



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor

City Council Meeting Minutes - Final

651-266-8560

Council President Russ Stark
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert

Wednesday, September 20, 2017

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 1 - 16)

Councilmember Brendmoen moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

- 1 RES 17-1453** Approving the State of Minnesota Joint Powers Agreements with the City on behalf of its City Attorney.

Adopted

- 2 **RES 17-1392** Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during May 11 to June 6, 2017, and setting date of Legislative Hearing for October 17, 2017 and City Council public hearing for January 3, 2018 to consider and levy the assessments against individual properties. (File No. CRT1802, Assessment No. 188201)
Adopted
- 3 **RES 17-1393** Approving the City's cost of providing Property Clean Up services during July 3 to 31, 2017, and setting date of Legislative Hearing for October 17, 2017 and City Council public hearing for January 3, 2018 to consider and levy the assessments against individual properties. (File No. J1802A, Assessment No. 188501)
Adopted
- 4 **RES 17-1394** Approving the City's cost of providing Trash Hauling services during July 3 to 26, 2017, and setting date of Legislative Hearing for October 17, 2017 and City Council public hearing for January 3, 2018 to consider and levy the assessments against individual properties. (File No. J1802G, Assessment No. 188701)
Adopted
- 5 **RES 17-1395** Approving the City's cost of providing Graffiti Removal services during July 25 to August 5, 2017, and setting date of Legislative Hearing for October 17, 2017 and City Council public hearing for January 3, 2018 to consider and levy the assessments against individual properties. (File No. J1801P, Assessment No. 188400)
Adopted
- 6 **RES 17-1468** Approving the Memorandum of Agreement for the 2018 - 2020 health insurance contributions.
Laid over to September 27 for adoption
- 7 **RES 17-1470** Approving the Memorandum of Agreement for the September 1, 2017 Wage and Fringe Adjustment between the City of Saint Paul and the Pipefitters, Local 455.
Laid over to September 27 for adoption
- 8 **RES 17-1466** Approving the Mayor's appointment of Melissa Houghtaling to be Chairperson of the Human Rights and Equal Economic Opportunity Commission.
Adopted

- 9 **RES 17-1377** Authorizing the Police Department to renew the lease with KIWI Properties, LLC for space to be used by its Auto Theft Prevention Program.
Adopted
- 10 **RES 17-1497** Authorizing the Police Department to enter into an agreement with ISD #625 to provide them with school resource officers.
Adopted
- 11 **RES 17-1458** Authorizing the appropriate personnel to enter into an agreement with AARP for the construction of temporary pedestrian safety improvements on Marion Street between St. Anthony Avenue and University Avenue.
Adopted
- 12 **RES 17-1391** Affirming that existing city regulations meet the intent of Minnesota Statute 174.40 requiring safe routes to school infrastructure in new subdivisions.
Adopted
- 13 **RES 17-1472** Approving adverse action against the Pedal Car Driver application submitted by Aaron Mather Hauge.
Adopted
- 14 **RES 17-1474** Approving adverse action against the Taxicab Vehicle license #5589 held by Osman Haji, d/b/a Midwest Star Taxi.
Adopted
- 15 **RES 17-1473** Approving adverse action against the Taxicab Vehicle license #1584 held by Abdulkadir Omar, d/b/a Midwest Star Taxi.
Adopted
- 16 **RES 17-1460** Approving adverse action against the Malt On Sale (Strong) and Wine On Sale licenses held by Ortega Enterprises, LLC, d/b/a Sonia's Steakhouse at 990 Payne Avenue.
Adopted

FOR DISCUSSION

The City Council will recess, and convene as the Library Board to consider RES 17-1492: Requesting that the City levy property taxes for the library agency.

The Library Board will adjourn and the City Council will reconvene.

The City Council recessed at 3:32 p.m. and convened as the Library Board.

The Library Board adjourned and the City Council reconvened at 3:33 p.m.

