



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 Kassim Busuri
Councilmember Mitra Jalali Nelson
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert

Wednesday, May 1, 2019

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 3:30 and 5:30 p.m.

ROLL CALL

The meeting was called to order by Council Vice President Noecker at 3:30 p.m.

Council President Brendmoen excused

Present 6 - Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali and Councilmember Kassim Busuri

Absent 1 - Councilmember Amy Brendmoen

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 19-21](#) Letter from the Department of Safety and Inspections declaring 871 Jessamine Avenue East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and filed

- 2 [AO 19-28](#) Amending CDBG and ESG activities budgets.
Received and filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 3 - 21)

Items 15 and 17 were removed from the Consent Agenda for separate consideration.

Councilmember Jalali Nelson moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 3** [RES 19-744](#) Authorizing a Stay of Demolition of the property located at 888 Maryland Avenue East pending appeal, and setting conditions for the stay.
Adopted
- 4** [RES 19-740](#) Approving the use of grant funds through the Neighborhood STAR Year-Round program for Lost and Foundry.
Adopted
- 5** [RES 19-598](#) Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during February 13, 2018 to January 16, 2019, and setting date of Legislative Hearing for June 4, 2019 and City Council Public Hearing for July 17, 2019 to consider and levy the assessments against individual properties. (File No. VB1909, Assessment No. 198816)
Adopted
- 6** [RES 19-599](#) Approving the City's cost of providing Collection of Boarding and/or Securing services during February 2019, and setting date of Legislative Hearing for June 4, 2019 and City Council Public Hearing for July 17, 2019 to consider and levy the assessments against individual properties. (File No. J1909B, Assessment No. 198108)
Adopted

- 7 [RES 19-600](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during December 13, 2018 to January 11, 2019, and setting date of Legislative Hearing for June 4, 2019 and City Council Public Hearing for July 17, 2019 to consider and levy the assessments against individual properties. (File No. CRT1909, Assessment No. 198209)
Adopted
- 8 [RES 19-601](#) Approving the City's cost of providing Collection of Excessive Use of Inspection or Abatement services billed during December 26, 2018 to January 17, 2019, and setting date of Legislative Hearing for June 4, 2019 and City Council Public Hearing for July 17, 2019 to consider and levy the assessments against individual properties. (File No. J1909E, Assessment No. 198314)
Adopted
- 9 [RES 19-602](#) Approving the City's cost of providing Collection of Graffiti Removal services during February 1 to March 26, 2019, and setting date of Legislative Hearing for June 4, 2019 and City Council Public Hearing for July 17, 2019 to consider and levy the assessments against individual properties. (File No. J1907P, Assessment No. 198406)
Adopted
- 10 [RES 19-719](#) Approving the City's cost of providing Replacement of Lead Water Service Line on Private Property during January to March 2019, and setting date of City Council public hearing for June 5, 2019 to consider and levy the assessments against individual properties. (File No. 1903LDSRP, Assessment No. 194002)
Adopted
- 11 [RES 19-721](#) Approving the City's cost of providing Replacement of Sanitary Sewer Line on Private Properties during January to March 2019, and setting date of City Council public hearing for June 5, 2019 to consider and levy the assessments against individual properties. (File No. SWRP1903, Assessment No. 193002)
Adopted
- 12 [RES 19-670](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during October to December 2018, and setting date of Legislative Hearing for May 23, 2019 and City Council public hearing for June 12, 2019 to consider and levy the assessments against individual properties. (File No. CG1901D2, Assessment No. 190064)
Adopted

- 13 [RES 19-707](#) Establishing the rate of pay for the new classification of Water Supply Field Supervisor, in Grade 044, of EG 10, M&M Supervisors Salary Schedule.
Laid over to May 8 for adoption
- 14 [RES 19-712](#) Approving the Mayor's appointment of Britt Kringle and Sierra Cumberland to the Police Civilian Internal Affairs Review Commission.
Adopted
- 16 [RES 19-714](#) Approving the Mayor's appointment of Antonio Rodriguez to the Planning Commission.
Adopted
- 18 [RES 19-728](#) Authorizing the City to enter into a Cooperative Agreement with City of Roseville and City of Maplewood to execute Rice-Larpenteur Vision Plan.
Adopted
- 19 [RES 19-614](#) Authorizing the Police Department to enter into a Facilities Use Agreement with the State of Minnesota, Dakota County Technical College, which includes an indemnification clause.
Adopted
- 20 [RES 19-628](#) Authorizing the Police Department to enter into an agreement with the Saint Paul Public Housing Agency for the collaborative A Community Outreach Program (ACOP), that includes an indemnification clause.
Adopted
- 21 [RES 19-711](#) Approving a Liquor Outdoor Service Area (Patio) license with conditions to be added to existing licenses for The Lab, LLC (License ID #20190000157) at 767 Eustis Street, Suite 115.
Adopted

