



City of Saint Paul

City Council Meeting Minutes - Final

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor
Katie Burger, Executive
Assistant, 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, October 5, 2016

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, City Council President Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 16-60** Letter from the Department of Safety and Inspections declaring 1917 4th Street East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and filed

- 2 **AO 16-79** Authorizing the Police Department to purchase alcoholic beverages and water for the 1-2016 Police Academy, Standardized Field Sobriety Tests.
Received and filed

- 3 **AO 16-80** Amending the 2016 spending budget for the Office of Technology and Communications.
Received and filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 4 - 16)

Councilmember Prince moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

- 4 RES 16-1705** Approving the use of grant funds through the Neighborhood STAR Year-Round program for Karibu Grocery and Deli in Ward 7.
Adopted
- 5 RES 16-1598** Preliminary Order setting the date of City Council public hearing for November 2, 2016 to consider approval of the 2017 Right-of-Way Maintenance Program and 2017 Above-Standard Lighting Operation and Maintenance Program. (File No. 17ROW FINAL)
Adopted
- 6 RES 16-1607** Approving the City's cost of providing Boarding and/or Securing services during July 2016, and setting date of Legislative Hearing for November 8, 2016 and City Council public hearing for January 18, 2017 to consider and levy the assessments against individual properties. (File No. J1702B, Assessment No. 178101)
Adopted
- 7 RES 16-1609** Approving the City's cost of providing Property Clean Up services during August 1 to 31, 2016, and setting date of Legislative Hearing for November 8, 2016 and City Council public hearing for January 18, 2017 to consider and levy the assessments against individual properties. (File No. J1702A, Assessment No. 178501)
Adopted
- 8 RES 16-1610** Approving the City's cost of providing Trash Hauling services during August 3 to 31, 2016, and setting date of Legislative Hearing for November 8, 2016 and City Council public hearing for January 18, 2017 to consider and levy the assessments against individual properties. (File No. J1702G, Assessment No. 178701)
Adopted

- 9 **RES 16-1612** Approving the City's cost of providing Graffiti Removal services during August 7 to 16, 2016, and setting date of Legislative Hearing for November 8, 2016 and City Council public hearing for January 18, 2017 to consider and levy the assessments against individual properties. (File No. J1702P, Assessment No. 178401)
Adopted
- 10 **RES 16-1658** Authorizing the Fire Department to enter into a joint powers agreement with the State of Minnesota - State Patrol Division for helicopter operation training.
Adopted
- 11 **RES 16-1664** Authorizing the Fire Department to donate obsolete foam to Magellan Midstream Partners.
Adopted
- 12 **RES 16-1692** Authorizing the Fire Department to enter into an agreement with the City of Roseville for the use of the Fire Department training facilities.
Adopted
- 13 **RES 16-1641** Authorizing the Department of Parks and Recreation to apply for, and if awarded, enter into a grant agreement with the Minnesota Department of Employment and Economic Development to accept up to \$350,000 in one-time Youth at Work grant funds for the Right Track Program.
Adopted
- 14 **RES 16-1684** Approving the application for grants from Clean Water, Land and Legacy Amendment funds through the Parks and Trails program for state fiscal years 2018 and 2019.
Adopted
- 15 **RES 16-1711** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Liquor On Sale - 101-180 Seats, Liquor on Sale - Sunday, and Entertainment (B) licenses, for North Garden Theater (I.D. #20160001598), d/b/a North Garden Theater at 929 Seventh Street West.
Adopted

- 16 **RES 16-1703** Waiving the three-hundred (300) foot separation distance requirement from two (2) protected uses, and approving the addition of Liquor On Sale - 100 seats or less and Liquor On Sale-Sunday licenses to the existing licenses held by French Meadow On Grand, LLC, d/b/a French Meadow Bakery & Café (License ID #20130001546) at 1662 Grand Avenue.

Adopted

FOR DISCUSSION

- 17 **RES 16-1718** Declaring October Domestic Violence Awareness Month

Councilmember Brendmoen invited representatives from the St. Paul and Ramsey County Intervention Project, and Minnesota Coalition for Battered Women to the podium. She read the resolution. Shelley Johnson Cline from the St. Paul and Ramsey County Intervention Project made brief comments. Councilmember Brendmoen moved approval of the resolution.

