



City of Saint Paul

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

Minutes - Final

Katie Burger, Executive
Assistant, 651-266-8560

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

Wednesday, May 17, 2017

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.

Councilmember Thao excused

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 17-36](#) Amending the CDBG and ESG activities budget.
Received and filed

CONSENT AGENDA

Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda (Items 2 - 21)

Item 2 was removed from the Consent Agenda for separate consideration.

Councilmember Tolbert moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thao

- 3** [RES 17-777](#) Approving the use of funds for a police camera and fencing through the Ward 6 Neighborhood Star Year-Round Program.
Adopted
- 4** [RES 17-639](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for lighting improvements on Oakdale Avenue from State Street to Annapolis Street. (File No. 19215, Assessment No. 165101)
Adopted
- 5** [RES 17-681](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for above-standard street lighting along Wall Street between Fifth Street and Seventh Street, and approving the annual operation and maintenance costs for said lighting to be assessed to benefitted properties. (File No. 19220, Assessment No. 175100)
Adopted
- 6** [RES 17-547](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for parking lot improvements done as part of the Payne Avenue and Bedford Street area project. (File No. 19195, Assessment No. 175200)
Adopted

- 7 [RES 17-582](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for water main and connections at 1360 Point Douglas Road South, 1492 Point Douglas Road South, and 1558 Point Douglas Road South. (File No. 18982B3, Assessment No. 176100)
Adopted
- 8 [RES 17-701](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during January 11 to February 10, 2017, and setting date of Legislative Hearing for June 20, 2017 and City Council public hearing for August 2, 2017 to consider and levy the assessments against individual properties. (File No. CRT1710, Assessment No. 178210)
Adopted
- 9 [RES 17-702](#) Approving the City's cost of providing Excessive use of Inspection/Abatement services billed during January 20 to February 17, 2017, and setting date of Legislative Hearing for June 20, 2017 and City Council public hearing for August 2, 2017 to consider and levy the assessments against individual properties. (File No. J1709E, Assessment No. 178312)
Adopted
- 10 [RES 17-703](#) Approving the City's cost of providing Boarding and/or Securing services during March 2017, and setting date of Legislative Hearing for June 20, 2017 and City Council public hearing for August 2, 2017 to consider and levy the assessments against individual properties. (File No. J1710B, Assessment No. 178112)
Adopted
- 11 [RES 17-704](#) Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during November 10, 2016 to February 27, 2017, and setting date of Legislative Hearing for June 20, 2017 and City Council public hearing for August 2, 2017 to consider and levy the assessments against individual properties. (File No. VB1712, Assessment No. 178816)
Adopted
- 12 [RES 17-765](#) Approving the Memorandum of Agreement for the May 1, 2017 Wage and Fringe Adjustment between the City of Saint Paul and Pipefitters Local Union #455.
Laid over to May 24 for adoption

- 13 [RES 17-770](#) Approving the Memorandum of Agreement for the May 1, 2017 Wage and Fringe Adjustment between the City of Saint Paul and the International Union of Painters and Allied Trades, Local 61.
Laid over to May 24 for adoption
- 14 [RES 17-719](#) Approving the agreement for transfer of St. Paul Police employee, Tina Kill, to the Ramsey County Sheriff's Office.
Adopted
- 15 [RES 17-720](#) Authorizing the Saint Paul Fire Department to enter into a joint powers agreement with Century College for the use of our Fire Training Center.
Adopted
- 16 [RES 17-755](#) Authorizing the Fire Department to enter into a joint powers agreement amendment with the State of Minnesota - State Patrol Division for helicopter operation training.
Adopted
- 17 [RES 17-690](#) Authorizing use of public art funds for existing art.
Adopted
- 18 [RES 17-783](#) Approving the Mayor's appointments of Stuart MacDonald and Steven George, and reappointment of William Lightner to serve on the Heritage Preservation Commission.
Adopted
- 19 [RES 17-789](#) Approving the Mayor's appointment of Terese Hill, and reappointment of Rebecca Mino to serve on the Food and Nutrition Commission.
Adopted
- 20 [RES 17-771](#) Authorizing the Department of Parks and Recreation to apply for and if awarded accept Equity Grant funds from Minnesota DEED for the Right Track youth employment program in an amount of up to \$850,000 each year for SFY18 and SFY19 and to indemnify and hold harmless the State of Minnesota in the performance of the contract related to the grant funds.
Adopted
- 21 [RES 17-785](#) Accepting the gift of 500 tickets to each of the 17 Minnesota Lynx games from the Minnesota Lynx, and a free meal voucher and free transportation to each game from Visit St. Paul.
Adopted