FOR DISCUSSION

- 15 [RES 19-713](#) Approving the Mayor's appointment of Vicki Baucom to the Truth in Sale of Housing Board of Examiners (to be amended).
Councilmember Noecker moved Version 2 of the resolution, correcting the name of the board.
Adopted as amended
Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 17 [RES 19-726](#) Consenting to Kim O'Brien performing work on behalf of the Saint Paul Area Chamber of Commerce in furtherance of the Rice-Larpenteur Vision Plan.

Councilmember Thao moved approval of the resolution.

Adopted

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 22 [RES 19-621](#) 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 - 100 seats or less, Liquor On Sale - Sunday, Entertainment (B), and Gambling Location licenses, for Mounds Park Sports Bar LLC, d/b/a Mounds Park Sports Bar (License ID # 20130005374) at 1067 Hudson Road. (Laid over from April 24)

Councilmember Prince moved approval of the resolution.

Adopted

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 23 [RES 19-700](#) Approving the agreement with Bird to provide e-scooter sharing services for 2019. (Laid over from April 24 and May 1) (To be withdrawn)

Councilmember Noecker made brief comments and moved to lay the matter over to May 8.

Laid over to May 8

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 24 [RES PH 19-60](#) Approving adverse action against the Auto Body Repair Shop license held by S & S Automotive Service Corp., d/b/a Parkway Auto Body, Inc. at 1906 Stillwater Avenue. (Public hearing held March 20)

There Skarda, Assistant City Attorney for the Department of Safety and Inspections (DSI), said DSI staff inspected twice since the previous hearing on March 20. Violations were present at the first inspection and had been corrected by the second inspection.

Councilmember Noecker asked for clarification of DSI's recommendation. Ms. Skarda said the matter was laid over to allow the licensee to come into compliance and for DSI to inspect. If DSI reported that the violations were corrected, the adverse action would be dismissed.

Councilmember Prince withdrew the adverse action.

Withdrawn

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

- 25 [Ord 19-16](#) Amending Saint Paul City Charter Chapter 8.02 and 8.03 to clarify signature and petition requirements.

Ramsey County Elections Manager Dave Triplett responded to questions from Council members Thao and Prince.

Councilmember Prince moved to lay the matter over for a week.

Laid over to May 8

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

First Reading

- 26 [Ord 19-1](#) Amending Chapter 74 of the Legislative Code by enacting a new section designating St. Andrew's Church as a Saint Paul Heritage Preservation Site.

Laid over to May 8 for second reading

PUBLIC HEARINGS (3:30 p.m.)

- 27** [RES PH 19-117](#) Amending the financing and spending plans in the Fire Department for the Minnesota Task Force One team reimbursement from the City of Edina in the amount of \$17,356.39.
- No one was present to testify. Councilmember Busuri moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen
-
- 28** [RES PH 19-120](#) Amending the financing and spending plans in the Fire Department in the amount of \$700 for a stipend received from the Office of Justice Programs, and accepting the gift of the cost of conference registration for Kara Hirdman, Health and Wellness Coordinator, and Bridget Morales, Administrative Manager, to attend the 2019 Conference on Crime and Victimization in Brainerd, MN on May 23 and 24, 2019.
- No one was present to testify. Councilmember Prince moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen
-
- 29** [RES PH 19-66](#) Amending the financing and spending budgets in the Public Works Capital Funds for the 2019 Sidewalk Reconstruction Program.
- No one was present to testify. Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen

- 30** [RES PH 19-113](#) Approving the application of Anderson Race Management for a sound level variance to present outdoor music and announcements for the ALS Super Hero Dash on Saturday, May 11, 2019 at Raspberry Island.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0
-
- 31** [RES PH 19-112](#) Approving the application of Church of Saint Mark for a sound level variance to present live amplified music, carnival rides, and entertainment for Grand Old Saint Mark’s Festival on Friday, May 17 and Saturday May 18, 2019 at 1983-1976 Dayton Avenue.
- No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0
-
- 32** [RES PH 19-115](#) Approving the application of the University of St. Thomas for a sound level variance to present amplified music on Saturday, May 25, 2019 during the graduation events at O’Shaughnessy Stadium, 2115 Summit Avenue.
- No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

61 [RLH VO 19-12](#) Appeal of Zacharus Turner to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 1569 STILLWATER AVENUE.

Legislative Hearing Officer Marcia Moermond said the Certificate of Occupancy was required for all non-owner-occupied properties, and in this case it was discovered that the owner was deceased. It was referred to the Fire Certificate of Occupancy (FCO) program by police. They were not able to gain access to the property but did issue orders that the FCO was required. Mr. Turner, the son of the deceased owner, attended the Legislative Hearing and asked to be able to continue to live there at least through the end of the year. In this case, Mr. Turner's sister, who resided in Georgia and was the executor, was walking away from the property. Ms. Moermond said she would like to do a layover and to be able to work with the occupant, but in this case, without the cooperation among the owners, complicated by a reverse mortgage in place and coming to an end, she didn't see the value of a layover. She recommended the Council deny the appeal and grant an extend to June 1 to vacate.

In opposition:

Appellant Zacharus Turner said Ms. Moermond was correct, it was a difficult situation. He said he had asked the bank to write a letter to give an extension, but without his sister he couldn't get occupancy certificate. Having the money was not helping; he needed his sister to go with him and he didn't know how to get around that situation. He said he would like to stay and had a painting he needed to sell that would help him stay and renovate, but he was stuck. He asked what would happen if he abandoned the property now, and then circumstances changed and he wanted to come back.

Councilmember Noecker asked Ms. Moermond to respond to Mr. Turner's question. Ms. Moermond said this was an unfortunate situation, and time may help to get the relatives together to come to some sort of a solution where there was a clear path for occupancy. If there was a resolution of the ownership, there was nothing preventing someone from living in the property.

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

Councilmember Busuri said he would like to grant an extension to June 30 to give Mr. Turner more time to resolve the issue.

Adopted as amended (June 30 vacate date)

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

Nay: 0

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

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

Approval of the Consent Agenda (Items 33 - 67)

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 33** [RLH FCO 19-41](#) Appeal of Bruce Johnson to a Fire Inspection Correction Notice at 138 BATES AVENUE.
Adopted
- 34** [RLH VO 19-9](#) Appeal of Mark Ritter to a Correction Notice-Reinspection Complaint (which includes order to vacate) at 998 BAYARD AVENUE.
Adopted
- 35** [RLH TA 19-143](#) Ratifying the Appealed Special Tax Assessment for property at 615 CAPITOL BOULEVARD. (File No. J1913A, Assessment No. 198512; amended to File No. J1913A2, Assessment No. 198858) (Public hearing continued from May 1)
Public hearing continued to September 25
- 36** [RLH VBR 19-27](#) Appeal of Jeff Simek, BMS Properties, to a Vacant Building Registration Renewal Notice at 1355 CHARLES AVENUE.
Adopted
- 37** [RLH TA 19-175](#) Ratifying the Appealed Special Tax Assessment for property at 287 CLARENCE STREET. (File No. J1913A, Assessment No. 198512; amended to File No. J1913A1, Assessment No. 198557) (Public hearing continued from May 1)
Public hearing continued to October 2
- 38** [RLH TA 19-170](#) Ratifying the Appealed Special Tax Assessment for property at 892 CONCORDIA AVENUE. (File No. J1914A, Assessment No. 198513; amended to File No. J1914A1, Assessment No. 198559) (Public hearing continued from May 1)
Public hearing continued to September 25

