



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

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Wednesday, August 16, 2017

3:30 PM

Council Chambers - 3rd Floor

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### Budget Amendment Public Hearings at 3:30 p.m. Public Hearings at 5:30 p.m.

#### ROLL CALL

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

#### **Council President Stark excused**

- Present** 5 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Chris Tolbert, Councilmember Rebecca Noecker and Councilmember Jane L. Prince
- Absent** 2 - Councilmember Dai Thao and Councilmember Russ Stark

#### **Councilmember Thao arrived after roll call.**

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

#### 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 - 13)**

*Councilmember Bostrom moved approval of the Consent Agenda.*

#### **Consent Agenda adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 1**     [RES 17-1194](#)     Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during April 6 to May 9, 2017, and setting date of Legislative Hearing for September 19, 2017 and City Council public hearing for January 3, 2018 to consider and levy the assessments against individual properties. (File No. CRT1801, Assessment No. 188200)

**Adopted**
- 2**     [RES 17-1195](#)     Approving the City's cost of providing Excessive Use of Inspection/Abatement services billed during April 24 to May 20, 2017, and setting date of Legislative Hearing for September 19, 2017 and City Council public hearing for January 3, 2018 to consider and levy the assessments against individual properties. (File No. J1801E, Assessment No. 188300)

**Adopted**
- 3**     [RES 17-1196](#)     Approving the City's cost of providing Vacant Building Registration Fees billed during January 16 to May 18, 2017, and setting date of Legislative Hearing for September 19, 2017 and City Council public hearing for January 3, 2018 to consider and levy the assessments against individual properties. (File No. VB1801, Assessment No. 188800)

**Adopted**
- 4**     [RES 17-1197](#)     Approving the City's cost of providing Towing of Abandoned Vehicle services during April to May 2017, and setting date of Legislative Hearing for September 19, 2017 and City Council public hearing for January 3, 2018 to consider and levy the assessments against individual properties. (File No. J1801V, Assessment No. 188000)

**Adopted**
- 5**     [RES 17-1207](#)     Approving the payment of \$23,476.16 in full settlement of the claim of American Family Insurance Company as Subrogee of Janay Anderson.

**Adopted**
- 6**     [RES 17-1208](#)     Approving the payment of \$15,500.00 in full settlement of the claim of Fay & Associates, LLC and Janay S. Anderson.

**Adopted**

- 7     [RES 17-1239](#)     Approving the corrected Memorandum of Agreement for the May 1, 2017 Wage and Fringe Adjustment between the City of Saint Paul and the International Association of Sheet Metal, Air, Rail and Transportation Workers, Local 10.  
  
          **Laid over to August 23 for adoption**
- 8     [RES 17-1230](#)     Approving the Mayor’s appointment of Tonya Bauer to serve on the Business Review Council.  
  
          **Adopted**
- 9     [RES 17-1233](#)     Approving the Mayor’s reappointment of Yer Chang to serve on the Saint Paul Public Housing Agency Board of Commissioners.  
  
          **Adopted**
- 10    [RES 17-1231](#)     Approving a partial waiver of select requirements of the Saint Paul Sustainable Building Policy for ALKA, LLC for the Karibu Grocery and Deli Project to be located at 719 Payne Avenue.  
  
          **Adopted**
- 11    [RES 17-1243](#)     Authorizing the Police Department to enter into a Cooperative Agreement with the City of Minneapolis for the 2018 National Football League (NFL) Super Bowl security.  
  
          **Adopted**
- 12    [RES 17-1245](#)     Approving and authorizing execution of a lease agreement between the City of St. Paul (“City”) and New Cingular Wireless PCS, LLC (“LICENSEE”), a Delaware limited liability company d/b/a AT&T Mobility, allowing the installation of wireless communication equipment on various City infrastructure.  
  