FOR DISCUSSION

- 2** [RES 17-790](#) Declaring Wednesday, May 17, 2017 Donna Novey Day in the city of Saint Paul.
- Councilmember Tolbert read the resolution. He introduced Cretin Derham Hall student Patrick Hahn and teacher Patty Murray, both of whom made brief comments honoring band director Donna Novey.*
- Councilmember Tolbert moved approval of the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
-
- 22** [RES 17-480](#) Authorizing the Department of Parks and Recreation to enter into a three year lease agreement with District 16 Community Council for office space at Linwood Recreation Center. (Laid over from May 3, May 17, and June 14)
- Councilmember Noecker moved a four-week layover to allow time for Parks and the Summit Hill Association to iron out details of their negotiations.*
- Laid over to June 14**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
-
- 23** [RLH TA 16-543](#) Ratifying the Appealed Special Tax Assessment for Property at 847 HUDSON ROAD. (File No. VB1703, Assessment No. 178803; amended to File No. VB1703A, Assessment No. 178809) (Public hearing held January 4 and February 15; laid over from May 17)
- Legislative Hearing Officer Marcia Moermond said the vacant building assessment was for the period August 2016 through August 2017, and the public hearing had already taken place.*
- Councilmember Jane Prince said she had spoken to Mr. Niaz, and there'd been some confusion about the deadline. She moved to lay the matter over for three weeks.*
- Laid over to June 7**

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

Nay: 0

Absent: 1 - Councilmember Thao

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.

No items

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

- 24** [RES PH 17-123](#) Amending the financing and spending plans in the Department of Emergency Management in the amount of \$73,218.75 for the 2016 Pre-Disaster Mitigation Grant.
- No one was present to testify. Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
-
- 25** [RES PH 17-124](#) Amending the financing and spending plans in the Fire Department for the Minnesota Task Force One team reimbursement from the City of Edina in the amount of \$11,020.43.
- No one was present to testify. Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao

- 26 [RES PH 17-128](#) Amending the financing and spending plans in the Fire Department to establish the spending and financing plans for the reimbursement from the Minnesota Chapter of the National Fire Sprinkler Association for the amount of \$602.00.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 27 [RES PH 17-136](#) Authorizing an increase in 2017 spending authority for the Department of Parks and Recreation, Parks Environmental Grants budget, by \$16,000 to fulfill a grant agreement with the Capitol Region Watershed District.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 28 [RES PH 17-135](#) Approving funding to stump and reforest the City in identified areas due to the accelerated removal of EAB infested trees that are causing a potential public safety risk to the residents and visitors of the City.

Councilmember Brendmoen noted the skinny budget approved due to the gap left in ROW and said she hadn't realized the budget didn't include stump removal. She thanked residents and district councils for pointing out the issue.

Councilmember Bostrom spoke in support. Council President Stark spoke in opposition.

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 1 - City Council President Stark

Absent: 1 - Councilmember Thao

- 29** [RES PH 17-134](#) Authorizing the Police Department to accept a grant in the amount of \$499,539 from the State of Minnesota, Commissioner of Commerce for the Auto Theft Grant, and amend the 2017 budget for this award.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 30** [RES PH 17-121](#) Establishing a project and budget in the Department of Public Works for the development and creation of a Comprehensive Citywide Pedestrian Plan.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

Council members shared information about events in their wards.

The Council recessed at 3:49 p.m.

PUBLIC HEARINGS

The Council reconvened for Public Hearings at 5:31 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

31 [Ord 17-14](#)

Amending Chapter 64.04 of the Saint Paul Administrative Code pertaining to assessments.

Councilmember Brendmoen moved a new version of the resolution. She said they had been working with the Finance Department to change the administrative fee from a percentage to a flat fee for assessments that were financed. In response to a question from Councilmember Noecker she said this applied only to those residents were financing the street improvement assessments.

Vote on amendment 7 - 0

Councilmember Brendmoen moved to close the public hearing.

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

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

Nay: 0

- 32 [RES PH 17-122](#) Denying the application submitted by Jaunae Brooks on behalf of Railroader Printing Building located at 235 East Sixth Street for an exception to the general hours of operation for pedestrian Skyway Bridge #15. (Public hearing held May 3 and May 17)

Dan Niziolek, Department of Safety and Inspections (DSI), gave a staff report. He said DSI was recommending denial for a number of reasons: 1) On March 31 District 17 Skyway Council Advisory Committee recommended denial of the request. 2) The skyway system was a public-private partnership and property owners were required to have a certain level of security. He said DSI was not able to document that the required level of security were being provided by the property owner, or that calls for service to police from the property owner were not being responded to. 3) A skyway vitality work group was working on ordinance amendments which would clarify requirements, and the code of conduct was being updated to give police more enforcement tools. He said he felt approving the application would be premature. He noted that a number of building owners didn't lock their skyway doors at 2:00 a.m. which contributed to the issues. He said a survey of security being provided showed there was significant investment by property owners there but there was not an even standard across the board, and their goal was to make sure everyone was providing a baseline.