- 17 **RES 17-1493** Approving a 2018 maximum property tax levy for the City of Saint Paul.
- Council members made statements. Councilmember Bostrom spoke in opposition.*
- Council President Stark moved approval of the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 1 - Councilmember Bostrom

ORDINANCES

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

First Reading

- 18 **Ord 17-29** Amending Chapter 236 of the Legislative Code regarding plastic packaging.
- Laid over to September 27 for second reading**
- 19 **Ord 17-38** Amending Chapters 63, 65, and 66 of the Legislative Code pertaining to establishing a parking requirement for a short term rental dwelling unit, establishing short term rental dwelling unit as a permitted use in the RL-RM3, T1-T4, OS-B5, and IT-I2 zoning districts, and amending a condition for bed and breakfast residence use.
- Laid over to September 27 for second reading**
- 20 **Ord 17-44** Granting the application of the Housing and Redevelopment Authority to rezone their properties at 934-940 Selby Avenue from T1 Traditional Neighborhood to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Laid over to September 27 for second reading**
- 21 **Ord 17-46** Granting the application of the Housing and Redevelopment Authority to rezone their properties at 838 - 844 Selby Avenue from B2 Community Business and RM2 Multifamily Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Laid over to September 27 for second reading**
- 22 **Ord 17-47** Amending Chapter 310 of the Legislative Code to add Short-term Rental Platform and Short-term Rental Host license fees.
- Laid over to September 27 for second reading**

23 **Ord 17-48** Amending Chapter 310 of the Saint Paul Legislative Code by adding Short-term Rental Platform and Short-term Rental Host licenses to Section 310.01.

Laid over to September 27 for second reading

24 **Ord 17-49** Creating Chapter 379 of the Saint Paul Legislative Code pertaining to Short Term Rentals.

Laid over to September 27 for second reading

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

25 **RES PH 17-265** Amending the financing and spending plans in the Fire Department in the amount of \$5,000 for a donation received from the Bruning Foundation.

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

Adopted

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

Nay: 0

26 **RES PH 17-266** Amending the financing and spending budgets in the Department of Parks and Recreation in the amount of \$1,891,358 for Metropolitan Council Clean Water, Land, and Legacy Amendment projects, detailed below; and accepting grant funds from the Metropolitan Council and through the Clean Water Land and Legacy Amendment funds through the Parks and Trails program.

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

Adopted

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

Nay: 0

27 **RES PH 17-271** Accepting a redevelopment grant from the Department of Employment and Economic Development (DEED) and Livable Communities Tax Base Revitalization Account grants from Metropolitan Council and amending the 2017 Budget.

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

Adopted

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

Nay: 0

28 RES PH 17-280

Amending the 2017 budget in the amount of \$12,000,000 to accept a grant from the State of Minnesota for the construction of the Dorothy Day Opportunity Center, and approving and authorizing execution of State Grant Agreement, Ground Lease, Lease/Use Agreement, and other necessary documents in connection therewith (Ward 2, District 17).

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

Adopted

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

Nay: 0

29 RES PH 17-277

Authorizing the Police Department to amend the 2017 grant budget for the ServeMinnesota grant.

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

Adopted

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

Nay: 0

30 RES PH 17-278

Authorizing the Police Department to amend the 2017 budget to more accurately reflect spending and finance in the Police Special Fund.

In opposition:

A concerned mother read a statement related to the an incident at St. Catherine University, and asked what the City was doing in response, and who would pay for the police response.

Councilmember Tolbert moved to close the public hearing and approve of the resolution.

Adopted

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

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 41 **RLH VO 17-38** Appeal of Jenny Rundenza to a Summary Abatement Order, and Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 784 HOLTON STREET.

Legislative Hearing Officer Marcia Moermond gave a staff report on the issues related to maintenance, egress, overcrowding, smoke and CO detectors, and an illegal third unit in the basement. She said given the significant issues with an owner occupant present, she felt a lack of confidence that the items would be addressed. She said her recommendation was to deny the appeal on the condemnation and order to vacate; grant an extension until today for compliance with the items in the condemnation, noting that some items may require a permit; and ordering that, if there was not compliance by September 20, the property should be vacated by October 1. She recommended an extension to December 1 for compliance with exterior items. She said there was a follow-up inspection that day to determine compliance; she reviewed the inspector's notes indicating partial compliance. She said based on the inspection results, her recommendation remained the same, which would result in vacation on October 1. She answered Council members' questions.