- 39 [RLH TA 19-123](#) Ratifying the Appealed Special Tax Assessment for property at 53 COOK AVENUE WEST. (File No. J1914A, Assessment No. 198513)
Adopted
- 40 [RLH TA 19-127](#) Ratifying the Appealed Special Tax Assessment for property at 1055 FREMONT AVENUE. (File No. J1913A, Assessment No. 198512)
Adopted
- 41 [RLH TA 19-130](#) Deleting the Appealed Special Tax Assessment for property at 390 GOODRICH AVENUE. (File No. J1914A, Assessment No. 198513)
Adopted
- 42 [RLH TA 19-160](#) Ratifying the Appealed Special Tax Assessment for property at 934 HAWTHORNE AVENUE EAST. (File No. J1914A, Assessment No. 198513)
Adopted
- 43 [RLH TA 19-142](#) Ratifying the Appealed Special Tax Assessment for property at 1029 HAWTHORNE AVENUE EAST. (File No. J1913A, Assessment No. 198512)
Adopted
- 44 [RLH TA 19-173](#) Deleting the Appealed Special Tax Assessment for property at 468 HERSCHEL STREET. (File No. J1913A, Assessment No. 198512)
Adopted
- 45 [RLH TA 19-146](#) Ratifying the Appealed Special Tax Assessment for property at 1975 JEFFERSON AVENUE. (File No. J1914A, Assessment No. 198513)
Adopted
- 46 [RLH TA 19-164](#) Ratifying the Appealed Special Tax Assessment for property at 88 KING STREET WEST. (File No. J1914A, Assessment No. 198513; amended to File No. J1914A1, Assessment No. 198559) (Public hearing continued from May 1)
Public hearing continued to September 25
- 47 [RLH TA 18-695](#) Ratifying the Appealed Special Tax Assessment for property at 1883 LACROSSE AVENUE. (File No. J1907A, Assessment No. 198506; amended to File No. J1907A3, Assessment No. 198539) (Public continued from February 13)
Adopted as amended (assessment deleted)

- 48 [RLH TA 19-165](#) Ratifying the Appealed Special Tax Assessment for property at 1014 LEXINGTON PARKWAY NORTH. (File No. J1913A, Assessment No. 198512)
Adopted
- 49 [RLH TA 19-35](#) Ratifying the Appealed Special Tax Assessment for property at 1264 MARGARET STREET. (File No. J1909A2, Assessment No. 198545) (Public hearing continued from May 1)
Public hearing continued to September 25
- 50 [RLH VBR 19-29](#) Appeal of Katerina Steiger to a Vacant Building Registration Notice at 1156 MARYLAND AVENUE EAST.
Adopted
- 51 [RLH TA 19-157](#) Ratifying the Appealed Special Tax Assessment for property at 2000 MARYLAND AVENUE EAST. (File No. J1913A, Assessment No. 198512; amended to File No. J1913A2, Assessment No. 198858) (Public hearing continued from May 1)
Public hearing continued to September 25
- 52 [RLH TA 19-156](#) Ratifying the Appealed Special Tax Assessment for property at 751 MINNEHAHA AVENUE WEST. (File. J1913A, Assessment No. 198512)
Adopted
- 53 [RLH CO 19-8](#) Appeal of Nancy Watkins to a Correction Notice at 1163 MINNEHAHA AVENUE WEST.
Adopted
- 54 [RLH VO 19-13](#) Appeal of Donald Nelson to a Correction Notice at 1633 PORTLAND AVENUE.
Adopted as amended (appeal denied on condemnation; 90-day delay on referral to vacant buildings)
- 55 [RLH TA 19-166](#) Deleting the Appealed Special Tax Assessment for property at 1129 RANDOLPH AVENUE. (File No. J1913A, Assessment No. 198512)
Adopted
- 56 [RLH TA 19-182](#) Ratifying the Appealed Special Tax Assessment for property at 1925 REANEY AVENUE. (File No. J1914A, Assessment No. 198513; amended to File No. J1914A1, Assessment No. 198559) (Public hearing continued from May 1)
Public hearing continued to September 25

