



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor

City Council Meeting Minutes - Final

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, April 4, 2018

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 18-17** Letter from the Department of Safety and Inspections declaring 612 Wells Street a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed

- 2 **AO 18-22** Authorizing the Department of Parks and Recreation to move \$100,000 in 2018 General Fund Budget from the Parks and Recreation Administration Budget to the new Pre-project Design Preparation Budget.
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

Councilmember Tolbert absent at start of meeting.

Council Vice President Noecker acting for Council President Brendmoen, excused absent: Item 4 pulled for special consideration. Is there anything else?

[Councilmember Tolbert present at the meeting.]

Council Vice President Noecker: Seeing none, Ms. Prince moves approval for the balance of the consent agenda. All in favor say Aye. [All say Aye.] Opposed? The motion passes.

*6 in favor, 0 opposed.
The consent agenda is adopted as amended.*

Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 3 RES 18-552** Memorializing the City Council's March 7, 2018 decision denying the appeal of Kyle Coglitore of a decision of the Board of Zoning Appeals which upheld a decision of the Fire Inspector to revoke the Student Dwelling certification for 2083 Marshall Avenue based upon overcrowding.
Adopted
- 5 RES 18-574** Approving the modification of the 2017 Neighborhood STAR Program Funds for the Union Gospel Mission.
Adopted
- 6 RES 18-562** Amending Council File RES 18-290, outlining the City of Saint Paul's Legislative Agenda, to add the Minnesota Museum of American Art to the bonding proposals.
Adopted
- 7 RES 18-91** Approving a petition from Dahir Wako and Adam Hashim Abbajifar for specially assessing the costs of a fire protection system at 999 and 1001 Payne Avenue.
Adopted

- 8 **RES 18-490** Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during October 30 to January 16, 2018, and setting date of Legislative Hearing for May 1, 2018 and City Council public hearing for June 13, 2018 to consider and levy the assessments against individual properties. (File No. VB1809, Assessment No. 188812)
Adopted
- 9 **RES 18-491** Approving the City's cost of providing Boarding and/or Securing services during January 2018, and setting date of Legislative Hearing for May 1, 2018 and City Council public hearing for June 13, 2018 to consider and levy the assessments against individual properties. (File No. J1808B, Assessment No. 188109)
Adopted
- 10 **RES 18-492** Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during October 9 to November 4, 2017, and setting date of Legislative Hearing for May 1, 2018 and City Council public hearing for June 13, 2018 to consider and levy the assessments against individual properties. (File No. CRT1807, Assessment No. 188206)
Adopted
- 11 **RES 18-493** Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during November 9 to December 11, 2017, and setting date of Legislative Hearing for May 1, 2018 and City Council public hearing for June 13, 2018 to consider and levy the assessments against individual properties. (File No. CRT1808, Assessment No. 188207)
Adopted
- 12 **RES 18-494** Approving the City's cost of providing Towing of Abandoned Vehicle services during November to December 2017, and setting date of Legislative Hearing for May 1, 2018 and City Council public hearing for June 13, 2018 to consider and levy the assessments against individual properties. (File No. J1806V, Assessment No. 188008)
Adopted
- 13 **RES 18-510** Approving the Labor Agreement (January 1, 2018 - December 31, 2020) and Memorandums of Agreement (2018 - 2020) between the City of Saint Paul and the Saint Paul Manual & Maintenance Supervisors Association.
Adopted

14 **RES 18-532** Establishing the rate of pay for the two unclassified positions of Assistant to the Mayor VII and VIII in EG 17, Non-Represented City Managers, at Grade 035 and 039, respectively. (To be laid over one week for adoption)

Adopted

15 **RES 18-539** Authorizing the Department of Parks and Recreation to apply for funds from the Outdoor Recreation grant program in an amount of up to \$150,000, and to apply for grants to other agencies and groups as needed for any matching amounts required; and if funds are granted, authorizing the proper City authorities to execute grant agreements in compliance with all applicable laws, which may include an indemnification clause; and authorizing staff to apply for reimbursement from the grant funds approved to add benches, signage, and lighting to Lower Landing Park.

Adopted

16 **RES 18-548** Authorizing the Department of Parks and Recreation to apply for a Federal Land Access Program (FLAP) grant in the amount of \$400,000 to provide additional funding for the Robert Piram Regional Trail project.

Adopted

17 **RES 18-540** Authorizing the Department of Parks and Recreation to apply for funds from the Outdoor Recreation grant program in an amount of up to \$150,000, and to apply for grants to other agencies and groups as needed for any matching amounts required; and if funds are granted, authorizing the proper City authorities to execute grant agreements in compliance with all applicable laws, which may include an indemnification clause; and authorizing staff to apply for reimbursement from the grant funds approved to construct two boardwalks over wetlands to complete a perimeter trail, construct a wildlife observation overlook, add benches and signage, and restore and manage native plant communities in Willow Reserve.

Adopted

18 **RES 18-547** Authorizing the Department of Parks and Recreation to accept the donation of one multi-directional wayfinding sign from the Lower Phalen Creek Project donated by the McNeely Foundation, valued at \$6,700.

Adopted

19 **RES 18-567** Authorizing the Department of Parks and Recreation to enter into an Agreement with PepsiCo Bottling Group, LLC, 1300 E. Cliff Rd, Burnsville, MN 55337, to serve as Saint Paul Department of Parks and Recreation's exclusive beverage supplier.

Adopted

20 RES 18-525 Authorizing the Department of Planning and Economic Development to accept the donation of travel costs from City Energy Project for Kurt Schultz to attend the 2018 City Energy Project Convening.

Adopted

21 RES 18-498 Authorizing the Police Department to accept the grants as awarded by the Saint Paul Police Foundation in the amount of \$34,466.15.

Adopted

22 RES 18-488 Authorizing the City to enter into an Operations and Maintenance Agreement 171079 related to the Central Corridor (Green Line) Light Rail Transit Project with the Metropolitan Council and Ramsey County.

Adopted

23 RES 18-553 Approving adverse action against the Auto Repair Garage license held by Firestone Complete Auto Care at 491 Jackson Street.

Adopted

24 RES 18-555 Approving adverse action against the Cigarette/Tobacco-Product Shop license application was submitted by New Hope Market, LLC, d/b/a New Hope Market at 1132 Payne Avenue.

Adopted

25 RES 18-554 Approving adverse action against the Solid Waste Hauler & Vehicle and Solid Waste Hauler (Each Additional Vehicle) licenses held by GMAN Enterprises, LLC, d/b/a Garbage Man St Paul II.

Adopted

26 RES 18-556 Approving adverse action against the Massage Practitioner license application submitted by Kevin P. Klein for 1053 Grand Avenue Suite #113.

Adopted

FOR DISCUSSION

4 RES 18-573 Approving the use of grant funds through the Neighborhood STAR Year-round Program for the YMCA.

Council Vice President Noecker: I want to use this opportunity to say how excited I continue to be about this project. This is next Y teen program following the one we have in Ward 1 which will be downtown, right on 4th street, in the new Pioneer Press redevelopment. Thanks to the Y and Best Buy for this partnership. Glad to see it moving ahead. I move approval. Roll call. I'm sorry. All in favor? [All say Aye.] Opposed? The motion passes.

6 in favor, 0 opposed.
The resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

27 RES 18-480

Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add a Liquor On Sale - 2 AM Closing license to the existing Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, and Gambling Location licenses, for JC & MTM Inc (License # 20040000766), d/b/a Johnny Baby's, 981 University Avenue West. (Laid over from March 28)

Council Vice President Noecker: I believe we have an amended version in front of us. Mr. Thao?

