



City of Saint Paul

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

Minutes - Final

City Council

Council President Amy Brendmoen
Councilmember Mitra Jalali
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert
Councilmember Nelsie Yang

Wednesday, February 19, 2020

3:30 PM

Council Chambers - 3rd Floor

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

ROLL CALL

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 20-12](#) Amending the 2020 spending budget for the Office of Financial Services.
Received and filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 2 - 26)

Item 21 was withdrawn. Councilmember Yang moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

- 2 [RES 20-312](#) Approving the Settlement Agreement and Release between the City of Saint Paul, Catrina Hooper and her attorneys, Mid-Minnesota Legal Aid.
Adopted

- 3 [RES 20-366](#) Approving the use of grant funds through the Neighborhood STAR Year-Round Program for Hour Car.
Adopted
- 4 [RES 19-2081](#) Accepting a sidewalk easement from developers in conjunction with the Gateway Mixed-Use Development Project.
Adopted
- 5 [RES 20-324](#) Authorizing the City to execute a quit claim deed to release any rights it may have in a public alley created in a 1929 deed between private parties affecting the property at 2383 University Avenue.
Adopted
- 6 [RES 20-248](#) Approving the City's cost of providing Property Clean Up services during December 3 to 12, 2019, and setting date of Legislative Hearing for March 17, 2020 and City Council public hearing for April 22, 2020 to consider and levy the assessments against individual properties. (File No. J2013A, Assessment No. 208512)
Adopted
- 7 [RES 20-249](#) Approving the City's cost of providing Property Clean Up services during December 13 to 30, 2019, and setting date of Legislative Hearing for March 17, 2020 and City Council public hearing for April 22, 2020 to consider and levy the assessments against individual properties. (File No. J2014A, Assessment No. 208513)
Adopted
- 8 [RES 20-250](#) Approving the City's cost of providing Replacement of Lead Water Service Line on Private Properties during October to December 2019, and setting date of City Council public hearing for April 1, 2020 to consider and levy the assessments against individual properties. (File No. 2002LDSRP, Assessment No. 204001)
Adopted
- 9 [RES 20-252](#) Approving the City's cost of providing Replacement of Sanitary Sewer Line on Private Properties during October to December 2019, and setting date of City Council public hearing for April 1, 2020 to consider and levy the assessments against individual properties. (File No. SWRP2002, Assessment No. 203001)
Adopted

- 10 [RES 20-338](#) Authorizing a Professional Services Contract with Ward Einess Strategies, LLC.
Adopted
- 11 [RES 20-356](#) Approving a Right of Entry permit between the City and Alter Metals for ingress and egress to construct a bridge for the Robert Piram Regional Trail project.
Adopted
- 12 [RES 20-300](#) Authorizing the Department of Parks and Recreation to apply for funds up to \$250,000 from the Outdoor Recreation grant program, and to apply for grants to other agencies and groups as needed for any matching amounts required, for the Lilydale Regional Park project.
Adopted
- 13 [RES 20-301](#) Authorizing the Department of Parks and Recreation to apply for funds in the amount of \$150,000 from the Federal Recreational Trail and Local Trail Connections grant programs for Hidden Falls Regional Park and Robert Piram Regional Trail, and up to \$75,000 for Crosby Farm Regional Park; and to apply for grants to other agencies and groups as needed for any matching amounts required.
Adopted
- 14 [RES 20-228](#) Authorizing the Department of Parks and Recreation to apply for a Minnesota Department of Natural Resources (MN DNR) No Child Left Inside grant in the amount of \$48,000 for the Explore Outdoors program, and if approved, accept said grant and enter into agreements with the MN DNR as are necessary to accept the funding.
Adopted
- 15 [RES 20-229](#) Authorizing the Department of Parks and Recreation to apply for a Minnesota State Arts Board Arts Learning grant in the amount of \$87,240 for the McDonough Afterschool program at Mississippi Creative Arts Elementary, and if approved, accept said grant and enter into agreements with the Minnesota State Arts Board as is necessary to accept said funding.
Adopted
- 16 [RES 20-304](#) Authorizing the Department of Parks and Recreation to apply for funds up to \$12,500 from the Capital Region Watershed District's Partner Grants program for the Parks Ambassadors program.
Adopted

