to support urban farming but needed to keep in mind that when people moved into a residential neighborhood they had expectations that they weren't buying in a commercial node. He said he felt one vehicle represented a good balance, and there could be a variance process to obtain additional ones. He said they didn't want to turn residential streets into commercial streets.

Councilmember Prince asked whether the amendment had had a public hearing. Council President Stark said it hadn't. Councilmember Prince said it might make sense to lay the matter over for a public hearing given the amount of public input. Council President Stark said it wasn't a bad suggestion since it had turned out to be a more significant change than anticipated. He said on the other hand there was a desire to start the process of allowing people to get permits.

Councilmember Thao said he felt the activists had made this Dai Thao vs urban farmers but that couldn't be further from the truth. He said with this ordinance the Council was going above and beyond to help and accommodate. He said it wasn't just about Hmong farmers but also about commercial vehicles in the streets. He said two of the things the City dealt with on a regular basis were trash and parking. He said he thought it was smart for the Council to go ahead and pass the ordinance with the restriction, and then ask the Planning Commission to look at it so the City wasn't allowing special privileges for a certain ethnicity or for urban farmers.

Councilmember Bostrom said he felt it made sense to get the show on the road with this item, and then ask the Planning Commission to take a look at it and see if it

should be expanded or if there were problems to be addressed.

Council President Stark said he would support that, and felt it was time to pull the trigger on something and continue to get feedback. he said they could always come back and amend it further if needed.

Councilmember Noecker asked for clarification as to whether the recommendation for the Planning Commission was part of the action being taken. Councilmember Bostrom said it could be included in the motion. Council President Stark said his intention was to ask the Planning Commission to further review the issue. He said allowing additional vehicles with permission from neighbors might be one way to go but they couldn't wrestle with that now.

Councilmember Thao said he would welcome conversation with any urban farmers or Hmong farmers. He reiterated that at the end of the day they wanted to make sure this was a balanced ordinance that worked for everybody.

Council President Stark moved approval, with the caveat about asking the Planning Commission for further review and that the Council would potentially consider further changes at a later date.

Adopted as amended

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

Nay: 0

First Reading

26 Ord 16-11 Amending Appendix G of the Legislative Code granting a five-year and five-month extension of the Energy Park Utility Company Franchise, held by the Saint Paul Port Authority, from February 28, 2031 to August 1, 2036 and to delete obsolete language regarding requirements that have been fulfilled. (To be laid over to June 22 for final adoption)

Laid over to April 27 for second reading

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

27 RES PH 16-113 Moving $25,000 from the Safe Routes to School - Plan Development Capital Budget into a SPPD Special Fund for police enforcement activities.

No one appeared in opposition; 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

28 RES PH 16-104 Amending the financing and spending plans in the Fire Department in the amount of $79,289.60 for the HealthRise grant program from Regions Hospital.

No one appeared in opposition; 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

29 RES PH 16-107 Amending the financing and spending plans in the Fire Department in the amount of $9,357 for the 2015 Hazardous Materials Emergency Preparedness Grant.

No one appeared in opposition; 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

SUSPENSION ITEM

Councilmember Prince 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 PH 16-62 Final Order approving the improvement to the alley bounded by Minnehaha, Reaney, Hazelwood, and Germain. (File No. 19213, Assessment No. 165000)
(Public hearing held on April 6.)

Council President Stark said the item was left off the agenda due to an error.

Councilmember Prince said Public Works staff had spoken with the one neighbor who had concerns. She 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

Council members shared good news from their wards.

The Council recessed at 4:37 p.m.

PUBLIC HEARINGS

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

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

Absent 2 - Councilmember Dan Bostrom and Councilmember Chris Tolbert

Council members Bostrom and Tolbert 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

30 RES PH 16-110 Approving the application of Xcel Energy, represented by Tony Wendland, Project Manager, for a sound level variance in order to install a new 20 inch natural gas pipeline under West 7th Street and the railroad tracks at the intersection of Duke Street and Colborne Street as part of a pipeline replacement project beginning June 27, 2016 through July 23, 2016.

No one appeared in opposition; 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

31 RES PH 16-111 Approving the application of Xcel Energy, represented by Tony Wendland, Project Manager, for a sound level variance in order to install a new 20 inch natural gas pipeline under I-35 E for Michigan Street between Erie Street and Duke Street as part of a pipeline replacement project beginning May 30, 2016 through July 3, 2016.

No one appeared in opposition; 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 16-112 Approving the application of Xcel Energy, represented by Tony Wendland, Project Manager, for a sound level variance in order to install a new 20 inch gas pipeline under Interstate 35E at the intersection of St. Albans Street and Pleasant Avenue as part of a pipeline replacement project beginning May 30, 2016 through July 3, 2016.