Applicant and supporters:

Applicant Jaunae Brooks (235 E. 6th Street) said she was asking for a variance to close her doors at 8:00 p.m. nightly. She said she was at the very end of the skyway, two adjacent buildings had reduced hours and there were no commercial businesses beyond her building, and she was in an area where homeless and vagrants hung out and slept. She said building owners received a survey asking what their biggest security challenges were, and for her the biggest challenge was being open until 2:00 a.m., despite the ongoing homeless and gangs and crime and total lack of police presence to monitor the skyway. She displayed items she had found in the skyway including a bottle of urine, carpet with feces, a bottle of liquor, needles, clothing, food, and a hot plate. She said she'd gotten no help from the City, and the police had not answered any of her calls after hours. She said it was a health and safety issue and she had women-owned businesses on the skyway level who were afraid to come to work. She said she knew people were working on the issue but she was in need of immediate help. She said because she hadn't gotten help she'd locked her doors and been cited, but there hadn't been one incident since she locked her doors. She said clearly that was the answer, and she was doing this for the safety of her tenants. She said four leases were up for renewal and they had decided to leave St. Paul. She displayed photographs.

Councilmember Noecker asked about the level of security being provided by the building, Ms. Brooks read from security logs. Council President Stark asked what level was being provided. Ms. Brooks said they had rotating security, and, as a small business, they couldn't afford full time security and there wasn't enough activity to warrant full time security. Councilmember Noecker asked whether the issues were happening while the skyways were open before 2:00 a.m. Ms. Brooks said they were. She said she had over 15 cameras and could see when problems were happening as well as whether police were responding. She said she was out of options and needed immediate help, even if it meant a stay to allow her to lock her doors until the City came up with a solution. She reiterated that adjacent buildings closed early and there was nowhere to go beyond her building after 8:00 p.m.

Councilmember Noecker said the building also connected to River Parks Loft; she asked whether they closed at 8:00 p.m. Ms Brooks said she thought they had also applied. Councilmember Noecker asked whether Ms. Brooks had tried a sweep at 2:00 a.m. Ms. Brooks said the damage was done by then.

Councilmember Bostrom asked whether the problem was the result of lack of general traffic. Ms. Brooks said the only people using it were River Park Lofts and they didn't use it any more, but went outside.

Mike Franklin, tenant, spoke in support of the application and offered some suggestions for solutions. He said locking the doors early presented no cost to the City and the benefit was huge. He said since the door was locked the problems had been eliminated. He said there was no reason for the public to get in, and people who needed to get in had an access code. He said the only criminal charges had been against Ms. Brooks, and he asked that the City let this simple solution be while they came up with a grand solution for the City.

Patrick Connolly former tenant, said he'd had to make a move to retain their business and Ms. Brooks had let them out of their lease early.

In opposition:

Rick Cardenas (City Walk) said he had lived downtown for over 30 years and hadn't seen items such as Ms. Brooks suggested. He said he hoped Ms. Brooks could find a solution, but she was not at the end of the skyway and there was an elevator down to Barrio. He said Ms. Brooks had said Barrio was okay with it, but to get to it he would have to get through their doors. He said it was not only a violation of the St. Paul Skyway ordinance, it was a violation of ADA, the Minnesota Human Rights Act, and the Homestead Act. He said he opposed the locking of the door because it removed his access to that restaurant.

Andy Flamm (1706 Eleanor Avenue), said he was owner of Cedar Printing on the skyway level in the Securian Building, and chair of the Skyway Governance Advisory Committee. He said he sympathized with Ms. Brooks but couldn't support her request because her building was not providing adequate security as set out in the easement agreement, and the committee didn't want to set a precedent for allowing exceptions. He said he felt limiting access via a building-controlled keypad might present constitutional issues. He said the skyway system was like a public sidewalk and we didn't close off sidewalks because there were crimes. He said the skyway vitality group was trying to address those problems, and he didn't think a permanent waiver to the skyway hours was the solution.

