



City of Saint Paul

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

Minutes - Final

Katie Burger, Executive
Assistant, 651-266-8560

City Council

Council President Russ Stark
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Bill Finney
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, October 21, 2015

3:30 PM

Council Chambers - 3rd Floor

Council Voting

The reader calls the names of all Councilmembers. A vote in favor is cast by remaining silent, and a vote against is cast by saying no or nay. When the voting is complete, the reader will state whether the motion passed or failed.

ROLL CALL

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Dave Thune, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 15-94](#) Amending the CDBG activity budget for the NENDC loan leverage fund by moving budget balance from the old activity to the new activity.
Received and Filed

- 2 [AO 15-96](#) Authorizing the Police Department to purchase food and beverage for the Police Reserve Holiday party with use of grant funds.
Received and Filed

CONSENT AGENDA

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

Approval of the Consent Agenda

Council President Stark removed Items 7, 9, and 11 from the Consent Agenda.

Councilmember Thao moved the balance.

7 in favor

Consent Agenda is adopted as amended

**A motion was made by Councilmember Thao to Approve the Consent Agenda
The motion carried by the following vote:**

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 3** [RES 15-1776](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during June 17 to July 10, 2015 and setting date of Legislative Hearing for November 17, 2015 and City Council Public Hearing for January 20, 2016 to consider and levy the assessments against individual properties. (File No. CRT1603, Assessment No. 168202)
- Adopted**
- 4** [RES 15-1777](#) Approving the City's cost of providing Excessive Inspection/Abatement services billed during June 22 to July 22, 2015 and setting date of Legislative Hearing for November 17, 2015 and City Council Public Hearing for January 20, 2016 to consider and levy the assessments against individual properties. (File No. J1603E, Assessment No. 168302)
- Adopted**
- 5** [RES 15-1778](#) Approving the City's cost of providing Graffiti Removal services billed during August 3 to 30, 2015 and setting date of Legislative Hearing for November 17, 2015 and City Council Public Hearing for January 20, 2016 to consider and levy the assessments against individual properties. (File No. J1603P, Assessment No. 168402)
- Adopted**

- 6 [RES 15-1785](#) Amending Council File RES PH 15-249 to delete Assessment Pin Number 08-28-23-44-0077 for the Highland Village Streetscape at 647 CLEVELAND AVENUE SOUTH. (File No. 19162, Assessment No. 145401).
Adopted
- 8 [RES 15-1815](#) Adopting the Harriet Island to South Saint Paul Regional Trail Master Plan.
Adopted
- 10 [RES 15-1824](#) Memorializing the Council's August 19, 2015 decision granting the appeal of Exeter Group LLC a decision of the Heritage Preservation Commission regarding property at 2390-2400 University Avenue.
Adopted
- 12 [RES 15-1830](#) Authorizing the City of Saint Paul to enter into a Temporary Construction Easement Agreement with Fred Schmidt at 300 and 302 Ryan Avenue.
Adopted
- 13 [RLH OA 15-12](#) Making recommendation to Ramsey County on the application of Antuan Yancy for repurchase of tax forfeited property at 598 LAFOND AVENUE.
Adopted
- 14 [RLH OA 15-11](#) Making recommendation to Ramsey County on the application of Kristopher Robert Capuzzi for repurchase of tax forfeited property at 253 BELVIDERE STREET EAST.
Adopted

FOR DISCUSSION

- 7 [RES 15-1813](#) Authorizing the Police Department to enter into a sub-grant agreement with Ramsey County for the 2016 Toward Zero Death Enforcement Program.
*Council President Stark moved approval. It is a state program. They will do the pedestrian safety again next year.
7 in favor, none opposed
Resolution is adopted*
Adopted
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 9** [RES 15-1818](#) Accepting the gift of travel and lodging expenses from the Saint Paul Promise Neighborhood for Jane Eastwood to attend the Promise Neighborhood Boot Camp, a national planning session for Promise Neighborhood organizations, hosted by Policy Link, and the Policy Link conference which follows it, both held in Los Angeles, October 26-30, 2015

Councilmember Thao said he had a friendly amendment that he will be attending this conference.

7 in favor, none opposed

Resolution is adopted as amended

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 11** [RES 15-1827](#) Declaring that freedom from domestic violence is a universal human right.

Councilmember Brendmoen introduced Shelley Cline, Director of St. Paul Domestic Abuse. October is domestic abuse awareness month.

