



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Council Chambers - 3rd  
Floor  
651-266-8560

## Minutes - Final

### City Council

*Council President Amy Brendmoen*  
*Councilmember Dan Bostrom*  
*Councilmember Mitra Jalali Nelson*  
*Councilmember Rebecca Noecker*  
*Councilmember Jane L. Prince*  
*Councilmember Dai Thao*  
*Councilmember Chris Tolbert*

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Wednesday, October 17, 2018

3:30 PM

Council Chambers - 3rd Floor

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### Budget Amendment Public Hearings and Legislative Hearing Items at 3:30 p.m. Public Hearings at 5:30 p.m.

#### ROLL CALL

*The meeting was called to order by Council President Brendmoen at 3:31 p.m.*

**Present** 6 - Councilmember Amy Brendmoen, Councilmember Dai Thao,  
Councilmember Chris Tolbert, Councilmember Rebecca Noecker,  
Councilmember Jane L. Prince and Councilmember Mitra Jalali

**Absent** 1 - Councilmember Dan Bostrom

**Councilmember Bostrom arrived after roll call.**

**Present** 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen,  
Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember  
Rebecca Noecker, Councilmember Jane L. Prince and Councilmember  
Mitra Jalali

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 18-56](#) Letters from the Department of Safety and Inspections declaring 899  
Germain Street and 718 Orange Avenue East as nuisance properties.  
(For notification purposes only; public hearings will be scheduled at a  
later date if necessary.)

**Received and filed**

**CONSENT AGENDA**

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**

*Item 4 was removed from the Consent Agenda for separate consideration.  
Councilmember Prince moved approval of the Consent Agenda as amended.*

**Consent Agenda adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 2     [RES 18-1762](#)     Accepting the gift of the cost of airfare and lodging from the Downtown Alliance, for Geoff Karls, Assistant City Attorney, to attend the International Downtown Association Conference in San Antonio, TX, on October 24-26, 2018.
- Adopted**
- 3     [RES 18-1727](#)     Requesting the Saint Paul Charter Commission to review the proposed amendments to City Charter Chapter 4.04.
- Adopted**
- 5     [RES 18-1689](#)     Approving the City's cost of providing Property Clean Up services during August 1 to 14, 2018, and setting date of Legislative Hearing for November 20, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. J1905A, Assessment No. 198504)
- Adopted**
- 6     [RES 18-1690](#)     Approving the City's cost of providing Property Clean Up services during August 14 to 30, 2018, and setting date of Legislative Hearing for November 20, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. J1906A, Assessment No. 198505)
- Adopted**
- 7     [RES 18-1714](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for the 2018 Street Maintenance Service Program. (File No. 2018SMSP, Assessment No. 180025)
- Adopted**

- 8     [RES 18-1707](#)     Authorizing the withholding of tax-forfeit parcels from public sale for six months.  
**Adopted**
- 9     [RES 18-1738](#)     Authorizing approval for support of a Minnesota Innovation Loans for Entrepreneurs Application in connection with Thrivors, Inc.  
**Adopted**
- 10    [RES 18-1681](#)     Identifying the need for Livable Community Demonstration Account (LCDA) funding, and authorizing a pre-development application for grant funds for the Upper Rice Street site.  
**Adopted**
- 11    [RES 18-1682](#)     Identifying the need for Livable Communities Transit-Oriented Development funding, and authorizing applications for grant funds for the Ford Site Redevelopment project.  
**Adopted**
- 12    [RES 18-1680](#)     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 641 Fairview Avenue North, Hillcrest Golf Course, North West University Dale, Raymond Station, Rice Street Flats, and Vintage 2 sites.  
**Adopted**
- 13    [RES 18-1741](#)     Approving the Rice-Larpenteur Vision Plan as a foundational document to guide transportation and overall revitalization of the area.  
**Adopted**
- 14    [RES 18-1671](#)     Authorizing the City to enter into Cooperative Agreement No. 1032118 with the Minnesota Department of Transportation, the City of Falcon Heights, and the Minnesota State Agricultural Society for replacement of a traffic signal on Trunk Highway 51 (Snelling) at Hoyt Avenue.  
**Adopted**
- 15    [RES 18-1642](#)     Approving the application with conditions, per the Deputy Legislative Hearing Officer, for KAM Sharp Enterprises Inc., d/b/a Flanneljax's (License No. 20180002381), for Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Entertainment (B) licenses at 755 Prior Avenue N., #102.  
**Adopted**

**FOR DISCUSSION**

- 4     [RES 18-1760](#)     Adopting the report of Ramsey County Elections finding that the petition for a referendum on Ord18-40 is sufficient.

*Council President Brendmoen made brief comments and moved approval of the resolution.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 16     [RES 18-1754](#)     Declaring October Domestic Violence Awareness Month.