          **Adopted**
- 13    [RES 17-1252](#)     Approving a waiver of the 45-day notice requirement in order to approve Wine On Sale, Malt On Sale (Strong), Entertainment (A), and Gambling Location licenses, with conditions, to Bamboo Hut, LLC, d/b/a Bamboo Hut (License ID #20170002881) at 1626 White Bear Avenue North.  
  
          **Adopted**

**FOR DISCUSSION**

No items

**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**

- 14    [Ord 17-36](#)            Amending the Zoning Map of Saint Paul as recommended in the Snelling Avenue South Zoning Study.  
**Laid over to August 23 for second reading**
- 15    [Ord 17-37](#)            Creating a commercial development district to be known as the Hope Engine House Commercial Development District pursuant to Section 17.07.1 of the Saint Paul City Charter and Section 409.20 of the Legislative Code.  
**Laid over to August 23 for second reading**

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

- 16    [RES PH 17-224](#)    Accepting a grant from the Corporation for National and Community Service to support the Saint Paul VISTA Program.

*No one was present to testify. Councilmember Noecker moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

**SUSPENSION ITEMS**

*Councilmember Noecker moved suspension of the rules.*

**Rules suspended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

**First Reading**

[Ord 17-35](#)    Amending Chapter 140 of the Saint Paul Legislative Code pertaining to Skyway Conduct.

**Laid over to August 23 for second reading**

*Councilmember Noecker congratulated Councilmember Tolbert on the Right Track event held that day.*

*The Council recessed at 3:34 p.m.*

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

*Councilmember Tolbert described the procedure for public testimony. He said Item 23 would be taken first.*

**Council President Stark excused**

**Present** 5 - Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

**Absent** 2 - Councilmember Dan Bostrom and Councilmember Russ Stark

- 23**     [RES PH 17-215](#)     Approving the application of Tawfiq Islamic Center for a sound level variance for the Eid-al-Adha Muslim Festival, on Thursday, August 31, 2017 or Friday, September 1, 2017, at the Oxford Community Center Football Field, 270 Lexington Parkway North.

*Shamsadin Omar, Tawfic Islamic Center, (2400 Minnehaha Avenue, Minneapolis) provided information about the event.*

*Councilmember Thao moved to close the public hearing and approve the resolution.*

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Stark

- 17**     [Ord 17-30](#)     Granting the application of R2C LLC to rezone property at 1051 Arkwright Street from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

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

**Public hearing held and closed; laid over to August 23 for final adoption**

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

**Nay:** 0

**Absent:** 2 - Councilmember Bostrom and Councilmember Stark

**Councilmember Bostrom joined the meeting.**

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

**Absent** 1 - Councilmember Russ Stark

18 [ABZA 17-14](#)

Public hearing to consider the appeal of Kathryn Engdahl an appeal of a decision of the Board of Zoning Appeals (BZA) approving a variance with conditions to allow a garage in a required front yard at 17 Hall Lane.

*Jerome Benner, Department of Safety and Inspections, gave a staff report on the application and appeal.*

*In response to a question from Councilmember Noecker, he said the proposed garage was a two-car garage.*

*For the appellant:*

*Attorney George Dunn (101 E. 5th Street, St. Paul) appeared on behalf of Kathryn Engdahl and other community members who had concerns. He said he wasn't aware that the building permit was being discussed and thought the only item being discussed was the garage, but his comments could apply to both items. He referred to a packet of materials he had distributed, and described the properties on Hall Lane. He reviewed procedural concerns related to notice and to the ownership status of the property, and he reviewed substantive concerns as to whether the site was appropriate for development. He said the development would not promote the general health and welfare of the neighborhood, and there were safety concerns with disturbing the bluff line. He said it was not consistent with the comprehensive plan in terms of the fragile nature of the bluff and potential geotechnical problems. He said the issue related to practical difficulties did not take into account the question of whether the lot was even buildable. He said the circumstances were created by the landowner when the lot was split. He said the variance would change the character of the neighborhood in that the proposed plan did not include off-street parking. He said neighbors objected to the way the zoning staff had approached this procedurally and felt they were putting the cart before the horse in asking for a variance on a garage without knowing if the lot is even buildable. He said this should be done in a considered and informed manner. He submitted a copy of his prepared remarks.*

