



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor

City Council Meeting Minutes - Final

Katie Burger, Executive
Assistant, 651-266-8560

*Council President Amy Brendmoen
Councilmember Dan Bostrom
Councilmember Samantha Henningson
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert*

Wednesday, March 14, 2018

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

Councilmember Bostrom excused

Present 6 - City Council President Amy Brendmoen, Councilmember Dai Thao,
Councilmember Chris Tolbert, Councilmember Rebecca Noecker,
Councilmember Jane L. Prince and Councilmember Samantha Henningson
Absent 1 - Councilmember Dan Bostrom

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 18-15** Letters from the Department of Safety and Inspections declaring 664
Case Avenue and 654 Orange Avenue East as nuisance properties. (For
notification purposes only; public hearings will be scheduled at a later
date if necessary.)
Received and filed

- 2 **AO 18-15** Amending CDBG activities budgets.

Received and filed

- 3 **AO 18-17** Amending CDBG activities budgets for the building demolition program.

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 (Items 4 - 16)

Items 5 and 13 were removed from the Consent Agenda for separate consideration.

Councilmember Noecker moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Bostrom

4 **RES 18-420** Memorializing the City Council's decision to deny an appeal by Historic Merriam Park Neighborhoods of a decision of the Planning Commission approving a residential development site plan at 1973-1977 Marshall Avenue.

Adopted

6 **RES 18-430** Approving the use of grant funds for proposals through the Ward 6 and Ward 7 Neighborhood STAR year-round programs.

Adopted

7 **RES 18-292** Amending Council file RES PH 17-300 to say that the State of Minnesota and Minnesota State Colleges and Universities, d/b/a St. Paul College ("Petitioner") is responsible for any and all damages, claims for damages, costs, charges, and expenses related to vacation of the right-of-way within the St. Paul College campus.

Adopted

8 **RES 18-395** Acknowledging the receipt of the Saint Paul Streets policy.

Adopted

9 **RES 18-423** Preliminary Order setting the date of City Council public hearing for April 18, 2018 to consider approval of the 2018 Saint Paul Streets Program (2018 SPS).

Adopted

10 **RES 18-356** Establishing the rate of pay for the new classification of Operations and Laborer Trainee in the new Grade of 027 of EG 71.

Adopted

11 **RES 18-357** Approving the Labor Agreement between the Independent School District 625 and MN Teamsters Local No. 320 - Nutritional Services Personnel (July 1, 2017 - June 30, 2019).

Adopted

12 **RES 18-410** Accepting the gift of airfare from the Saint Paul Promise Neighborhood for Kaohly Her, Mayor Carter's Director of Education and Wellness, to attend meetings with administrators and partners of the San Francisco Bay Area College Savings Account program.

Adopted

14 **RES 18-434** Supporting the Minnesota Department of Transportation's Metro District Corridors of Commerce projects that impact the City of Saint Paul.

Adopted

15 **RES 18-297** Authorizing not using a Project Labor Agreement (PLA) for the following projects: Sewer Cleaning and Televising Projects (Como-Cleveland and Snelling-Larpenteur), Phalen Storm Tunnel Rehabilitation Project (Phase 3), 2018 Citywide Sewer Repair Project, Cherokee Heights Upper Ravine Stabilization Project, and the 2018 Citywide Sewer Lining Project.

Adopted

16 **RES 18-415** Approving adverse action against the Cigarette/Tobacco license held by Blue Store St Paul at 879 Fremont Avenue.

Adopted

FOR DISCUSSION

5 **RES 18-455** Establishing interim official control regulations pursuant to Minn. Stat. § 462.355, Subd. 4 pending formal adoption of an interim ordinance regarding the potential establishment of a Merriam Park Heritage Preservation District within a specific area of Ward 4.

Councilmember Henningson moved an amendment reducing the moratorium period from a year to nine months to better align with the historic survey already underway, and changing the kind of permits being restricted. Yeas - 6 Nays - 0

Councilmember Tolbert said he had an issue with moratoriums because they had a chilling effect and were an extreme use of the Council's power, and should be reserved for absolute necessity. He said this was the second moratorium in the past two months from Ward 4 and the fourth since he was on the Council, and he thought he'd voted against them all. He asked what the sense of urgency was that necessitated a moratorium.