*Councilmember Prince invited representatives of the St. Paul & Ramsey County Intervention Project and their partner organizations to the podium. She read the resolution.*

*Shelley Johnson Cline, St. Paul & Ramsey County Intervention Project, made brief comments.*

*Council President Brendmoen made brief comments and moved approval of the resolution.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 17     [RLH TA 18-170](#)     Ratifying the Appealed Special Tax Assessment for property at 1059 BEECH STREET. (File No. J1809A, Assessment No. 188518) (Amend to File No. J1809A4, Assessment No. 188551)

*Legislative Hearing Officer Marcia Moermond said there had been no same or similar violations since the item was before the Council previously, and her recommendation was to delete the assessment.*

*Councilmember Prince moved approval of the resolution as amended.*

**Adopted as amended (assessment deleted)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**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**

- 18 [Ord 18-28](#) Amending Chapters 65 and 66 of the Legislative Code pertaining to Accessory Dwelling Units.
- Following brief discussion, Councilmember Prince moved final adoption of the ordinance.*
- Adopted as amended (amended on October 10)**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 1 - Councilmember Bostrom

**First Reading**

- 19 [Ord 18-53](#) Amending Chapter 370 of the Legislative Code to update language to gender neutral format and change the journey person/trade worker ratio regarding warm air permits.
- Laid over to October 24 for second reading**
- 20 [Ord 18-54](#) Creating Chapter 224 of the Legislative Code to implement a City minimum wage.
- Councilmember Thao introduced an "friendly" amendment to the stepwise changes to small and micro-businesses.*
- Councilmember Tolbert asked that the amendment be put into Legistar in proper form for introduction at 2nd reading. Councilmember Thao said he was open to that.*
- Councilmember Jalali Nelson made brief comments.*
- Councilmember Thao withdrew the amendment.*
- Laid over to October 24 for second reading**

*Council President Brendmoen clarified the schedule and process for ordinances.*

**BUDGET AMENDMENT PUBLIC HEARINGS (3:30 p.m.)**

- 21**     [RES PH 18-301](#)     Authorizing the Department of Parks and Recreation to enter into a Cooperative Agreement with Ramsey County, which includes an indemnification clause, for construction of a pedestrian crosswalk on Lexington Parkway between Como Park's Lakeside Pavilion parking lot and Como Golf Course parking lot; and to amend the Department of Parks and Recreation's finance and spending plan in the amount of \$49,120 to reflect Ramsey County's cost share portion of the project.
- No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- 22**     [RES PH 18-307](#)     Amending the Parks and Recreation 2017 Capital Improvement Budget in the amount of \$45,000 to reflect an amendment to a grant received from the State of Minnesota for the replacement of publicly owned shade trees.
- No one was present to testify. Council President Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- 23**     [RES PH 18-311](#)     Approving acceptance of Minnesota China Friendship Garden Society funds for the St. Paul - Changsha China Friendship Garden project, and amending the financing and spending budget for the Department of Parks and Recreation in the amount of \$100,000 for the project.
- 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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 0

- 24     [RES PH 18-308](#)     Authorizing the acceptance of \$24,999 in United States Department of the Interior Certified Local Government Grant funds from the Minnesota State Historic Preservation Office to complete the Hill National and State Registers - Context Development and Updates, and amending the 2018 budget.

*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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

57 [RLH TA 18-504](#) Ratifying the Appealed Special Tax Assessment for property at 565 JEFFERSON AVENUE. (File No. VB1816, Assessment No. 188825)

*Legislative Hearing Officer Marcia Moermond gave a staff report on the assessment for a vacant building fee for the period November 2017 through November 2018. The building became a vacant building after a fire in 2017. The fee was first waived for 90 days, which was a matter of code after a fire, and was waived for a second 90 day period. It was now 11 months into the year cycle and her recommendation was to approve the assessment.*

*Councilmember Noecker confirmed with Ms. Moermond that the City was providing the full level of vacant building monitoring during the time the fee was waived.*

*Property owner Joe Osterbauer said he hired people six days after the fire. There was a previous fire, and an argument between contractors about the scope of work, and that had been resolved. He paid the two other assessments without blinking, and could not have done anything differently. He was trying not to be vacant. He felt it was a penalty, and there was nothing else he could possibly have done to make it go faster. They were dealing with an insurance company; he could have sued them but that would have taken a year and a half. They had it worked out and admitted it was totaled, and it as framed up and was supposed to be done in November or December. He was asking that the fee be waived.*

*Councilmember Noecker asked what the reason was for the second waiver. Ms. Moermond said it was a discretionary staff waiver based on progress.*

*Councilmember Noecker asked whether the work plan included in the file was for the work that was supposed to be completed to date, or was a new document. Ms. Moermond said it was provided in the Legislative Hearing. She said there were several active permits and several finalled permits. The property had required monitoring services on a couple of occasions where there had work order issued for boarding. In response to a question from Council President Brendmoen, she described the orders issued. She said there had been assessments for boarding and clean-up.*

*Councilmember Noecker said if the work was completed in the first half of the next year would the fee be prorated. Ms. Moermond said it would be a standard practice to recommend 90-day waiver for next year since work was progressing.*

*Councilmember Noecker said she would go with Ms. Moermond's recommendation. She understood Mr. Osterbauer was making his best efforts but 11 months was a long time for the property to remain vacant. The fee helped cover the cost of the monitoring being done on the property.*

*Council President Brendmoen spoke in support.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 71 [RLH TA 18-133](#) Ratifying the Appealed Special Tax Assessment for property at 507 MINNEHAHA AVENUE EAST. (File No. J1807A, Assessment No. 188507; amend to File No. J1807A3, Assessment No. 188538) (Public hearing continued from May 2)

*Legislative Hearing Officer Marcia Moermond gave a staff report on the assessment for clean-up of the ground around the garbage cans. The total charge was \$501. She showed the photograph from the original order. The property owner indicated he addressed the bags when he received the notice. She showed the photo from the re-inspection date showing the white bags were gone but there were still items frozen into the ice. She said the video of the clean-up showed opened bags of garbage. She said after looking at the video she thought there was evidence of an attempt to continue to clean up and also that the work was masking material that continued to be present. She showed the video. She said since there was an effort, she recommended that the Council continue the matter and if there were no same or similar violations, to delete the assessment. There was some history at the property; she read past orders. She said there had been two same or similar since the Council considered the matter; she reviewed those orders, and recommended approval of the assessment.*