Adopted

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

Nay: 0

- 18 **RES 16-1533** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for a Second Hand Dealer - Motor Vehicle license, for Camauto Sales, LLC (I.D. #20160000413), d/b/a Camauto Sales, 1265 Arcade Street. (Laid over from September 21 and October 5)

Councilmember Bostrom moved a two-week layover.

Laid over to October 19

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

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

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

- 19 RES PH 16-308** Amending the financing and spending plans in the Fire Department in the amount of \$300 to accept the donation received from Saint Paul Fire Supervisory Association for the Safety Camp.
- No one appeared in opposition; Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0

- 20 RES PH 16-309** Amending the financing and spending plans in the Fire Department in the amount of \$9,468.75 for the Firehouse Subs Public Safety Foundation grant.
- No one appeared in opposition; Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0

Council members shared good news from their Wards.

The Council recessed at 3:43 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:33 p.m.

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

Councilmember Thao arrived after roll call.

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

- 21 **Ord 16-14** Amending Chapter 229 of the Legislative Code setting curfew times for children. (To be withdrawn.)
- Council President Stark said the item was being withdrawn. Councilmember Noecker said she had introduced the item in response to concerns about safety downtown, and was withdrawing it after talking with various groups about possible unintended consequences. She said she had decided the ordinance was not the best approach but she would continue to work on other ways to address safety downtown and find opportunities for young people to be productively engaged downtown.*
- Withdrawn**
- 22 **Ord 16-39** Amending Saint Paul Legislative Code section 409.07(b), expanding the allowable hours of liquor off-sale to 10:00 p.m. Monday - Saturday.
- The following appeared in support:
Joe Giambruno (414 7th Street West), Bad Weather Brewing
Jeff Moriarty (125 East 9th Street) Tin Whiskers*
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Councilmember Tolbert said public comment had been solicited and the majority was positive.*
- Public hearing held and closed; laid over to October 12 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 23 **Ord 16-38** Granting the application of Phalenview Real Estate LLC to rezone property at 419 Whitall Street from RT1 Two-Family Residential to RM2 Multiple Family Residential, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.
- Applicant Gerald Frisch (2350 West 7th Street) appeared in support.*
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Public hearing held and closed; laid over to October 12 for final adoption**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 24 **RES PH 16-246** Ratifying the assessment for improvements along Jackson Street from Shepard Road to 7th Place. (File No. 19173, Assessment No. 165202)
- No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**

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

Nay: 0

25 RES PH 16-253

Ratifying the assessment for an alley improvement in the block bounded by Juliet Avenue, Palace Avenue, Lexington Parkway, and Oxford Street. (Project No. 19177, Assessment No. 155001)

Martha Bulinski (408 Lexington Parkway) thanked Councilmember Tolbert for helping out with a neighborhood situation. She said the alley looked beautiful.

No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

26 RES PH 16-261

Ratifying the assessment for the improvements on Randolph Avenue from Syndicate to 35E. (File No. 19196, Assessment No. 165206)

No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

27 RES PH 16-250

Ratifying the assessment for completion of the city sidewalk on the south side of Brewster Street between Gibbs and Fifield, and the east side of Fifield Street between Brewster and Como. (Project No. S1502, Assessment No. 155302)

No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

28 RES PH 16-248

Ratifying the assessment for improvements along Wheelock Parkway from Rice Street to Edgerton Street-Phase I, Part A. (File No. 19175B, Assessment No. 165201) (Public hearing held October 5; laid over from October 19)

In opposition:
Jeff O'Rourke, Mosaic Christian Community (540 E. Wheelock)
Hou Lor (344 Wheelock Parkway E.)

Councilmember Brendmoen asked public works staff whether an amendment was made to move to a flat administrative fee and remove interest from the administrative fee. She said she didn't feel the administrative fee should be based on front footage, and she asked for clarification of what was being paid for when payments were spread over 20 years. Public Works Director Kathy Lantry said she would discuss that with staff and report back.

*Mark J Guertin (525 Wheelock Parkway)
Kristi Wheeler (519 Wheelock Parkway)
Ler Moo (354 Wheelock Parkway)
Jennifer Troy (38 Wheelock Parkway E.)*

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

Bruce Engelbrekt (Real Estate Section of Finance Department) made some clarifications on the way interest and administrative fees were charged.