Councilmember Henningson said there had been increased pressure on development in the neighborhood, which was needed, however there were potentially historically significant properties in the neighborhood. She said HPC staff had originally brought her a version that would have put a moratorium in place for all of structures within the overlay, which she felt was too blunt of an instrument. She said her proposal looked at

the 1983 and 2001 surveys and was a small pool of properties. She said this provided notice of the public hearing for April 4 so they could have a further discussion about the pros and cons. She said in June HPC staff would be bringing amendments to Chapter 73 which would also include, as a matter of course, a moratorium in the study area.

Councilmember Noecker said she agreed with Councilmember Tolbert that a moratorium was a option of last resort, but also agree with Councilmember Henningson that it was appropriate in this case. She said the reason they were in this position was because they didn't have the resources to do the historic surveys necessary to find out if the properties were historic and contributing. She said in her ward they had been struggling to find the resources for a survey of the Summit Hill area for a long time, and, as they were thinking about the budgeting process for the next year, the Council should consider whether or not they could dedicate resources to do the needed survey work and not have to have last resort measures taken.

Councilmember Brendmoen confirmed with Councilmember Noecker that she was saying that ideally they would have the survey done on a citywide basis so when pressure mounted in one area they wouldn't have to do a survey and always be playing catch-up.

Councilmember Tolbert said he didn't feel they'd met the test to use a moratorium in this case. He said he didn't disagree with changing the regulations, the ordinance, or the standards, or doing a historic overlay district, but he felt those could be done without a moratorium. He said when the Ward 3 overlay district went through, they could have done a moratorium but it wasn't necessary. He said houses were torn down and rebuilt during that time, but he felt moratoriums had a chilling effect and the City wanted development and more housing. He said moratoriums sent a message to developers that we (the City) would do moratoriums, and he didn't like that message out there on behalf of the City. He said he thought they should go ahead with the resolution and ordinance but didn't feel a moratorium was needed to bridge that gap. She said the potentially historical houses were from a survey done in the 80s and early

2000s, so there had been time to change those ordinances. He asked whether this study would trump one approved by the council in Tangletown.

Councilmember Prince said she couldn't disagree more with Councilmember Tolbert, She said the City was way behind in their historic surveys, and she had seen how important the historic district was to marketing and keeping the Dayton's Bluff neighborhood vital. She said she was familiar with Merriam Park because she had worked as the Legislative Aide for that area for ten years, and she was just over there driving up and down the streets in question. She said the fact that realtors were marketing things as teardowns before they tried to market them for rehab was another issue. She said once historic resources and the character of neighborhoods was lost, it could never be brought back. She said she was supportive of this and appreciative that Councilmember Henningson had limited it to homes of note and reduced the time period to nine months. She said she suspected there would be strong neighborhood support.

Councilmember Henningson she and Councilmember Tolbert could agree to disagree on the moratorium, but in her experience, historic significance often came up as a reason not to do a project, and, to Councilmember Noecker's point that couldn't come up if they knew what did and didn't have significance.

Councilmember Tolbert said he thought these historic studies needed to be done and the historic structures protected, and they should to the study city wide and get ahead of it, we they didn't need to do a moratorium while it was being done.

Councilmember Henningson moved approval of the resolution as amended.

Adopted as amended

Yea: 5 - City Council President Brendmoen, Councilmember Thao, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 1 - Councilmember Tolbert

Absent: 1 - Councilmember Bostrom

13 RES 18-389

Approving a Planning Commission study of the Southport Industrial District.

Councilmember Noecker said she wanted to acknowledge the successful process, and she thanked Kady Dadlez from Planning and Economic Development for her work. She said it was initiated by Councilmember Thune in December 2015 in response to concerns raised constituents on the West Side, and it became a neighborhood process leading to concrete recommendations. She moved approval of the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

17 SR 18-13

Presentation by the Metropolitan Council on the Regional Transportation Policy Plan.