*Council President Brendmoen summarized Ms. Moermond's report and noted the matter had been continued for a six-month time period. Ms. Moermond said she neither of the two new orders was appealed.*

*In opposition:*

*Property owner Charles Belcher said he took Ms. Moermond's offer that there would be no same or similar violations, but thought it was for 12 months and would like that clarified. He was an active landlord in St. Paul and took care of problems right away. The property had an alley and people dumped things in the alley, and he cleaned it up without calling the City. When he received the letter, he picked up the trash. When the City came it was different bags, which could be seen in the video. The tenants that lived there at the time no longer lived there. The complaint in April or May was due to somebody throwing trash on the alley, and he addressed it himself. If the six-month rule was there, he thought he made it past that considering the situation in April or May.*

*Council President Brendmoen said the City wasn't responsible for sending Mr. Belcher letters telling him to clean up his property. It was great he cleaned up when he received a letter, but the City shouldn't have to send a letter. Mr. Belcher said he went to the property regularly and picked up trash. He said the trash pictured in the most recent letter was the neighbor's. When he received that letter he didn't realize what it was referring to. He said he would not like these situations to disqualify him from the agreement. He did realize there were times where bags thrown in the trash by tenants spilled over. He said he would at minimum ask the Council to look at the fees he'd been charged; he was charged \$500 for not too much trash. He asked whether it was a six-month period or a one-year period. Ms. Moermond said the time was to October 17, not six or twelve months.*

*Mr. Belcher said the situation in April was people throwing things in the alley, and he picked it up, and the situation in September was not their trash either. He asked that the Council think about reducing the \$500 for the small amount of trash. He understood the City came to the property and picked up trash.*

*Council President Brendmoen said the issue was the pre-enforcement they had talked about, but she agreed that \$500 sounded like a lot for what they saw (in the video).*

*Council President Brendmoen moved to close the public hearing. Yeas - 7 Nays - 0*

*Council President Brendmoen said this street cut through Railroad Island, a neighborhood she cared a lot about, and these large properties were place-making and had an impact on the entire neighborhood when they weren't maintained well. She said she understood the frustration; she asked Ms. Moermond about the \$500 fee for that one particular pick-up. Ms. Moermond said her best guess was that there was a yardage fee associated with tipping the containers; she said she could check the bill for that. There was the \$260 an hour, administrative fees, and yardage.*

*Council President Brendmoen said the challenge was that the City did the work, and if they didn't charge the property owner, they charged all of the taxpayers. She asked to reduce the assessment to \$300 and said Ward 5 would work with Mr. Belcher on the dumping issue. The dumpster next door was an attractive nuisance.*

**Adopted as amended (assessment reduced)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**99**     [RLH AR 18-77](#)

Ratifying the assessments for Towing of Abandoned Vehicle services during April and May 2018. (File No. J1809V, Assessment No. 188013)

*Legislative Hearing Officer Marcia Moermond asked that 715 Edgerton be removed from the assessment roll and referred to Legislative Hearing on November 6.*

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

**Adopted as amended (715 Edgerton removed from the assessment roll for separate consideration)**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**LEGISLATIVE HEARING CONSENT AGENDA (3:30 p.m.)**

**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 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:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

Nay: 0

- 25     [RLH TA 18-279](#)     Ratifying the Appealed Special Tax Assessment for property at 1457 ALBANY AVENUE. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A3, Assessment No. 188554) (Public hearing continued from June 27)  
**Adopted as amended (assessment deleted)**
- 26     [RLH TA 18-293](#)     Ratifying the Appealed Special Tax Assessment for property at 1115 ARGYLE STREET. (File No. J1809E, Assessment No. 188315; amend to File No. J1809E1, Assessment No. 188325) (Public hearing continued from July 18)  
**Adopted as amended (assessment deleted)**
- 27     [RLH TA 18-452](#)     Ratifying the Appealed Special Tax Assessment for property at 1051 ARKWRIGHT STREET. (File No. VB1813, Assessment No. 188821; amend to File No. VB1813A, Assessment No. 188829) (Public hearing continued from September 19)  
**Adopted as amended (assessment approved)**
- 28     [RLH SAO 18-62](#)     Appeal of Raymond Cermak Sr. to a Vehicle Abatement Order at 53 ATWATER STREET.  
**Adopted**
- 29     [RLH TA 18-502](#)     Deleting the Appealed Special Tax Assessment for property at 894 BEECH STREET. (File No. J1812E, Assessment No. 188324)  
**Adopted**
- 30     [RLH TA 18-243](#)     Ratifying the Appealed Special Tax Assessment for property at 2463 BEVERLY ROAD. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A3, Assessment No. 188554) (Public hearing continued from June 27)  
**Adopted as amended (assessment deleted)**
- 31     [RLH TA 18-228](#)     Ratifying the Appealed Special Tax Assessment for property at 618 CASE AVENUE. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A3, Assessment No. 188554) (Public hearing continued from June 27)  
**Adopted as amended (assessment deleted)**