Councilmember Thao: Yes. Language changes here include a minimum of one on-duty security person Sunday through Thursday and a minimum of two Friday through Saturday. I think that is a good compromise and I move for approval.

Council Vice President Noecker: Mr. Thao moves for approval. Is there any discussion on that motion? Seeing none, all in favor say Aye. [All say Aye.] Opposed? Motion passes.

6 in favor, 0 opposed
The resolution is adopted as amended.

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

28 RLH TA 17-378

Ratifying the Appealed Special Tax Assessment for Property at 252 CHARLES AVENUE/537 GALTIER STREET. (File No. J1715A, Assessment No. 178528; amended to File No. J1715A2, Assessment No. 178537) (Public hearing held October 4, 2017)

Council Vice President Noecker: Mr. Thao.

Councilmember Thao: I believe this one is already in the works with Marcia and so I move for approval to reduce the fee to half if the property owner continues to uphold the property.

Council Vice President Noecker: Mr. Thao moves approval. Is there any discussion of that motion? Seeing none, all in favor say Aye. [All say Aye.] Opposed? The motion passes.

*6 in favor, 0 opposed
The resolution is adopted as amended.*

Adopted as amended (reduce from \$320 to \$160)

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

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 (3:30 p.m.)

- 29 RES PH 18-93** Amending the financing and spending plans in the Fire Department in the amount of \$16,438.00 for the 2017 Hazardous Materials Emergency Preparedness Grant.

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak on this item?

[There were none.]

Council Vice President Noecker: Seeing none, Mr. Bostrom moves for approval. All in favor say aye. [All say Aye.] Opposed? The motion passes.

*6 in favor, 0 opposed.
The public hearing is closed and the resolution is adopted.*

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 30 **RES PH 18-84** Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$40,000 to reflect additional funding received from the Berglund Family and Cedarwood Foundations for restoration of the historic Schiffman Fountain in Como Regional Park.

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak on this item?

[There were none.]

Council Vice President Noecker: Seeing none, Ms. Henningson moves to close the public hearing and approve. All in favor say aye. [All say Aye.] Opposed? The motion passes.

6 in favor, 0 opposed.

The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

LEGISLATIVE HEARING DISCUSSION ITEMS

- 42 **RLH TA 18-93** Ratifying the Appealed Special Tax Assessment for property at 908 JEFFERSON AVENUE. (File No. J1806A, Assessment No. 188506) (Amend to File No. J1806A2, Assessment No. 188527)

Council Vice President Noecker: I know that item 42 is going to be continued for two weeks.

Public hearing continued to April 18

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

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

Council Vice President Noecker: I know item 42 is going to be continued for two weeks. Are there any other items for special consideration?

[No one spoke.]

Council Vice President Noecker: Seeing none, Mr. Bostrom moves approval for the consent agenda. [Aside conversation.] Is there anyone here to speak on any of the items before us?

Councilmember Bostrom: Then I move to close the public hearing.

Council Vice President Noecker: All is favor say Aye. [All say Aye.] Opposed? The motion passes.

6 in favor, 0 opposed

The consent agenda is adopted as amended.

Council Vice President Noecker: That brings us to the end of our consent agenda. Is there any good news from the wards?

Councilmember Prince: Thursday Apr 5 from 3-6PM, the St Paul Labor Federation is hosting the Union Job and Resource Fair at the Eastside Freedom Library. It's an opportunity to learn about the advantages of a union job. There will be information on community resources to help with employment search and a list of participating employers is posted at eastsidefreedomlibrary.org

Councilmember Bostrom: On Saturday begins a program called "Waters Off" which was started by the Plumber's Union and contractors where they go out to help people with plumbing problems, free of charge. Generally they help 150-200 people in the St Paul and Minneapolis area. A big thanks to those folks who go out and give generously.

Legislative Hearing Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

31 RLH TA 18-95 Ratifying the Appealed Special Tax Assessment for property at 596 CASE AVENUE. (File No. J1806A, Assessment No. 188506)

Adopted

- 32 RLH TA 18-122** Ratifying the Appealed Special Tax Assessment for property at 143 CONGRESS STREET WEST. (File No. J1806A, Assessment No. 188506; amended to File No. J1806A4, Assessment No. 188529) (Public hearing continued from April 4)
Public hearing continued to October 3
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen
- 33 RLH TA 18-102** Ratifying the Appealed Special Tax Assessment for property at 812 COOK AVENUE EAST. (File No. J1806A, Assessment No. 188506; amended to File No. J1806A5, Assessment No. 188530) (Public hearing continued from April 4)
Public hearing continued to October 3.
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen
- 34 RLH TA 18-94** Ratifying the Appealed Special Tax Assessment for property at 1084 EDGERTON STREET. (File No. J1806A, Assessment No. 188506; amended to File No. J1806A1, Assessment No. 188526) (Public hearing continued from April 4)
Public hearing continued to October 3
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen
- 35 RLH TA 18-88** Ratifying the Appealed Special Tax Assessment for property at 869 FLANDRAU STREET. (File No. J1806A, Assessment No. 188506)
Adopted as amended (delete the assessment)
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen

- 36 **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)
Referred to Legislative Hearing on April 17
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen
- 37 **RLH TA 18-98** Ratifying the Appealed Special Tax Assessment for property at 1239 GALTIER STREET. (File No. J1806A, Assessment No. 188506)
Adopted
- 38 **RLH TA 18-78** Ratifying the Appealed Special Tax Assessment for property at 570 HALL AVENUE. (File No. J1806A, Assessment No. 188506)
Adopted
- 39 **RLH TA 18-101** Deleting the Appealed Special Tax Assessment for property at 53 HOYT AVENUE WEST. (File No. J1806A, Assessment No. 188506)
Adopted
- 40 **RLH TA 18-96** Ratifying the Appealed Special Tax Assessment for property at 1976 IVY AVENUE EAST. (File No. J1806E, Assessment No. 188305; amended to File No. J1806E1, Assessment No. 188319) (Public hearing continued from April 4)
Public hearing continued to July 11
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen
- 41 **RLH TA 18-87** Ratifying the Appealed Special Tax Assessment for property at 912 JACKSON STREET. (File No. J1806A, Assessment No. 188506)
Adopted
- 43 **RLH TA 18-90** Ratifying the Appealed Special Tax Assessment for property at 852 JESSAMINE AVENUE EAST. (File No. J1806A, Assessment No. 188506)
Adopted

- 44 **RLH TA 18-104** Ratifying the Appealed Special Tax Assessment for property at 112 LAWSON AVENUE EAST. (File No. J1806A, Assessment No. 188506)
Adopted
- 45 **RLH TA 18-111** Deleting the Appealed Special Tax Assessment for property at 1118 LEXINGTON PARKWAY NORTH. (File No. J1804P, Assessment No. 188403)
Adopted
- 46 **RLH TA 18-86** Ratifying the Appealed Special Tax Assessment for property at 671 MAGNOLIA AVENUE EAST. (File No. J1806A, Assessment No. 188506)
Adopted
- 47 **RLH RR 18-3** Ordering the rehabilitation or razing and removal of the structures at 735 MARGARET STREET within fifteen (15) days after the February 14, 2018, City Council public hearing. (Public hearing continued from February 14) (Amend to remove or repair within 180 days)
Public hearing continued to April 11
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen
- 48 **RLH TA 18-158** Amending Council File RLH AR 17-58 to delete the assessment for Graffiti Removal services during March 18 to April 12, 2017 at 813 MARGARET STREET/661 ARCADE STREET. (File No. J1710P, Assessment No. 1784110)
Adopted
- 49 **RLH SAO 18-16** Appeal of Ron Staeheli to a Summary Abatement Order at 995 MILTON STREET NORTH.
Adopted
- 50 **RLH TA 18-89** Ratifying the Appealed Special Tax Assessment for property at 429 SHERBURNE AVENUE. (File No. J1806A, Assessment No. 188506)
Adopted
- 51 **RLH TA 18-100** Ratifying the Appealed Special Tax Assessment for property at 882 SIMS AVENUE. (File No. J1806A, Assessment No. 188506)
Adopted