Councilmember Tolbert asked what the Skyway Governance Advisory Committee felt Ms. Brooks' security solution should be. Mr. Flamm said speaking from his own experience and not as a committee member, he felt businesses needed to work together to develop a cooperative to blanket the skyway with security, either cameras or guards. He said he believed BOMA was working on it.

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

Councilmember Noecker thanked Ms. Brooks and others for coming to testify. She said she understood the security challenges being faced and had heard what was said about not feeling there was any help available, and that was unacceptable to her. She said closure should be a last resort, and skyways provided an important thoroughfare especially when a building was close to residences and businesses. She said Ms.

Brooks building was only at the end of the line because another building got permission to close at 6:00, which showed the slippery slope effect of this. She said she didn't doubt that locking the doors at 8:00 p.m. was effective. She said locking the doors at 5:00 p.m. throughout the system would take care of the problem completely but would also completely obviate the purpose of having a skyway system. She said building owners were supposed to provide security, and she would be happy to work with Ms. Brooks. In the meantime while they were working on systemwide approaches she was not in favor of closing down parts of the skyway. She moved to deny the appeal.

Councilmember Bostrom said there was no question that there was a real problem, and the Council needed to take significant action.

Councilmember Tolbert asked when solutions would be in place, and suggested a bridge solution. He said they were sending a message that the situation was acceptable.

Councilmember Noecker said no one was saying this was acceptable and that was why they were working on solutions. She said places providing adequate security were not seeing these problems.

Councilmember Brendmoen said she did not understand why skyways were open until 2:00 a.m. She said she appreciated the work being done but agreed with Councilmember Tolbert that there could be a bridge action. She said it was not unreasonable to expect people to access buildings from the street after 8:00.

Councilmember Noecker said the conversation about skyway hours was an important discussion but not the discussion that was taking place now. She said a temporary stay would lead to a lot of other buildings requesting changes and make this analysis impossible. She said in the meantime they could work with police and building owners on security.

Councilmember Prince spoke in support of Councilmember Noecker's motion to deny the request. She said the downtown was increasingly residential and the fact that it was an ADA issue should be obvious. She said they had built and committed to the skyway system, and closing a building during hours that businesses and residences needed access was inconsistent with that commitment. She said she was sympathetic with the security issues raised and knew they had to be dealt with, but didn't feel the Council could vote against a system that was an essential part of the way the downtown worked.

Councilmember Tolbert said he agree with Councilmember Prince in theory that skyways should always be open, but that didn't provide a solution today. He asked whether they could find some sort of resolution until there was a long-term solution.

Councilmember Bostrom said if they were afraid to close because they were afraid of additional requests, that meant there was a problem. He said he hadn't heard anything that said what they were going to do about this.

Councilmember Noecker said the response to the City has been just that: Beef up your security and the building owners are making that investment.

Councilmember Brendmoen asked whether people would be willing to do a two-week layover to work on an interim solution.

Council President Stark said he would support a two-week layover to find an interim solution.

Councilmember Bostrom said he would support the layover. He said it would need to be a three-week layover due to the fifth Wednesday.

Councilmember Noecker withdrew her motion and moved three-week layover to June 7.

After the vote Councilmember Bostrom asked that police be involved so the Council knew what they were really up against. He said it was important to get their input.

Public hearing held and closed; laid over to June 7

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

Nay: 0

33 [PH 17-4](#)

Public hearing to consider the application of Turk Trust et al to rezone property at 246-286 Snelling Avenue South from B2 Community Business to T3 Traditional Neighborhood. (Public hearing held May 17)

Josh Williams, Planning and Economic Development, gave a staff report on the application.

Councilmember Prince noted that the Council was voting only on the rezoning, and she asked about the status of the project. Mr Williams said the conditional use permit and variance were denied, and the appeal period had passed. He said he didn't know what the intention was at this point.

Applicant and supporters:

Jack Hoeschler (1630 Edgcumbe Road), attorney for the developers and landowners, said the existing properties had reached the end of their useful lives and the owners would like to retire and to benefit from the agreements with the developer to buy the property. He said the City's zoning plan and south Snelling rezoning program had contemplated this would be a T3 zone and that was the assumption the developer and owners were operating under. He said the property values would be significantly reduced if the rezoning didn't take place. He said residences in the area and many of the surrounding businesses were in favor of a more intense and up-to-date development on the property. He said the surrounding businesses wanted apartments and additional parking, and were concerned that the present use of the land was a blighting influence on the whole neighborhood. He said the plan to rezone south Snelling, consistent with the proposals the Council would be considering in 60 days, were consistent with the idea the City had been promoting for years - high density corridors with good mass transit. He said retaining B2 would be a step backwards from the forward planning the City had been doing. He said if the rezoning was approved and a title issue was resolved on a corner property they would be coming in with a new development plan that responded to some of the concerns of the neighbors. He said this was the sort of direction the City should be going, not only here but elsewhere.

