



# City of Saint Paul

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

## Minutes - Final

### City Council

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

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Wednesday, August 8, 2018

3:30 PM

Council Chambers - 3rd Floor

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#### ROLL CALL

*The meeting was called to order by Council President Brendmoen at 3:34 p.m.*

#### **Councilmember Bostrom excused**

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

**Absent** 1 - Councilmember Dan Bostrom

*The Council observed a moment of silence in acknowledgment of the death of Councilmember Bostrom's son Brent.*

#### CONSENT AGENDA

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

#### Approval of the Consent Agenda (Items 1 - 14)

*Councilmember Prince moved approval of the Consent Agenda.*

#### **Consent Agenda adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 1     [RES 18-1247](#)     Memorializing the decision of the City Council to deny the appeal of David Burke of the Planning Commission's decision approving a CUP to expand an existing sorority at 1381 Cleveland Avenue North.

**Adopted**
- 2     [RES 18-1278](#)     Memorializing the decision of the City Council to grant the appeal of All Energy Solar from a decision of the Heritage Preservation Commission denying an application for a building permit to install solar-panels at 662 Conway Street in the Dayton's Bluff Heritage Preservation District.

**Adopted**
- 3     [RES 18-1296](#)     Setting fine amount for violations of Saint Paul Legislative Code Chapter 48.

**Adopted**
- 4     [RES 18-1313](#)     Approving a Special Law enacted by the Minnesota State Legislature during the 2017 1st Special Session allowing the City of Saint Paul to issue two separate temporary liquor licenses for special events at the Minnesota Capitol, allowing sale throughout the Capitol building and on Capitol grounds as specified by the commissioner of administration, and identifying those two special events.

**Adopted**
- 5     [RES 18-1314](#)     Approving a Special Law enacted by the Minnesota State Legislature during the 2017 1st Special Session allowing the City of Saint Paul to issue an on-sale wine and malt liquor license for the premises known as the State Capitol, including the Capitol cafeteria.

**Adopted**
- 6     [RES 18-1315](#)     Approving a Special Law enacted by the Minnesota State Legislature during the 2017 1st Special Session allowing the City of Saint Paul to issue a temporary intoxicating liquor license to Twin Cities in Motion, or its successor organization, if any, authorizing the sale of intoxicating liquor on the grounds of the State Capitol on the day of the Twin Cities Marathon.

**Adopted**
- 7     [RES 18-1330](#)     Approving and authorizing the execution of a Ford Master Legal Services Agreements with Kennedy & Graven, Chartered.

**Adopted**

- 8     [RES 18-1241](#)     Authorizing acceptance of a utility easement from RK Midway Shopping Center, LLC, and RK University Midway, LLC within a portion of the future MSL soccer stadium site.  
**Adopted**
- 9     [RES 18-1284](#)     Approving the City's cost of providing Towing of Abandoned Vehicle services during June 2016 at 554 University Avenue West, and setting date of Legislative Hearing for September 4, 2018 and City Council public hearing for October 17, 2018 to consider and levy the assessments. (File No. J1808V, Assessment No. 188012)  
**Adopted**
- 10    [RES 18-1275](#)     Authorizing the Fire Department to pay for all costs incurred for the Minnesota Aviation Rescue Team (MART) training on August 5-6, 2018.  
**Adopted**
- 11    [RES 18-1323](#)     Accepting the gift of \$500 for travel expenses from Heartland Alliance, for Kaohly Her, Mayor Carter's Policy Director, to participate in a Child Development Account (CDA) forum in St. Louis, Missouri from July 25, 2018 through July 26, 2018.  
**Adopted**
- 12    [RES 18-1260](#)     Authorizing the Department of Parks and Recreation to rename Scheffer Recreation Center to Frogtown Community Center.  
**Adopted**
- 13    [RES 18-1264](#)     Identifying the need for Livable Communities Demonstration account funding, and authorizing applications for grant funds.  
**Adopted**
- 14    [RES 18-1277](#)     Approving a Liquor-Outdoor Service Area (Patio) license with conditions to Manana Restaurant, LLC, d/b/a Manana Restaurant, LLC (License ID #20180001385) at 798- 7th Street East.  
**Adopted**

**FOR DISCUSSION**

- 15    [RES 18-1272](#)     Approving the use of grant funds through the Neighborhood STAR Year-Round Program for Metro Transit public art honoring Nathaniel Khaliq.