- 52 **RLH TA 18-119** Deleting the Appealed Special Tax Assessment for property at 694 SNELLING AVENUE NORTH. (File No. J1804P, Assessment No. 188403)
Adopted
- 53 **RLH TA 18-79** Ratifying the Appealed Special Tax Assessment for property at 721 TUSCARORA AVENUE. (File No. J1806E, Assessment No. 188305)
Adopted
- 54 **RLH TA 18-81** Deleting the Appealed Special Tax Assessment for property at 437-439 UNIVERSITY AVENUE WEST. (File No. J1804P, Assessment No. 188403)
Adopted
- 55 **RLH RR 18-2** Ordering the rehabilitation or razing and removal of the structures at 1536 VAN BUREN AVENUE within fifteen (15) days after the February 14, 2018, City Council public hearing. (Amend to remove or repair within 180 days)
Adopted as amended (remove or repair within 180 days)
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen
- 56 **RLH TA 18-154** Deleting the Appealed Special Tax Assessment for property at 95 WINNIPEG AVENUE. (File No. J1806A, Assessment No. 188506)
Adopted
- 57 **RLH RR 17-47** Ordering the rehabilitation or razing and removal of the structures at 380 YORK AVENUE within fifteen (15) days after the January 3, 2018, City Council public hearing. (Public hearing continued from April 11) (Amend to remove within 15 days)
LH 4/10/18
Public hearing continued to April 11.
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen

- 58 **RLH TA 18-76** Ratifying the Appealed Special Tax Assessment for property at 903 YORK AVENUE. (File No. J1806A, Assessment No. 188506)
Adopted
- 59 **RLH AR 18-14** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during September 22 to October 20, 2017. (File No. J1806E, Assessment No. 188305)
CCPH 5-2-18
Remove 702 Armstrong and refer to Legislative Hearing on April 17
Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
Nay: 0
Absent: 1 - Councilmember Brendmoen

- 60 **RLH AR 18-15** Ratifying the assessments for Property Clean Up services during November 2 to 30, 2017. (File No. J1806A, Assessment No. 188506)
Adopted

- 61 **RLH AR 18-16** Ratifying the assessments for Graffiti Removal services during November 9 to 18, 2017. (File No. J1804P, Assessment No. 188403)
Adopted

PUBLIC HEARINGS (5:30 p.m.)

- 62 **Ord 18-14** Amending Chapter 379 of the Legislative Code updating short-term rental host and short-term platform responsibilities.
- Council Vice President Noecker: My understanding is that we do not have a staff report on this item. Councilmember Tolbert, is that correct? This is a public hearing. Is there anyone here opposed to this item? Please come on up.*
- Cory Biladeau: Summit Avenue and I own a B&B in St Paul. We went through the painstaking work of legally opening a Bed and Breakfast. The Planning Commission has made it sound as though the City of St Paul shouldn't make everyone follow the same laws. I can't believe that proposed language seems to suggest de-penalizing illegal behavior. People are currently breaking the lodging laws which is shown by the fact that only 80 of the estimated 400 short-term rentals in St Paul have registered so far. Government isn't about making rules to control good behavior. It's about bad actors, the small minority that take advantage of the rest of us. In this case, it is not a small minority. If there are no penalties for people who do not register their short term rentals, the great majority have already proven that they will not. The suggestion to treat businesses like short-term rentals who are part of the lodging industry is unethical and should be an embarrassment to anyone involved. NYC has a \$7500 first time offense for not registering short-term rentals. Charleston SC has completely disallowed short-term rentals due to bad behavior. In Hawaii, they actually gave it a million dollar fine due to short-term rental very bad behavior there. It will happen here if there is no teeth put into this. We should learn from other's mistakes instead of*

setting St Paul up for failure. That is what laws and penalties are supposed to do. I was in hearings on short-term rentals and many many people stood up and testified that, regardless of the rules set forth, they have no intention of following them. It was the number of people who said that and you can ask the officials who were there. These people have no intention of following the new rules with no penalties and why should they. Going forward, why would other legitimate businesses want to come here if we de-penalize part of the field for others. I might also add, in the last two weeks, I have been testifying at the Capital over the concerns of sex-trafficking in MN. You can rest assured that the laws that are coming are going to force those people into the short term rentals, especially if there are no safeguards, checks, or balances on them. It will make it easier for children to be taken advantage of and exploited. The City of St Paul will have to step up to the plate. Our City is too beautiful and too special to allow people to shirk the laws that protect everyone. Thank you.

Council Vice President Noecker: Thank you. Please sign in . Come on up.

Kevin Greenlee: My wife, Holly, and I are the owners of the Historic District Bed and Breakfast. We are the newest members of the B&B community here in St Paul, in the Cathedral Hill district. Over the past year, I've spent a lot of time learning regulations, laws, and all the different regulatory agencies. Some make perfect sense. I want to follow those. Some other ones, to me, didn't make quite as much sense and cost me a lot of money. I didn't want to follow those laws, those ordinances, but I did. For example, the Heritage Preservation Committee, which I adore because I want to keep that part of St Paul looking good and historic. I wanted to add a parking pad; I wanted to do it as a business owner, as inexpensive as possible. Instead, I ended up with a \$15,000 really good-looking parking pad. That's because they had teeth. If you don't do something the Heritage Preservation Committee is forcing you to do, it's a misdemeanor. So, I did it the right way and I am glad I did. It looks good. The rules this City Council passed, I think they are good. They are in the interest of short-term rentals as well as the customers and the community. I am urging you to keep those penalties alive so that there is some motivation. I mean you can give them the carrot

or the stick. The carrot is already there. The bar to register as a short-term rental is low, much lower than for a Bed and Breakfast. that's the carrot, so what's the stick? It looks like I have a little time, so I'd like to tell a little story that will show where I'm at with this position. So there's this king; he's got two sons. To each son, he gives a city. The King tells them the rules. He tells the older son if he doesn't do things right, there will be consequences. So the older son does things right; he pays his taxes. He doesn't agree with the dad but he doesn't want to be penalized so he does and the City prospers. The King takes it easier on the younger son. He says here are the rules and I want you to follow them. The second son is a good son. He does his thinking and he does what he wants to do. The city doesn't prosper. That's not the worst part. There was an incident, an accident. I don't know what it was but it was because he didn't follow the rules. And the city came back to the King and asked why he did not hold his son accountable. I hope you hear what I have to say and keep those penalties appropriate. Thank you.

Council Vice President Noecker: Thank you very much. I think that's the first time I've heard a parable at the Council table. It's kind of refreshing, it's nice. Makes you pay attention. Is there anyone else here in opposition to this item? [No one indicated they were.] Great. Now we will here from anyone here in support of this item. [No one indicated they wished to speak.] Seeing none, Mr. Tolbert moves to close the public hearing. All in favor say Aye. [All say Aye.] Opposed? The motion passes.