Metropolitan Council staff gave a report on the Regional Transportation Policy Plan, and answered Council members' questions.

Received and filed

18 RES 18-416

Approving the Red Rock Corridor Commission Joint Powers Agreement for the City of Saint Paul.

Emily Jorgenson, Washington County, gave a report on the amendment to the Joint Powers Agreement.

Councilmember Prince made brief comments and moved approval of the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

19 RLH RR 17-48

Making finding on the appealed nuisance abatement ordered for 544 MINNEHAHA AVENUE WEST in Council File RLH RR 17-12. (Public hearing held February 28)

Legislative Hearing Officer Marcia Moermond reviewed the conditions set at the February 28 Council meeting in order for additional time to be granted. She said the \$5000 performance deposit was posted the previous day; she had not received a revised work plan and schedule; bids were submitted covering the entire project; there was evidence of some financing, including new loan information that was incomplete. She said she had met in the hallway with the property representatives and explained that the failure to meet the deadline within the last six months required that there now be clarity in the commitment of the contractors to complete the work on schedule, and that clarity wasn't present in the bids. She said she was shown a document the property representatives intended to have the contractors sign. She said she was shown an email from a project manager from the Land Bank but no signed promissory note or agreement. She said it was very much halfway done, and characterized by DSI staff as disorganized. She recommended granting one week to address all of the deficiencies still present in the materials. She said if an additional grant of time was requested, she would ask that the Council refer to Chapter 33 of the Legislative Code which allowed them to ask for up to \$10,000 in a performance deposit under those circumstances. She said she was trying to create a huge incentive to get to the finish line in the time granted by the Council. She said she hoped they'd have all of the documents together in one week, but if additional time was requested she would recommend the Council ask for the additional \$5000 performance deposit. In response to a question from Council President Brendmoen, she said the bond was returned with interest if the project was completed as indicated.

Councilmember Thao moved to lay the matter over per Ms. Moermond's recommendation.

Council President Brendmoen noted that the last time the Council heard this item they had talked about a one week layover and Councilmember Thao had asked for two weeks, and she felt that made sense. She said it was a bit concerning that information started coming in at the eleventh hour again and she really hoped this last week was noted by the CDC that they really needed to finish the project and she didn't think any more time would be granted to get a plan together. She said the neighbors deserved more than that.

Councilmember Thao said he appreciated his colleagues' support. He said only had so much ability to help and he agreed that the CDC needed to step up. He said he hoped they took the Council seriously and came up with a plan.

Councilmember Noecker said she had not intended to vote for another layover, but out of respect for Councilmember Thao and trust in his judgement she would this last time.

Laid over to March 21

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

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

- 20 **Ord 18-6** Amending Chapter 106 of the Legislative Code pertaining to restrictions on the use of sidewalks, streets, and etc. to permit sidewalk cafes on boulevards under certain conditions.
- Council President Brendmoen moved approval of the ordinance.*
- Adopted**
- Yea:** 6 - City Council President Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
- Nay:** 0
- Absent:** 1 - Councilmember Bostrom
- 21 **Ord 18-7** Amending Chapter 121 of the Legislative Code, pertaining to permits for driveways, sidewalks, curbs, and etc. to permit surfacing of boulevards for sidewalk cafes under certain conditions.
- Councilmember Tolbert moved approval of the ordinance.*
- Adopted**
- Yea:** 6 - City Council President Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
- Nay:** 0
- Absent:** 1 - Councilmember Bostrom
- 22 **Ord 18-9** Establishing the classification titled Assistant to the Mayor VIII in the unclassified service pursuant to Section 12.03.02 (H) of the Charter.
- Councilmember Prince moved approval of the ordinance.*
- Adopted**
- Yea:** 6 - City Council President Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
- Nay:** 0
- Absent:** 1 - Councilmember Bostrom
- 23 **Ord 18-10** Establishing the classification titled Assistant to the Mayor VII in the unclassified service pursuant to Section 12.03.02 (H) of the Charter.
- Councilmember Thao moved approval of the ordinance.*

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

Second Reading

- 24 **Ord 18-13** Granting the application of KTJ 298 LLC to rezone property at 1891 Norfolk Avenue and 1413 Sue Street from R3 One-Family Residential to RM2 Multiple-Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to March 21 for third reading/public hearing

First Reading

- 25 **Ord 18-15** Interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, preserving the status quo in the boundaries of the potential Merriam Park Heritage Preservation District pending the completion of a report, recommendation and nomination to place the potential Merriam Park Heritage Preservation District on a register of historic places and possible amendments to the City's official controls for protecting historic properties.