Cline stated it is an honor to be here. St. Paul has been a leader in preventing domestic violence. One in four women are battered. It is time to honor the City, police, City Attorney's Office, and national leaders in investigating domestic violence. Our procedures have been adopted across the nation.

(Brendmoen read the resolution)

Brendmoen moved the resolution.

7 in favor, none opposed

Resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 15 [RES 15-1391](#) Declaring Saturday, October 24, 2015 to be Food Day in the City of St. Paul.

Councilmember Finney said food is taken for granted. We underappreciate what we have a great abundance of.

(Finney read the resolution.)

Tracy Sides, Food and Nutrition Commission, Executive Director of Urban Oasis, Board for Mississippi Market. The notion of having a healthy food system is something that benefits us all as a City. This is a great honor of eaters and those of us working for organizations. Tonight there is a event at the East Side Freedom Library, panel of immigrant farmers, and restauranteurs. Saturday they will be representing food day. Finney will read the resolution again on Saturday.

Finney moved the resolution.

7 in favor, none opposed

Resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 16 [RES PH 15-262](#) Ratifying the assessment for the Raymond Avenue from Hampden to Energy Park Drive paving/lighting project. (File No. 19171, Assessment No. 155201)

Council President Stark said a property owner asked Public Works to review if they were being properly assessed because their property was down below the actual street level. Public Works and OFS (Office of Financial Services) said the owner was correct and should not have been assessed for this project.

Stark moved to delete 1004 Raymond Avenue, 1012 Raymond Avenue, 2382 Wycliff Street from the assessment roll.

7 in favor, none opposed

Resolution is adopted as amended

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 17 [RES 15-1841](#) Requesting the Mayor to establish a Midway Redevelopment Advisory Committee.
- Councilmember Thao said this is part of the redevelopment of the Bus Barn. They are inviting the community to be involved. He encouraged people to go to the website and apply.*
- Council President Stark said this is a way for people to get involved. Applications are pouring in.*
- Councilmember Tolbert said the deadline is November 4.*
- Thao moved approval.*
- 7 in favor, none opposed*
- Resolution is adopted*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0

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.

First Reading

- 18 [Ord 15-54](#) Creating a commercial development district to be known as the Schmidt Brewery Commercial Development District pursuant to Section 17.07.1 of the Saint Paul City Charter and Section 409.20 of the Saint Paul Legislative Code.
- Laid over to October 28 for second reading*
- Laid Over to October 28 for Second Reading**
- 19 [Ord 15-55](#) Granting a competitive cable franchise for Qwest Broadband Services Inc. d/b/a/ CenturyLink.
- Laid over to October 28 for second reading*
- Council President Stark said starting today they are doing public hearings for budget amendment items.*
- Laid Over to October 28 for Second Reading**

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

- 20** [RES PH 15-304](#) Amending the financing and spending plans in Department of Public Works to align the budget and closeout activities in the Central Corridor Project.
- (No one wished to speak.)*
Councilmember Thao moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 21** [RES PH 15-315](#) Authorizing the Police Department to accept 2015 Edward Byrne Memorial Justice (2015 JAG) grant in the amount of \$238,777 from the US Department of Justice.to support all components of the criminal justice system.
- (No one wished to speak.)*
Councilmember Bostrom moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 22** [RES PH 15-296](#) Authorizing an increase in the Parks and Recreation Grant Fund Budget in the amount of \$118,000, to reflect the multi-year Conservation Partners Legacy Grant, received from the State of Minnesota, for the Hidden Falls Floodplain Forest Enhancement.
- (No one wished to speak.)*
Councilmember Tolbert moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and the resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0

- 23 [RES PH 15-277](#) Allocating \$400,000 of the \$9,500,000 Streets and Public Spaces Improvements funding of the 8-80 vitality Fund to establish a Bicycle Lane Striping Fund.

(No one wished to be heard.)

Councilmember Finney moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

PUBLIC HEARINGS (public hearings will begin at 5:30 p.m.)

- 24 [RES PH 15-303](#) Approving the application of Mark Bongers, owner and race director for Final Stretch Inc., for a sound level variance in order to present announcements and music on Sunday, November 8, 2015 for the Chocoholic Frolic 5K/10K Run and Walk at Harriet Island.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 25 [RES PH 15-305](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music and announcements on Saturday, October 31, 2015 at Lower Landing Park.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 26 [RES PH 15-306](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music and announcements on Saturday, October 31, 2015 on Mississippi River Boulevard and 800 feet south of Ford Parkway.