Councilmember Tolbert: Just a few things. Thank you both for coming out and I am glad you read the ordinance. Just a few things. What this does is we did have a long

process with the short-term rentals over the past year, maybe two years now. The ordinance that legalized and regulated short-term rentals in St Paul. Throughout that process we said this is our first crack at a new ordinance so we are going to have to tweak things along the way. Really what this does, is it cleans up and aligns our language with state and federal law but actually the petty misdemeanor being deleted means the violation is now a misdemeanor. So it's how our ordinance is written. It's not getting rid of a penalty. It's harder to enforce a petty misdemeanor so we want it to be a misdemeanor so it's easier to enforce it. So we are not actually de-criminalizing, taking away a penalty. The penalty is still there but it is by deleting it that it comes back to a misdemeanor based on our other statutory language. Is that correct?

Council Vice President Noecker: That's correct.

Councilmember Tolbert: So we are not de-criminalizing. We do want an ability to stop the bad players. The rest of it is more clean up language to get in compliance with federal and state law that wasn't clear in our first draft. I appreciate you guys coming out but I think what we are doing is keep regulation in place by changing it from a petty misdemeanor to a misdemeanor. That being said, I'm sure we will have other tweaks to short-term rentals as we continue to go. With this new, modern economy, we have had to figure out how to regulate a new economy while regulating an older economy. We have had the same thing with Lyft and Uber and taxis. We found that Lyft and Uber were under-regulated and taxis were a little over-regulated and we started bringing them together. I think the same thing will be happening as we explore these new economies, looking at the old ones to see if we have over-regulated over the years unnecessarily. So I'm sure we will continue to have that conversation. With that, I would move this motion.

Council Vice President Noecker: Ms. Prince.

Councilmember Prince: I just want to make one note. For anyone, for the speakers today and for anyone who might be tuning in. One of the issues that I am still not satisfied in the ordinance going forward is the fact that we put the responsibility for collecting hotel and motel taxes on the host which sounds reasonable although we have gotten an advisory opinion from the Department of Revenue stating that because the platforms control the financial and know the final cost, they are in the best position to do the calculation and add that tax on. And then because they are handling all of their hosts, that they make the payments to the state. I really appreciate DSI and the City Attorney's efforts to look into this and we are not able to make this change at this point. Our ordinance doesn't prevent that from happening but it still leaves responsibility on the host now. I appreciate that DSI and the City Attorney will be working with us to try to fix that.

Council Vice President Noecker: Any other discussion on this item?

Councilmember Tolbert: Actually make a motion to lay over instead.

Shari: Actually you don't need to vote on it. The ordinance is laid over to April 11 for final adoption.

Public hearing closed; laid over to April 11 for final adoption

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

63 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.

Council Vice President Noecker: Before we open up the public hearing, Ms. Henningson.

Councilmember Henningson: I just want to make a note. This is the third reading in public hearing, and the vote won't happen until next week. I also want to say thanks to everybody who has written me on this item, on both sides of the issue. You have written thoughtfully, including people who don't live in Merriam Park. I am also thinking about the the perspectives of people who aren't here tonight and who were at the community meeting I hosted last week. I am still wound up in this ordinance so I look forward to hearing your thoughts and questions this evening.

Council Vice President Noecker: I appreciate Ms. Henningson's clarification. It is a little anti-climactic for the last item and for this item. These are both ordinances, which have four readings. This is the third reading in public hearing. We won't actually vote until next week. That allows us time to think about what you have said tonight, reflect on it, and take our final vote next week. We are looking forward to hearing what everyone wants to say. It looks like there are a lot of people here on this item. Just to let you know, after we have folks speak, I will ask people who are here opposed and those who are in support, to stand, to be recognized and to see who is here. So if you are here on one side or the other but don't really want to speak but want to be seen as being here, you will have that opportunity. Without further ado, all those who wish to speak in opposition to the issue. [People stand and line up.] It looks like you will each have seven and a half minutes.

Mike Tierney: I am here representing my family that grew up on 1905 and 1911 Iglehart. I thank you, Councilmember Henningson, for providing the forum last week. This is a complicated issue. Glad to hear that you are going to put some thought behind our comments on both sides today. Neighborhoods are special, not just because of the structures, but also because of the people. It's the people that are really driving the special aspects of that neighborhood. That's where I am coming from. I think it's a good idea to continue with the preservation survey but without the moratorium. I'd like to share, not necessarily a parable, I didn't prepare for that, but just a story about the reason why I am here. My parents, both here in the room, will be turning 79 this year. Excuse me, did I say 79? 89. I said 79 because that's how long 1911 Iglehart has been in our family and 1905 has been in our family for over 52 years. So we are a St Paul family, a number of us still live in the neighborhood, still live in the area, and are excited again about historic preservation across St Paul. We don't think a moratorium is the right way to start that. This process was started 35 years ago and 35 years ago there was a vibrant, different home, filled with young kids. I am one of 9. We were running around the neighborhood with our friends, running through the house. Things have changed in 35 years. In 2001, when my father had a fall and broke his knee, a compound fracture, which forced him to retire from being a handyman, the home started to deteriorate, both on the outside and the inside of the home. What we have passed through and around are some photographs of the inside of the house.

The outside of the house has been well documented in the press, both in paper as well as on-line. The home looks fantastic from the outside, from a block away, maybe even a half block away. If you get up close, you will notice the deterioration of both homes. In short, I am here to present and ask consideration again to have the moratorium not pass but to allow the Preservation Society to do its work, to look through the City, especially this neighborhood. I hope you will consider that. a couple of things about our situation and then I will turn it over. You don't mind [gestures off screen]. Again, I mentioned in 2001 the home started to deteriorate. Since last year, We have had an opportunity to put the home on the market. One of the things you are looking at is a sales sheet that lets you know that both properties are being marketed separately but because of MLS rules we are not able to market them separately and together. I just want to make that clear. I want to present the financial hardship that this moratorium is presenting to my parents. Both are 89 and in home care, moved to the Highland Park area to facilitate that. They expected a sale in 2017 in order to fund the rest of their lives and the care they need. This moratorium has prohibited them from having the funds necessary to fund the rest of their lives in comfort. i want to make that clear. The moratorium is also forcing them to continue property tax payment, snow removal, and hopefully at some point, lawn care soon. It's increasing costs. I think you understand that. It's increasing costs that were unplanned financially. I want to impart on this Council the impact that you are having on 89 year City residents, financially. With that I will turn it over to the next speaker.

Council Vice President Noecker: Thank you so much and please sign in. Welcome.

Charles Nemeyer: I am a residential real estate agent in St Paul. I have a buyer that is interested in purchasing one of the new construction houses that was planned for 1905/1911 Iglehart. Unfortunately, due to actions that have been taken, we are not able to go forward with the purchase. My buyer wants to buy what would be a \$600,000-700,000 house. There were four of them to be planned. My question to the Council is why can't we go forward? These would be great single-family houses and a nice addition to the area.

Council Vice President Noecker: Thank you. Please sign in. Anyone else here who wishes to speak in opposition to this item. Please come up.

Sara Hannahan: I am also a real estate agent, helping represent 1905 and 1911. You were presented with those papers. One of them is an MLS sheet. It is now cancelled. It does show there days on the market as a single-family residential. It was 19 days we let that house be shown for re-habbers and just for that home, not presenting them together with 1911. We have a price on there. We said it was a rehab. We had plenty of showings. There were no offers at that time. We then started marketing them together, the duplex and the single family, priced at \$599,000. We did have one offer. We had a second offer. We had backup offers. They all are to tear down. We have one offer, a lowball, that would save that house. 1905. Thank you.