*In opposition to the appeal:*

*Andy Zelinskas (1304 11th Avenue South, St. Paul Park) distributed handouts and addressed the appellants concerns related to the buildability of the lot, bluff stability, parking, and communication with neighbors. He described the lot and proposal.*

*Councilmember Noecker said it was legal to build on the lot without a variance, and the issue was whether the BZA erred in granting the variance for a garage in front of the house. She said she felt the two substantive concerns were parking and the stability of the bluff. She said she understood the concerns about parking but didn't think it rose to altering the essential character of the neighborhood or being in harmony with the Comprehensive Plan. She said the BZA meeting minutes showed that the issue of bluff stability had been discussed there in great depth. She said the DNR did not have an issue with buildability as long as there was compliance with setback requirements, and there would be structural review before the building permit was issued. She moved to deny the appeal.*

*Councilmember Prince asked whether the ownership status was an issue. Deputy City Attorney Rachel Tierney said the City could accept applications from non-owners, and it was not unusual for them to want to know what they could do before they purchased the property.*

*Councilmember Prince expressed concerns about the bluff stability. Councilmember*



*Noecker said she also had concerns and appreciated the fact that the BZA asked for a special look to be taken at the time of structural review. She said the fact of the matter was that if the variance were denied there still could be building on the lot.*

*Councilmember Bostrom asked Ms. Tierney whether the variance would follow the property if they decided not to go through with the project. Ms. Tierney said she believed this was a zoning determination, and the general rule was that zoning went with the land. She said if it was not acted in within two years it went away, and if the use was established it ran with the land.*

*Councilmember Tolbert spoke in support of Councilmember Noecker's motion.*

*Councilmember Prince said she would vote against the motion. She said enough questions had been raised that she wasn't comfortable voting on it.*

**Motion of intent - Appeal denied**

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

**Nay:** 1 - Councilmember Prince

**Absent:** 1 - Councilmember Stark

- 19     [RES PH 17-223](#)     Approving installation of bicycle lanes on Stillwater Avenue from McKnight Road to Algonquin Avenue, and bikeway connections on Ruth Street/Algonquin Avenue, Case Avenue, and Hazel Street.

*Luke Hanson, Public Works, gave a staff report. He reviewed the proposal, the results of parking utilization study and the public process.*

*Councilmember Prince said she wanted to make clear that because of a mistake by staff she had just found out about this on Monday, and she normally would have attended community meetings. She expressed concerns about the impact on businesses of loss of parking, and spoke about possible alternate routes. Mr. Hansen responded to her suggestions*

*In opposition:*

*Rob Barbosa (2085 Ames) said he was in support but asked for realignments to address concerns about traffic and loss of parking.*

*In support:*

*Paul Sawyer District 1 Community Council*

*Andrew Singer (2103 Berkeley Avenue)*

*Brian Martinson (1943 Princeton Avenue)*

*Ethan Osten (1288 Marion)*

*Melissa Wenzel (613 Burlington Road)*

*Rex Schultrich (1672 Hyacinth Avenue E.)*

*Tracy Farr (360 Osceola Avenue S.)*

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

*Councilmember Noecker said she was in support of these bike lanes and especially appreciated the testimony about equity, but also heard Councilmember Prince's concerns about not having time. She asked whether Councilmember Prince was requesting a layover. She said she would support a layover as it didn't delay project, which was scheduled along with resurfacing in the fall. Councilmember Prince said she wasn't sure a layover would matter that much.*

*Councilmember Bostrom said after the street was resurfaced, (adding the bike lanes) was just a matter of a painting job, and he would like to take a look at the reasonable alternative of using Case. He said businesses deserved equity and were built on car traffic, and he would support a layover.*