Tom Welna (2152 Carroll Avenue) spoke in support of the rezoning.

The following spoke in opposition to the application:

Ben Mingo (1311 Grand Avenue)

Kathryn McGuire (2203 Fairmount)

Peg Flanagan (275 S. Warwick)

In support:

Gena Berglund (1516 Lincoln Avenue)

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

Councilmember Tolbert thank everyone from the neighborhood and people representing the developers for their testimony. He said the Council had received a lot of input and there was agreement on some basics. He said everyone wanted to see redevelopment of the site, and he felt the site also called for an upzoning, but the question was to what level. He suggested laying the matter over until June 21, to allow for completion of the Snelling zoning study and for the area to be addressed as a whole. He made that motion.

Councilmember Noecker and Council President Stark commented.

Public hearing held and closed; laid over to June 21

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

Nay: 0

- 34** [RES PH 17-127](#) Approving the application of the Asian Economic Development Association for a sound level variance for amplified music and performances on three outdoor stages located in the parking lots at 377, 394 and 422 University Avenue West on Saturday, June 10 and Sunday, June 11, 2017 for the Little Mekong Night Market.

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

Adopted

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

Nay: 0

- 35** [RES PH 17-125](#) Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified live music on June 21 through June 25, 2017 during the Twin Cities Jazz Festival at Mears Park.

Event organizer Steve Heckler described the event.

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

Adopted

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

Nay: 0

- 36** [RES PH 17-126](#) Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified music June 22 through June 24, 2017 during the Twin Cities Jazz Festival at the Union Depot- North Plaza, 214 Fourth Street East.

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

Adopted

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

Nay: 0

- 37** [RES PH 17-131](#) Approving the application of GetKnit Events for a sound level variance in order to present outdoor music and announcements on Saturday, June 3, 2017 for Brunch-A-Palooza at Upper Landing Park.

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

Adopted

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

Nay: 0

- 38** [RES PH 17-132](#) Approving the application of Steve Heckler, Lowertown Blues Festival, for a sound level variance in order to present amplified music on Wednesday, July 19 and Thursday, July 20, 2017 during event set-up; and on Friday, July 21 and Saturday, July 22, 2017 during the Lowertown Blues Festival at Mears Park.

Event organizer Steve Heckler described the event and thanked the City for their support.

Councilmember Noecker said shed received an email from a downtown constituent, and she asked that Mr. Heckler be cognizant of neighbors downtown. She confirmed that 10:00 to midnight was just take-down.

Mr. Heckler said he'd heard about the complaint too, related to the Kellogg stage. He said they didn't have a stage at that location this year. He said the music was done at 10:00.

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

Adopted

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

Nay: 0

- 39** [RES PH 17-129](#) Approving the application of WCCO Television for a sound level variance in order to present announcements and amplified music on Saturday, June 10, 2017 at Hidden Falls Regional Park and Mississippi River Boulevard during the Pulling Together Event.

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, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 43** [RLH TA 17-137](#) Ratifying the Appealed Special Tax Assessment for Property at 92-96 ARLINGTON AVENUE WEST. (File No. J1709A, Assessment No. 178510)

Legislative Hearing Officer Marcia Moermond said it was her understanding that although the owner was present, it was to testify about item 81. She said her recommendation on this item was approval and didn't appear to be contested.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Tolbert

- 81 [RLH TA 17-145](#) Ratifying the Appealed Special Tax Assessment for Property at 744 SIMON AVENUE. (File No. J1707G, Assessment No. 178707; amended to File No. J1707G1, Assessment No. 178712) (Public hearing continued from May 17)

Legislative Hearing Officer Marcia Moermond gave a staff report on the assessment for garbage hauling provided for one week. She reviewed the dates of notifications, and said the owners indicated the letters weren't received. She said they were correctly addressed to the owner of record and were not returned. She recommended that the assessment be deleted if there were no same or similars until October.