Council Vice President Noecker: Thank you. Please sign in. Anyone else here to speak in opposition to this item? Seeing none, those who are here to speak in support of this item, please come up and line up if you wish to speak. [People move forward.] It looks like we have eight people, so a little over a minute and that does go by really quickly. First person who would like to speak, come on up. Welcome.

Andrea Plautz: I live at 1875 Carroll with my husband and two young children. I am one of the 41 properties affected by this moratorium. I am strongly in favor of the moratorium and the historic preservation study planned. One of the main reasons we purchased our house seven years ago was its historic Victorian style and we are

committed to maintaining that property. We love the vibrant character of the neighborhood. We've seen an influx of families with young children. We like the students that are there as well as the older residents who have been there for a long time. We find this very unique and not found in other parts of St Paul. The proposed moratorium would ensure that this unique character is not destroyed while the historic preservation study is conducted and the time and money spent on the study would not be wasted.

Council Vice President Noecker: Thank you. I appreciate the brevity of your remarks. That was great. Come on up. Welcome.

Mark Morrow: 1985 Carroll. [Shows picture of 1984 Carroll] We've lived here for 25 years. We enjoy walking through the neighborhood. We've seen some houses get older, some get better. We haven't seen any houses disappear. When an old house is lost, it is lost forever. We are asking for the time to find which houses are important to St Paul and need to be preserved for the future. We are asking for the time to learn whether this neighborhood as a collection, is more valuable as a whole, than the sum of its parts. We urge you to vote for the moratorium, to give the Historic Preservation Group the time to do the research and to give the neighborhood the time to review the research and the time to find a path that's right for property owners, right for renters, right for Merriam Park, right for St Paul. Thank you.

Council Vice President Noecker: Thank you. Please sign in. Come on up, next speaker.

Chase Turner: I live at 1902 Carroll Ave and I am in favor of this moratorium with a special insight on these houses in the sense that this house you see on the picture there [shows picture of 1902 Carroll] was scheduled for demolition in 1990. We are the third homeowners and thankfully, the City of St Paul made a decision, instead of having this torn down due to bankruptcy, they decided to reinvest with two ladies and this is the happy result. I am grateful for St Paul's insight 30 years ago and I am happy to be the third homeowner and to be with a lot of good neighbors. Thank you.

Council Vice President Noecker: Thank you. Please sign in.

Shawn McElhatton: My wife, Catherine Spaeth, and I live at 1879 Carroll. We've been there 28 years in May. We are strongly in favor of the proposed ordinance. Over the holiday weekend, we and several of our neighbors, went door to door and collected signatures on a petition. We want to present that petition to the Council. It has 125 signers, including the owners of 22 of the 41 properties that would be impacted by the ordinance. I would just like to say one more thing. The opponents of the ordinance spoke about their economic expectations. And all of us who signed the petition also have economic expectations. Based in part on the comprehensive plan which says the City intends to protect the historic structures in St Paul.

Rob Wheeler: I live at 315 Moore with my wife Julie. We have lived in the neighborhood since 1960. We purchased this home in 1989. It was an eyesore when I purchased this home so we have 28 years of working on this home. We are in favor of the moratorium just to slow down the process and to try not to lose anymore of the historical significance of the neighborhood.

Charlotte Berres: I live at 1919 Iglehart and I am in favor of the moratorium and I am one of the 41 historic homes and I have lived in this house, for now, 70 years, and have watched my mother fix it and keep it up and I, too, have invested a lot since 1990

since my parents passed away. And so I look at the beauty of my neighborhood. I look at the many homes where people have invested, especially over the last 20 years. It's amazing to see the improvements and the creativity and the time and the energy that they take to improve this neighborhood and I would hope that 1905 and 1911 could also be improved and just know I personally know of five different people who would love to buy 1911. It's a duplex that I look at all the time and have toured it and yes it needs a little work but these people would like to have that rental investment. They haven't been able to put a bid in because both properties are being sold together. So if the properties could be split, that would be quite wonderful. I've also spoken to three other people who are like historic developers who would love to work with 1905 and I find it phenomenal to walk through it and to see some places where there's original wallpaper, there's original flooring. I think it should be given to the Historic Society because it could be a museum piece because no doorways have been changed, very little has been done to it which is an advantage to a historic developer. So I am in great hope then that you would pass this moratorium so we could do more study of the homes in this particular area which are lovely, lovely homes. So, thank you.

Council Vice President Noecker: Thank you very much, please sign in. Is there anyone else here to speak in support of this item.

Sarah Robinson: I am fortunate enough to live on Iglehart Ave in Merriam Park and live just between the Masonic Triune Temple and a church at the other end of the block. This is one of the first Masonic Temples that still remains in the Twin Cities area. It is one of the earliest and best preserved buildings erected exclusively for the use of the Masonic Lodge. The structure was built for Triune Lodge 190 by Henry Struchen in 1910 and commemorated in 1911. It is recognized for its historic and architectural significance and is placed on the National Register of Historic Places in 1980. This has already been recognized. It is an excellent example of some of the neo-classical revival in the opening decades of the 20th Century. The exterior is virtually unchanged while the interior retains much of its classic integrity and remains substantially intact. The picture above shows the exterior as it is today. It is unique because it incorporates many elements of the traditional Masonic ritual into its architectural design. At the other end of the block is 1850 Iglehart Ave which is Olivet Congregational Church. This church is an outstanding example of Clarence H. Johnston who is a notable St Paul architect. He and Cass Gilbert were the primary architects in the City of St Paul. Mr. Johnson's work is prolific all over the City. A number of his designs are pretty recognizable: Williams Arena in downtown St Paul; Northrup Auditorium; the Glensheen Manor in Duluth; and this church, right smack in the middle of our neighborhood, is an example of his English cottage style design and has been the subject of a number of tours and historical societies that have come through to take a look at it because it is in such beautiful shape. So I am speaking, of course, in favor of the moratorium, to make sure that the Historical Preservation Society, to make sure that nothing is being torn down while they are doing that work, that very important work. There's no point putting the time and the fund-raising in there if the building is then torn down. So I ask that you consider it, voting in favor of the moratorium, give the council time to do that, and save our houses. Thank you very much.

Council Vice President Noecker: Thank you so much. Anyone else here in support of this item? [There were none.] Great. At this point, we will do that 7th inning stretch I mentioned before so if you are here opposed to this item but didn't wish to speak and want to stand and show that you are here, this is your opportunity to do so. [Noises off camera.] OK, thank you. And anyone here who came in support of this item and

didn't get a chance to speak but would like to stand, please do so. Or did get a chance to speak. Great. Thank you so much. Ms. Henningson.

Councilmember Henningson: I move to close the public hearing.

Council Vice President Noecker: Ms. Henningson moves to close the public hearing. All in favor say Aye. [All say Aye.] Opposed? [There were none opposed.] The motion prevails. Ms. Henningson.

Councilmember Henningson: Unless there are questions or comments from my colleagues, I will just move on.

Council Vice President Noecker: Is there any discussion?

Shari Moore: This ordinance is laid over to April 11 at 3:30PM for final adoption.