- 32 [RLH TA 18-370](#) Ratifying the Appealed Special Tax Assessment for property at 780 CHEROKEE AVENUE. (File No. J1811A, Assessment No. 188525; amend to File No. J1811A1, Assessment No. 188558) (Public hearing continued from August 1)  
**Adopted as amended (assessment deleted)**
- 33 [RLH VO 18-51](#) Appeal of Ranjit Bhagyam to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2012 COMO AVENUE.  
**Adopted**
- 34 [RLH TA 18-417](#) Ratifying the Appealed Special Tax Assessment for property at 120 CONGRESS STREET. (File No. J1812A, Assessment No. 188532; amended to File No. J1812A2, Assessment No. 188560) (Public hearing continued from September 12)  
**Adopted as amended (assessment deleted)**
- 35 [RLH TA 18-523](#) Ratifying the Appealed Special Tax Assessment for property at 761 COOK AVENUE EAST. (File No. J1807V, Assessment No. 188011)  
**Adopted**
- 36 [RLH TA 18-178](#) Ratifying the Appealed Special Tax Assessment for property at 1031 COOK AVENUE EAST. (File No. J1809A, Assessment No. 188518; amend to File No. J1809A3, Assessment No. 188549) (Public hearing continued from June 6)  
**Adopted as amended (assessment deleted)**
- 37 [RLH TA 18-288](#) Ratifying the Appealed Special Tax Assessment for property at 1123 DALE STREET NORTH. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A3, Assessment No. 188554) (Public hearing continued from June 27)  
**Adopted as amended (assessment approved)**
- 38 [RLH TA 18-390](#) Ratifying the Appealed Special Tax Assessment for property at 1141 DALE STREET NORTH. (File No. J1810E, Assessment No. 188318; amend to File No. J1810E1, Assessment No. 188326) (Public hearing continued from August 22)  
**Adopted as amended (assessment deleted)**
- 39 [RLH TA 18-509](#) Deleting the Appealed Special Tax Assessment for property at 557 DAYTON AVENUE. (File No. J1812E, Assessment No. 188324)  
**Adopted**

- 40     [RLH CO 18-39](#)     Appeal of David Simons to a Correction Notice at 1033 DESOTO STREET.  
**Adopted**
- 41     [RLH TA 18-232](#)     Ratifying the Appealed Special Tax Assessment for property at 922 EDMUND AVENUE. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A3, Assessment No. 188554) (Public hearing continued from June 27)  
**Adopted as amended (assessment deleted)**
- 42     [RLH SAO 18-70](#)     Making finding on the appealed nuisance abatement ordered for 1004 EDMUND AVENUE in Council File RLH VO 18-43. (Public hearing continued from October 3)  
**Adopted as amended (nuisance condition abated)**
- 43     [RLH TA 18-486](#)     Ratifying the Appealed Special Tax Assessment for property at 1397 EDMUND AVENUE. (File No. J1815A, Assessment No. 188544; amend to File No. J1815A1, Assessment No. 188567) (Public hearing continued from October 3)  
**Adopted as amended (assessment reduced)**
- 44     [RLH TA 18-434](#)     Ratifying the Appealed Special Tax Assessment for property at 1431 ENGLEWOOD AVENUE. (File No. J1811A, Assessment No. 188525; amend to File No. J1811A1, Assessment No. 188558) (Public hearing continued from August 1)  
**Adopted as amended (assessment deleted)**
- 45     [RLH TA 18-536](#)     Ratifying the Appealed Special Tax Assessment for property at 1623 ENGLISH STREET. (File No. J1807V, Assessment No. 188011)  
**Adopted**
- 46     [RLH TA 18-399](#)     Ratifying the Appealed Special Tax Assessment for property at 463 FOREST STREET. (File No. J1810E, Assessment No. 188318; amend to File No. J1810E1, Assessment No. 188326) (Public hearing continued from August 22)  
**Adopted as amended (assessment deleted)**
- 47     [RLH TA 18-396](#)     Ratifying the Appealed Special Tax Assessment for property at 794 FRANK STREET. (File No. J1810E, Assessment No. 188318; amend to File No. J1810E1, Assessment No. 188326) (Public hearing continued from August 22)  
**Adopted as amended (assessment deleted)**

- 48     [RLH TA 18-376](#)     Ratifying the Appealed Special Tax Assessment for property at 2193 FREMONT AVENUE. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A2, Assessment No. 188553) (Public hearing continued from June 27 and August 22)  
**Adopted as amended (assessment deleted)**
- 49     [RLH TA 18-77](#)     Ratifying the Appealed Special Tax Assessment for property at 569 FRONT AVENUE. (File No. J1806A, Assessment No. 188506; amend to File No. J1806A3, Assessment No. 188528) (Public hearing continued from April 4 and June 6)  
**Adopted as amended (assessment approved)**
- 50     [RLH TA 18-506](#)     Deleting the Appealed Special Tax Assessment for property at 1062 FULLER AVE. (File No. J1807V, Assessment No. 188011)  
**Adopted**
- 51     [RLH TA 18-355](#)     Ratifying the Appealed Special Tax Assessment for property at 146 GEORGE STREET EAST. (File No. J1811A, Assessment No. 188525; amend File No. J1811A1, Assessment No. 188558) (Public hearing continued from August 1)  
**Adopted as amended (assessment deleted)**
- 52     [RLH TA 18-404](#)     Ratifying the Appealed Special Tax Assessment for property at 50 HATCH AVENUE. (File No. J1810E, Assessment No. 188318; amend to File No. J1810E1, Assessment No. 188326) (Public hearing continued from August 22)  
**Adopted as amended (assessment deleted)**
- 53     [RLH TA 18-505](#)     Ratifying the Appealed Special Tax Assessment for property at 546 HAZEL STREET NORTH. (File No. J1807V, Assessment No. 188011)  
**Public hearing continued to January 9, 2019**
- 54     [RLH TA 18-313](#)     Ratifying the Appealed Special Tax Assessment for property at 864 HOWELL STREET NORTH. (File No. J1811A, Assessment No. 188525; amend to File No. J1811A1, Assessment No. 188558) (Public hearing continued from August 1)  
**Adopted as amended (assessment reduced)**