- 57 [RLH TA 19-158](#) Ratifying the Appealed Special Tax Assessment for property at 1145 SEVENTH STREET WEST. (File No. J1913A, Assessment No. 198512)
Adopted
- 58 [RLH TA 19-159](#) Ratifying the Appealed Special Tax Assessment for property at 1237 SEVENTH STREET EAST. (File No. J1914A, Assessment No. 198513)
Adopted
- 59 [RLH TA 19-172](#) Ratifying the Appealed Special Tax Assessment for property at 1624 SEVENTH STREET EAST. (File No. J1914A, Assessment No. 198513)
Adopted
- 60 [RLH TA 19-171](#) Ratifying the Appealed Special Tax Assessment for property at 723 SHERBURNE AVENUE. (File No. J1914A, Assessment No. 198513; amended to File No. J1914A2, Assessment No. 198560) (Public hearing continued from May 1)
Public hearing continued to July 10
- 62 [RLH TA 19-162](#) Ratifying the Appealed Special Tax Assessment for property at 674 THOMAS AVENUE. (File No. J1914A, Assessment No. 198513)
Adopted
- 63 [RLH TA 19-145](#) Ratifying the Appealed Special Tax Assessment for property at 441 VIEW STREET. (File No. J1914A, Assessment No. 198513; amended to File No. J1914A1, Assessment No. 198559) (Public hearing continued from May 1)
Public hearing continued to September 25
- 64 [RLH TA 19-144](#) Ratifying the Appealed Special Tax Assessment for property at 653 WESTERN AVENUE NORTH. (File No. J1913A, Assessment No. 198512; amended to File No. J1913A2, Assessment No. 198858) (Public hearing continued from May 1)
Public hearing continued to September 25
- 65 [RLH TA 19-163](#) Deleting the Appealed Special Tax Assessment for property at 148 WILDER STREET. (File No. J1914A, Assessment No. 198513)
Adopted
- 66 [RLH AR 19-22](#) Ratifying the assessments for Property Clean Up services during December 3 to 14, 2018. (File No. J1913A, Assessment No. 198512)
Adopted

- 67 [RLH AR 19-23](#) Ratifying the assessments for Property Clean Up services during December 17 to 28, 2018. (File No. J1914A, Assessment No. 198513)

Adopted

The Council recessed at 4:02 p.m.

PUBLIC HEARINGS (5:30 p.m.)

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

Council President Brendmoen welcomed those present and explained the public testimony procedure.

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

- 68 [Ord 19-14](#) Amending Chapter 409 of the Saint Paul Legislative Code establishing additional criteria for applicants to the charitable gambling eligible recipients list established under Section 409.235.

Council President Brendmoen said the matter had had a public hearing and had some changes made, and Councilmember Tolbert had requested an additional opportunity for public hearing.

Janet Lawson, Shakespeare in St. Anthony Park, said they were very pleased with the outcome of the more inclusive process.

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

Councilmember Noecker and Council President Brendmoen made brief comments.

Councilmember Noecker moved final adoption of the ordinance as amended.

Adopted as amended (amended April 17)

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

Nay: 0

- 69** [Ord 19-28](#) Granting the application of PAK Investment Holdings, Inc. to rezone property at 0 Bradford Street (between 2314 Wycliff and 2285 Hampden Avenue) from I1 Light Industrial to I2 General Industrial at 2314 Wycliff Street, and from I2 to I1 at 2285 Hampden Avenue (related to adjustment of common boundary); and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing.*
- Public hearing held and closed; laid over to May 8 for final adoption**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0
- 70** [Ord 19-29](#) Amending Chapter 81 of the Legislative Code pertaining to the City's stormwater sewer system by adding new language providing for the creation of green infrastructure stormwater management districts and authorizing the collection of charges for payment of the capital and annual maintenance and operational costs of green infrastructure stormwater management systems.
- Wes Saunders Pearce, Water Resource Coordinator, gave a staff report on the ordinance amendments.*
- Council President Brendmoen and Councilmember Thao commented.*
- Testimony:*
Jacqueline Obst Bell, Mortenson Development, said they had some nuances to the language and would continue to work with City staff.
- Following additional discussion, Councilmember Thao moved to close the public hearing.*
- Public hearing held and closed; laid over to May 8 for final adoption**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0
- 71** [RES PH 19-75](#) Final Order approving the completion of the sidewalk network on local streets bounded by Farrington Street, Cottage Avenue West, Sylvan Street, and Larpenteur Avenue. (Project No. S1901)
- No one was present to testify. Council President Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**

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

Nay: 0

- 72 [RES PH 19-110](#) Granting the application of Mohammed Thabet for a historic use variance, with conditions, at 217 Mackubin Avenue. (Public hearing held May 1)

Tony Johnson, Planning and Economic Development, gave a staff report on the application. He said the Heritage Preservation Commission (HPC) and the Planning Commission found that all conditions were met and were recommending approval of the historic use variance.