Councilmember Tolbert said all speakers should be faced toward the river and not the neighborhood.

Tolbert moved that amendment

7 in favor, none opposed

(No one wished to be heard.)

Tolbert moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted as amended

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 27 [RES PH 15-307](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music on Saturday, October 31, 2015 on Shepard Road and the Gannon Road median.

Councilmember Tolbert moved that speakers face the river.

7 in favor, none opposed

Amendment is approved

(No one wished to be heard.)

Tolbert moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted as amended

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 28 [RES PH 15-308](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music on Saturday, October 31, 2015 on Shepard Road at Otto Avenue.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 29 [RES PH 15-309](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor mobile DJ music on Saturday, October 31, 2015 on Shepard Road under the High Bridge.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 30 [RES PH 15-310](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music on Saturday, October 31, 2015 on Shepard Road and the Randolph median.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 31 [RES PH 15-311](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music on Saturday, October 31, 2015 on Shepard Road between Homer and Elway.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 32** [RES PH 15-312](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music on Saturday, October 31, 2015 at the median between east and west bound lanes of Summit Avenue at Mississippi River Boulevard.
- Council President Stark moved the same amendment as Councilmember Tolbert to point speakers toward the river.*
7 in favor, none opposed
Amendment is approved
Stark moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and the resolution is adopted as amended
- Adopted as amended**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 33** [RES PH 15-313](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music and announcements on Saturday, October 31, 2015 by Summit Avenue near Nina to Selby as well as Summit Avenue by the Cathedral Hill Park.
- (No one wished to be heard.)*
Councilmember Thao moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and the resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
- 34** [RES PH 15-314](#) Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music, announcements and use of a mobile DJ sound system on Saturday, October 31, 2015 on Shepard Road, Washington to Eagle, Eagle Pkwy, Shepard to Chestnut, and at Upper Landing Park.
- (No one wished to be heard.)*
Councilmember Thune moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and the resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

35 [Ord 15-53](#)

Amending Chapter 157 of the Saint Paul Legislative Code pertaining to parking for larger vehicles.

(No one wished to be heard.)

Councilmember Tolbert moved to continue for two weeks.

7 in favor, none opposed

Public hearing is continued to November 4

Public hearing continued to November 4

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

36 [PH 15-18](#)

Public hearing to consider the report of the Administrative Law Judge concerning the Liquor On Sale - Club Under 200 Members A license application submitted by The Lex, Inc. d/b/a the Lex located at 976 Concordia Avenue in Saint Paul.

Geoffrey Karls, representing DSI, gave a staff report. 976 Concordia is the former location of the Attucks Brooks American Legion Hall. In 2012, their license expired for failure to pay fees. That started a two year countdown. This property is located in a residential neighborhood. Under the ordinance, new on-sale liquor clubs are not allowed outside of downtown Saint Paul. Exception: clubs licensed in 1995 when the ordinance was adopted. Those clubs could continue as long as they don't lose their license. An on-sale liquor license can be issued so long as two years does not elapse between the expiration of the previous license to the application for the new license.

Because of the old liquor license, the new application needed to be in by July 7, 2014. Big Jazz Kickstand wanted to use 976 Concordia as a clubhouse for the Sin City Disciples, an outlaw motorcycle club. The City initiated a denial of the application. After litigation, they voluntarily withdrew their application after Sept. 27, 2013. That was the end of that application. Flash forward a year on July 7, 2014, the two year time limit ran at that location, and there were no applications for an on sale liquor license. Thereafter, it was not an eligible location for an on sale liquor club. On November 24, 2014, Big Jazz--which changed its name to Lex, Inc.--filed for a liquor club. The department explained it was no longer a location for an onsale liquor club. They requested an administrative hearing. The parties filed briefs. On August 31, the ALJ issue issued findings, resolutions, in this matter. The ALJ found the application was filed after the two year limit and recommended denial. The Lex made some arguments to the judge. They recommended denying the application for Lex, Inc.

Councilmember Thao asked has there been a grandfathered in liquor license that has lapsed and been reinstated since this ordinance is in place. Karls responded not after the two year window has been closed.