No one appeared in opposition; 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 16-114 Approving the application of the University of St. Thomas for a sound level variance in order to present amplified music on Saturday, May 14, 2016 during an event, Tommie Fest, at the John P. Monahan Plaza at 2115 Summit Avenue.

No one appeared in opposition; 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

34 RES PH 16-118 Denying the application submitted by Julie A. Bauch on behalf of 180 East Fifth Street for an exception to the general hours of operation for pedestrian Skyway #26 and Skyway #31.

Department of Safety and Inspections (DSI) Deputy Director Dan Niziolek gave a staff report on the request.

No one appeared.

Councilmember Noecker said she did understand the public safety concerns being expressed by the property owner. She said was working with Commander Winger, Commander Harrington, and downtown business and property owners on skyway safety but she agreed with DSI that the solution was not to close off skyways and potentially create additional safety issues. She said she would vote to deny the application but would help take other measures to make the skyways more safe. She 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 16-94 Ratifying the assessment for above-standard single globe street lights on Cedar Avenue from 4th Street to 5th Street. (File No. 19148, Assessment No. 135100)

No one appeared in opposition; 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

36 RES PH 16-19 Ratifying the assessments for Replacement of Lead Water Service Line on Private Property from October to December 2015. (File No. 1602LDSRP, Assessment No. 164001)

No one appeared in opposition; Councilmember Brendmoen 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 16-20 Ratifying the assessments for Repair of Sanitary Sewer Line on Private Property from October to December 2015. (File No. SWRP1602, Assessment No. 163001)

No one appeared in opposition; 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

38 RES PH 16-80 Final Order approving the lighting improvements on Oakdale Avenue from State Street to Annapolis Street. (File No. 19215, Assessment No. 165101)

The following appeared in opposition:
Bruce Clark (663 Oakdale Avenue)
Brian Pierce (675 Oakdale Avenue)
Ron Johnson (726 Oakdale Avenue)
John Henderson (684 Stonewood Road, Eagan; owner of 652 Oakdale)

The following appeared in support:
Tom Lloyd (694 Oakdale Avenue)
Carol Neumann (694 Oakdale Avenue)
Gail Merriam (NEDA - 481 S. Wabasha, owner of 637 Oakdale Avenue)
Christine (498 Winslow) WSCO Executive Director

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

Councilmember Noecker thanked everyone for coming out to speak. She said it was an unusual situation with community members petitioning for and receiving CIB funds for a neighborhood improvement, and then community members petitioning in opposition to the project afterwards. She thanked Bruce Clark for bringing up important points about the process, and said she'd been thinking about his concerns and planned to take them forward. She said she had concerns about how petitions communicated potential assessments, and about how different options were considered. She said this project was in an area where public safety was a concern and an area of concentrated poverty. She said the upgrades were the same as those that were done with any street upgrade, and the CIB award would result in savings for property owners in the long run. She moved approval of the resolution.

Council President encouraged people to call police with specific crime concerns. He said he would support the motion, because with the CIB money residents were getting a good deal.

Councilmember Brendmoen reminded residents of financing options available.

Adopted

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

Nay: 0

39 RES PH 16-97 Final Order approving the construction of sidewalk improvements abutting 1759 Selby Avenue. (File No. S1601 Assessment No. 165301)

No one appeared in opposition; 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

40 RES PH 16-98 Final Order approving the construction of sidewalk improvements abutting 187 Geranium Avenue West. (File No. S1602 Assessment No. 165302)

No one appeared in opposition; Councilmember Brendmoen 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

41 RES PH 16-119 Approving the petition of State Supply and Lombardo Bros., LLC to vacate part of Woodward Avenue abutting 597 7th Street East, and accepting a right-of-way easement over part of 597 7th Street East for the 7th/Payne Improvement Project.

No one appeared in opposition; 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

42 RES PH 16-122 Reciting a proposal for a Housing Finance Program for a multi-family rental housing development; giving preliminary approval to the project and the program pursuant to Minnesota Statutes, Chapter 462C; authorizing the Housing and Redevelopment Authority to issue conduit multifamily housing revenue notes; and authorizing the preparation of necessary documents and materials in connection with said project and program (Wilson II Apartments Project, District 4, Ward 7).

John Wall, developer, expressed thanks for the City's support.

Councilmember Prince said it was a great project.

No one appeared in opposition; 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

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

44 RLH VBR 16-19 Appeal of Cynthia Strusz, BLM Management Co., to a Vacant Building Registration Renewal Notice at 1159 BUSH AVENUE.

Legislative Hearing Officer Nhia Vang gave a staff report. She recommended denying the appeal and said the appellant needed to order a new Code Compliance inspection.