- 17 [RES 20-270](#) Authorizing the City to enter into a temporary license agreement with the University of Minnesota for construction of the Como Avenue Trail.
Adopted
- 18 [RES 20-271](#) Authorizing the City to enter into a grant agreement with the Minnesota Pollution Control Agency under its Fiscal Year 2020 Grant Program.
Adopted
- 19 [RES 20-332](#) Approving a Limited Use Permit with the State of Minnesota Department of Transportation for a pedestrian and bicycle trail in the rights-of-way of Trunk Highway 5 and Interstate Highway 94 at Johnson Parkway.
Adopted
- 20 [RES 20-323](#) Approving adverse action against the Short-Term Rental (Non-Owner Occupied) License held by Clair L. Iburg (License ID #20180003635) for 781 Hague Avenue.
Adopted
- 21 [RES 20-317](#) Approving adverse action against the Short-Term Rental (Owner Occupied) License held by Adam Tafel (License ID #20180001308) for 416 Stryker Avenue.
Withdrawn
- 22 [RES 20-321](#) Approving adverse action against the Short-Term Rental (Owner Occupied) License held by Cynthia Karnowski & Eric Johnson (License ID #20180003939) for 325 Warwick Street.
Adopted
- 23 [RES 20-318](#) Approving adverse action against the Short-Term Rental (Owner Occupied) License held by Gregory S. Martin (License ID #20180000007) for 612 Fairview Avenue North.
Adopted
- 24 [RES 20-320](#) Approving adverse action against the Short-Term Rental (Owner Occupied) License held by BNB Pro LLC (License ID #20180003052) for 1599 Taylor Avenue.
Adopted
- 25 [RES 20-322](#) Approving adverse action against the Short-Term Rental (Non-Owner Occupied) License held by Bethany Ellen Jacob, d/b/a JMB Enterprises LLC (License ID #20180000143), for 2287 Hillside Avenue.
Adopted

- 26 [RES 20-319](#) Approving adverse action against the Short-Term Rental (Owner Occupied) License held by Hope C. Sweeney (License ID #20180003156) for 772 Maryland Avenue East.

Adopted

FOR DISCUSSION

- 27 [RES 20-311](#) Supporting the Energy Innovation and Carbon Dividend Act.

Councilmember Prince invited representatives from the Citizens' Climate Lobby to the podium, and read a portion of the resolution.

Bobbie Scott from the Citizens' Climate Lobby made brief comments.

Councilmember Prince moved approval of the resolution.

Adopted

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

Nay: 0

- 28 [RES 20-256](#) Authorizing the termination of the Saint Paul Fire Department's participation in the automatic dispatch of the closest emergency response unit joint powers agreement.

Council President Brendmoen thanked her colleagues for the one week layover which allowed her time to speak with suburban mayors. She said she understood Chief Inks and other members of the joint powers agreement would be working on a revised agreement that made sense for everyone. She moved approval of the resolution.

Adopted

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

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.

No items

PUBLIC HEARINGS (3:30 p.m.)

- 29** [RES PH 20-24](#) Authorizing the Office of Financial Empowerment to accept a \$400,000 grant from the Saint Paul Foundation to support program operations for CollegeBound Saint Paul.
- No one was present to testify. Councilmember Prince moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 30** [RES PH 20-30](#) Amending the financing and spending plans in the Fire Department in the amount of \$35,532 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for training for firefighters.
- No one was present to testify. Councilmember Yang moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 31** [RES PH 20-35](#) Amending the financing and spending plans in the Fire Department in the amount \$900 for a contribution received from the Saint Paul Area Chamber of Commerce for health and wellness equipment for firefighters at Fire Station 14.
- No one was present to testify. Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 32** [RES PH 20-36](#) Amending the financing and spending plans in the Fire Department in the amount \$900 for a contribution received from the Saint Paul Area Chamber of Commerce for health and wellness equipment for firefighters at Fire Station 1.
- No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**

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

Nay: 0

- 33** [RES PH 20-37](#) Amending the financing and spending plans in the Fire Department for the donation of \$1,000 received from Coulee Bank.

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

Adopted

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

Nay: 0

- 34** [RES PH 20-44](#) Approving and authorizing acceptance of a Contamination Cleanup and Investigation grant from the Department of Employment and Economic Development; and Livable Communities Transit-Oriented Development, Demonstration Account, and Tax Base Revitalization Account grants from the Metropolitan Council; and amending the 2020 Budget.