Thao asked is there a path for The Lex to obtain a restaurant liquor license. Karls responded a restaurant would be a change in nonconforming use, then they would apply for an on-sale restaurant liquor license.

Mike Obermueller, Winthrop & Weinstine PA, 225 Sixth Street South, Minneapolis, appeared on behalf of Lex Inc. With him are several members of the community. This building is the former Legion. It sat there since 1995. It carried a lot of baggage. Today, things have changed: new management, ownership. The ALJ position is incorrect. The grandfather code says the two year window is closed when the application was filed They didn't write in the code that there should be a liquor license. ALJ rejected that position that there has been an application withdrawn. Mr. Karls said it was Big Jazz. Actually, it is the same person pursuing a license at this location since 2013. The license was suspended in 2012. In January 2013, Charles Carter and Lex Inc. asked staff and were told to establish business there and get a business license. That was the letter from Mr. Zangs. The applicant goes to file the application to get an onsite liquor license. The baggage from this property weighed on him. This was a place for people to hold events. The reality is that he withdraws that application. No one told him he would lose the opportunity to ever be an on-sale liquor club. His letter says if you do these two things, you can be an on sale liquor club. The City has to stop saying it is untimely. That is not fair to them. The Council can overturn the ALJ position. This is a place where the community can come together. They want it to be operated safely. He distributed a statement from the

local planning committee to support Lex. It showed the community is behind this project. The code is confusing in this regard. City staff member Larry Zangs told him how to use it and he followed the directions.

Tyrone Terrill said he went to the Summit Planning Council last night. They understand the past history. He put in \$200,000 for the club. It is not the same club. They have few African Americans holding a liquor license in this City.

Michael Douglas, Aurora St. Anthony Neighborhood Association, said the applicant approached his organization. They were sceptic of anything positive in there. They know of the past. They went to the location, got to know Mr. Carter, and saw the money he has put in the building. Douglas was born in 58, and his father and mother attended that facility. He could be a member and get some entertainment in the community. AASNDC could use the facility for meetings. Please allow this liquor license to go through.

Kasara Edwards, Public relations director to the Lex. It's been a long journey. It started in January 2013. They met with Larry Zangs in DSI. They received a letter the day after. They were told it would take 75 to 90 days. In July 2013, they received a letter from Mayor Coleman and DSI that the City would not issue those license. In the meantime, letters were sent to DSI. At the end of the day, they may have run out of time. They need the time to be considered correctly. They City cannot tie them to the motorcycle club. The community wants them there. They have petitions. They have supporters. If the City can't release the license, allow them another year. Look at what they presented and decide for yourselves.

Obermueller added that the grandfather status is that things before them get the stay. In this case, they tried to follow all the steps.

(Those in support of the ALJ recommendation spoke next.)

Renee Tyler lives at end of the block and does not want to downplay that someone invested time and money. It's kind of like paying cash for the house and saying I should have had an inspection. He heard people who are not in the neighborhood where the business is operating. Out of the 215 people on the membership roster, 115 are not St. Paul residents. Mr. Anderson does not live in the neighborhood. This is not the location for this license. The parking is gone. There were 25 neighbors. She called the Jeremiah Project. None of the neighbors have been contacted by the Lex. She respects the money put into it. The neighborhood is fighting with the Pioneer. They are tired of it. They didn't notify and talk to the people. It is not what is used to be.

Amber Lien, 915 Carroll Avenue, purchased home in April, lives directly behind the Rondo Club. If she knew, she would not have bought it. This is all due to a private club where she is not welcome. It will bring a lot of area traffic. She sees a lot of kids playing. Whenever she sees them in back of the alley, it makes her nervous.

Jessica Hall Burns, 868 Carroll Avenue, stated she is within two blocks, the community that is being discussed has not contacted her. The neighborhood likes to be outside. More traffic and more people around does not create a safe community. Please heed the ALJ's recommendation.

Derek Anders Turner, 894 Concordia Avenue, stated this has been a thorn. The process to mitigate these issues has been broken. However that looks, whatever that process needs to be, they need to take a look at that.

Doug Coppess, 1018 Iglehart Avenue, said he has seen the development. You get your p's and q's together before you buy. There are problems in the neighborhood. He has been in the neighborhood since 1998. He has put money in his house. It's not his tenants, but it's the people and their associates. He and his brother, when it was the Legion, he had a Legion card, but they would not let him in. They got jammed up by individuals and threatened and they told him not to come back. It is not a good fit for the neighborhood. There is another business around the road.