- 55     [RLH TA 18-324](#)     Ratifying the Appealed Special Tax Assessment for property at 36 ISABEL STREET WEST. (File No. J1811A, Assessment No. 188525; amend to File No. J1811A1, Assessment No. 188558) (Public hearing continued from August 1)  
**Adopted as amended (assessment deleted)**
- 56     [RLH TA 18-475](#)     Ratifying the Appealed Special Tax Assessment for property at 940-942 IVY AVENUE EAST. (File No. J1814A, Assessment No. 188543; amend to File No. J1814A3, Assessment No. 188566) (Public hearing continued from October 3)  
**Adopted as amended (assessment reduced)**
- 58     [RLH TA 18-225](#)     Ratifying the Appealed Special Tax Assessment for property at 723 JENKS AVENUE. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A3, Assessment No. 188554) (Public hearing continued from June 27)  
**Adopted as amended (assessment deleted)**
- 59     [RLH TA 18-499](#)     Ratifying the Appealed Special Tax Assessment for property at 578 LAFOND AVENUE. (File No. VB1816, Assessment No. 188825)  
**Adopted**
- 60     [RLH TA 18-425](#)     Ratifying the Appealed Special Tax Assessment for property at 623 LAUREL AVENUE. (File No. J1812A, Assessment No. 188532; amend to File No. J1812A2, Assessment No. 188560) (Public hearing continued from September 12)  
**Adopted as amended (assessment deleted)**
- 61     [RLH TA 18-466](#)     Deleting the Appealed Special Tax Assessment for property at 45 LAWSON AVENUE WEST. (File No. J1812G, Assessment No. 188713)  
**Adopted**
- 62     [RLH TA 18-512](#)     Ratifying the Appealed Special Tax Assessment for property at 594 LAWSON AVENUE WEST. (File No. 1802T, Assessment No. 189004)  
**Adopted**
- 63     [RLH TA 18-339](#)     Ratifying the Appealed Special Tax Assessment for property at 458 LEXINGTON PARKWAY NORTH (1098 UNIVERSITY AVENUE WEST). (File No. J1811A, Assessment No. 188525; amend to File No. J1811A1, Assessment No. 188558) (Public hearing continued from August 1)  
**Adopted as amended (assessment deleted)**

- 64 [RLH TA 18-520](#) Ratifying the Appealed Special Tax Assessment for property at 110 MANITOBA AVENUE. (File No. J1812E, Assessment No. 188324)  
**Public hearing continued to January 9, 2019**
- 65 [RLH TA 18-328](#) Ratifying the Appealed Special Tax Assessment for property at 1534 MARGARET STREET. (File No. J1811A, Assessment No. 188525; amend to File No. J1811A1, Assessment No. 188558) (Public hearing continued from August 1)  
**Adopted as amended (assessment reduced)**
- 66 [RLH VBR 18-75](#) Appeal of Thomas Lieberman to a Vacant Building Registration Fee Warning Letter at 1519 MARSHALL AVENUE. (Legislative hearing on October 16)  
**Adopted as amended (extension granted)**
- 67 [RLH TA 18-547](#) Ratifying the Appealed Special Tax Assessment for property at 1519 MARSHALL AVENUE. (File No. J1812E, Assessment No. 188324) (Legislative hearing on October 16)  
**Adopted as amended (assessment approved)**
- 68 [RLH TA 18-274](#) Ratifying the Appealed Special Tax Assessment for property at 169 MARYLAND AVENUE WEST. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A3, Assessment No. 188554) (Public hearing continued from June 27)  
**Adopted as amended (assessment approved)**
- 69 [RLH TA 18-519](#) Ratifying the Appealed Special Tax Assessment for property at 685-687 MARYLAND AVENUE EAST. (File No. VB1815, Assessment No. 188824)  
**Adopted**
- 70 [RLH TA 18-522](#) Ratifying the Appealed Special Tax Assessment for property at 588 MILTON STREET NORTH. (File No. CRT1813, Assessment No. 188216)  
**Adopted**
- 72 [RLH TA 18-498](#) Ratifying the Appealed Special Tax Assessment for property at 1171 MINNEHAHA AVENUE WEST. (File No. J1812E, Assessment No. 188324)  
**Adopted**

- 73     [RLH TA 18-507](#)     Deleting the Appealed Special Tax Assessment for property at 298 ONEIDA STREET. (File No. J1812E, Assessment No. 188324)  
**Adopted**
- 74     [RLH TA 18-436](#)     Ratifying the Appealed Special Tax Assessment for property at 861 PAYNE AVENUE. (File No. J1812A, Assessment No. 188532; amend to File No. J1812A2, Assessment No. 188560) (Public hearing continued from September 12)  
**Adopted as amended (assessment deleted)**
- 75     [RLH TA 18-431](#)     Ratifying the Appealed Special Tax Assessment for property at 206 PRESCOTT STREET. (File No. J1811A, Assessment No. 188525; amend to File No. J1811A1, Assessment No. 188558) (Public hearing continued from August 1)  
**Adopted as amended (assessment deleted)**
- 76     [RLH TA 18-570](#)     Amending Council File RLH AR 18-59 to ratify and reduce the assessment for Vacant Building Registration fees billed during January 10 to April 19, 2018 at 1929 RANDOLPH AVENUE. (File No. VB1813, Assessment No. 188821)  
**Adopted**
- 77     [RLH SAO 18-61](#)     Making finding on the appealed nuisance abatement ordered for 386 ROSE AVENUE EAST in Council File RLH SAO 18-41.  
**Adopted**
- 78     [RLH TA 18-196](#)     Ratifying the Appealed Special Tax Assessment for property at 1283 SAINT CLAIR AVENUE. (File No. J1809A, Assessment No. 188518; amend to File No. J1809A2, Assessment No. 188546) (Public hearing continued from June 6)  
**Adopted as amended (assessment approved and payments spread over 3 years)**
- 79     [RLH TA 18-276](#)     Ratifying the Appealed Special Tax Assessment for property at 1317 SAINT CLAIR AVENUE. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A3, Assessment No. 188519) (Public hearing continued from June 27)  
**Adopted as amended (assessment deleted)**