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

Adopted

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

Nay: 0

- 35** [RES PH 20-43](#) Approving and authorizing acceptance of grants from the Metropolitan Council's Local Housing Incentives Account of the Metropolitan Livable Communities Fund, and amending the 2020 Budget.

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

Adopted

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

Nay: 0

- 36** [RES PH 20-40](#) Amending the 2020 budget and activity budget Toward Zero Death Enforcement Program Grant.
- No one was present to testify. Councilmember Jalali moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 37** [RES PH 20-39](#) Accepting the State of Minnesota, Department of Public Safety, Pathway to Policing Grant 2020 in the amount of \$72,221.
- No one was present to testify. Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 38** [RES PH 20-42](#) Approving the application of Shamrock’s Irish Nook for a sound level variance for live amplified music in an enclosed tent on March 17, 2020 at 995 7th Street West.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0

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

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

Approval of the Consent Agenda (Items 39 - 69)

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 39** [RLH TA 19-698](#) Ratifying the Appealed Special Tax Assessment for property at 740 CAPITOL HEIGHTS. (File No. J1922A1, Assessment No. 198574) (Public hearing continued from October 2, 2019)
Adopted as amended (assessment reduced)
- 40** [RLH TA 20-18](#) Deleting the Appealed Special Tax Assessment for property at 687 CHARLES AVENUE. (File No. J2005E, Assessment No. 208304)
Adopted
- 41** [RLH FCO
19-118](#) Appeal of Stephen Mann, Mann Theatres, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 760 CLEVELAND AVENUE SOUTH.
Adopted
- 42** [RLH TA 20-28](#) Ratifying the Appealed Special Tax Assessment for property at 734 DELAWARE AVENUE. (File No. J2005E, Assessment No. 208304)
Adopted
- 43** [RLH TA 19-666](#) Ratifying the Appealed Special Tax Assessment for property at 1010 FRONT AVENUE. (File No. J1925A, Assessment No. 198562) (Public hearing continued from October 2, 2019)
Adopted as amended (assessment reduced)
- 44** [RLH TA 19-716](#) Ratifying the Appealed Special Tax Assessment for property at 437 GOODHUE STREET. (File No. J2001A, Assessment No. 208500) (Public hearing continued from January 8)
Adopted as amended (assessment reduced)
- 45** [RLH FCO
19-119](#) Appeal of Stephen Mann, Mann Theatres, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1830 GRAND AVENUE.
Adopted
- 46** [RLH TA 20-6](#) Ratifying the Appealed Special Tax Assessment for property at 112 HYACINTH AVENUE WEST. (File No. J2005E, Assessment No. 208304) (Public hearing continued from February 19)
Public hearing continued to July 8

- 47 [RLH TA 19-531](#) Ratifying the Appealed Special Tax Assessment for property at 551 JENKS AVENUE. (File No. J1923A2, Assessment No. 198576) (Public hearing continued from September 4, 2019)
Adopted as amended (assessment reduced)
- 48 [RLH AR 20-10](#) Ratifying the assessments for Demolition service during August 2019 at 1018 JENKS AVENUE. (File No. J2003C, Assessment No. 202002)
Adopted
- 49 [RLH TA 20-19](#) Ratifying the Appealed Special Tax Assessment for property at 823 JUNO AVENUE. (File No. J2005E, Assessment No. 208304) (Public hearing continued from February 19)
Public hearing continued to July 8
- 50 [RLH TA 19-669](#) Ratifying the Appealed Special Tax Assessment for property at 298 LAWSON AVENUE EAST. (File No. J1924A, Assessment No. 198561) (Public hearing continued from October 2, 2019)
Adopted as amended (assessment reduced)
- 51 [RLH VO 20-9](#) Appeal of Nathanael Jenkins to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 876 LAWSON AVENUE EAST.
Adopted
- 52 [RLH TA 20-46](#) Ratifying the Appealed Special Tax Assessment for property at 876 LAWSON AVENUE EAST. (File No. J2001E1, Assessment No. 208308) (Public hearing continued from February 19)
Public hearing continued to August 12
- 53 [RLH TA 20-65](#) Ratifying the Appealed Special Tax Assessment for property at 876 LAWSON AVENUE EAST. (File No. J2005E, Assessment No. 208304) (Public hearing continued from February 19)
Public hearing continued to August 12
- 54 [RLH TA 20-13](#) Ratifying the Appealed Special Tax Assessment for property at 1710 MARYLAND AVENUE EAST. (File No. J2005E, Assessment No. 208404) (Public hearing continued from February 19)
Public hearing continued to July 8