Al Young, 967 Carroll, stated when he back ups, he is in the back yard.

(No one else wished to speak.)

*Thao moved to close the public hearing
7 in favor, one opposed
Public hearing is closed*

Councilmember Thao asked who was here against the ALJ, who didn't get a chance to speak, stand up. (People stood up.)

Thao said clearly the judgement here is that it did not take into account the history. He appreciates everyone coming down. He understands there is not a lot of African American establishments in the ward. He values the leadership of the community, but he also understands that those who live around the club, this infringes on their quality of life. The vote today is based on the lapse. This could also set precedent for other votes in the community.

Council President Stark said with matters like this for our ordinance, it is unusual that a matter is this clear. If we departed from the ALJ, our ordinance would not mean much. There is not a way for them to do this. How can we tell other people no when we tell people yes?

Councilmember Brendmoen asked about the restaurant liquor license ordinance and how would that give them an option. Karls responded it is tough to say. He does not have a good answer.

Council President Finney said he is familiar with the location. He is also quite aware that the business has not been there for a while. Numerous neighbors have complained about it. This club is not the American Legion, but it is saddled with the history. I know we have to be mindful of the decision of the ALJ. I am also aware of the new residences. There is another challenge there. This is baggage that saddles any new enterprise at 976. He wants to see thriving businesses. This one gives him pause. It is difficult for him to erase his memory. He sees many friends and many people who won't be pleased. At this venture, he has to support the ALJ.

Thao said he is sorry, but it is for the greater good of the community. He is open to working with the owner and finding another location.

Thao moved the ALJ report.

*Brendmoen asked about the delay. Karls responded that Zangs told them the steps they had to take. The Lex was not reasonable in understanding the law.
7 in favor, none opposed
Motion of intent to accept the findings of the ALJ*

Motion of Intent, Adopt the Findings of Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

37 [PH 15-19](#)

Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Payne EZ Market, Inc. d/b/a Payne EZ Market, Inc. located at 1132 Payne Avenue in Saint Paul.

Geoffrey Karls said the market is located at 1132 Payne Avenue. Selling single cigarettes is a violation of law. Licensee required an administrative hearing. Judge issued his findings, conclusions, and recommendations. The judge found the sale occurred and recommended the City impose the \$500 penalty. There was an error in the original police report. Officer accidentally referred to it at Little Burma Grocery and in court he made it clear he was referring to 1132 Payne. It was a simple error. The department asks that the Council adopt the findings and impose the penalty on the market.

Fatima Ramadan, Payne Easy Market, she and her husband own the business together. Their older son who will be turning 21 has autism and they are going to try to find him a job. Although he wanted to work at McDonald's, his social worker said he would only be able to wipe down tables and not serve food. They wanted to open a business and have their son serve food. When they received the citation, they were concerned. The officer make a mistake and called it Little Burma Grocery, which is located at 1234 Payne Avenue, but they are at 1232 Payne. They are not going to jeopardize the business for the sell of 2 cigarettes. The officer didn't follow through and give the citation to the clerk. She contacted DSI and spoke with Licensing. She asked the procedures. When compliance checks are performed on a business, the officer gives the information to the sales clerk. The officer never came into the business to give the clerk a citation. The first citation is given to the clerk and the business. That is why they have to conduct that first step and go into the business. That never happened. When the officer was asked on the stand why he did not enter the business, he gave no response. Her husband knows the officer. They had a good relationship. The officer had visited the store plenty of times. They are not sure why he never came in and followed through on the procedures. This happened on May 28, and they did not get the citation until June 12. They could not go back into the surveillance system that this did not occur. Saint Paul police has a camera across from the business. They were unable to get anything from that. When she consulted with a friend at St. Thomas Law Program, she asked what did they do with this. They have never purchased Camel cigarettes. It would be easy for the prosecution to argue that he could have picked them up at the gas station and it is pointless. This concerns her. She does not believe it happened. The procedure was not being followed. What other mistakes are possible?

(No one else wished to be heard.)