In opposition:

Jeanette Ruidenza (784 Holton) and Ryan Hatton (phonetic), attorney, appeared. Ms. Ruidenza said the inspector came on a bad day when renovations were in process. She said she didn't realize the contractor filed the permit as a single-family home. She reviewed the items that had been completed for that day's deadline, and said other items required would be will be done by December 1. She said she had cut off access to the basement and there were no longer any tenants. She said she was asking for 30 days to have the basement done properly so a determination could be made as to whether it could be a legal duplex. Council President Stark clarified that it was a legal duplex but couldn't be a triplex. Ms. Ruidenza said the basement and second level were one contiguous and private unit, and she was just asking to have the City inspect it.

Mr. Hatton said the two issues were the existence of the wet bar in the basement, which he said did not meet the definition of a kitchen because it had no "cooking implement," and the fact that it was contiguous with the upstairs living space place made it legal anyway. He said the primary issue being appealed was the portion of the order requiring removal of the kitchen or wet bar.

Ms. Ruidenza said she had put a lot of money in the basement and was just asking to have it re-inspected.

Council President Stark said he understand that, but there were other issues to be addressed, including the life-safety issues that had led to the vacate order. Ms. Ruidenza said everything was done. Council President Stark said the inspector indicated that wasn't the case. He said another reinspection might have to take place prior to the vacate date.

Council President Stark moved to close the public hearing. Yeas - 7 Nays - 0

Council President Stark asked Ms. Moermond if the owners had continued to do work even to today, was it possible for them to continue until October 1 and have the vacate order lifted if there was compliance. Ms. Moermond said it was possible for the department to lift the order to vacate once there was compliance. She said number of permits needed to be resolved, and the concept of a contiguous basement and second

floor unit was suspect and needed to be looked at by the building official.

Council President Stark moved to adopt Ms. Moermond's recommendation.

Councilmember Noecker asked about removal of the wet bar. Ms. Moermond said in this situation the basement bedrooms were rented and there was a kitchen, and it was rented as an independent living unit.

Councilmember Noecker said there was nothing illegal about having two kitchens in a home, and it sounded like the locks that made it a separate unit had been removed.

Council President Stark said Ms. Moermond had determined there could be other building code issues. He said it would be up to the building official to determine if the unit was legal or not.

Ms. Moermond read the Chapter 60 code reference.

Adopted (appeal denied; extensions granted)

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

Nay: 0

44 RLH SAO 17-74

Appeal of Maria T. Denison to a Summary Abatement Order at 1990 HOYT AVENUE EAST.

Legislative Hearing Officer Marcia Moermond reviewed the vacate order and summary abatement order that had been before the Council previously, and said the current appeal was for a summary abatement for additional items moved into the yard. She said her recommendation was for compliance today, which was two weeks after the initial deadline. She said this was an ongoing and a significant problem for the neighbors, and public resources had gone into providing dumpsters and assistance. She said the yard couldn't continue to be a landing and sorting zone.

In opposition:

Maria Denison said she was cleaning up the best she could, given that her husband worked and she was dealing with medical problems. She said one neighbor kept calling (the City) and treating her and her children badly. and she had called the police about the neighbor. She said the inspector said everything was alright, and the next day it was placarded for condemnation because it was not safe for her kids. She said she knew she had a lot of garbage, but she was fighting for her life, and had taken care of a lot of garbage. She said she had set some items aside for recycling and donation, and had been waiting for help to move some items from the back to the container in front. She said those items had been moved. She said her kids were safe and the house was safe. She said five years ago her brother in law left and left his stuff, and she was working very hard.

In response to a question from Council President Stark, Ms. Moermond clarified that there had been an order to vacate, and the concerns related to that order had been addressed with the help of House Calls.

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

Ms. Moermond reviewed her recommendation for Councilmember Bostrom.

Councilmember Bostrom moved to amend to grant ten additional days.

Ms. Moermond said she would report back on October 4.