- 80     [RLH TA 18-445](#)     Ratifying the Appealed Special Tax Assessment for property at 220 SIDNEY STREET EAST. (File No. J1811E, Assessment No. 188323; amend to File No. J1811E1, Assessment No. 188328) (Public hearing continued from September 19)  
**Adopted as amended (assessment deleted)**
- 81     [RLH TA 18-508](#)     Ratifying the Appealed Special Tax Assessment for property at 652 SMITH AVENUE SOUTH. (File No. J1812E, Assessment No. 188324)  
**Adopted**
- 82     [RLH TA 18-224](#)     Ratifying the Appealed Special Tax Assessment for property at 1819 STILLWATER AVENUE. (File No. J1810A, Assessment No. 188519; amend to File No. J1810A3, Assessment No. 188554) (Public hearing continued from June 27)  
**Adopted as amended (assessment approved)**
- 83     [RLH SAO 18-66](#)     Making finding on the appealed nuisance abatement ordered for 547 STINSON STREET in Council File RLH SAO 18-45. (Legislative Hearing on October 16)  
**Adopted as amended (Nuisance condition not abated)**
- 84     [RLH TA 18-214](#)     Ratifying the Appealed Special Tax Assessment for property at 992-994 THIRD STREET EAST. (File No. J1810A, Assessment No. 188529; amend to File No. J1810A3, Assessment No. 188554) (Public hearing continued from June 27)  
**Adopted as amended (assessment approved)**
- 85     [RLH AR 18-76](#)     Ratifying the assessments for Towing of Abandoned Vehicle services during June 2016 at 554 UNIVERSITY AVENUE WEST. (File No. J1808V, Assessment No. 188012)  
**Adopted**
- 86     [RLH TA 18-418](#)     Ratifying the Appealed Special Tax Assessment for property at 981 VICTORIA STREET NORTH. (File No. J1812A, Assessment No. 188532; amend to File No. J1812A2, Assessment No. 188560) (Public hearing continued from September 12)  
**Adopted as amended (assessment deleted)**

- 87     [RLH TA 18-336](#)     Ratifying the Appealed Special Tax Assessment for property at 579 WELLS STREET. (File No. J1811A, Assessment No. 188525; amend to File No. J1811A1, Assessment No. 188558) (Public hearing continued from August 1)  
**Adopted as amended (assessment deleted)**
- 88     [RLH TA 18-206](#)     Ratifying the Appealed Special Tax Assessment for property at 936 WESTMINSTER STREET. (File No. J1809A, Assessment No. 188518; amend to File No. J1809A1, Assessment No. 188545) (Public hearing continued from June 6)  
**Adopted as amended (assessment approved)**
- 89     [RLH TA 18-496](#)     Ratifying the Appealed Special Tax Assessment for property at 1179 WHITE BEAR AVENUE NORTH. (File No. J1809V, Assessment No. 188013)  
**Adopted**
- 90     [RLH AR 18-67](#)     Ratifying the assessments for Boarding and/or Securing services during May 2018. (File No. J1812B, Assessment No. 188114)  
**Adopted**
- 91     [RLH AR 18-68](#)     Ratifying the assessments for Collection of Vacant Building Registration fees billed during February 15 to May 23, 2018. (File No. VB1815, Assessment No. 188824)  
**Adopted**
- 92     [RLH AR 18-69](#)     Ratifying the assessments for Collection of Vacant Building Registration fees billed during August 29 to November 21, 2017. (File No. VB1816, Assessment No. 188825)  
**Adopted**
- 93     [RLH AR 18-70](#)     Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during March 30 to April 9, 2018. (File No. CRT1813, Assessment No. 188216)  
**Adopted**
- 94     [RLH AR 18-71](#)     Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during March 22 to April 20, 2018. (File No. J1812E, Assessment No. 188324)  
**Adopted**

- 95     [RLH AR 18-72](#)     Ratifying the assessments for Trash Hauling services during May 2 to 29, 2018. (File No. J1812G, Assessment No. 188713)  
**Adopted**
- 96     [RLH AR 18-73](#)     Ratifying the assessments for Graffiti Removal services during May 23 to June 20, 2018. (File No. J1810P, Assessment No. 188410)  
**Adopted**
- 97     [RLH AR 18-74](#)     Ratifying the assessments for Tree Removal services from May 2018. (File No. 1802T, Assessment No. 189004)  
**Adopted**
- 98     [RLH AR 18-75](#)     Ratifying the assessments for Towing of Abandoned Vehicle services billed during January to March 2018. (File No. J1807V, Assessment No. 188011)  
**Adopted**

*The Council recessed at 4:23 p.m.*

#### **PUBLIC HEARINGS (5:30 p.m.)**

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

**Present**    7 -    Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince and Councilmember Mitra Jalali

#### **SUSPENSION ITEM**

*Councilmember Thao moved suspension of the rules.*

##### **Rules suspended**

**Yea:**    7 -    Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:**    0

[RES PH 18-322](#)

Authorizing license and parkland diversion for Qwest Corporation d/b/a Century Link QC within the park area adjacent to 1400 Jackson Street.