*Councilmember Bostrom moved to close the public hearing.
7 in favor, none opposed
Public hearing is closed*

*Bostrom said if he hadn't read the report or listened to DSI, he would think the police were cooking something up. After he read the report, he has no reason to believe that what was reported actually didn't happen. This is a serious offense. Bostrom moved approval of the ALJ
7 in favor, none opposed
Motion of intent to adopt the ALJ*

Motion of Intent, Adopt the Findings of Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 38** [RES PH 15-275](#) Ratifying the assessment for the Como/Chatsworth area paving and lighting project, constructed as part of the 2015 St. Paul Street Vitality Paving Program (SPSVP). (File No. 19167, Assessment No. 155203)

(No one wished to be heard)

Councilmember Brendmoen said it was split into two phases. This is for the first and second part. He want to make sure it is clear. Council President Stark responded some of them haven't happened yet.

Brendmoen moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 39** [RES PH 15-280](#) Ratifying the assessment for a new water service connection at 1041 Selby Avenue. (File No. 19182, Assessment No. 156100).

(No one wished to be heard.)

Councilmember Thao moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 40** [RES PH 15-284](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Property during April to June 2015. (File No. 1503LDSRP, Assessment No. 154002)

(No one wished to be heard.)

Councilmember Finney moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 41** [RES PH 15-285](#) Ratifying the assessments for Repair of Sanitary Sewer Line on Private Property during April to June 2015. (File No. SWRP1504, Assessment No. 153003)
- (No one wished to be heard.)*
Councilmember Thune moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and the resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
-
- 42** [RES PH 15-286](#) Ratifying the assessment for the improvements on Ford Parkway from 350' west of Howell to Snelling. File No. 19100, Assessment No. 155401
- (No one wished to be heard.)*
- The Council voted 7-0 to close the public hearing and approve this resolution; however, this item was recalled later in the meeting.*
- Councilmember Tolbert recalled Item 42*
7 in favor, none opposed
Item 42 is recalled
- Owner of 1868 Ford Parkway appeared. This is her daughter's property. She has \$3,000 (plus) to pay. She asked how it gets paid. Council President Stark explained.*
- Owner said she will talk to her daughter.*
- (No one else wished to be heard.)*
- Tolbert moved approval.*
7 in favor, none opposed
Public hearing is closed and resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney, City Council President Stark and Councilmember Bostrom
- Nay:** 0

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

46 [RLH FCO
15-229](#)

Appeal of Tammy and Jeff Weinzettl to a Fire Certificate of Occupancy Inspection Correction Notice at 1717 BURNS AVENUE.

(Several photos are shown. Stucco in first picture, asphalt is broken down to gravel in second picture)

Marcia Moermond said there are two issues: stucco siding and asphalt driveway. She recommends to June 1 to handle that.

Jeff Weinzett asked for an extension of the asphalt. The stucco took longer than anticipated. They should be done by the end of this week. They are asking that the whole driveway be extended.

*Councilmember Finney moved to close the public hearing.
6 in favor, none opposed
Public hearing is closed*

*Finney moved to adopt the recommendation of the Legislative Hearing Officer for the stucco and June 1 for the whole driveway.
6 in favor, none opposed
Resolution is adopted as amended*

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Thao

49 [RLH VO 15-55](#) Appeal of Maypop Sales & Services to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2554 COMO AVENUE BLDG C.

Marcia Moermond said orders were issued in July for correcting the situation. There was an appeal. She recommended the owner be given time to correct. Fire officials said the correction orders were not complied with and they revoked the certificate of occupancy. There are open permits and none of the relevant ones have been closed.

Tara Schweiger, 2554 Como Avenue, said they have everything done except Xcel installing the gas meter. She is asking for an extra 15 days for Xcel and the duct work.

Council President Stark asked why the work was not done earlier. Terry responded they were waiting for an air brush test, Xcel, and the duct work.

*Stark moved to close the public hearing
7 in favor, none opposed
Public hearing is closed*

Stark asked does what she say jive with the time line. Moermond responded it has been 90 days since the order was issued. This is a business. One of the items is that there not be a sale of tires at the business. A two week extension seems acceptable.

*Stark moved to extend the deadline by two week to November 4.
7 in favor, none opposed
Resolution is adopted as amended*

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 51 [RLH RR 15-5](#) Ordering the rehabilitation or razing and removal of the structures at 668-670 CONWAY STREET within fifteen (15) days after the March 4, 2015, City Council Public Hearing. (Public hearing continued from September 16) (Amended to remove within 15 days with no option for repair)

Marcia Moermond said she had the initial hearing and the requested owner. It was laid over numerous times. It is now owned by Ramsey County. They had declined to make any commitment at all. She has worked on this for months.