Councilmember Brendmoen said the issue was especially meaningful for this project where there were a lot of large lots, and administering the charge should be the same. She said she would like to lay the matter over for a week to see what the impact of a flat fee would be for some of these properties. In response to a question from Councilmember Tolbert she said she was proposing this change as a policy change for all projects. She said the Council had talked about it as part of a broader conversation about financial options and equity in the street vitality program.

Public hearing held and closed; laid over to October 12

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

Nay: 0

29 RES PH 16-249 Ratifying the assessment for improvements in the Payne Avenue & Bedford Street area. (File No. 19195B, Assessment No. 165204)

No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.

The item was recalled following item 31. Yeas - 7 Nays - 0

In opposition:
Margarita Garcia (641 Bedford Street) testified via an interpreter.

Councilmember Brendmoen asked the interpreter to assist City staff in explaining to Ms. Garcia the option of allowing the fee to be assessed to property taxes and spread over 20 years.

Councilmember Brendmoen moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

- 30 RES PH 16-243** Ratifying the assessment for the Third Street-Johnson Parkway to White Bear Avenue rehabilitation project. (File No. 19198, Assessment No. 165208)

No one appeared in opposition; Councilmember Prince moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

- 31 RES PH 16-287** Ratifying the assessment costs for the 2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program. (File No. 16ROW FINAL, Assessment No. 160032)

Public Works Director Kathy Lantry said this was a 2.5% increase over the 2015 rates.

Council President Stark said anyone who had filed an objection would be given a date to appear with the Legislative Hearing Officer to present a factual basis for the objection and for the City to respond with factual information. He listed the hearing dates. He clarified that those who hadn't submitted comments in writing would have to testify in order to have an appeal scheduled.

In opposition:

Korey Konkel (2300 Edgcumbe Road) provided a letter and photographs, and expressed concern about the poor quality of the street work done in his neighborhood. He said he'd tried unsuccessfully to contact Public Works staff about his concerns. Council President Stark said Public Works staff was present to address concerns and answer questions.

Jack Hoeschler (1630 Edgcumbe) reviewed the letter he'd submitted, and said these issues should be taken up with the City Attorney and administration. He asked that the Council set this aside until it was determined that the City was on solid ground.

Linda Rhodes (374 Wheeler Street North) expressed concern about the way corner, multi-family buildings were assessed and about the poor quality of the street maintenance work done. She requested a refund.

Shawn Krukowski, Tradewind Products (836 Smith), said her husband did the alley snow plowing, and the streets weren't plowed for two or three days, and sometimes never. She said street cleaners come just twice a year and didn't come in front of her building, and the pavement wasn't repaired this year. She expressed concern about the effect the Smith Avenue bridge closure would have on her business.

Ferdinand Peters (1708 Portland Avenue) delivered documents, and referred to notices already submitted. He urged the Council to read the Supreme Court decision

carefully, and he said it was out of order to pass a resolution ratifying the assessment when some hadn't been heard. Council President Stark clarified that the assessments for people who had submitted written or verbal objections would be pulled from the roll pending the hearing process.

Mike Schumann (541 Dayton Avenue) said he had been arguing for ten years that the system was unfair for commercial corner properties, and the Council said last year that the problem would be fixed. He said there was a similar situation with downtown churches, and the program was used as a way to hide tax increases.

Craig Wildfang (800 LaSalle Avenue, Minneapolis) said he had represented Mr. Schumann for 10 years and would litigate if the City didn't correct the problem.

Philip Krinkie (1400 Concordia Avenue) said what the city was doing was unconstitutional. He said the Council you didn't create the situation but it was up to them to resolve it.

Margarita Garcia (641 Bedford Street) testified on the Payne Avenue project via an interpreter. Council President Stark said they would come back to that item.

Councilmember Noecker moved to close the public hearing and approve the resolution as amended, with those properties which had challenged their assessments removed from the roll.

Councilmember Prince said the Council had heard from an attorney that the intention was to create a class on behalf appellants; she asked the City Attorney to advise the Council on how to handle that question. Deputy City Attorney Rachel Tierney said the City Attorney's Office was aware of the challenge, and based on their analysis they were not recommending that the roll be laid over. Councilmember Prince asked whether laying it over was an option. Council President Stark said technically it was an option. Councilmember Prince said she recognized the case that had gone before the Supreme Court was coming back before the district court on remand and that questions of law would be determined at that time based on the Supreme Courts decision. She said she wanted to feel confident that by ratifying the assessment, the Council was not acting illegally. She said she would like to move a layover of the ratification until the next week for more clarification.