- 55 [RLH TA 20-20](#) Ratifying the Appealed Special Tax Assessment for property at 1171 MINNEHAHA AVENUE WEST. (File No. J2005E, Assessment No. 208304)
Adopted
- 56 [RLH TA 20-42](#) Ratifying the Appealed Special Tax Assessment for property at 900 PAYNE AVENUE/644 YORK AVENUE. (File No. CRT2005, Assessment No. 208204)
Adopted
- 57 [RLH TA 20-29](#) Ratifying the Appealed Special Tax Assessment for property at 1802 ROSS AVENUE. (File No. VB2005, Assessment No. 208804)
Adopted
- 58 [RLH TA 19-658](#) Ratifying the Appealed Special Tax Assessment for property at 544 SHERBURNE AVENUE. (File No. J1924A, Assessment No. 198561) (Public hearing continued from October 2, 2019)
Adopted as amended (assessment ratified)
- 59 [RLH TA 20-32](#) Ratifying the Appealed Special Tax Assessment for property at 711 SIMS AVENUE. (File No. VB2005, Assessment No. 208804)
Adopted
- 60 [RLH TA 20-21](#) Deleting the Appealed Special Tax Assessment for property at 746 SMITH AVENUE SOUTH. (File No. 2002T, Assessment No. 209001)
Adopted
- 61 [RLH TA 20-25](#) Ratifying the Appealed Special Tax Assessment for property at 1630 UNIVERSITY AVENUE WEST. (File No. VB2005, Assessment No. 208804) (Legislative Hearing on February 18)
Adopted as amended (assessment ratified)
- 62 [RLH TA 20-26](#) Ratifying the Appealed Special Tax Assessment for property at 272 WINIFRED STREET WEST. (File No. J2005E, Assessment No. 208304) (Public hearing continued from February 19) (Amend to delete)
Public hearing continued to July 8
- 63 [RLH AR 20-9](#) Ratifying the assessments for Collection of Vacant Building Registration Fees billed during January 18 to August 19, 2019. (File No. VB2005, Assessment No. 208804)
Adopted

- 64 [RLH AR 20-1](#) Ratifying the assessments for Securing and/or Emergency Boarding services during September 2019. (File No. J2005B, Assessment No. 208104)
Adopted
- 65 [RLH AR 20-11](#) Ratifying the assessments for Demolition services during September 2019 (C.D.B.G. Funds). (File No. J2004C, Assessment No. 202003)
Adopted
- 66 [RLH AR 20-12](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during July 17 to August 23, 2019. (File No. CRT2005, Assessment No. 208204)
Adopted
- 67 [RLH AR 20-7](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during July 23 to August 21, 2019. (File No. J2005E, Assessment No. 208304)
Adopted
- 68 [RLH AR 20-13](#) Ratifying the assessments for Graffiti Removal services during September 23 to October 27, 2019. (File No. J2004P, Assessment No. 208403)
Adopted
- 69 [RLH AR 20-8](#) Ratifying the assessments for Removal of Dangerous Tree(s) during January to September 2019. (File No. 2002T, Assessment No. 209001)
Adopted

Council members shared news about events in their wards.

The Council recessed at 3:48 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:31 p.m.

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

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

- 70 [RES PH 20-19](#) Denying the application submitted by Calsey Smith of 333 on the Park for an exception to the general hours of operation for pedestrian skyway bridges #26 and #36, which serve Timberland Partners. (Amended to approve the application)

Councilmember Noecker requested a staff report.

Staff was not present.

In opposition:

Bill Thurmes, regional manager of Timberland Partners, owner and operator of 333 on the Park, said they were asking to secure their building 24 hours a day. He read the six items considered on applications for exceptions, and stated their responses: Closing their doors would not hinder access to any other buildings. Metal detectors and photo IDs did not apply to their type of building. There was no contract or legal document preventing them doing this. Their building was entirely residential; if retail came in they would comply. There was very little traffic. Their residents had asked for another level of security; there were a great number of security camera in the building and they took security very seriously. The skyway access was not a financial hardship for their residents, but being a secured building helped them lease units. When the ordinance was adopted, two other residential buildings - City Walk and Central Towers - were granted exceptions for the very same reasons they were asking. Sibley Square made the request in 2008 before Timberland Partners bought the building, and the Skyway Advisory Committee recommended its approval and the City Council approved the exception. Their application was received by DSI on September 9, and the ordinance requires that the Skyway Governance and Advisory Committee forward their recommendation to the City Council within 30 days. Mr. Thurmes said he and the applicant Ms. Smith attended Skyway Governance and Advisory Committee meetings in September and October, and at the end pf the second meeting the committee was divided and couldn't make a recommendation. A motion was made to approve the request, but it didn't receive a second. No one came out to oppose the request. In December, the City Attorney asked the Skyway Governance to take a position. The Skyway Governance and Advisory Committee agenda for December 20 included an item to formalize the rejection of their request, without there having been a motion. Mr. Thurmes said their (the applicant's) position was that this was a reasonable request.

Councilmember Noecker ask for a description of existing security. Mr. Thurmes said the only access to their building was through the two skyway access points. There was an agreement with 180 E 5th Street that their security group also monitored and patrolled 333 on the Park. They had dozens upon dozens of cameras. They were a market rate, high end apartment building and took security very seriously.

Ms. Yang asked Mr. Thurmes to share specific examples of what made residents feel unsafe. Mr. Thurmes said a National Night Out event brought out concerns about people asking for money, panhandling, threatening residents. Residents said they paid a lot of money to live in the building and asked for more control of access. From that meeting, they decided to start this process. He said they'd had people breaking into their community rooms and having access to their coffee machines. They were not huge quality of life issues crimes, but they'd had some issues.

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

Councilmember Noecker said she believed strongly in protecting the integrity of the

skyway system, and respected the process of the Skyway Governance Committee. She said the process for granting exemptions was there for a reason, and she believed the appellant has made a convincing case that they were warranted an exception based on the six findings. She said she disagreed with the recommendation before the Council, and her understanding was that they had to lay the matter over in order to memorialize the findings.

Deputy City Attorney Rachel Tierney said her recommendation was that Councilmember Noecker make her motion of intent, vote on it, and next week there would be a resolution for the Council to consider. City Clerk Shari Moore said the Legistar system was not set up to accommodate a motion of intent for this type of legislative file.

Following further discussion, Council President Brendmoen suggested tabling the item while Ms. Tierney drafted an amended resolution for the Council to vote on.

The item was taken up following agenda Item 75.

Councilmember Noecker moved Version 2 in Legistar.

Adopted as amended

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

Nay: 0

71 [RES PH 20-7](#)

Authorizing a change in the district council boundary between District 9 and District 17 pursuant to Chapter 95 of the Administrative Code.

Nancy Coffeen (292 Irvine Avenue) spoke in support of the change.

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

Councilmember Noecker made brief comments and moved approval of the resolution.

Adopted

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

Nay: 0

72 [RES PH 20-32](#)

Ratifying the assessments for Replacement of Lead Water Service Line on Private Properties during July to September 2019. (File No. 2001LDSRP, Assessment No. 204000)

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

Adopted

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

Nay: 0

- 73** [RES PH 20-34](#) Ratifying the assessments for Replacement of Sanitary Sewer Line on Private Properties during July to September 2019. (File No. SWRP2001, Assessment No. 203000)

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

Adopted

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

Nay: 0

- 74** [RES PH 20-31](#) Approving the Final (combined) Plat for Waterford Bay at 380 Randolph Avenue.

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

Adopted

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

Nay: 0

75 [APC 20-1](#)

Public hearing to consider the appeal of Keith Hovland to a Planning Commission decision approving a nonconforming use permit with variance to change the angle of the east facing billboard face at 2516 Wabash Avenue (ZF#: 19-103405).

Anton Jerve, Planning and Economic Development, gave a staff report on the application and appeal. He reviewed the ordinance related to billboards. If the existing billboard were converted, the it would need to be rotated 5% would remove the visual field from residences. Rotating the billboard required relocation of the nonconforming use and a variance. The Zoning Committee held a public hearing on the application; the St. Anthony Park Community Council sent a letter of opposition citing impacts to future development and safety concerns. The zoning committee found the application met the standards for relocation of a non-conforming use and for the variance. The zoning committee approved the application 4 to 1, and the Planning Commission unanimously approved the zoning committee's recommendation. The Planning Commission decision was appealed primarily citing potential traffic safety issues and impact to the community character.