Matt Noslick (phonetic) stated this issue was brought before the HPC (Historic Preservation Commission) in March. The recommendation is to request a delay in the demolition order to request more time. It was moved by he and 10 others. They had a neighbor who expressed interest. Empty holes create empty lots. It makes no sense to have an empty lot because Ramsey County is not acting. He would add for a 30 day extension to see if Historic Saint Paul or another nonprofit could do something. An empty lot can sit for years, a empty house is causing no harm.

Jean Comstock concurred with Matt and asked for a layover. They had the potential of 8 properties to be demolished. It is too many. Neighbors are trying to find another way to deal with this. She asked for it to be delayed for 30 days and to find another solution for this property.

*Councilmember Finney moved to close the public hearing.
Public hearing is closed*

Finney asked what would a 30 day layover do. Moermond responded it would just simply be a delay. The County is incapable of moving in 30 days.

Councilmember Thune said if he County won't act, we will know something in 30 days, right? MM responded the County would need to send it to the HRA.

*Finney moved to adopt the recommendation of the Legislative Hearing Officer.
7 in favor, none opposed
Resolution is adopted as amended*

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 54 [RLH TA 15-343](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1509A2, Assessment No. 158530 at 1016 IGLEHART AVENUE. (To be referred back to Legislative Hearing on September 15 and City Council Public Hearing on October 21, 2015)

Marcia Moermond said this is an order to remove snow and ice from the sidewalk. The owner indicated he did not have a chance to get to this work. (She showed a photo.) Moermond said the sidewalk is in front of the fence and behind the bush. It is not visible in any meaningful way. It is packed with ice and snow. She checked on the snowfall for that time period. She found it was a significant period of time. I think it was a minimum 3 to 4 weeks from the time of the snow and when the crew did the work. She does not have a video today because she didn't know we would be talking about this one.

(Showed photo)

Council President Stark said a letter went out on February 18, and the photos were taken on February 26.

Doug Coppess, owner, said it was in the lease that they were supposed to snow shovel. He works long hours, although he knows that is not an excuse. Moermond told him it is no excuse and to go after the tenants, but he cannot go after them if they don't pay the rent and he cannot find them.

Moermond added that order went out on February 18 and the City had not had snow since February 3

*Councilmember Thao moved to close the public hearing.
7 in favor, none opposed
Public hearing is closed.*

*Thao said this is part of doing business as a landlord.
He moved to support the recommendation of the Legislative Hearing Officer.
7 in favor, none opposed
Resolution is adopted*

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 55 [RLH TA 15-470](#) Ratifying the Appealed Special Tax Assessment for Property at 1016 IGLEHART AVENUE (File No. J1510B, Assessment No. 158110, Amended to File No. J1510B1, Assessment No. 158112).

Marcia Moermond said an ambulance was called. They went to the apartment and knocked the door in. It was an emergency, and they needed to get in. This cost is accrued to the owner. It is normally covered by insurance.

Councilmember Thao asked was there service to the resident and the cost. Moermond responded the resident was attended to, the boarding did occur, and the person was incapacitated. The cost is \$421.

Doug Coppess, owner, said he was at work. There was a medical issue. He had a tenant move out in the middle of the night. Someone needed a place to stay. He let her into the house, and told her not to drink. She came home, hit her head, and a neighbor helped. The paramedics kicked in the door, which destroyed it. She does not have a job. He had a deductible. This is because he had to help someone out. He would ask leniency on this.

*Thao moved to close the public hearing.
7 in favor, none opposed*

*Thao moved the recommendation of the Legislative Hearing Officer. He thanked Coppess for his kind heart.
7 in favor, none opposed
Resolution is adopted*

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

62 [RLH SAO 15-59](#) Appeal of Ryan Kaess (Kaess Law LLC) to a Summary Abatement Order at 205 SEVENTH STREET WEST.

Councilmember Thune said the recommendation is to grant the appeal.

Marcia Moermond said the art is on the sidewalk. She recommends the appeal be granted, and the art can continue in the winter. In the spring the city can examine its policy for spray paint.

Councilmember Thune recommends closing the public hearing and grant the appeal.

Council President Stark said it is spray painted art on the sidewalk in front of the business. He is concerned about people spray painting on the sidewalk. Thune responded we do need a policy. This building does sell art. It has posters from the 60's and a lot of original artwork. They should have asked permission.