Council President Stark said he would speak against that motion. He said they had been advised by counsel that wasn't the best course of action at that time. Councilmember Bostrom asked Ms. Tierney whether there was a deadline. Ms. Tierney said all objecting parties had been scheduled for hearings beginning the following week, and a layover would result in those having to be rescheduled. She said there was a deadline of November 30 for reporting the assessment to the County Auditor, and a deadline of November 15 for property owners to pay the fees interest-free.

Councilmember Thao said he would vote against the motion. He said he was not sure one week would accomplish much, and there was a process in place.

Vote on motion Yeas - 2 Nays - 5 (Stark, Thao, Noecker, Tolbert, Brendmoen)

Council President Stark said the Council would now return to the original motion by Councilmember Noecker to approve the amended resolution.

Councilmember Prince asked whether the Council had passed a resolution stating all churches should be charged at the residential rate as stated by Mr. Hoeschler. Council President Stark said not that he was aware of.

Further action was taken on the item following passage of the Legislative Hearing Consent Agenda:

Council President Stark moved to recall item 31 to amend in the schedule of follow-up hearings with the Legislative Hearing Officer. Yeas - 7 Nays - 0

Legislative Hearing Officer Marcia Moermond read the dates and times of the newly scheduled hearings.

Council President Stark moved approval of the resolution as amended.

Adopted as amended

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark and Councilmember Noecker

Nay: 2 - Councilmember Bostrom and Councilmember Prince

32 RES PH 16-310

Approving the application of Meritage Restaurant for a sound level variance in order to present amplified live music at Hamm Plaza, 99 Sixth Street West, on Sunday, October 16, 2016 for the Meritage Oysterfest.

No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

33 RES PH 16-315

Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and/or use of musical instruments at Summit Avenue and Lexington Parkway, and Summit Avenue and Oxford Street South on Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon.

No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

34 RES PH 16-316

Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and/or use of musical instruments at Summit Avenue and Virginia Street, and Summit Avenue and Selby Avenue on Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon.

Councilmember Brendmoen asked how the message could be conveyed to the people who input these items to abbreviate the description. Council President Stark noted that DSI staff was present, and said the Council would like to reiterate that they'd like to simplify and combine sound level variance resolutions when possible.

No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

- 35 RES PH 16-317** Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and use of microphones at 75 Reverend Dr. Martin Luther King Jr. Boulevard of the State Capitol Complex on Saturday, October 8, 2016 and Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon.

No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

- 36 RES PH 16-314** Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and/or use of musical instruments on Summit Avenue between Albert Street South and Hamline Avenue, and at Summit Avenue and Syndicate Street South on Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon.

No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

- 37 RES PH 16-311** Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and/or use of musical instruments at Mississippi River Boulevard and Marshall Avenue on Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon.

No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

- 38 RES PH 16-312** Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and/or use of musical instruments at Summit Avenue and Prior Avenue North, and Summit Avenue and Howell Street North on Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon.

No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

- 39 RES PH 16-313** Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and/or use of musical instruments at Summit Avenue and Fry Street North, and Summit Avenue and Saratoga Street North on Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon.

No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 73 RLH TA 16-377** Ratifying the Appealed Special Tax Assessment for Property at 606 LAFOND AVENUE. (File No. J1612B; Assessment No. 168112)

Legislative Hearing Officer Marcia Moermond gave a staff report on the assessment for emergency boarding which had occurred following a police visit in response to a report of illegal occupancy. She said the appellant stated the occupants were people who were helping to clean up the property, but Ms. Moermond said the fact that the occupants fled at the time of the police visit indicated otherwise. She said the house was emptied and an emergency boarding ordered, at a cost of \$520. She recommended approving the assessment as written. She clarified for Councilmember Thao that only one unit of the building had been condemned and ordered vacated.

Council President Stark said the bottom line was that the police did an emergency boarding and that's what the assessment was for.

Property owner Inho Chang testified in opposition. He said he and some helpers started to clean the property after the tenants were evicted, and he asked the helpers to stay overnight in case the tenant returned. He said the person who jumped out the window when the police came might have been one of his helpers who was scared of the police. He said he had just gotten the property back from the tenant and for some reason the police came out the very next day. He said he didn't think the house had been condemned yet at that time. He said he appreciated the police's work to keep the area safe but felt it was unnecessary to board up the house.