*Councilmember Tolbert asked whether that was a motion. Councilmember Bostrom moved a two-week layover. Councilmember Tolbert said it would have to be one or three weeks due to the fifth Wednesday in August. Councilmember Bostrom said three weeks.*

*Councilmember Prince said she appreciated being heard on the layover and felt it was critical they had the opportunity to get more input. She said she considered herself supporter of the bike plan, but she had concerns about the lack connectivity, and about traffic and safety. She said it was worth having staff look at and she would support a layover.*

*Councilmember Brendmoen said it seemed like they (Council) did this week after week after week after week. She said this was part of the bike plan that was approved, and*

*the district council weighed in, and the City staff had an extensive process. She noted that Councilmember Prince had said it wouldn't change anything, and she questioned why they were considering a layover. She said a thorough process had taken place and looking at another route would take more than one to three weeks.*

*Councilmember Prince said she initially said she didn't think it mattered because she knew on September 6 there would be the votes to pass the item. She said she believed that for all City plans there was the option for changes before implementation, and she had not been involved in voting for the Stillwater bike plan. She said she was a supporter of the Bike Plan, and had Margaret Street coming up the following year which was going to involve closing a portion Margaret Street, and she was committed to doing the community outreach necessary to make it possible for her to support that. She said this was not a compelling bike project for her as it was not connected to anything. She said if she was going to vote for implementation of a portion of a plan, it was her job to reach out to her constituents and assess the situation, and that was why she found some projects less compelling than others. She said this would not have connectivity for a number of years, and as Councilmember Bostrom had said, they could always add paint to the road.*

*Councilmember Brendmoen asked whether the layover was to address the connectivity issue or just to lay it over. Councilmember Prince said she could be neutral on the layover because ultimately she didn't think she had the votes.*

*Following further discussion, Councilmember Bostrom said he would withdraw the motion because if Councilmember Prince wasn't going to support it there was no point, and he would just vote against it. He said they had neighbors and businesses concerned, and this didn't connect to anything. He said if they couldn't make changes to City plans, why was there even have a City Council.*

*Council member Thao said he saw all three viewpoints but supported the project and felt there had been adequate process.*

*Councilmember Noecker moved approval.*

**Motion for approval failed**

**Yea:** 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Noecker

**Nay:** 3 - Councilmember Bostrom, Councilmember Tolbert and Councilmember Prince

**Absent:** 1 - Councilmember Stark

- 20**     [RES PH 17-208](#)     Approving the petition of Loren Schirber, as Chief Manager of The East Yard, LLC, to vacate a portions of Right-of-Way north of Bush Avenue.

*No one was present to testify. Councilmember Brendmoen moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 21**     [RES PH 17-204](#)     Transmitting the City of Saint Paul's support for the locally preferred alternative for the Rush Line Corridor to the Rush Line Corridor Task Force, the Ramsey County Regional Railroad Authority, and the Metropolitan Council.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 22**     [RES PH 17-213](#)     Approving the application of Whole Foods Market St. Paul for a sound level variance for live music outdoors on Saturday, September 9, 2017 on Dayton Avenue between Snelling Avenue and Saratoga Street North.

*Philip Higgs, Whole Foods, (1575 Selby Avenue) gave a brief update on plans and asked for the Council members' support.*

*Councilmember Thao moved to close the public hearing and approve the resolution.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 24**     [RES PH 17-214](#)     Approving the application of Liquid 12 Festivals, d/b/a The Beer Dabbler, for a sound level variance to present amplified music and use of a public address system outdoors on Saturday, August 26, 2017 at CHS Field, 360 Broadway Street.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 25     [RES PH 17-220](#)     Approving the application of Team Ortho Foundation, Women Rock MN Race, for a sound level variance in order to present outdoor music and announcements on Saturday, August 26, 2017 on Shepard Road between Eagle Street and Washington Street.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 26     [RES PH 17-221](#)     Approving the application of Team Ortho Foundation, Women Rock Race, for a sound level variance in order to present outdoor music and announcements on Saturday, August 26, 2017 at Upper Landing Park.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 27     [RES PH 17-225](#)     Reciting a proposal for a Housing Finance Program for a multi-family rental housing development; giving preliminary approval to the project and the program pursuant to Minnesota Statutes, Chapter 462C; authorizing the Housing and Redevelopment Authority to issue conduit multifamily housing revenue bonds; and authorizing the preparation of necessary documents and materials in connection with said project and program, 183 Old 6th Street West (Dorothy Day Residences Project). (District 17, Ward 2)