Councilmember Brendmoen said we have a policy to not spray paint on public property.

Thune moves to close the public hearing and grant the appeal.

5 in favor, 2 opposed (Brendmoen, Stark)

Resolution is adopted as amended

Adopted as amended

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Thune, Councilmember Tolbert and Councilmember Finney

Nay: 2 - Councilmember Brendmoen and City Council President Stark

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda

Councilmember Tolbert moved to close the public hearing on the remaining Legislative Hearing items and approve them.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted as amended

Legislative Hearing Consent Agenda adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

43 [RLH VO 15-53](#) Appeal of David Ku Vang to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1667 AMES AVENUE, APT 2.

- 44 [RLH FCO 15-239](#) Appeal of William Coleman to a Fire inspection Correction Notice at 1424 ARLINGTON AVENUE.
Adopted
- 45 [RLH TA 15-497](#) Amending Council File RLH AR 15-13 to delete the assessment for Collection of Vacant Building Fees billed December 6, 2013 to August 26, 2014 at 1161 ARUNDEL STREET (File No. VB1503, Assessment No. 158802).
Adopted
- 47 [RLH FCO 15-196](#) Appeal of Bill & Jennifer Wall to a Fire Certificate of Occupancy Correction Notice at 794 CASE AVENUE
Adopted
- 48 [RLH VBR 15-73](#) Appeal of Robbie Bluhm to a Vacant Building Registration Fee at 1239 COLETTE PLACE.
Adopted
- 50 [RLH TA 15-480](#) Deleting the Appealed Special Tax Assessment for Property at 668 FOURTH STREET EAST (File No. J1507E1, Assessment No. 158313).
Adopted
- 52 [RLH TA 15-474](#) Deleting the Appealed Special Tax Assessment for Property at 1515 HAGUE AVENUE (File No. VB1511A, Assessment No. 158833).
Adopted
- 53 [RLH FCO 15-235](#) Appeal of Anura Si-Asar to a Fire Inspection Correction Notice at 964 IGLEHART AVENUE.
Adopted
- 56 [RLH VO 15-50](#) Appeal of Charlotte Mahone and Casey Borrego to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 649-651 IVY AVENUE EAST. (To be referred back to November 10 Legislative Hearing and November 18, 2015 Public Hearing)
Legislative Hearing on 10/27/15; City Council Public Hearing on 11/4/15
Referred to Legislative Hearing on October 27
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
Nay: 0

- 57 [RLH SAO 15-66](#) Appeal of Steven Backlund to a Summary Abatement Order and Vehicle Abatement Order for 543 JESSAMINE AVENUE EAST.
Adopted
- 58 [RLH FCO 15-233](#) Appeal of Charles Neve to a Fire Certificate of Occupancy Correction Notice at 217 MACKUBIN STREET.
Adopted
- 59 [RLH VO 15-54](#) Appeal of Lorna Rosebrock to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus Summary Abatement Order at 2079 MARGARET STREET.
Adopted
- 60 [RLH TA 15-498](#) Amending Council File RLH AR 15-49 to delete the assessment for Collection of Vacant Building fees billed October 21, 2014 to March 19, 2015 at 1087 RANDOLPH AVENUE (File No. VB1510, Assessment No. 158822).
Adopted
- 61 [RLH VBR 15-71](#) Appeal of Eugene Kotz to a Vacant Building Registration Requirement at 1052 ROSS AVENUE.
Adopted
- 63 [RLH VO 15-56](#) Appeal of Lisa Hollingsworth, Southern Minnesota Regional Legal Services, on behalf of David Lauver, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 798 SEVENTH STREET EAST.
Adopted
- 64 [RLH FCO 15-232](#) Appeal of Cleo H. Kelly to a Fire Inspection Correction Notice at 798 SEVENTH STREET EAST.
Adopted
- 65 [RLH VBR 15-27](#) Appeal of Jamie Thelen, St. Paul Old Home Plaza, LLC, to a Vacant Building Registration Renewal Notice at 370 UNIVERSITY AVENUE WEST. (To be referred back to Legislative Hearing on October 20, 2015; Council public hearing to be continued to October 21, 2015)
Adopted as amended
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
Nay: 0

- 66 [RLH VBR 15-69](#) Appeal of Michael Quinn to a Vacant Building Registration Notice at 1041 WESTERN AVENUE NORTH.

Adopted

SUSPENSION ITEMS

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

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