Public hearing closed; laid over to April 11 for final adoption

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

64 APC 18-2

Public hearing to consider the appeal of American Engineering Testing, Inc. to a decision of the Planning Commission approving a conditional use permit for a mixed residential/ commercial use at 2103 Wabash Avenue. (Public hearing continued from April 4)

Council Vice President Noecker: Ms. Henningson?

Councilmember Henningson: Is it OK if we wait to clear the room?

Council Vice President Noecker: Yes. Just giving a few minutes for people leaving and then we will move on with our agenda. Thank you for coming.

[People depart.]

Council Vice President Noecker: It looks like we have a staff report. Mr Germody.

Mr. Germody: The principal actors in this case, American Engineering and Testing and PAC Properties, are both requesting a layover of this public hearing for four weeks, til May 2, so they can continue conversations, maybe make some mutual agreements and modify the proposal. We have advertised the public hearing for tonight so if anyone other than those principal actors wants to speak and can't be here on May 2, I suggest they have the opportunity to do so. But if there is not anybody, then I'd recommend you lay this over for four weeks.

Councilmember Henningson: Is there anyone here who came to speak on this item other than the applicant or the appellant?

Council Vice President Noecker: My understanding is that we will still need to make a decision on this appeal one way or another so it's fine legally for us to have this layover but the appeal CUP has been granted, the appeal has been filed so we will need to bring this back and make a decision on it. So as long as both parties are aware of

that before the 60 day deadline which is

Mr. Germody: May 23, I believe. We do have time.

Council Vice President Noecker: Right. So the motion on the table is to lay this item over for four weeks.

Councilmember Henningson: I will make that motion.

Council Vice President Noecker: Any discussion? All in favor say Aye. [All say Aye.] Opposed? [There were none.] The motion prevails.

6 in favor, none opposed.

The public hearing is continued until May 2.

Public hearing is continued to May 2

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

65 RES PH 18-74 Adopting an amendment to the Union Park Community Plan, an addendum to the Saint Paul Comprehensive Plan.

Council Vice President Noecker: Is there a staff report on this item? This is a public hearing. Is there anyone here who would like to speak who is opposed to this item?

[No one spoke.]

Council Vice President Noecker: Anyone to speak in support? Come on up.

Amy Gundarmann: I am the Executive Director for the Lexington-Hamline Community Council. I was involved in the community engagement process so, directed by the City planners for Union Park and Lex-Ham jointly. So I just wanted to make a couple statements about the findings as you consider this provision. First of all, the stretch of Selby that it calls out is 92% residential and most of that is single family homes, 80 single family homes and 16 duplexes, leaving only eight lots that are commercial currently right now. So it's kind of a unique stretch and I believe that's why we were asked to look at development for the future. Our findings were, we felt, pretty strong. 67% of those that were engaged with our survey indicated that they would prefer keeping the current uses and no changes to zoning. although the final statement does say new development should occur, preferably at existing commercially zoned nodes, I just wanted to note that almost 70% were not interested in new uses or changes to zoning. So we did our best to complete the charge that we were given to gather input from the community but also honor the City's comprehensive plan and come up with a statement that we thought was appropriate in this case. So I just wanted to state that. Thank you.

Council Vice President Noecker: Thank you. Please sign in. Anyone else here to speak in support? Seeing none, Mr. Thao moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [There were none opposed.] The motion prevails.

Shari Moore: Six in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

66 RES PH 18-88

Approving the application of Anderson Race Management for a sound level variance in order to present announcements and live music on Saturday, May 12, 2018 during the Abria Life is Wonderful 5K and Family Walk at Upper Landing Park.

Council Vice President Noecker: This is a public hearing. Is anyone here in opposition to this item?

[There was none.]

Council President Noecker: Anyone here in support?

[There was none.]

Council Vice President Noecker: Seeing none, I will make a motion to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [There were none opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is close and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

67 RES PH 18-89

Approving the application for sound level variances for Insituform to allow for sewer lining projects at eight locations from April 5 through December 31, 2018. (Ramsey Street from Summit Avenue to Grand Avenue; Dale Street from Laurel Avenue to Dayton Avenue; Grand Avenue from Fairview Avenue to Wheeler Street; Snelling Avenue from Grand Avenue to Summit Avenue; Summit Avenue from Albert Street to Hamline Avenue; Selby Avenue from Fairview Avenue to Wheeler Street; Cretin Avenue from Randolph Avenue to Palace Avenue; and Brewster Street and Pascal Street 850 feet to the east)

Council Vice President Noecker: Council President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Come on up. Welcome.

Mike Seitz: I live on Selby Ave between Fairview and Wheeler. This, I believe, was done a couple of years ago. Do they have to redo it?

Council Vice President Noecker: I don't know if we have Public Works here who can speak to this issue? Sure, come on up.

Shawn O'Keefe, Public Works Sewer Maintenance: I am the project engineer on the project and we are requesting a sound level variance throughout the City for to replace sewer lining and what that entails is trucks parked on the street and boilers to cure out the liner. These processes take more than a full day's work so it goes past 10PM and that's the reason.

Mike Seitz: I agree totally. I think it's a wonderful to keep our sewers in good shape. As I understand it, they did 2-3 years ago, Instaform was out there on Fairview and then on Wheeler and they put a tube through it that's full of two part epoxy then they inflate the tube which makes the sound and then the epoxy hardens and they take a special grinder that has GPS so it knows exactly where your 4" sewer hole was and it goes through the now 8" sewer line and digs a hole so your sewer can be cleaned. So why do we have to do it again?

Council Vice President Noecker: This may require some follow up. But the question before us is just the sound level variance, not the work being performed itself. So I think if staff is willing to follow up with you on the timing and why the work has to be performed now but this item is just whether or not the sound level variance should be approved.

Mr. Seitz: OK. So my question is why does it have to be done if it was done two years ago?

Council President Noecker: Do you have an answer? Do you want to respond right now?

Ms. O'Keefe: Can you tell me...are you talking about Selby and Fairview and Wheeler? So, the sound level variance is for Selby, between Fairview and Wheeler. We are not doing that whole block. We are doing a 200' segment between Fairview and 200' to the east so we are not redoing work.

Mr. Seitz: So by the antique stores. OK

Ms. O'Keefe: Right. And we're doing that at night for traffic and for how long the process takes and the restaurants that are in the area.

Mr. Seitz: I have no problem.

Council President Noecker: I am glad we could clear that up here. That almost never happens! Thank you both.

Council President Noecker: Anyone else here in opposition to this item? Anyone here in support? Seeing none, Mr. Tolbert moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [None say nay.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

68 RES PH 18-91

Approving the application for sound level variances for Insituform to allow for multiple cure-in-place sewer liner projects at eight locations in the western portion of the city from April 5 through December 31, 2018. (Summit Avenue from John Ireland Boulevard to Kellogg Boulevard; Lexington Avenue from Lincoln Avenue to Grand Avenue; Palace Avenue from Fairview Avenue to Wheeler Street; Pascal Avenue from Lincoln Avenue to Grand Avenue; Oxford Street from Blair Avenue to Van Buren Avenue; Ashland Avenue from Wilder Street to Moore Street; Stanford Avenue from Wheeler Street to Davern Street; and Wellesley Avenue from Cretin Avenue to Finn Street)

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Anyone to speak in support?

[No one wished to speak.]