In opposition:

Councilmember Brendmoen asked for clarification of the business name and location. Chris Higgins identified himself as vice president of Housing Hub Property Management at 351 Kellogg Boulevard East. He said they represented a lot of investors and property owners and helped them manage their properties. Councilmember Brendmoen asked whether Mr. Higgins was affiliated with Dadders. Mr. Higgins said they managed Dadders properties. Councilmember Brendmoen asked Mr. Higgins about their affiliation with a couple of other property owners. Mr. Higgins asked about the dates the trash containers were delivered and how the City knew the notifications were received. Council President Stark asked Mr. Higgins whether he understood the recommendation was to delete the assessment. Mr. Higgins said he was just trying to get information. He asked additional questions about the process, explained the difficulty in meeting the deadlines, and spoke about the need for time to educate tenants and owners.

Councilmember Bostrom said the Council had been through this, and all of this was available from DSI if Mr. Higgins wished to sit down with them. He said they were not going to solve issues with his tenants tonight. He said the City had taken care of Mr. Higgins business and basically forgiven the cost, and he wasn't sure why the discussion was continuing.

Councilmember Brendmoen said the Council had voted the previous week on an abatement order on a property on Galtier managed by Mr. Higgins, and it seemed like again and again his tenants were having problems with garbage.

Mr. Higgins said they were working with DSI to understand the process but were sometimes dealing with tenants who were not the most upstanding. He said they had partnered with DSI and the police to address the problems with the tenants at Galtier. He said they were working hard with DSI to not have to adversely impact tenants by putting charges on them because of a neighbor that's complaining. Councilmember Brendmoen said the neighbors weren't the problem. Mr. Higgins said they did have garbage in place. He acknowledged that they had a challenging tenant and were working on addressing that but there was a process involved.

Councilmember Noecker said the issue before the Council was a very specific assessment for trash. She suggested other means for communicating concerns about process.

Councilmember Tolbert said the problem was solved if the landlords picked up their trash. He said Ms. Moermond had been generous with her recommendation, and Mr. Higgins had serious problems that needed to be addressed. Mr. Higgins said his concern was that there wasn't enough time for him to address the issues with the

tenants.

Councilmember Brendmoen said this was an anomaly, and that at other addresses there was plenty of notice, but there was a transfer of ownership in this situation.

Ms. Moermond stressed that notification had gone to the correct address.

Councilmember Brendmoen said neighbors had been complaining about garbage at the property throughout her 5 1/2 years on the Council. She acknowledged that there'd been some transition but there seemed to be a pattern. She said she was inclined to not even go along with Ms. Moermond's recommendation. She said she appreciated the work with DSI and the police at properties in the North End but questioned Mr. Higgins' business model.

Mr. Higgins welcomed Council members to visit his properties and his business, and said he was present because he was committed to being a responsible property management company in St. Paul. He said he represented a lot of owners who were doing a lot of good. He said his intention was to learn about the process and he hadn't intended to offend anyone. He said he didn't agree with it waiting to October, and that they had garbage installed before the end of December, before they even finished the purchase agreement and closed.

Councilmember Brendmoen clarified the recommendation and asked Mr. Higgins whether he was saying that it wasn't reasonable. Mr. Higgins said they had garbage service despite not having received notice. He said they had a process for stamping mail when it was received. Councilmember Brendmoen said she felt this was a pretty reasonable offer and the bottom line was that the Council could go with the recommendation or just charge the fee.

Joe Collins, owner of Housing Hub, said he took offense, and invited Council members to their office and around the city. He said they did a lot of great work. Councilmember Brendmoen said she would follow up.

Councilmember Brendmoen said she would move Ms. Moermond's recommendation, by an inch.

Public hearing continued to October 4

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

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda (Items 40 - 90)

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

- 40** [RLH SAO 17-27](#) Appeal of Bernadette Dodge to a Summary Abatement Order and Correction Notice at 1469 ALBANY AVENUE.
Adopted as amended
- 41** [RLH TA 17-147](#) Ratifying the Appealed Special Tax Assessment for Property at 1232 ALBEMARLE STREET. (File No. J1709A, Assessment No. 178510)
Adopted
- 42** [RLH VBR 17-29](#) Appeal of Joseph R. Yeary, RZC LLC, to a Vacant Building Registration Renewal Notice at 1051 ARKWRIGHT STREET.
Adopted
- 44** [RLH TA 17-133](#) Ratifying the Appealed Special Tax Assessment for Property at 39 ARUNDEL STREET. (File No. J1709A, Assessment No. 178510)
Adopted
- 45** [RLH FCO 17-43](#) Appeal of Douglas King to a Fire Inspection Code Compliance Notice at 750 BLAIR AVENUE.
Adopted
- 46** [RLH TA 17-146](#) Ratifying the Appealed Special Tax Assessment for Property at 1167 BRADLEY STREET. (File No. J1709A, Assessment No. 178510)
Adopted
- 47** [RLH TA 17-159](#) Ratifying the Appealed Special Tax Assessment for Property at 1177 BURR STREET. (File No. J1709A, Assessment No. 178510; amended to File No. J1709A1, Assessment No. 178525) (Public hearing continued from May 17)
Referred to Legislative Hearings on May 30
- 48** [RLH VBR 17-30](#) Appeal of William Gobely to a Vacant Building Registration Fee Warning Letter, including Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1560 CANFIELD AVENUE.
Adopted