Adopted as amended (extension granted)

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

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA (Held during the 3:30 portion of the meeting)

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

Approval of the Consent Agenda (Items 31 - 67)

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 31 RLH RR 17-18** Ordering the razing and removal of the structures at 675 AURORA AVENUE within thirty (30) days after the July 19, 2017 City Council public hearing. (Public hearing continued from August 16)
Referred to Legislative Hearings on October 10; Council public hearing continued to October 18
- 32 RLH TA 17-289** Deleting the Appealed Special Tax Assessment for Property at 1633 BEECH STREET. (File No. VB1713, Assessment No. 178819)
Public hearing continued to October 4
- 33 RLH TA 17-323** Ratifying the Appealed Special Tax Assessment for Property at 411 CHARLES AVENUE. (File No. J1710E, Assessment No. 178313; amended to File No. J1710E1, Assessment No. 178316)
Public hearing continued to October 18
- 34 RLH RR 17-37** Ordering the rehabilitation or razing and removal of the structures at 880 CLARK STREET within fifteen (15) days after the September 20, 2017 City Council public hearing. (Amend to grant 180 days for remove or repair)
Public hearing continued to October 4

- 35 **RLH TA 17-342** Deleting the Appealed Special Tax Assessment for Property at 879 CONWAY STREET. (File No. VB1713, Assessment No. 178819)
Public hearing continued to October 4
- 36 **RLH TA 17-326** Ratifying the Appealed Special Tax Assessment for Property at 2409 EDGCUMBE ROAD. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4
- 37 **RLH FCO**
17-158 Amending Council File RLH FCO 17-78, adopted on June 21, 2017, to grant Dale Mackereth an additional extension for property at 1135 EDGERTON STREET.
Adopted
- 38 **RLH TA 17-346** Ratifying the Appealed Special Tax Assessment for Property at 726 EDMUND AVENUE. (File No. J1710E, Assessment No. 178313)
Public hearing continued to October 4
- 39 **RLH FCO**
17-146 Appeal of William Anderson to a Correction Notice - Re-Inspection Complaint at 1067 ENGLEWOOD AVENUE.
Public hearing continued to October 4
- 40 **RLH TA 17-330** Deleting the Appealed Special Tax Assessment for Property at 1044 GERANIUM AVENUE EAST. (File No. J1710E, Assessment No. 178313)
Public hearing continued to October 4
- 42 **RLH VO 17-39** Appeal of Sam Barth (tenant) to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 784 HOLTON STREET.
Adopted
- 43 **RLH TA 17-337** Ratifying the Appealed Special Tax Assessment for Property at 787 HOWELL STREET NORTH. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4
- 45 **RLH TA 17-338** Ratifying the Appealed Special Tax Assessment for Property at 428 JESSAMINE AVENUE EAST. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4
- 46 **RLH TA 17-334** Ratifying the Appealed Special Tax Assessment for Property at 674 JESSAMINE AVENUE EAST. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4

- 47 **RLH TA 17-328** Ratifying the Appealed Special Tax Assessment for Property at 719 JESSAMINE AVENUE EAST. (File No. J1710E, Assessment No. 178313) (Public hearing continued from September 20)
Public hearing continued to October 4
- 48 **RLH TA 17-101** Deleting the Appealed Special Tax Assessment for Property at 916 JESSAMINE AVENUE EAST. (File No. J1707A, Assessment No. 178506; amended to File No. J1707A5, Assessment No. 178522)
Public hearing continued to October 4
- 49 **RLH TA 17-343** Ratifying the Appealed Special Tax Assessment for Property at 632 LEXINGTON AVENUE. (File No. VB1713, Assessment No. 178819)
Public hearing continued to October 4
- 50 **RLH TA 17-345** Ratifying the Appealed Special Tax Assessment for Property at 722 MAGNOLIA AVENUE EAST. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4
- 51 **RLH TA 17-340** Ratifying the Appealed Special Tax Assessment for Property at 1092 MAGNOLIA AVENUE EAST. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4
- 52 **RLH SAO 17-73** Appeal of John Brandon to a Vehicle Abatement Order at 996 MARION STREET.
Adopted
- 53 **RLH TA 17-336** Deleting the Appealed Special Tax Assessment for Property at 759 MARYLAND AVENUE EAST. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4
- 54 **RLH TA 17-335** Ratifying the Appealed Special Tax Assessment for Property at 976 REANEY AVENUE. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4
- 55 **RLH TA 17-329** Ratifying the Appealed Special Tax Assessment for Property at 1636 REANEY AVENUE. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4