Councilmember Thao asked for a description of the community engagement that was conducted. Mr. Johnson said they initially tried to get a conditional use permit and went around to neighbors but were unable to meet the petition requirement. It had been through the district council, and they'd had meetings there as well.

In support of the historic use variance:

Matt Ditzler (Minneapolis), real estate broker representing the sellers, said he was present to speak on behalf of the applicant. He provided information about the condition of the building and the challenges to re-use. He said a number of other church groups looked at the property but were not interested. The new uses proposed by Mr. Thabet - daycare, weddings, gatherings - were uses that had existed on the property for over a hundred years. The applicant, Mr. Thabet, had the resources to breathe new life into the building. Mr. Thabet and a representative from the church had worked hard together reach their common goal for the property. They went and talked to neighbors within 100', had public meetings at the church, and met with the HPC and Planning Commission.

Applicant Mohammed Thabet (Stillwater) said he was planning to buy the church to use for daycare, adult daycare, and a wedding hall, and have an apartment for him to live in.

Darlinda Coe (498 Dayton Avenue), clerk of session of Dayton Avenue Presbyterian Church (seller), asked church members present to identify themselves. She said she had been involved in the sale of commercial buildings before, and usually buyers and sellers never met. In this case she had had a lot of contact with Mr. Thabet. They hosted teas at the church and went door to door with a petition. They did get 2/3 of the neighbors who were owner occupants, but ran into difficulties with property owners who rented their properties. She asked for the Council's support. The congregation had dwindled to the point where they no longer had the resources to continue their ministries and maintain the building, and the decision was made to put the building on the market. They were not able to find another congregation to buy the building, but Mr. Thabet came forward with a plan to offer daycare services for adults and children and serve as a community venue, and also to put in an apartment. She said Dayton Avenue Presbyterian church had a history of community involvement. She said Mr. Thabet said he would care for the church and had the resources to restore it. They hoped the Council would find this acceptable and a benefit to the City of St. Paul, and would vote in support of the variance.

Kathleen Vellenga (2224 Goodrich) spoke about her family's history with the church. She said now is the time for a change and she was thrilled Mr. Thabet was bringing the programs he had planned. She said they had found something about the process she wanted to alert the council to. The property owners within 100' of the building had to be notified, but no asked for or recorded the renters' views.

Laurel Severson (376 St. Clair Avenue) spoke about the importance of preserving historic buildings like this one.

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

Councilmember Thao asked Mr. Johnson to review for the record why a banquet hall was okay, and any parking implications.

Mr. Johnson said historic use variance allows uses not generally allowed in an area. The Planning Commission found this was a reasonable use of this historic structure, considering that a lot of the proposed uses had been done in this church building before. This application was necessary because it wasn't being used as a religious institution. The parking was approved at the Planning Commission. It met the parking requirement because the hours of the proposed uses didn't overlap. The largest parking requirement was 27 spaces for the banquet hall, there were 32 spaces in the parking lot.

Councilmember Thao asked for a one-week layover to clarify a few things with the district council.

Council members made additional comments.

Public hearing held and closed; laid over to May 8 at 3:30 p.m.

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

Nay: 0

73 [ABZA 19-1](#)

Public hearing to consider the appeal to a decision of the Board of Zoning Appeals to allow a lot split at 5 Heather Place for the purpose of establishing an existing carriage house as a principal building in a required rear yard and the placement of a detached, two-car garage in a required side yard on the abutting property.

Jerome Benner, Department of Safety and Inspections (DSI) Zoning, gave a staff report on the application and appeal.

Councilmember Noecker said a lot of the comments received talked about the need for Heritage Preservation Commission (HPC) review prior to granting the variances. She asked Mr. Benner to talk about process. Mr. Benner said staff felt, for practical reasons, the variances for the garage would come first because they dealt with the of the location and placement of the house, and then it would go to HPC for design review.

Councilmember Prince asked whether the 25-foot setback for Parcel A was required as a result of the lot split. Mr. Benner said the 25-foot setback was required because it would become a principal structure rather than an accessory structure. He said the question being asked was whether a 5.1 rear setback should be allowed, and it had been in place for several decades.