*Councilmember Thao moved to lay the matter over to August 15.*

**Laid over to August 15**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 16     [RES 18-1334](#)     Expressing immense gratitude for Doug Hennes' pursuit of the common good, and honoring his memory.

*Councilmember Henningson acknowledged friends and coworkers of Doug Hennes who were present in chambers. She read the resolution. Council members Prince and Tolbert, and Council President Brendmoen made brief comments.*

*Councilmember Henningson moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

**ORDINANCES**

**An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.**

**Final Adoption**

- 17     [Ord 18-29](#)     Granting the application of Chong Vang to rezone the property at 494 Farrington Street and 308-310 Sherburne, from RT1 Two-Family Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

*Councilmember Thao moved approval.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 18     [Ord 18-32](#)           Granting the application of Daniel O'Gara et al to rezone property at 164 Snelling Avenue and 1551-1559 Hague Avenue from RT1 two-family and T2 traditional neighborhood to T3 traditional neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

*Councilmember Prince said she had spoken with Mr. O'Gara and the developer, and, while she had concerns about the placement of the amenity deck, she recognized it was not related to the rezoning and she was convinced there was a commitment to continuing to work with the neighbors. She said she would be voting in support.*

*Councilmember Thao expressed support for the development and moved approval of the resolution.*

*Councilmember Tolbert spoke in support.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 19     [Ord 18-30](#)           Amending Chapter 64 of the Legislative Code pertaining to signs.

*Councilmember Prince moved to lay the matter over to August 15.*

**Laid over to August 15**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 20     [Ord 18-37](#)           Amending Chapter 34 of the Legislative Code to reflect changes necessary for coordinated trash collection.

*Councilmember Noecker moved approval.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 21**     [Ord 18-38](#)            Amending Chapter 60 of the Saint Paul Administrative Code to include collection of delinquent coordinated trash collection accounts.
- Councilmember Tolbert moved approval.*
- Adopted as amended (amended August 1)**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
- Nay:** 0
- Absent:** 1 - Councilmember Bostrom
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- 22**     [Ord 18-40](#)            Amending Chapter 357 of the Legislative Code to regulate coordinated collection.
- Councilmember Prince moved approval.*
- Adopted as amended (amended August 1)**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
- Nay:** 0
- Absent:** 1 - Councilmember Bostrom
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- 23**     [Ord 18-41](#)            Amending Chapter 19 of the Legislative Code to clarify authority to issue citations.
- Councilmember Henningson moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
- Nay:** 0
- Absent:** 1 - Councilmember Bostrom

- 24 [Ord 18-42](#) Creating Chapter 48 of the Legislative Code requiring property owners to provide voter registration information to tenants.

*Councilmember Prince said she was planning to vote against the ordinance. She said she didn't feel this was related to the things the City most needed landlords to do. She said she fully supported working harder to get renters involved in elections and registered to vote, but had concerns about the power imbalance. She said she would like the City to work with the elections office to determine some other ways to reach renters.*

*Council members Noecker and Thao, and Council President Brendmoen spoke in support.*

*Councilmember Noecker moved approval.*

**Adopted as amended (amended August 1)**

**Yea:** 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Henningson

**Nay:** 1 - Councilmember Prince

**Absent:** 1 - Councilmember Bostrom

**Second Reading**

- 25 [Ord 18-28](#) Amending Chapters 65 and 66 of the Legislative Code pertaining to Accessory Dwelling Units.

**Laid over to August 15 for third reading/public hearing**

- 26 [Ord 18-44](#) Granting the application of the Saint Paul Housing and Redevelopment Authority to rezone property at 119 Lyton Place from RT1 Two-Family to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

**Laid over to August 15 for third reading/public hearing**

**First Reading**

- 27 [Ord 18-43](#) Granting the application of The Salvation Army to rezone the property at 618-626 Lawson Avenue East from RT1 Two-Family Residential to B2 Community Business, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

**Laid over to August 15 for second reading**

**BUDGET AMENDMENT PUBLIC HEARINGS**

- 28     [RES PH 18-218](#)     Approving and authorizing acceptance of Contamination Cleanup and Investigation grants from the Department of Employment and Economic Development; Livable Communities Transit Oriented Development Grants, Livable Communities Demonstration Account Grants, and Livable Communities Tax Base Revitalization Account Grants, from the Metropolitan Council; and amending the 2018 Budget.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

29 [RLH OA 18-3](#)

Appeal of Thomas Youngren to a letter dated June 6, 2018 from the Department of Safety and Inspections regarding issuance of a fence permit with a variance at 60 ORME COURT. (Address corrected to 2355 EDGCUMBE ROAD)

*Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of a fence permit and variance. The appeal was filed by a neighbor of the property where the permit was issued (2355 Edgumbe), and after the fence was constructed. Ms. Moermond said she believed the variance was issued properly given the terrain of the site, and her recommendation was to deny the appeal.*

*Councilmember Noecker asked whether there was a statute of limitations or a point after the structure had been constructed when an appeal would no longer be considered. Ms. Moermond said the permit application didn't specify an appeal time period, but Chapter 18 of the Legislative Code did specify a 10-day appeal period. Calling this more liberally in favor of the person who wanted to appeal, they did accept the appeal.*

*In opposition:*

*Thomas Youngren (60 Orme Court) said his neighbor had agreed with the previous owner in 2010, before Mr. Youngren bought the house, to remove the 6-foot fence which was encroaching in his property. Mr. Youngren said when he saw the 8-foot fence being built and learned from the contractor that a variance had been issued, he called Department of Safety and Inspections (DSI), and it was 12 days before they got back to him. Mr. Youngren said he didn't receive a copy of the variance application until May. He said the line drawn on the application was nowhere near the actual property line. He said no one had visited the site with him, and he knew the site. He said building inspector Steve Ubl sometimes took weeks to return calls. He said he felt there were error and deliberate misleading in the variance request, and nobody had really looked at the property and the fence. He said he wished Mr. Ubl had not taken 2355's word for it, and had not issued the permit. He said the Council had to care about the honesty and accuracy of variance requests, and what he would like was for someone who was not a subordinate of Mr. Ubl to come take a look at where the application placed the fence and where it was installed. He said there were no terrain issues. He said he wouldn't object to a 7-foot fence, or to an 8-foot fence that was moved down the hill. He said he and the inspector disagreed on where the fence was in relation to the lot line. He said his request was that the Council start the process from the top and include him in the process.*

*Council President Brendmoen acknowledged the short time allowed for testimony, and said all of the documentation from the Legislative Hearing was available to the Council members.*

*Councilmember Noecker asked what a new inspector might see, and why Mr. Youngren felt the variance shouldn't have been granted. Mr. Youngren said he wanted a 7-foot fence, or less.*

*Council President Brendmoen asked what the problem was; she asked whether it was blocking Mr. Youngren's view. Mr. Youngren said it was more fence than needed. He said it was excessive fence, it cut out light, and came within 5 feet of his house and was 40 feet from their house.*

*Councilmember Noecker asked whether the variance stipulated the exact location of*

*the fence. Ms. Moermond said there was no allegation that the fence was not constructed on the 2355 Edgumbe property. She said if it wasn't exactly on the lie of the land as indicated on the hand-drawn site plan, the City didn't generally inspect fence installations due to a change in the code the previous year. She said senior building inspector Mike Palm did go out, and had not called out that he thought the location was a problem or concern with the issuance of the permit given the elevation.*

*Councilmember Tolbert moved to close the public hearing. Yeas - 6 Nays - 0*

*Councilmember Tolbert said the property owner had replaced a fence that had been on Mr. Youngren's property and moved it to her own property. The property owner had requested a variance which she had a legal right and which seemed like a reasonable variance. The requested remedy was to of have a different building inspector go out. The City had inspected the fence, it did meet the code and the variance, and the property owner didn't use the full variance that was granted. Councilmember Tolbert moved to adopt Ms. Moermond's recommendation to deny the appeal.*

*Council President Brendmoen said she supported the motion to deny the appeal, but wanted to add she was sorry Mr. Youngren had trouble reaching Inspector Ubl or other City staff, and it wasn't acceptable to wait 12 days or longer for a response. She said she had heard similar complaints before, and the service level from the City should have been better.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

**LEGISLATIVE HEARING CONSENT AGENDA**

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

**Approval of the Consent Agenda (Items 29 - 31)**

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

**Legislative Hearing Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Bostrom

- 30 [RLH FCO 18-75](#) Appeal of Christina Harding, Harding Property Management, to a Fire Inspection Correction Notice at 475 HATCH AVENUE.

**Adopted**

- 31 [RLH FCO 18-110](#) Appeal of Matt Waite to a Correction Notice - Complaint Inspection at 569 HATCH AVENUE.

**Adopted**

## **ADJOURNMENT**

*Council President Brendmoen adjourned the meeting.*

**Meeting adjourned at 4:15 p.m.**

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