- 56 **RLH FCO** Appeal of Nakeela Hall to a Fire Inspection Correction Notice at 607
17-145 SAINT CLAIR AVENUE.
Adopted
- 57 **RLH TA 17-3** Ratifying the Appealed Special Tax Assessment for Property at 1523
SCHEFFER AVENUE. (File No. J1705A, Assessment No. 178504;
amended to File No. J1705A1, Assessment No. 178512)
Public hearing continued to October 4
- 58 **RLH TA 17-341** Ratifying the Appealed Special Tax Assessment for Property at 346
SHERBURNE AVENUE. (File No. VB1713, Assessment No. 178819)
Public hearing continued to October 4
- 59 **RLH VBR** Appeal of Alejandro De La Mora to a Vacant Building Registration Fee at
17-61 1733 STANFORD AVENUE.
Public hearing continued to October 4
- 60 **RLH TA 17-344** Ratifying the Appealed Special Tax Assessment for Property at 662
THIRD STREET EAST. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4
- 61 **RLH TA 17-321** Deleting the Appealed Special Tax Assessment for Property at 647 VAN
BUREN AVENUE. (File No. J1710E, Assessment No. 178313)
Public hearing continued to October 4
- 62 **RLH TA 17-339** Ratifying the Appealed Special Tax Assessment for Property at 515
YORK AVENUE. (File No. J1701V, Assessment No. 178000)
Public hearing continued to October 4
- 63 **RLH TA 17-347** Ratifying the Appealed Special Tax Assessment for Property at 851
YORK AVENUE. (File No. J1701V, Assessment No. 178000; amended
to File No. J1701V1, Assessment No. 178002)
Public hearing continued to October 18
- 64 **RLH AR 17-63** Ratifying the assessments for Excessive Use of Inspection/Abatement
services billed during February 21 to March 21, 2017. (File No. J1710E,
Assessment No. 178313)
Public hearing continued to October 4
- 65 **RLH AR 17-64** Ratifying the assessments for Boarding and/or Securing services during
April 2017. (File No. J1711B, Assessment No. 178113)
Public hearing continued to October 4

66 **RLH AR 17-65** Ratifying the assessments for Collection of Vacant Building Registration Fees billed during February 8 to March 28, 2017. (File No. VB1713, Assessment No. 178819)

Public hearing continued to October 4

67 **RLH AR 17-66** Ratifying the assessments for Towing of Abandoned Vehicle services during January to December 2016. (File No. J1701V, Assessment No. 178000)

Public hearing continued to October 4

The Council recessed at 4:34 p.m.

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

The Council reconvened for Public Hearings at 5:32 p.m.

Present 5 - Councilmember Dan Bostrom, Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

Absent 2 - Councilmember Amy Brendmoen and Councilmember Dai Thao

Council members Thao and Brendmoen arrived after roll call.

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

Items 68 and 69 will be heard in Room 40 of City Hall.

Council President Stark explained the public hearing procedure for items 68 and 69. He said there would be a one staff report, and a combined public hearing allowing 45 minutes per side.

68 **Ord 17-40** Amending Chapter 66 of the Legislative Code to establish six new 'Ford' zoning districts and amending the Zoning Map as recommended in the Ford Site Zoning Study.

Jonathan Sage Martinson, Planning and Economic Development (PED) Director, gave a staff report and answered Council members' questions.

Councilmember Prince moved an amendment to the resolution; she read the amendment. Councilmember Tolbert said he considered it a friendly amendment and would support it.

Vote on amendment: Yeas - 7 Nays - 0

Council President Stark said it was Councilmember Tolbert's intention to continue the public hearing to the next week due to the conflict with the Rosh Hashanah. He said the continued public hearing was not intended to provide those present a second

opportunity to speak.

In opposition:

*Tony Giuliani (2154 Pinehurst Avenue)
Ava Figeura (2106 Watson Avenue)
Peter Berglund (2028 Grand Avenue)
Jim Winterer (1032 Boudoin Street)
Steve Wiegner (65 illegible)
Alissa Lawler (2160 Bayard Avenue)
Kathy McGuire (2203 Fairmount)
Mary Dienhart (701 Mount Curve Blvd.)
Kevin Cunningham (1773 Wellesley Avenue)
Carlos Garcia Velasco (phonetic) (no address given)
Bob Moeller (2065 Ford Parkway)
Suzette Bielinski (2032 Bordner Place)
Tim Morehead (1932 Bayard Avenue)
Susan Duffy (657 Fairview Avenue S.)
Linda Hovland (1982 Worcester Avenue)
Bruce Hoppe (531 Mount Curve Blvd.)
Jean Hoppe (531 Mount Curve Blvd.)
Michelle Doyle (1878 Hampshire Avenue)
Kip Hathaway (507 Montrose Lane)
Jim Ginther (1019 Colby Street)
Kevin Leehan (1337 Cleveland Avenue S.)
Mark Hanson (1945 Saunders Avenue)
Tom Goldstein (1399 Sherburne Avenue)
Sam Tsai (2215 Scheffer Avenue)
Carol Kist (1959 Palace Avenue)
Tracy Nash (2180 Eleanor Street)
Kyle Robertson (2208 Bayard Avenue)
Mark Seuntjens (2211 Sargent Avenue)
Ben Mingo (1311 Grand Avenue)
Pratik Joshi (1690 Beechwood Avenue)
Leah Hedman (507 Mount Curve Blvd.)
Chris Holbrook (1302 Van Buren)
Dale Thompson (2230 Sargent) *Cretin is tough and dangerous now. Very concerned*
Kelly Harmon Schmitt (2203 Sargent)
Stuart Orłowski (1516 Grand Avenue)*

In support:

*Heidi Schallberg (706 Mississippi River Boulevard S.)
Peter Armstrong (18?? Bohland)
Gary Marx, (1500 Mississippi River Boulevard)
Mike Daigh (525 Montrose Lane)
Russ Adams, The Alliance (2525 East Franklin Avenue, Minneapolis)
Nathaniel Hood (1879 Montreal)
Brandon Long (1189 Cleveland Avenue S.)
Asad Aliweyd, New American Development Center
Kevin Gallatin (1822 Highland Parkway)
Caitlin Magistad (1425 Ashland Avenue)
Matthews Holinshead (2114 Pinehurst Avenue)
Lael Robertson (1534 Laurel Avenue)
Rick Varco (2265 Youngman Avenue)
B. Kyle., SPACC
Will Schroer, East Metro Strong
Amanda Willis (1727 Race Street)*

Robert Wales (1727 Race Street)
Jennifer Kingsbury (1783 Portland)
Ellen Baudler, The Arc Minnesota
Elizabeth Wefel (444 Warwick)
Frank Jossi (1810 Hartford Avenue)
Connor Shaefer (948 Cromwell)
Andrea Kiepe, Transit for Livable Communities and St. Paul Smart Trips
Whitney Clark, Friends of the Mississippi River
Tim Brackett
John Slade (3 Linder Court)
Stephen Rubis (1910 Sheridan Avenue)
Dan Cornejo (1657 Saunders)
Sam Wils (946 Cleveland Avenue S.)
Nick Hannola (999 Grand Avenue)
Chris Kunz (484 Montrose Lane)
Dane Smith (569 Mostrose Lane)
Anne Carroll (1357 Highland Parkway)
Amy Schwarz (2031 Itasca Avenue)
Tyler Teggatz (2031 Itasca Avenue)
Mary Henke-Haney (372 Cleveland Avenue N.)
Gary Findell (1742 Hartford)
Joe Kendrick (780 Curfew Street)
William Totten (1808 Highland Parkway)

Following discussion among the Council members and Mr. Sage Martinson about the affordable housing component, Councilmember Tolbert moved to continue the public hearing to September 27.

Public hearing continued to September 27 at 3:30 p.m.

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Noecker

69 RES PH 17-261 Adopting the Ford Site Zoning and Public Realm Master Plan as a master plan for use with the Ford zoning districts for the Ford site redevelopment area.

Councilmember Tolbert moved to continue the public hearing to September 27. (See minutes for item 68)

Public hearing continued to September 27 at 3:30 p.m.

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Noecker

The Council will recess, and reconvene in the Council Chambers, Room 300 City Hall.

The Council reconvened at 8:35 p.m.