In opposition:
Boris Tsvetova (1159 Bush) said he had been working on the East Side as a property manager and general contractor for 22 years and had seen the East Side under many conditions. He said he knew what Category 1, 2 and 3 meant, and this property was not a Category 2. He said the electrical and heat were shut off by the water department because there was a flood in the basement. He said the water would be reconnected later that week or early the next, and he asked for the opportunity to have the water connected. He said any inspection would show that the property was not Category 2. In the past properties were inspected before being assigned a category but now everything was a Category 2. He said Category 2 meant more than $2000 from the owner's pocket, and this property was not distressed. He asked again for the opportunity to work things out with inspections. He said the owners blamed him for the $2000 every year. He said he had made more than 50 properties livable over the years, but it had become very difficult in modern times working with the fire inspectors. He said he was a construction engineer in Russia and knew what he was talking about, and this was a totally livable property. He said he would not allow the building to be occupied before it was inspected.

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

In response to a question from Councilmember Bostrom, Ms. Vang said the building had been in the vacant building program since April 2011 and could only get out with Code Compliance.

Councilmember Bostrom moved to approve Ms. Vang's recommendation.

Adopted (appeal denied)

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

Nay: 0

46 RLH TA 16-119 Ratifying the Appealed Special Tax Assessment for Property at 1181 EDGERTON STREET. (File No. J1606C, Assessment No. 162005)

Legislative Hearing Officer Nhia Vang gave a staff report. She recommended approving the assessment and spreading payments over five years. She said the appellant was asking for more than five years.

In opposition:
Property owner Augustine Wamu said in October 2014 inspectors found that the basement was caving in and ordered the people living there to vacate. He said bids to repair it were very high and he was advised to demolish it. He said he didn't have the money and asked the City to demolish it, which they did in October 2015. He said the bill was $27,386.64 he wondered whether it could be reduced a little bit. He said he had a lot of loans and 3 boys in college, and the bill would be hard to pay. He said he was given five years but would like more because the boys would be done soon.

Councilmember Brendmoen asked Mr. Wamu if he had plans for the site. Mr. Wamu said he was thinking of rebuilding and had started applying for help. He said he would rebuild immediately if he received assistance because that was his main source of income.

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

Councilmember Brendmoen said she would like to do a departure from the recommendation and spread the payments over ten years, and she hoped the Council would support that. She said she was happy to hear the appellant had plans for the property and was not abandoning it. She said the block tended to have a lot of trash, and she asked that appellant make it priority to make sure land was maintained.

She moved to spread the assessment over ten years.

Adopted as amended (assessment approved; payments spread over 10 years)

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

Nay: 0

51 RLH VBR 16-14 Appeal of Stavros Haidos to a Vacant Building Registration Requirement at 975 REANEY AVENUE.

Legislative Hearing Officer Nhia Vang gave a staff report on the property. She recommended denying the appeal, and said the appellant needed a new Code Compliance inspection.

Councilmember Prince said it appeared that notifications continued to be sent to a Chicago address even after the owners testified in Legislative Hearings that Mr. Haidos intended to live in the house and fix it up. She said (Legislative Hearing Officer) Marcia Moermond told the owners the property would be transferred to an inspector for owner-occupied properties. Ms. Vang said correspondence was sent to the owner of record according to Ramsey County records. She said the inspection of the tenant unit was conducted by an inspections supervisor, and there was no inspection done of the owner-occupied space.

In opposition:
Ms. ? said they told the Legislative Hearing officer twice that they were occupying one of the units and fixing up some of the stuff that needed to be done. She said a lot of issues arising from the situation were due to the fact that the Legislative Hearing officers didn't understand some of the codes. She read items from the most recent orders dated December 9 which she said had incorrect code citations.

Council President Stark said the issue before the Council was the appeal of the vacant building registration and fee.

Ms. ? said they just put this registered vacant building on them, but the building was occupied by her husband. She said she didn't understand how that could be done without due process, and they had rights as citizens to go in front of a peer jury to decide the fees. Council President Stark said there was no jury, but just the opportunity to appeal. Ms. ? asked who decided that her property was vacant. Council President Stark said it was determined by a building inspector.

Councilmember Brendmoen asked Ms. ? if it was her property. Stavros Haidos said they owned the property. He said when the City said they couldn't live in their own property, the City was taking away their liberty of their property, which was a 14th amendment right. He said the only way that right could be taken away was by a judge and a jury of his peers. He said the placards invited crime, and his property had been broken into. He said it was a huge safety issue the City was adding on to him. He noted that the police urged property owners to make their properties look lived in. He said the property had passed numerous inspections by Section 8 and City inspectors, but the inspectors constantly added things, including items that had passed in previous inspections. Ms. ? and Mr. Haidos reiterated that code citations on items on orders were not correct.