Appellant:

Dan Cornajo (1657 Saunders Avenue) professional city planner and former PED director spoke in support of the appeal. He said the Zoning Code sought to reduce the number of billboards in the city. This application would involve taking down some billboards, but they were not great billboards, in poor locations and were probably going to come down anyway. The Zoning Code also sought to promote traffic safety by reducing the distracting effect of signage. He read from the urban design focus area of the Comprehensive Plan, and said profit, not economic value, seemed to be the main motive behind Outfront Media's original application. He said the Land Use and Transportation chapters of the Comprehensive Plan both referred to lessening the negative impacts of interstate highways. He said he felt billboards represented visual pollution. He said another dynamic display billboard was not needed, especially at the intersection of two major highways.

Michael Russelle (2265 Luther Place) said he agreed with most of the points made in the letters received and the comments, with the addition that they were not just concerned about traffic on the highway but also local drivers and bicyclists. He expressed concerns about vehicle recognition technology. He read a letter from Robert Strong.

Jeanne Weigum (1647 Laurel) said the Planning Commission erred in finding this would not endanger public health or safety, that it would not negatively impact the neighborhood, and that this was done for anything other than economic benefit.

In opposition to the appeal:

John Bodger, Outfront Media, said they believed the Planning Commission was correct in approving their application. He said they submitted a study obtained from the Federal Highway Administration showing no increase in traffic accidents associated with digital signs. He said they just had to move the billboard 6 to 12 inches to get clear view down the freeway and eliminate any view to the residential. They were going to remove 38 billboards, including at least two in each ward.

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

Council members Jalali, Prince and Noecker and Council President Brendmoen asked

questions of Mr. Jerve.

Councilmember Jalali said reviewed the findings and said she believed the concerns were understandable but didn't feel she could justify overruling the decision made. She moved to deny the appeal.

Councilmember Noecker spoke in support of the motion.

Councilmember Prince spoke in opposition.

Motion of intent - Appeal denied

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

Nay: 1 - Councilmember Prince

76 [RES PH 20-50](#)

Approving a Five-Year Street Reconstruction Plan for the Fiscal Years 2020 through 2024 and granting preliminary approval to the issuance of certain General Obligation Street Reconstruction Bonds by the City.

Public Works Director Kathy Lantry gave a staff report. She said the Council was being asked to approve the five-year plan for Public Works reconstruction projects that would be paid for by street reconstruction bonds. She said the five-year plan was required because of the way they were paying for the projects, Public Works had had a five-year plan for the past five years and had developed it as a tool to help them be more plan-ful and transparent in their work. She reviewed the process by which projects got onto the list for reconstruction, and she reviewed the projects on the list, and said they were also proposing to use street reconstruction bonds to pay for Ayd Mill Road. She reviewed the portions of the resolution related to the Ayd Mill Road project ion related to Ayd Mill Road and that the project could come back before the Council for final approval, and said Public Works and the Administration had committed that the final design and financing for Ayd Mill would come before the Council for approval. She said the Mayor and Public Works had also agreed to include funds in the 2021 budget in case additional mitigation was needed after implementation. She answered questions from Council members.

Councilmember Thao moved an amended Version 2 to remove Ayd Mill Road from this 2020 proposal and deal with it at another time, and reduce the amount from \$20 million to \$13.8 million. He said he felt this whole process was a surprise, and it should e a public discussion.

There was additional discussion and questions among Council members, Director Lantry, and Interim Finance Director John McCarthy.

Council members Noecker and Prince spoke in support of the motion.

Council members Tolbert, Jalali, and Yang and Council President Brendmoen spoke in opposition to the amendment.

Vote on amendment Yeas - 3 Nays - 4 (Tolbert, Jalali, Yang, and Brendmoen)

Councilmember Thao moved a friendly amendment in Version 3 which strengthened the language related to the traffic modeling and the public engagement process spelled out under numbers 4, 5, and 6 in the Resolved section.

Council President Brendmoen asked for a friendly amendment of Councilmember Thao's amendment, at the request of bond counsel, that number 1 under the Resolved section have language added to cap the amount at \$20 million.

Following further discussion, there was a vote on the amendment. Yeas - 7 Nays - 0

No one was present to testify.

Councilmember Jalali moved to close the public hearing and approve the resolution as amended.

Adopted as amended

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

Nay: 0

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 7:35 p.m.

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