Councilmember Prince asked if there was a neighbor on the other side of that line; she noted there was no rear yard for that building. Mr. Benner said the neighboring property to the east was a condominium at 500 Grand Hill. Between the residential structure was a garage of at least 60 feet. There was the proposed principal building, a setback of about 5 feet, and then a slight hill and the parking structure for the residents at 500 Grand Hill.

Councilmember Prince asked about plans for a garage on parcel B. Mr. Benner said the proposed garage would have a setback of 8 feet from parcel A, and a setback of 5 feet at the rear, and 8 feet was required. He said the question was asked why the garage couldn't be moved west, but that might place the garage in front of the house which would trigger another variance. The steep slope of the parcel limited options for placement of the garage. Working with HPC staff, they felt that was the best placement of the garage.

Councilmember Noecker noted that when the accessory structure was still accessory, the orientation of the entire parcel went according to the principal structure. When they both became principal, the formerly accessory building's orientation toward the street defined its own front, rear, and side yards.

Council President Brendmoen asked Deputy City Attorney Rachel Tierney to clarify specifically what the public hearing was about and what the Council was considering. Ms. Tierney said in order to reverse the Board of Zoning Appeals (BZA) decision, the Council would have to state how the BZA erred.

For the appellant:

Brian Alton (951 Grand Avenue), attorney representing the four property owners who were appealing. He said the City could not approve a lot split if zoning code requirements would be not met, and that was why the owners had applied for a variance of 19.9 feet in order for the existing garage to become a house. So then, the structure which had always been a garage with an apartment would become a small house with a

large three-car garage and virtually no back yard. The existing house would have no garage or off-street parking. The BZA approved the lot split and also approved a variance for this other garage in order to provide off-street parking. The neighbors felt the BZA's findings were not factual but just conclusory statements. Mr. Alton said the variances were not in harmony with the intent of the zoning code and would not increase zoning choices or lessen congestion on the public streets. There was no evidence the variances would conserve and improve property values. The variances were not consistent with the Comprehensive Plan in that they were not preserving and protecting historic resources. The applicant had also not established that there were practical difficulties in complying with the zoning code. Splitting off the three-car garage created non-conformities and was not the using the property in a reasonable manner. Finally the plight of the landowner was not due to circumstances unique to the property. The circumstances were created by the landowner's decision to create the lot split. With respect to the garage variance, the BZA granted a variance of 3 feet for the garage to be built, but there was no site plan or detailed elevations, and the applicant's application didn't ask for a garage. Without a specific proposal, the BZA should not have even considered the variance application.

Scott Endres (1 Heather Place) spoke about the historic significance of the homes and the neighborhood, and the responsibilities that came with owning a historic property. He said he felt the variances approved by the BZA would considerably alter the character of the area. For the carriage house, the lot split would become a non-conforming structure with basically no back yard, and he worried that the activities that normally took place in a back yard would happen in the front yard. He felt what was being done was somewhat of an unprecedented situation in a historic district. For 5 Heather Place, the addition of a garage set another unprecedented precedent. It would be the first front yard garage built in a historic district. The addition of the garage would add onto the already massive facade, taking away his view of the river.

Joseph Westwater (520 Grand Hill) spoke about the responsibility of owning historic home, and asked other neighbors present in opposition to identify themselves. He said he felt the BZA erred in granting a variance to allow placement of a garage in a vaguely situated spot in the front yard. He said there really wasn't a side yard. The code stated that the plight of the landowner must be due to unique characteristics of the property not created by the landowner. In this case, allowing the lot split and first variance created an economic incentive to sell, and the second variance allowed the landowner to sell what he just created at economic gain. The second variance allowed the front of the house to be arbitrarily and magically rendered the back of the house and thus appropriate for the placement of a garage. He disputed that the true rear of the house was not an option for the garage. This was belied by the fact that the connected next door house on Heather had an in-ground pool in its back yard. He said he believed there was inadequate coordination between the BZA and HPC, and he was afraid the HPC would be overseeing with something that was already finished.

Pat Donovan (514 Grand Hill) said all of this had been created by the new homeowner wanting to subdivide their lot and sell part of it, and all of the variance that came out of this were accommodations for this lot split. Economic interest could not be the driver for granting a variance, and economic interest was precisely the case here.