- 49 [RLH SAO 17-30](#) Appeal of Vicki L. Norwood to a Summary Abatement Order at 541 CASE AVENUE.
Adopted
- 50 [RLH SAO 17-42](#) Making finding on the appealed nuisance abatement ordered for 541 CASE AVENUE in Council File RLH SAO 17-30.
Adopted
- 51 [RLH TA 17-149](#) Ratifying the Appealed Special Tax Assessment for Property at 1457 CHARLES AVENUE. (File No. J1709A, Assessment No. 178510)
Adopted
- 52 [RLH FCO 17-30](#) Appeal of Cheryl Mikel, Love in Action, LLC, to a Correction Notice - Re-Inspection Complaint at 605 COMO AVENUE. (Legislative Hearing on May 16, 2017)
Adopted
- 53 [RLH VBR 17-28](#) Appeal of Chris Inwards to a Vacant Building Registration Requirement at 892 CONWAY STREET. (Public hearing continued from May 17)
Referred to Legislative Hearings on July 25
- 54 [RLH TA 17-134](#) Ratifying the Appealed Special Tax Assessment for Property at 914 CONWAY STREET. (File No. J1709A, Assessment No. 178510)
Adopted
- 55 [RLH FCO 17-56](#) Appeal of Bee Vang to a Fire Inspection Correction Notice at 128 COOK AVENUE EAST.
Adopted
- 56 [RLH TA 17-139](#) Ratifying the Appealed Special Tax Assessment for Property at 217 CRETIN AVENUE NORTH. (File No. 1703T, Assessment No. 179002)
Adopted
- 57 [RLH SAO 17-25](#) Appeal of Melody Youngberg to a Vacant Building Registration and Summary Abatement Order at 1336 DAYTON AVENUE.
Adopted
- 58 [RLH VO 17-6](#) Appeal of Trent Miller to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1188 EARL STREET.
Adopted

- 59 [RLH SAO 17-14](#) Appeal of Parke Schilling to a Summary Abatement Order and Correction Notice at 824 FREMONT AVENUE.
Adopted
- 60 [RLH TA 17-209](#) Amending Council File RLH AR 17-23 to delete the assessment for Excessive Use of Inspection/Abatement services billed during October 24 to November 18, 2016 at 1375 FURNESS PARKWAY. (File No. J1706E, Assessment No. 178305)
Adopted
- 61 [RLH SAO 17-31](#) Appeal of Nawei T. Soe to a Summary Abatement Order at 956 GERANIUM AVENUE EAST.
Adopted
- 62 [RLH SAO 17-45](#) Making finding on the appealed nuisance abatement ordered for 956 GERANIUM AVENUE EAST in Council File RLH SAO 17-31.
Adopted
- 63 [RLH TA 17-90](#) Ratifying the Appealed Special Tax Assessment for Property at 1071 HUDSON ROAD. (File No. J1705E, Assessment No. 178304; amended to File No. J1705E1, Assessment No. 178311 and to delete the assessment)
Adopted as amended (assessment deleted)
- 64 [RLH TA 17-168](#) Ratifying the Appealed Special Tax Assessment for Property at 1140 JACKSON STREET. (File No. J1707A2, Assessment No. 178519)
Adopted
- 65 [RLH TA 17-135](#) Ratifying the Appealed Special Tax Assessment for Property at 551 JENKS AVENUE. (File No. J1709A, Assessment No. 178510)
Adopted
- 66 [RLH TA 17-193](#) Amending Council Files Nos. RLH AR 17-21 to delete the assessment for Clean Up services during November 30 to December 30, 2016 at 832 JESSAMINE AVENUE EAST. (File No. J1707A, Assessment No. 178506)
Adopted