Council Vice President Noecker: Seeing none, Ms. Henningson moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

69 RES PH 18-92

Approving the application for sound level variances for Insituform to allow for multiple cure-in-place sewer liner projects at seven locations in the eastern portion of the city: from April 5 through December 31, 2018. (Geranium Avenue from Edgerton Street to Payne Avenue; North Street from Brunson Street to Payne Avenue; Idaho Avenue from Kennard Street to White Bear Avenue; Nokomis Street from Hazel Street to Bush Avenue; Nebraska Avenue from English Street to Atlantic Street; Atlantic Street from Nebraska Avenue to Hoyt Avenue East; and Chamber Street from Hoyt Avenue East to Larpenteur Avenue East.)

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Anyone to speak in support?

[No one wished to speak.]

Council Vice President Noecker: Seeing none, Mr. Bostrom moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

70 RES PH 18-41

Final Order approving the improvement to the east-west alley bounded by Fuller, Aurora, Western and Virginia. (Project No. 19243, Assessment No. 185000)

Council Vice President Noecker: This is a public hearing. Is there anyone here who wishes to speak in opposition to this item? Come on up.

Sharon Bruestl: I manage a rental property, 432 Western, which is right on the corner of this alley and I just don't get why you need to spend \$3500 just for this little portion of an alley when this alley is horrible. People throw their garbage all over. It's just the most disgusting thing you can imagine. I don't think spending that kind of money is going to help. My point is, we can't afford it. all the plumbing was just stolen out of that house; that cost us \$4000 to replace. It's really kind of expensive. We are trying to make the house nicer but the alley is a problem so I guess that's all I wanted to say.

Council Vice President Noecker: Thank you. Please sign in. Is anyone else here in opposition to this item? Seeing none, is anyone here who would like to speak in support?

Joshua Spotts: I live at 358 Aurora. I've lived here for, God, almost two decades now and the alleyway started out in pretty bad shape. I imagine it was paved over at one point or time. It has deteriorated significantly since then. It is to the point that regularly if I don't drive skirting the side properly, I will damage the bottom of my vehicle. I'm not the only vehicle that gets damaged from that. I've already had to pay for repairs this year incurred from last year that knocked out the bottom of my car. Well, damaged the underside. Uh, there are large potholes. The largest one is over two feet by three feet. It's close to six inches deep. Every year, I call to have them fill it in. They put gravel in. Three weeks later, two months later, depends on the rain and how much traffic goes through, that gravel is just washed right out and it's a big old pothole again. That's just one of dozens of potholes in that alley. The side on Virginia is rutted so deep; that's where I have to be most careful when driving. You have to pull to the far right or left to go around it. If you don't, you bottom out on that. This is not an alley that should be in a City of St Paul. A City that is proud of its streets and its everything. I am thankful for the councilmember in Ward 1 and his

office's assistance in helping bring this forward. This is actually the third time I've tried to do this. Nobody wants to support this because they are all rental property owners. I am one of two people who actually owns and lives in this area. I would really love to see this go forward. It affects all of us who live there who don't have the voice necessary for this and myself, of course since I live there. Thank you.

Council Vice President Noecker: Thank you. Please sign in. Is there anyone else who would like to speak on this issue? Seeing none, Mr. Thao moves to close the public hearing. All in favor say Aye. [all say Aye.] Opposed? [None are opposed.] The motion prevails. Mr. Thao.

Councilmember Thao: I thank both of you for coming down here to speak, for and against. I spent a lot of time reviewing this and I am going to support this. It's an improvement to the neighborhood, to the properties there, and for the long term. I move to approve.

Council Vice President Noecker: Motion is on the table to approve. Is there any further discussion? All those in favor say Aye. [All say Aye.] Opposed? [None are

opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

71 RES PH 18-53

Ratifying the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Ramsey Street. (File No. MO1705, Assessment No. 175504)

Council Vice President Noecker: This is a public hearing. Is there anyone here who wishes to speak in opposition to this item? Please come on up. Welcome. Please come on up. You can sign in after your testimony.

Yee Fang: As a resident and property owner, my family owns property across the city here. As in the past, the street maintenance program is investing a lot of money here for that people. The pothole, every year we have a lot of pothole, everywhere, every place. I would love to see if the City can do a little bit better job instead of just filling it. I would like to see them spend a little more time. Of course money is very important but if they could do a little bit better work. Maybe they have to clear it before they fill it or maybe they have to cut it so this way it would last for a lot longer instead of every year, every two or three year, we have to do it again. I think that's a better way to do it. This way here is not cheap. For this property only, almost \$3000 here for me. I feel that is ridiculous. If I had all my property along here, for this project alone, \$6000-7000. I feel that is a lot of money for me. I hope that this Council will find a better way to improve this project, the street maintenance and the alley. At the same time, we, the citizens, pay a lot of tax. But at the same time, we don't have service, for example, snowing. We are very bad compared to the suburb. We are in bad shape over here. But we pay a lot of tax. The City Council, all of you, you know

exactly what I am talking about. The citizens, we would love to see something done to it. They would like to see something done to the people, to the area, to this street. So this is very very bad. I have been sitting silent but for now I can't afford to be silent anymore. That's it; that's all I wanted to say.

Council Vice President Noecker: Thank you and please sign in. I do have some comments on that but we will see if anyone else has comments on that and then we will close the public hearing. Anyone else here in opposition to this item? Anyone here in support? Seeing none, I will move to close the public hearing. All in favor say Aye. [All say Aye.] Opposed? [None opposed.] The motion prevails.

Council Vice President Noecker: Sir, thank you for coming out tonight. I think you raised a number of important issues. I appreciate that. I know that these assessments can be quite burdensome. You are able to spread that out over 10 years on your property taxes so it's not something that you need to pay this year. I also appreciate your bringing up the concern about potholes and general street maintenance. Of course, part of what we are doing with the mill and overlay is to get the street up to condition so those potholes aren't as aggregious when they appear. Often those are worse if we have a street that has been less well-maintained over time. I am glad you raised that because I have been hearing from a number of my constituents, and I think my colleagues have as well with the recent snowfall, questions about how we do the work that we are doing. My legislative aide is there in the white sweater and can tell you more about his but the Director of Public Works, Kathy Lantry, will actually be at my community coffee this Friday morning from 8-9:30AM if you would like to stop by and we are going to be talking about these issues. I would be happy to talk to you more afterwards as well.

Council Vice President Noecker: Appreciate you being here tonight and with that, I am going to move approval. All in favor? [All say Aye.] Opposed? [None opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

72 RES PH 18-47 Ratifying the assessment for replacement of sanitary sewer services within the right-of-way as part of the Wabasha Street paving and lighting project. (File No. 19188C, Assessment No. 186006)

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Anyone to speak in support?

[No one wished to speak.]

Council Vice President Noecker: Seeing none, Mr. Tolbert moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

73 RES PH 18-49 Ratifying the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Kellogg Boulevard. (File No. MO1701, Assessment No. 175500)

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Anyone to speak in support?

[No one wished to speak.]

Council Vice President Noecker: Seeing none, Mr. Bostrom to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

74 RES PH 18-54 Ratifying the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Grand Avenue. (File No. MO1706, Assessment No. 175505)

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Anyone to speak in support?

[No one wished to speak.]

Council Vice President Noecker: Seeing none, Ms. Henningson moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

75 RES PH 18-57

Ratifying the assessment for the 2017 Street Maintenance Service Program-Sealcoating Street and/or Alley. (File No. 19242, Assessment No. 175600)

Council Vice President Noecker: : This is a public hearing. Is there anyone here to speak in opposition to this item? Please come on up, sir.