*Council President Brendmoen said this was an item that was noticed but didn't make it onto the agenda.*

*No one was present to testify. Council President Brendmoen moved to continue the public hearing to October 24.*

**Public hearing continued to October 24**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**100** [RES PH 18-305](#)

Approving the application of Team Ortho Foundation - Monster Dash for sound level variances in to present amplified sound for announcements, speakers, and music for the Monster Dash on Saturday, October 27, 2018 at five locations. (2nd Street between Jackson and Kellogg Mall Park; Cathedral Hill Park; Shepard Road between Homer and Elway; Shepard Road and 100 feet South of Washington; Upper Landing Park)

*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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**101** [RES PH 18-302](#)

Approving the application of Public Kitchen & Bar LLC. for a sound level variance to present outdoor music and announcements for the Hog Smoke Fest on Sunday, October 21, 2018 at 400 Sibley 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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 102**    [RES PH 18-310](#)    Approving the application of Anderson Race Management for a sound level variance to present announcements and music on Saturday, November 3, 2018 for the Chocoholic Frolic 5K/10K and Kids Run and Walk at Harriet Island.

*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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 103**    [RES PH 18-224](#)    Ratifying the assessments for Replacement of Sanitary Sewer Line on Private Property during January to March 2018 at 1495 Seventh Street West. (File No. SWRP1803A, Assessment No. 183005)

*In opposition:  
Steve Johnson (1495 West 7th Street)*

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

*Councilmember Noecker made brief comments and moved to approve the assessment with payments spread over 20 years.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 104**    [RES PH 18-312](#)    Ratifying the assessments for Replacement of Sanitary Sewer Line on Private Property during April to June at 1039 Forest Street. (File No. SWRP1805A, Assessment No. 183006)

*Richard Ekobena, Public Works, said the property owner and contractor agreed to new amount.*

*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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 105**    [RES PH 18-317](#)    Approving the installation of a bus stop bench and bicycle rack dedicated to the Green Stairs in the public right-of-way "ROW" to the South 215 Wabasha Street South.

*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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 106**    [RES PH 18-304](#)    Approving the operation and maintenance costs for an electrically powered decorative bench to be added to the Ford Parkway/Cleveland area above-standard lighting district. (Ford Parkway Streetscape project)

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

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 107**    [RES PH 18-265](#)    Approving the combined plat for West End Second Addition.

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

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 108**    [Ord 18-51](#)            Granting the application of Dorothy Gherity to rezone the property at 418 Sherburne Avenue from R4 Single Family Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

*Andrew Rodynsky, with Edina Realty, representing Dorothy Gherity, said they were in favor.*

*Applicant Dorothy Gherity (418 Sherburne) said she was in favor.*

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

**Public hearing held and closed; laid over to October 24 for final adoption**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 109**    [Ord 18-50](#)            Amending Section 409.08 of the Legislative Code to prohibit licensees of exclusive liquor stores which sell tobacco, tobacco-related devices, electronic delivery device, or nicotine or lobelia delivery products from allowing persons under eighteen (18) years of age from entering the store.

*Councilmember Noecker said this was an amendment they were bringing forward partly in response to the menthol restriction passed earlier in the year, to close a loophole.*

*No one was present to testify in opposition.*

*Council President Brendmoen asked those present in support to stand.*

*Councilmember Noecker moved to close the public hearing.*

**Public hearing held and closed; laid over to October 24 for final adoption**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

- 110**    [Ord 18-52](#)            Establishing a Community Advisory Committee for the position of Director of Human Rights and Equal Economic Opportunity pursuant to the provisions Section 11.01 of the Administrative Code.

*Council President Brendmoen said Attachment A had been amended to add a name.*

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

**Amended; public hearing held and closed; laid over to October 24 for final adoption**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**111** [Ord 18-49](#)

Amending the zoning map as recommended in the West Marshall Avenue Zoning Study.

*Kady Dadlez, Planning and Economic Development, gave a staff report on the amendment. She noted that a approximately 120 comments had been received: about 45 in support and 75 opposed. She summarized the changes, and answered questions from Council members.*

*Councilmember Jalali Nelson said she was moving to make one small change that was intended to be part of the original proposal, and was made known to her by PED staff after they'd introduced it. The amendment was to change the parcel on the southwest corner of Marshall and Finn from T2 to RM1, which would make it consistent with the parcels around it in the current proposal, and this was at the advice of staff.*

*Vote on amendment. Yeas - 7 Nays - 0*

*In opposition:*

*Douglas Allchin (2005 Carroll Avenue)*

*Daniel Taylor (2127 Dayton Avenue), Union Park District Council president*

*Stephanie Harpenen (1864 Marshall Avenue)*

*Keith Koch (2204 Dayton Avenue)*

*Ignatio (phonetic) ?? (no address given)*

*Stephen Levin (2073 Marshall Avenue)*

*Christine Wahlstrom (1824 Selby Avenue)*

*Dean Cummings (1910 Marshall Avenue)*

*Council President Brendmoen said they would move on to those in support, but comments could still be submitted by email.*

*In support:*

*Rick Varco (2265 Youngman Avenue)*

*David Kvasnik (2012 Selby Avenue)*

*Adrian Perryman (1246 Englewood Avenue)*

*Jim Marti (214 Exeter Place)*

*Alicia Valenti (Marshall Avenue)*

*Bill Lindeke (148 W. George Street)*

*Joe Kendrick (780 Curfew Street).*

*Lucas Miller (1702 Laurel Avenue)*

*Brian Martinson (1943 Princeton Avenue)*

*Raza Hasan (1984 Marshall Avenue)*

*Tom Basgen (659 Wilder Street)*

*Mike Sonn (1458 Wellesley)*

*Councilmember Jalali Nelson moved to close the public hearing. Yeas - 7 Nays - 0*