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

Councilmember Thao said Mr. Chang sounded like a decent landlord, and he thanked Mr. Chang for investing in St. Paul. He said the City had done the work and there was a cost associated with it, and he moved to adopt Ms. Moermond's recommendation.

Adopted

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

Nay: 0

83 RLH TA 16-427

 Ratifying the Appealed Special Tax Assessment for Property at 1554 MIDWAY PARKWAY. (File No. J1612B, Assessment No. 168112)

Legislative Hearing Officer Marcia Moermond gave a staff report on the assessments for two emergency boardings at the old Sholom Home. She said police made the determination when they were called on both occasions to secure the building. She recommended approving the assessment.

?? said they did not dispute the report but wanted to add some context. He said they had not anticipated the problems they'd encountered in keeping the building secure and had had \$500,00 of materials stolen from the property. He said they had been working with the City to keep the building secure, and he wanted to go on record as saying they had been cooperative and the problems weren't purposeful. He said they were looking for investors to develop the building into an assisted living facility, but due to the condition of the building it would be a very expensive project.

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

Council President Stark said he appreciated the testimony and the responsiveness cited in the testimony. He said the property had been vacant a long time and neighbors were getting fed up with some of the challenges. He said the new owner's interest in getting the project completed and the building occupied were in line with those of the neighbors, and he hoped the lines of communication would stay open. He moved to adopt Ms. Moermond's recommendation.

Adopted

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

Nay: 0

88 RLH TA 16-276 Ratifying the Appealed Special Tax Assessment for Property at 1574 PACIFIC STREET. (File No. J1610A, Assessment No. 168526; amended to File No. J1610A2, Assessment No. 168540) (Public hearing continued from July 20, 2016)

Legislative Hearing Officer Marcia Moermond said she had laid the matter over from July 20 to request a reduction the assessment if there were no subsequent violations. She said there was one additional violation in her opinion. She reviewed circumstances of the original violation, for which there was partial compliance. She said the second violation was a vehicle abatement order that was corrected, but still involved a trip by the inspector and constituted a violation. She recommended approving the assessment. She clarified the situation in response to a question from Councilmember Prince.

In opposition:

Lateisha Miller (1574 Pacific Street) said the car didn't belong to anyone at the address and she didn't feel they should be responsible. She asked for the assessment to be reduced.

Councilmember Prince asked if there was some question about whether the car did belong to the property. Ms. Moermond said car was open to entry, with windows broken out on the side. She said she wasn't sure if a determination was made as to whether the car was drivable. She said it was considered to be an abandoned vehicle, and something on the property that was creating a nuisance.

Councilmember Prince said she would like to reduce assessment by half, to \$238.

Adopted as amended (assessment reduced)

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

Nay: 0

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

No one appeared in opposition; Councilmember Tolbert 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 Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

40 RLH TA 16-406 Ratifying the Appealed Special Tax Assessment for Property at 296 BATES AVENUE. (File No. J1614A, Assessment No. 168537)

Adopted

- 41 **RLH TA 16-389** Ratifying the Appealed Special Tax Assessment for Property at 924 BEECH STREET. (File No. VB1615, Assessment No. 168822)
Adopted
- 42 **RLH TA 16-451** Ratifying the Appealed Special Tax Assessment for Property at 995 BEECH STREET. (File No. VB1614A, Assessment No. 168825)
Adopted
- 43 **RLH TA 16-452** Ratifying the Appealed Special Tax Assessment for Property at 995 BEECH STREET. (File No. J1614A, Assessment No. 168537)
Adopted
- 44 **RLH CO 16-35** Appeal of Marjorie Conrad to a Correction Notice at 1595 BLAIR AVENUE.
Referred to Legislative Hearings on December 13
- 45 **RLH FCO**
 16-140 Appeal of Jeremy Lostetter to a Correction Notice-Complaint Inspection at 1410 BRED A AVENUE.
Adopted
- 46 **RLH TA 16-380** Deleting the Appealed Special Tax Assessment for Property at 500 BUSH AVENUE. (File No. J1611P, Assessment No. 168411)
Adopted
- 47 **RLH VO 16-39** Appeal of Bee Vue to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 606 BUSH AVENUE.
Adopted
- 48 **RLH TA 16-426** Ratifying the Appealed Special Tax Assessment for Property at 869 CARROLL AVENUE. (File No. J1614A, Assessment No. 168537)
Adopted
- 49 **RLH TA 16-387** Ratifying the Appealed Special Tax Assessment for Property at 598 CASE AVENUE. (File No. VB1615, Assessment No. 168822, Amended to File No. VB1615A, Assessment No. 168826)
Public hearing continued to October 19
- 50 **RLH TA 16-407** Ratifying the Appealed Special Tax Assessment for Property at 1107 CASE AVENUE. (File No. J1612E, Assessment No. 168322)
Adopted