Councilmember Henningson moved version 2 making the same changes as made to the bridge resolution (Item 5). Yeas - 7 Nays - 0

Amended; laid over to March 21 for second reading

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

Nay: 0

Absent: 1 - Councilmember Bostrom

BUDGET AMENDMENT PUBLIC HEARINGS

No items

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 28 **RLH RR 18-11** Ordering the rehabilitation or razing and removal of the structures at 521-523 DESNOYER AVENUE within fifteen (15) days after the March 14, 2018 City Council public hearing. (Public hearing continued from March 14) (Legislative Hearing on March 27)

Legislative Hearing Officer Marcia Moermond gave a staff report, and asked that the public hearing be continued to March 28.

No one was present to testify. Councilmember Henningson moved to continue the public hearing to March 28.

Public hearing continued to March 28

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

Nay: 0

Absent: 1 - Councilmember Bostrom

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda (Items 26 - 37)

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Bostrom

- 26 RLH RR 18-4** Ordering the rehabilitation or razing and removal of the structures at 642 CHARLES AVENUE within fifteen (15) days after the February 14, 2018 City Council public hearing. (Amended to remove within 15 days with no option for rehabilitation) (Public hearing continued from February 14)
Adopted
- 27 RLH VBR 18-6** Appeal of Aaron Rubenstein, for Historic Saint Paul, to a Vacant Building Registration Renewal Notice at 689 CONWAY STREET.
Adopted
- 29 RLH FCO 18-8** Appeal of Cheryl Mikel to a Fire Certificate of Occupancy Approval With Corrections at 1422 EDGERTON STREET.
Adopted
- 30 RLH SAO 18-4** Making finding on the appealed nuisance abatement ordered for 642 IGLEHART AVENUE in Council File RLH SAO 17-103.
Adopted
- 31 RLH SAO 18-7** Making finding on the appealed nuisance abatement ordered for 798 IGLEHART AVENUE in Council File RLH SAO 18-6.
Adopted as amended (nuisance condition abated)

- 32 **RLH VO 18-7** Appeal of Kelly Skie to a Fire Certificate of Occupancy Revocation and Order to Vacate at 919 LAWSON AVENUE EAST.
Adopted
- 33 **RLH RR 18-12** Ordering the rehabilitation or razing and removal of the structures at 96 MANITOBA AVENUE within fifteen (15) days after the March 14, 2018 City Council public hearing. (Amend to grant 90 days)
Adopted as amended (90 days to remove or repair)
- 34 **RLH VBR 18-7** Appeal of Pat Wolf, o/b/o H.F.S. Properties, to a Vacant Building Registration Fee Warning Letter at 428 MINNESOTA STREET. (Public hearing to be continued to August 1)
Public hearing continued to August 1
- 35 **RLH FCO 18-24** Appeal of Russell Peterson to a Re-inspection Fire Certificate of Occupancy with Deficiencies at 1445 PAYNE AVENUE.
Adopted
- 36 **RLH SAO 18-14** Making finding on the appealed nuisance abatement ordered for 1839 SAINT ANTHONY AVENUE in Council File RLH SAO 18-13. (Legislative hearing on March 13)
Adopted as amended (nuisance condition not abated)
- 37 **RLH VBR 18-10** Appeal of Mary Haigh to a Vacant Building Registration Notice at 1962 WELLESLEY AVENUE.
Adopted

Council members shared information about events in their wards.

ADJOURNMENT

Meeting adjourned at 4:45 p.m.

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

Nay: 0

Absent: 1 - Councilmember Bostrom

Council Meeting Information

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Cable

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