- 70 **Ord 17-45** Granting the application of Gary P. Gorman and Elisa R. Gorman to rezone property at 858 Oakdale Ave from R4 one-family to RT1 two-family and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- No one was present to testify. Councilmember Brendmoen moved to close the public hearing.*
- Public hearing held and closed; laid over to September 27 for final adoption**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Noecker
-
- 71 **RES PH 17-273** Approving the application of Fred Shepherd, Event Architects / Minnesota Public Radio, for a sound level variance in order to present announcements and amplified music at Landmark Plaza and Ecolab Plaza during the Minnesota Public Radio 50th Anniversary Street Dance on Saturday, October 7, 2017.
- No one was present to testify. Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Noecker
-
- 72 **Ord 17-32** Amending Chapter 409 of the Legislative Code pertaining to private Christmas parties.
- No one was present to testify. Council President Stark moved to close the public hearing.*
- Public hearing held and closed; laid over to September 27 for final adoption**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Noecker
-
- 73 **Ord 17-43** Granting the application of East Seventh Street Building Company LLC to rezone property at 1125 7th Street East from IT Transitional Industrial to I1 Light Industrial, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

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

Public hearing held and closed; laid over to September 27 for final adoption

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Noecker

- 74 RES PH 17-276** Approving the application of Twin Cities in Motion for nine sound level variances in order to present amplified sound for announcements, speakers and music on Saturday, September 30, 2017 and Sunday, October 1, 2017 during the Medtronic Twin Cities Marathon Event 2017 at the following locations: State Capitol Complex, 75 Reverend Doctor Martin Luther King Jr Boulevard; and eight other locations from Mississippi River Boulevard and Marshall Avenue east along Summit Avenue to Selby Avenue.

Council President Stark moved an amendment changing the start time for the sound level variance from 6:15 to 7:15. Yeas - 6 Nays - 0

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

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Noecker

- 75 Ord 17-28** Amending Chapter 324 of the Legislative Code by adding menthol, mint or wintergreen and fruit to the definition of flavored products.

Dan Niziolek, Department of Safety and Inspections, gave a brief staff report clarifying the change.

Councilmember Thao moved an amendment changing the effective date to 90 days rather than 30 days after passage and publication.

Council President Stark spoke in support of the amendment.

Vote on amendment: Yeas - 6 Nays - 0

Councilmember Tolbert said, for consistency, the Council should continue this item to next week as well. Council President Stark expressed support.

In opposition:

Bruce Nustad, Minnesota Retailers Association (411 Robert Street N.)

Cynthia Schanno (256 Spring Street)
Steve Dahl, owner of two Super Americas (525 Lafayette Road)
Todd Knudten (1205 Homer Street)
Katelyn Knudten (1205 Homer Street)
Chuck Durand (281 Snelling Avenue N.)
Brandon Fuhr, Holiday Station Store (1770 Old Hudson)
James Hawila (2057 Marshall Avenue)
Abdalla Tobasi, Tobasi Stop (809 Selby Avenue)
Mike Valker, Holiday Station Store (281 Snelling Avenue)
??
Nate Grand (1599 Taylor Avenue W.)
Charlie Rose, two convenience stores in downtown (30 E. 7th Street)
Scott Olson, Parkway BP (304 E. Wheelock Parkway)
Paul Muilenberg, with Croix Oil Company
Gary Cooper, Cooper's Foods
Tony Chesak, Minnesota Licensed Beverage Association (1983 Sloan Place)
Bruce Milbrandt, wholesaler, 121 Creekside Drive
Anwar Kamal, Maryland SuperUSA (1198 Earl Street)

In support:

Anika Ward (417 Western Avenue N.) Director for Prevention of Blue Cross Blue Shield of Minnesota
Traielle Godfrey (1205 Arcade Street)
Ed Owens (1008 Carroll) NAACP
Tyler Winkelman (1888 Grand Avenue)
Ka Thao (1344 White Bear Avenue N.)
Ashley Cordoba (257 E. Robie Street)
Dr. Earl Miller, pastor emeritus of Progressive Baptist Church (1505 Burns Avenue)
William Williams (665 Thomas Avenue)
Eugene Nichols, Open Cities Health Center
Damone Presley (380 Dunlap), Aurora - St. Anthony Youth Program
Anne Barry, St. Paul - Ramsey County Public Health Director (90 N. Plato Boulevard)

Council President Stark, Councilmember Prince, and Councilmember Tolbert made statements.

Councilmember Tolbert moved to continue the public hearing to September 27.

Public hearing continued to September 27 at 3:30 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Noecker

ADJOURNMENT

Councilmember Bostrom moved adjournment.

Meeting adjourned at 9:43 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Noecker

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