*Councilmember Jalali Nelson spoke in support.*

*Councilmember Prince encouraged community members to continue to work towards agreement if possible.*

**Amended; public hearing held and closed; laid over to October 24 for final adoption**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

112 [ABZA 18-6](#)

Public hearing to consider the appeal of the Association for Nonsmokers-MN to a decision made by the Board of Zoning Appeals approving a variance to allow a tobacco products shop at 1724 University Avenue West, which is closer than a half mile (2,640 feet) from an existing tobacco products shop.

*Jerome Benner, Department of Safety and Inspections, gave a staff report. He said the current policy for tobacco shop separation requirements was to measure from property line to property line, the two closest points. With an influx of these applications they were finding that, for businesses in a shopping mall, for instance, they were measuring from the property line rather than from the actual establishment. He was working with PED staff to make it more fair for people looking to develop these uses, and more consistent with other ordinances.*

*Councilmember Noecker asked about finding D stating that this was not a tobacco products shop. Mr. Benner said it currently was a grocery store that was closed down, and the owner had decided to venture into owning a tobacco products shop.*

*Council President Brendmoen asked Assistant City Attorney Virginia Palmer to clarify what the Council was looking at. Ms. Palmer said the Council was looking to determine whether the Board of Zoning Appeals (BZA) report adequately supported their decision, and in order to overturn that, the Council would have to find and identify errors in that report.*

*Appellant:*

*Alexis Bylander (270 Brimhall Street) Clearway Minnesota, said the issue wasn't about 40 feet, but about the original intent of the ordinance setting a distance requirement, and about setting a precedent that would uphold the integrity of the ordinance. She elaborated on both of those points. She asked that they also look at the location near the Midway YMCA, Twin Town treatment center, and a soon-to-arrive Junior Achievement site. She said she didn't oppose the owner or his efforts to run a thriving small business, but felt that allowing the business to become a tobacco products shop defied the current ordinance and didn't benefit the neighborhood or city overall.*

*Jeanne Weigum (1647 Laurel Avenue) spoke about in favor of the appeal. She said the owner/applicant did not meet requirements of variance, it was not sufficient that the variance be granted strictly on economic grounds. In testimony, the owner presented nothing but economic grounds for requesting the variance. If you looked in the store window now, there were a few packaged food items and three bongos sitting in the window, which was an indication of what the store might become. The shop was a cute little shop in a good location, and there were other options to make it successful.*

*Damon Presley, Vision in Living Life - Change is Possible, and Aurora St. Anthony NDC, spoke in opposition to the ordinance on behalf of the youth in Rondo.*

*Council President Brendmoen asked others in support of the appeal to stand.*

*In opposition to appeal:*

*Mussie Embaye, owner of Little Grocery, thanked Ward 3 Legislative Aide Libby Kantner for her help answering his questions and assisting with the process. He said the business was not failing when he bought it. He was not against the anti-tobacco people; their fight was not with him but with the Council. They wanted to raise the age to 21 and were making it seem like he was serving the minors, and he found that*

*offensive and disrespectful. This was his community, and he would never sell to minors, he had never been cited for selling to minors. The (anti-)tobacco people were mischaracterizing bongs, and kept speaking about menthol. The ban was menthol and fruit-flavored tobacco products, and he wanted to sell fruit-flavored tobacco products to people who smoke hookahs or fruit-flavored tobaccos. The anti-tobacco people had never spoken to him about what he wanted to do, but had included photos in their appeal of other stores which they assumed were similar to what he wanted to do. He didn't provide access or advertise tobacco products to kids. He didn't want kids to smoke, that was not his job, he was not their parent. Two weeks before his variance application there was a variance granted, at Rice and Maryland for 242 feet for a tobacco retail license. The anti-tobacco people didn't show up or object to that variance. There were schools and a community center and athletic facilities nearby. His main issue with the City even before this variance was with the distance requirement and the way measurements were made. The distance was drawn from tattoo shop to another spot that wasn't a tobacco shop. He would be over the distance requirement by 60 feet if measured from door to door. It was unfair that he'd been made to look like someone targeting kids. The YMCA was on the other side of the tracks, in the Griggs Building there was already a store that sold tobacco products. Vape shops sold a product that had only been around for five years, and he was trying to sell a product that had been used for over 2000 years as part of his culture. The anti-tobacco fight was with the age limit, and if he would be the first to support an ordinance to make the City limit be 21. He was in queue for a tobacco license, and could move across the street and be granted a tobacco license, but he had a lease he wanted to honor.*

*Councilmember Jalali Nelson moved to close the public hearing. Yeas - 7 Nays - 0*

*Councilmember Jalali Nelson thanked everyone for their testimony. She asked Ms. Palmer to review the criteria for granting or denying the appeal. Ms. Palmer said if the Council found errors in the BZA report granting the variance, they could grant the appeal. To grant he appeal, they would need to find specific errors and put them on the record.*

*There was discussion among the Council members.*

*Councilmember Jalali Nelson asked for a layover to October 24 to take time to consider everything that had been presented and dig into the report.*

**Public hearing held and closed; laid over to October 24**

**Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**ADJOURNMENT**

*Council President Brendmoen adjourned the meeting.*

**Meeting adjourned at 7:39 p.m.**

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