Christee Donovan (514 Grand Hill) said the wisdom of St. Paul and historic preservation to have strong guidelines so the nature of the historical could be preserved. The process was an important one to go through to evaluate and make sure it stayed concurrent for many years to come. She said she felt the whole property should be looked at by historic preservation before any decisions were made.

Applicant:

Jeff Arundel (5 Heather Place), property owner, said they thought zoning did their job, and the variances had to be vetted first before we went to the expense of creating build plans. The plans and what would be built would be vetted by the HPC and the City anyway. St. Paul was an old city filled with variances, encroachments, and with carriage houses separated from their original primary buildings. Some of the appellants had expanded their garages, and others in the neighborhood had built new garages which had led to encroachments on his lot. Variances were granted in those cases. He said they'd made a tentative agreement to sell the carriage house to 502 Grand Hill, the building closest to it. Their intention was always to build a garage that resonated with the design of 5 Heather and with the garage that existed for the sister house, 7 Heather. They believed the existing carriage house with 5 Heather was a fine old building set very far from the house and aesthetically didn't match the house. They wanted to get that building to someone who cared about and would care for it, and to build a new structure that resonated with the 5 Heather, subject to all approvals the City and HPC would need to grant. He stressed that zoning believed that the front yard of 5 Heather Place was on Grand Avenue. He invited property historian Jim Sazevich to explain why they felt zoning was correct.

Jim Sazevich (454 N. Smith) provided his background in preservation in St. Paul, provided a historical perspective on the property. He said Heather Place was the back yard, and the auxiliary building was on a different street. He showed historic photographs which indicated heather was the back. He said Mr. Arundel wanted to build a tiny garage. This building was surrounded by a bunch of other buildings. Mr. Arundel was working to restore the gardens that were in the front.

Christopher Keith (312 Summit Avenue), research historian, showed plat map from 1916? indicating original orientation of streets and buildings.

Mr. Sazevich answered questions from Councilmember Prince.

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

Councilmember Noecker asked Mr. Benner to respond to the statement that the variance application did not mention the second variance for the garage. Mr. Benner said in the appeal, Mr. Alton pointed out that the public was not properly notified of the garage. He said that was half true. The initial notice to the public did not include the garage. Staff caught that within the 10-day period and issued a new notification regarding the garage, which was sent on March 13, which was still days prior to the March 25 hearing and met the notice requirement.

Councilmember Noecker asked the relevance of where the front yard was. Mr. Benner said the zoning code had a definition of a through-lot as a property that had 2 street frontages, and one could establish which was the front yard for zoning purposes. This particular property had frontages on Oakland Avenue or the new Grand Avenue, and also on Heather Drive. In order to make this lot split work, zoning and PED staff felt comfortable that the most pragmatic thing to do was to call Grand Avenue the front for zoning purposes. But from a historic sense Heather Place was the front yard. So again, the property had two front yards. For historic purposes and to align with HPC standards, they felt it was appropriate to keep Heather Place as the front yard.

Councilmember Tolbert asked Mr. Benner to reframe the issue the Council needed to decide. Mr. Benner said the two questions being considered were whether the BZA

erred in deciding a variance be granted for a building that had been in place for over 100 years, could that be considered a rear yard. He noted that the property had never had a rear yard, and any activity that would take place now would also go to the front, for instance garages or trash pick-up would always go to the front. The second variance being considered was for the placement of the garage. He said HPC and he felt this was the most appropriate location for the garage. He reviewed where the front and side yard were.

Councilmember Noecker said one thing all could agree on was that there was a lot of love for history in the room; she thanked everyone for their testimony. She said she understand the neighborhoods concerns and frustrations, and that the other order of operations might be preferable. She said they couldn't determine which applications came into the City first and had have a 60-day deadline to make a decision. She said they could trust that the HPC would do a very thorough job. She said she read the appeal carefully, as well as the submissions sent in in advance, and saw a lot of difference of opinion but nothing that rose to the level of error on the part of the BZA in terms of fact, finding, or procedure. She moved to deny the appeal.

Councilmember Prince spoke in opposition to the motion.

Motion of intent - appeal denied

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Busuri

Nay: 1 - Councilmember Prince

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 7:25 p.m.

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