- 67 [RLH TA 17-208](#) Amending Council File No. RLH AR 17-14 to delete the assessment for Collection of Vacant Building Registration Fees billed during April 27 to September 23, 2016 AT 581 KENT STREET. (File No. VB1705, Assessment No. 178805).
Adopted
- 68 [RLH TA 17-150](#) Deleting the Appealed Special Tax Assessment for Property at 218 KIPLING STREET. (File No. J1709A, Assessment No. 178510)
Adopted
- 69 [RLH VBR 17-27](#) Appeal of Jacse Lee to a Vacant Building Registration Fee Warning Letter at 854 LAWSON AVENUE EAST.
Adopted
- 70 [RLH TA 17-144](#) Deleting the Appealed Special Tax Assessment for Property at 1884 MECHANIC AVENUE. (File No. J1709A, Assessment No. 178510)
Adopted
- 71 [RLH TA 17-121](#) Ratifying the Appealed Special Tax Assessment for Property at 544 MINNEHAHA AVENUE WEST. (File No. J1707A, Assessment No. 178506; amended to File No. J1707A4, Assessment No. 178521 and to delete the assessment)
Referred to Legislative Hearings on May 23
- 72 [RLH TA 17-122](#) Ratifying the Appealed Special Tax Assessment for Property at 550 MINNEHAHA AVENUE WEST. (File No. J1707A, Assessment No. 178506; amended to File No. J1707A3, Assessment No. 178520)
Referred to Legislative Hearings on May 23
- 73 [RLH TA 17-136](#) Ratifying the Appealed Special Tax Assessment for Property at 2137 MOHAWK AVENUE. (File No. J1709A, Assessment No. 178510)
Adopted
- 74 [RLH TA 17-132](#) Deleting the Appealed Special Tax Assessment for Property at 1626 PACIFIC STREET. (File No. J1709A, Assessment No. 178510)
Adopted
- 75 [RLH TA 17-154](#) Ratifying the Appealed Special Tax Assessment for Property at 871 PAYNE AVENUE. (File No. VB1707, Assessment No. 178807) (Amended to File No. VB1707A, Assessment No. 178817)
Adopted as amended (assessment approved and spread over 5 years)

- 76 [RLH FCO 17-42](#) Appeal of Graham M. Butler, Attorney, on behalf of William J. Uhlenkott, to a Fire Inspection Correction Notice at 529 PORTLAND AVENUE.
Adopted
- 77 [RLH VBR 17-25](#) Appeal of Sandra Shirek to a Vacant Building Registration Notice at 2328 PRISCILLA STREET.
Adopted
- 78 [RLH FCO 17-49](#) Appeal of Karsten R. Williams to a Fire Inspection Correction Notice at 426 ROSE AVENUE EAST.
Adopted
- 79 [RLH VBR 17-26](#) Appeal of Jay Nord, Singular Inc., to a Vacant Building Registration Requirement at 957 ROSE AVENUE.
Adopted
- 80 [RLH TA 17-142](#) Ratifying the Appealed Special Tax Assessment for Property at 1271 SEMINARY AVENUE. (File No. J1709A, Assessment No. 178510)
Adopted
- 82 [RLH TA 17-140](#) Ratifying the Appealed Special Tax Assessment for Property at 1004 SIMS AVENUE. (File No. 1703T, Assessment No. 179002)
Adopted
- 83 [RLH SAO 17-24](#) Appeal of Meng Vang to a Summary Abatement Order at 1486 THIRD STREET EAST.
Adopted
- 84 [RLH TA 17-143](#) Ratifying the Appealed Special Tax Assessment for Property at 303 TOPPING STREET. (File No. J1709A, Assessment No. 178510; amended to File No. J1709A2, Assessment No. 178527) (Public hearing continued from May 17)
Public hearing continued to October 4
- 85 [RLH CO 17-10](#) Appeal of Kenny J. Williams to a Correction Notice at 721 TUSCARORA AVENUE.
Adopted
- 86 [RLH TA 17-151](#) Ratifying the Appealed Special Tax Assessment for Property at 2137 WELLESLEY AVENUE. (File No. J1709A, Assessment No. 178510)
Adopted

- 87 [RLH AR 17-29](#) Ratifying the assessments for Boarding and/or Securing services during December 2016. (File No. J1707B, Assessment No. 178106)
Adopted
- 88 [RLH AR 17-30](#) Ratifying the assessments for Property Clean Up services during January 3 to 31, 2017. (File No. J1709A, Assessment No. 178510)
Adopted
- 89 [RLH AR 17-31](#) Ratifying the assessments for Trash Hauling services during January 3 to 24, 2017. (File No. J1707G, Assessment No. 178707)
Adopted
- 90 [RLH AR 17-32](#) Ratifying the assessments for Tree Removal services from October to December 2016. (File No. 1703T, Assessment No. 179002)
Adopted

ADJOURNMENT

Councilmember Bostrom moved adjournment.

Meeting adjourned at 7:31 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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