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

### LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 33**    [RLH RR 17-29](#)    Ordering the rehabilitation or razing and removal of the structures at 1426 DESOTO STREET within fifteen (15) days after the August 16, 2017, City Council Public Hearing. (Public hearing held August 16) (Amend to grant 180 days for rehabilitation of the structures)

*Legislative Hearing Officer Marcia Moermond said she had a chance to discuss the case further with the appellant and the attorney in the hallway. She reviewed the conditions set at the previous meeting and progress made in meeting them, and the things she was still looking for. She recommended conducting the public hearing to hear from the appellant about the revised rehab plan and the security plans, and if the additional conditions were met by noon the next Wednesday she would recommend granting 180 days for the rehabilitation.*

*In opposition:*

*Michael Sauer, legal counsel for property owner Ocwen, said he was new to this matter in the last couple of days but had made a significant leap in advancing the paperwork. He reviewed the plans and security measures being taken, and said they would work with the contractor to improve the construction statement.*

*Councilmember Brendmoen asked if this was a rental or homeowner situation. Mr. Sauer said there was a foreclosure and it was bank-owned, and hadn't been homesteaded for a couple of years. He said he was guessing it lost that designation because it was vacant.*

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

*Councilmember Brendmoen moved to approve Ms. Moermond's recommendation.*

**Public hearing held and closed; laid over to August 23 at 3:30**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 43 [RLH VO 17-20](#) Appeal of Elsie Mayard to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 755 MINNEHAHA AVENUE WEST, UNIT #1. (Public hearing continued from August 2)

*Legislative Hearing Officer Marcia Moermond gave a staff report, following up from the public hearing held two weeks before. She said Xcel cut the electric to Unit 1 was cut at the pole for nonpayment. She said that shouldn't affect the appellant's ability to live at the property as long as she lived in the area with electricity and did not rent the unit that didn't have electricity.*

*Thomas Radio, representing Elsie Mayard, said Ms. Mayard was appealing the administrative motion to vacate, on the grounds that there hadn't been a sufficient showing that there was a danger to human health, welfare, or safety. He said Ms. Mayard lived in the upper floor, and it was not a true duplex since the upstairs was accessed through the downstairs, and there was no kitchen upstairs. He said the City's housing code being used as a way for Xcel to collect on its bill, and this had been going on since 2008. He said he'd tried unsuccessfully to get documentation of the bill. He said it was unfair and perhaps unconstitutional for Xcel to use the zoning code and this housing process to enforce a past due amount. He asked that the appeal be granted, or, if not, that the appellant be allowed to enter the second floor through the first and that there be a stay for 30 days to allow time to pursue any appropriate action in district court.*

*Ms. Mayard said the Xcel bill was false.*

*Councilmember Thao said he had allowed the two-week layover with the thought that some progress would have been made. He asked whether any action had been taken.*

*Mr. Radio said the only action that could have been taken to satisfy the order to vacate would have been to have service restored, and due to the amount and confusing nature of the bill they were not able to negotiate with Xcel or NSP to get the power turned back on.*

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

*Councilmember Thao said this had come before the Council over multiple years, and he had have gone to the extent he could to ensure the safety of residents. He said there were codes and guidelines that had to be enforced consistently or they weren't doing their jobs and might be subject to litigation. He said they were not in the business of negotiating between homeowner and the utility, and the City was not working with the utility to create a hardship. He said these were simple City codes and ordinances and it was the responsibility of the homeowner to have running water and utilities or it was unfit. He moved to deny the appeal.*