Councilmember Prince said all of the issues were addressed at the Legislative Hearing in December and a deadline was set for January 15, and the appellants could have called the inspector at any time. Mr. Haidos said he called the inspector numerous times and never got a response, and he was even unable to get answers in the Legislative Hearing. Ms. ? said Ms. Moermond said at the hearing that if they were going to be living there it would be sent to the inspector and not be slapped with a Category 2 placard. Council President Stark said it was sent over to vacant Buildings when the list was not completed. Ms. Vang said that was correct. She said the inspector made multiple attempts to reach the appellants to schedule an inspection.

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

Councilmember Prince asked for a clarification of whether the owner-occupied unit was subject to vacant building requirements. deputy City Attorney Gerald Hendrickson said he didn't know the specifics of this situation, but it was possible to have one unit vacant and one not. Ms. Vang said she was not sure if Mr. Haidos was occupying the unit prior to this situation, and with the large number of deficiencies, Ms. Moermond wanted to ensure that the entire property was brought up to code.

Councilmember Prince moved to lay the matter over for one week for clarification.

Councilmember Brendmoen noted that property tax records listed the Chicago address for the owners going back to 2012. She recommended that they update it with Ramsey County.

Public hearing held and closed; laid over to April 27 at 3:30 p.m.

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

No one appeared in opposition; 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

43 RLH VBR 16-18 Appeal of Phil Beaumia, Osaka Homes MN First LLC, to a Vacant Building Registration Requirement at 955 BRADLEY STREET.

Adopted

45 RLH TA 16-100 Deleting the Appealed Special Tax Assessment for Property at 149-153 DUKE STREET. (File No. J1606P, Assessment No. 168405)

Adopted

47 RLH TA 16-114 Ratifying the Appealed Special Tax Assessment for Property at 318 FRONT AVENUE. (File No. J1605B, Assessment No. 168104)

Adopted

48 RLH TA 16-116 Ratifying the Appealed Special Tax Assessment for Property at 210 GRAND AVENUE. (File No. J1606C, Assessment No. 162005)

Adopted

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

Public hearing continued to May 4

50 RLH TA 16-102 Deleting the Appealed Special Tax Assessment for Property at 955 MACKUBIN STREET. (File No. J1606P, Assessment No. 168405)

Adopted

52 RLH TA 16-196 Amending Council File RLH AR 15-91 to delete the assessment for Collection of Vacant Building Registration fees billed during February 11 to August 21, 2015 at 1052 ROSS AVENUE. (File No. VB1604, Assessment No. 168803)

Adopted

53 RLH TA 16-120 Deleting the Appealed Special Tax Assessment for Property at 43 SEVENTH STREET WEST, Assessment Roll under 39 SEVENTH STREET WEST. (File No. J1606P, Assessment No. 168405)

Adopted

54 RLH TA 16-101 Deleting the Appealed Special Tax Assessment for Property at 51 SEVENTH STREET EAST. (File No. J1606P, Assessment No. 168405)

Adopted

55 RLH TA 16-118 Deleting the Appealed Special Tax Assessment for Property at 1746 SIMS AVENUE. (File No. J1606P, Assessment No. 168405)

Adopted

56 RLH TA 16-98 Deleting the Appealed Special Tax Assessment for Property at 78 TENTH STREET WEST, #401. (File No. J1606P, Assessment No. 168405)

Adopted

57 RLH TA 16-104 Deleting the Appealed Special Tax Assessment for Property at 1619 UNIVERSITY AVENUE WEST. (File No. J1606P, Assessment No. 168405)

Adopted

58 RLH TA 16-121 Ratifying the Appealed Special Tax Assessment for Property at 676 WELLS STREET. (File No. J1606C, Assessment No. 162005)

Adopted

59 RLH TA 16-183 Amending Council File RLH TA 15-121 pertaining to the Appealed Special Tax Assessment for Real Estate Project No. J1503C, Assessment No. 152002 at 601 WESTERN AVENUE NORTH.

Adopted

60 RLH AR 16-6 Ratifying the assessments for Demolition services from October to November 2015. (File No. J1605C, Assessment No. 162004)

Adopted

61 RLH AR 16-7 Ratifying the assessments for Demolition services from October to November 2015. (File No. J1606C, Assessment No. 162005)

Adopted

62 RLH AR 16-8 Ratifying the assessments for Boarding and/or Securing services during October 2015. (File No. J1605B, Assessment No. 168104)

Adopted

63 RLH AR 16-9 Ratifying the assessments for Graffiti Removal services from November 6 to December 21, 2015. (File No. J1606P, Assessment No. 168405)

Adopted

64 RLH AR 16-10 Ratifying the assessments for Tree Removal services from November to December 2015. (File No. 1603T, Assessment No. 169002)

Adopted

ADJOURNMENT

Councilmember Noecker moved adjournment.

Meeting adjourned at 6:37 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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