Kurt Dornfeld: I like on Geranium Ave. Dan Bostrom is my council member. St Paul does a really good job at doing the sealcoating. Then they come along in the wintertime with the plows and chip it up and scrape it up and then you want me to pay more money for something that you wrecked in the wintertime. Plus the right of way fees were to pay for the sealcoating as we went along and now this assessment is \$100 more than my right of way fee. I am just trying to understand why we need to pay that much money.

Council Vice President Noecker: : Thank you, sir. Please sign in. Is there anyone else here in opposition to this item? Mr. Bostrom.

Councilmember Bostrom: I was just going to ask Mr. [inaudible] about what happens when they plow. Or perhaps the director! I didn't see you back there, I am sorry.

Director Lantry: Our sealcoating program, especially in the area that we did last summer, in 2017, basically we do a ton of real heavy patching. Our first pass is making sure we fill in all the potholes. Mr. Dornfeld can probably testify about this since he does the work for Public Works in sealcoating.

Kurt Dornfeld: OK, this is the deal. You are only supposed to sealcoat a street twice and it's been more than twice. So what happens is you get these 2' potholes in all your streets if you sealcoat more than twice. What is recommended is sealcoat it twice, do a grind and overlay, and so on and so forth, but we have no program in St Paul for that. Maybe they should start that. And I did run for mayor, too.

Director Lantry: Just to piggyback on what Mr. Dornfeld said. Without a doubt, looking at a long-term maintenance, how we keep our streets in the best shape would be a sealcoat then eight years later. Let's start at the beginning: full reconstruction; eight years later, sealcoat; eight years later, sealcoat; eight years later, mill and overlay; eight years later, sealcoat; and then probably a reconstruction. If we could get out to a 60 year life on our streets. Part of what is happening now is we are playing a ton of catch-up. The mill and overlay program scheduled for 2018 is a \$2.5M program and covers only 4-5 miles. It's a balance between what people can afford to pay and the work that we are able to get done. If you do about 3 miles of reconstruction, about 5 miles of mill and overlay, you can see clearly, that with 850 miles of streets, our program for caring for our streets is at an untenable amount of time. So we are using some incredibly effective public workers who do this work and work their tails off every single summer doing this work with the resources that we have. So there will always be a need for more resources. It's a balance with what our residents can afford to pay. There are a number of factors that are getting us to a better system. The mill and overlay program did not exist in any regularity. There were some done, but we didn't

start a really robust program until 2014. We are making strides; we are not there with all the best practices. It's something we will discuss with our upcoming budget in 2019.

Mr. Dornfeld: With all the streets and the potholes, when we are working on a special project, it takes everybody that we have in our department to work on that special project and we have only one crew going out and trying to take care of all the primaries. Potholes, whatever maintenance is on them. So we never get to those primaries to really do a good job on keeping them conditioned right. We don't have enough people, we just don't. Back when I started, we had enough people. One office did the oiling and another office did the paving. They shrunk us down one office, two offices, because we got the cleaning. They took the sealcoating office and the paving office and they put them in as one office. We lost people along the way and they never replaced them. We don't have enough people to do the work.

Council Vice President Noecker: I'm going to move to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails. Mr. Thao.

Councilmember Thao: Director Lantry, can you address the question about plows scraping the sealcoating?

Director Lantry: We hear complaints about the chatter of the plow that hits the street. You can see it sometimes, especially in areas that have been sealcoated. What we tend to do is, when we hear these complaints, we talk to our fleet maintenance supervisor, the person who runs the garage, to make sure that we can adjust our plows. It's not always perfect. We get a lot of complaints that the plows aren't down far enough. So there's a balance between how to have them ride on the surface, yet get off enough snow. We are adjusting plows when we hear those complaints but we have to balance that with making sure our plows do a good enough job so we don't have to send somebody back to redo the job.

Council Vice President Noecker: Thank you. Mr. Tolbert.

Councilmember Tolbert: Thank you. I just want to say I think Public Works and the crews you sent out this year did a really fantastic job. I mean, filling in holes, plowing, filling in potholes. This back and forth has just killed our streets this year. I know those nights are really long for a lot of your plow drivers. I think at one point they were out there seven days straight because we had those three...did we have two or three in a row, snow emergencies?

Director Lantry: We were just looking at those numbers today. In this season, we've called five snow emergencies. We had a back to back snow emergency which happened very rarely. It's a lot of stress on people who work very long hours to do that job. Just because we don't call a snow emergency, doesn't mean we are not out treating our roads. With yesterday's events, we've had 11 snow events during which we were sending crews out as well. Those folks work all night getting our arterials in great shape as well. There has been a lot of activity on our streets this winter.

Councilmember Tolbert: I think people forget how many hours those people are out there. They go home to rest and miss time with their families because they have to be back out there. I think they did a great job this year. We are in a business that is not void of complaints but I think considering the circumstances, they did a really good job of plowing and filling in the potholes. I would like to publicly thank you and your staff.

Director Lantry: Thank you. It is important for them to hear that.

Council Vice President Noecker: Ms. Prince.

Councilmember Prince: We thank you, Director Lantry, for the great work. My question is maybe for real estate. I heard Mr Dornfeld recall how this used to be paid for and how it's paid for now. It's an opportunity for us to explain how we changed the program from the right of way program to the new street assessment program. So whether that is you or Real Estate.

Director Lantry: As much as I would like to hand it off to Lynn, as long as I am here, what the heck. 2018 is the first year where we are transitioning from our right of way program. It used to be that sealcoating, the sweep, winter street maintenance, street lighting, were all paid for through our right of way program. Now the annual bill will be for lighting and the sweep. And only if you have a light. For those blocks who don't have lights, they won't get that bill. That is a result of the Supreme Court decision. So for mill and overlays done in 2017, it's a 50:50 split. The general fund pays 50% so we all pay for that and sealcoat is assessed 100% of the cost to those addresses where the work is done.

Council Vice President Noecker: Thank you. Any other discussion on this item. Director Lantry, it's great to have your testimony and to hear from someone who is practicing on the ground. I look forward to discussing this further as we move into the budget season. Mr. Thao moves to approve because we have closed the public hearing. All in favor say Aye. [All say Aye.] Opposed? [None opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The resolution is adopted.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

76 RES PH 18-52 Ratifying the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Johnson Parkway. (File No. MO1704, Assessment No. 175503)

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Anyone to speak in support?

[No one wished to speak.]

Council Vice President Noecker: Seeing none, MR. Bostrom moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

77 RES PH 18-50 Ratifying the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Stillwater Road. (File No. MO1702, Assessment No. 175501)

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Anyone to speak in support?

[No one wished to speak.]

Council Vice President Noecker: Seeing none, Mr. Bostrom moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

78 RES PH 18-48 Ratifying the assessment for replacement of sanitary sewer services within the right-of-way as part of the Idaho/Atlantic area paving and lighting project. (File No. 19164C, Assessment No. 186005)

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Anyone to speak in support?

[No one wished to speak.]

Council Vice President Noecker: Seeing none, Mr. Bostrom moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

79 RES PH 18-51 Ratifying the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Third Street. (File No. MO1703, Assessment No. 175502)

Council Vice President Noecker: This is a public hearing. Is there anyone here to speak in opposition to this item? Anyone to speak in support?

[No one wished to speak.]

Council Vice President Noecker: Seeing none, Ms. Prince moves to close the public hearing and approve. All in favor say Aye. [All say Aye.] Opposed? [No one was opposed.] The motion prevails.

Shari Moore: 6 in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

ADJOURNMENT

The meeting was adjourned at 6:47 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Brendmoen

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