*Councilmember Tolbert spoke in support of the motion.*

**Adopted (appeal denied)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

44 [RLH TA 17-324](#) Ratifying the Appealed Special Tax Assessment for Property at 1021 MINNEHAHA AVENUE EAST. (File No. J1712A2, Assessment No. 178532)

*Legislative Hearing Officer Marcia Moermond said the matter had been referred to the Council after multiple layovers in Legislative Hearings. She said the Council could hear what was in the written record, and act or return the matter to Legislative Hearings; she clarified that her recommendation was to make a decision in Council. She described the situation, showed photos of accumulation of garbage and other materials, and reviewed the dates. She showed a video of the cleanup, and reviewed notifications. Councilmember Brendmoen asked if it was a rental property. Ms. Moermond said it was. Ms. Brendmoen noted that there was another investment property by this owner on the agenda. Ms. Moermond said the owner was not contesting her recommendation on the other property.*

*In opposition:*

*Property owner Robert Stein said the renter passed away. He said the renter had maintained the property and paid rent on time, and didn't go there very often. He said when he didn't get the rent, he went over and found five people living there. He said the people living there said he was harassing them and obtained a restraining order against him. He said the City turned the building into a Category 2 on March 2, and a district judge allowed the people to stay in the building until April 15. He said when they were able to go there on April 16, one of the squatters assaulted his brother. He said he would have been arrested for going to the property sooner and his employees would not go there. He referred to photographs and said he had cleaned it up perfectly within two days.*

*Councilmember Tolbert asked whether he cleaned up after the City did. Mr. Stein said it was dirty two days later. He said with the restraining order they did about \$25,000 of damage to the interior of the house including stolen appliances.*

*Councilmember Prince asked Mr. Stein whether he had notified the City that he was having trouble getting to the property. Mr. Stein said it started with the City wanting to do a five-year inspection, and he had told the inspector he didn't know the people living there and wouldn't go to the property. Councilmember Prince asked Mr. Stein when he got the restraining order. Mr. Stein said he received it about three weeks prior to receiving the clean-up order. Councilmember Prince asked Mr. Stein whether he had considered calling the police to accompany him. Mr. Stein said a neighbor had witnessed the squatters sell the appliances to scrappers, and the police didn't talk to the neighbor. Councilmember Prince said the video showed that the City did the clean-up and did not encounter any resistance. Mr. Stein said the officers wouldn't let him on the property and his employees refused to go. He showed photos taken shortly after the City cleaned up, showing furniture on roof, and conditions that were just as dirty. He said he had 25 properties, and the City had never had to clean up or mow the grass or anything. Councilmember Prince asked Mr. Stein whether he attended or skipped the Legislative Hearings. She said the Legislative Hearing would have provided an opportunity to explain the situation. Mr. Stein said he must have missed it; he said he was in the middle of about nine inspections at other St. Paul properties.*

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

*Councilmember Prince said she appreciated Mr. Stein's situation, but the City notified him and he didn't attend the Legislative Hearings. She said the City did the work and*



*were not interfered with by occupants of the house. She moved to adopt Ms. Moermond's recommendation.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember 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 (Items 28 - 49)**

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

**Legislative Hearing Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

- 28**    [RLH VO 17-26](#)    Appeal of Bill Davis to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 988 ARGYLE STREET.

**Adopted**

- 29**    [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) (Amend to grant 180 days)

**Referred to Legislative Hearings on September 12; Council public hearing continued to September 20**

- 30**    [RLH VO 17-27](#)    Appeal of Bob Stein to a Condemnation and Order to Vacate at 1152 BURR STREET (basement bedroom only).

**Adopted**

- 31 [RLH VO 17-28](#) Appeal of Israel Bravo, on behalf of Ramiro Hernandez, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 197-199 CESAR CHAVEZ STREET.  
**Adopted**
- 32 [RLH VBR 17-28](#) Appeal of Chris Inwards to a Vacant Building Registration Requirement at 892 CONWAY STREET. (Public hearing continued from May 17)  
**Adopted as amended (appeal denied)**
- 34 [RLH VO 17-23](#) Appeal of Richard Gruber to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 671 HAWTHORNE AVENUE EAST. (Public hearing continued from August 2)  
**Adopted as amended (appeal granted with conditions)**
- 35 [RLH RR 17-30](#) Ordering the rehabilitation or razing and removal of the structures at 1106 HAWTHORNE AVENUE EAST within fifteen (15) days after the August 16, 2017 City Council public hearing. (Public hearing continued from August 16) (Amend to remove within 15 days)  
**Referred to Legislative Hearings on September 26; Council public hearing continued to October 4**
- 36 [RLH FCO 17-128](#) Appeal of Robert Scott to a Fire Certificate of Occupancy Correction Notice at 1182 HAWTHORNE AVENUE EAST  
**Adopted**
- 37 [RLH CO 17-15](#) Appeal of Ann Torseth to a Correction Notice at 1468 HOLTON STREET.  
**Adopted**
- 38 [RLH VO 17-22](#) Appeal of Maria Denison to a Condemnation and Order to Vacate at 1990 HOYT AVENUE EAST.  
**Adopted**
- 39 [RLH TA 17-313](#) Ratifying the Appealed Special Tax Assessment for Property at 1377 JAMES AVENUE. (File No. VB1712, Assessment No. 178816; amended to File No. VB1712A, Assessment No. 178824)  
**Adopted as amended (assessment number updated)**
- 40 [RLH FCO 17-119](#) Appeal of Yer Yang Syhaphom to a Fire Inspection Correction Notice at 341 JENKS AVENUE.  
**Adopted**

- 41 [RLH FCO 17-125](#) Appeal of Jeffrey Cromett to a Fire Certificate of Occupancy Correction Notice at 1463 LAFOND AVENUE.  
**Adopted**
- 42 [RLH RR 17-11](#) Ordering the rehabilitation or razing and removal of the structures at 855 LEXINGTON PARKWAY SOUTH within fifteen (15) days after the June 21, 2017 City Council public hearing. (Public hearing continued from August 16) (Amend to remove only)  
**Public hearing continued to September 6**
- 45 [RLH SAO 17-67](#) Making finding on the appealed nuisance abatement ordered for 1171 MINNEHAHA AVENUE WEST in Council File RLH SAO 17-61. (Legislative Hearing on August 15)  
**Adopted as amended (nuisance abated)**
- 46 [RLH TA 17-265](#) Ratifying the Appealed Special Tax Assessment for Property at 389 SHERBURNE AVENUE. (File No. J1712A, Assessment No. 178517; amended to File No. J1712A1, Assessment No. 178530)  
**Adopted**
- 47 [RLH TA 17-332](#) Amending Council File RLH AR 17-51 to delete the assessment for Graffiti Removal services during March 1 to 18, 2017 at 1716 UNIVERSITY AVENUE WEST. (File No. J1709P, Assessment No. 178409)  
**Adopted**
- 48 [RLH TA 17-300](#) Ratifying the Appealed Special Tax Assessment for Property at 1228 VIRGINIA STREET. (File No. J1710G, Assessment No. 178711) (Public hearing continued from August 16)  
**Public hearing continued to September 6**
- 49 [RLH RR 17-39](#) Denying a request for a stay of enforcement of Council File RLH RR 17-2 ordering the razing or removal of the structures at 865 YORK AVENUE within 15 days after the April 19, 2017 City Council Public Hearing.  
**Adopted**

**ADJOURNMENT**

*Councilmember Brendmoen moved adjournment.*

**Meeting adjourned at 7:20 p.m.**

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

**Nay:** 0

**Absent:** 1 - Councilmember Stark

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