- 51 **RLH RR 16-33** Ordering the razing and removal of the structures at 1530 CHARLES AVENUE within fifteen (15) days after the September 7, 2016, City Council Public Hearing. (Public hearing continued from September 7)
Adopted
- 52 **RLH TA 16-480** Ratifying the Appealed Special Tax Assessment for Property at 1292 CLARENCE STREET. (File No. J1612E, Assessment No. 168322). (Amended to delete)
Adopted as amended (assessment deleted)
- 53 **RLH FCO
16-121** Appeal of Joseph Fine and Robert Fine to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 690 CLEVELAND AVENUE SOUTH.
Adopted
- 54 **RLH TA 16-393** Deleting the Appealed Special Tax Assessment for Property at 910 COTTAGE AVENUE EAST. (File No. J1609C, Assessment No. 162012)
Adopted
- 55 **RLH TA 16-418** Deleting the Appealed Special Tax Assessment for Property at 702/706 DAYTON AVENUE. (File No. J1614A, Assessment No. 168537)
Adopted
- 56 **RLH TA 16-422** Ratifying the Appealed Special Tax Assessment for Property at 1022 EARL STREET. (File No. J1612E, Assessment No. 168322)
Adopted
- 57 **RLH TA 16-405** Deleting the Appealed Special Tax Assessment for Property at 970 EUCLID STREET. (File No. J1614A, Assessment No. 168537)
Adopted
- 58 **RLH TA 16-92** Ratifying the Appealed Special Tax Assessment for Property at 1033 EUCLID STREET. (File No. J1606E, Assessment No. 168305; amended to File No. J1606E2, Assessment No. 168320 and to delete the assessment)
Adopted as amended (assessment deleted)
- 59 **RLH VBR 16-56** Appeal of Stamate Skliris to a Vacant Building Registration Requirement at 733 FAIRVIEW AVENUE NORTH.
Adopted

- 60 **RLH TA 16-413** Ratifying the Appealed Special Tax Assessment for Property at 1118 FOURTH STREET EAST. (File No. J1614A, Assessment No. 168537)
Adopted
- 61 **RLH TA 16-424** Ratifying the Appealed Special Tax Assessment for Property at 1041 FREMONT AVENUE. (File No. J1614A, Assessment No.168537)
Adopted
- 62 **RLH TA 16-425** Ratifying the Appealed Special Tax Assessment for Property at 1045 FREMONT AVENUE. (File No. J1614A, Assessment No. 168537)
Adopted
- 63 **RLH TA 16-438** Ratifying the Appealed Special Tax Assessment for Property at 390/392 FRY STREET. (File No. J1609C, Assessment No. 162012)
Adopted
- 64 **RLH FCO
16-146** Appeal of Scott Sorum to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 201 GEORGE STREET WEST.
Adopted
- 65 **RLH TA 16-435** Ratifying the Appealed Special Tax Assessment for Property at 674 HAWTHORNE AVENUE EAST. (File No. J1602V, Assessment No. 168001)
Adopted
- 66 **RLH RR 16-35** Ordering the razing and removal of the structures at 1242 HEWITT AVENUE within fifteen (15) days after the September 7, 2016, City Council Public Hearing.
Referred to Legislative Hearings on October 25
- 67 **RLH TA 16-434** Ratifying the Appealed Special Tax Assessment for Property at 787 HOWELL STREET NORTH. (File No. J1612E, Assessment No. 168322)
Adopted
- 68 **RLH TA 16-417** Ratifying the Appealed Special Tax Assessment for Property at 1661 IDAHO AVENUE EAST. (File No. J1612E, Assessment No. 168322)
Adopted
- 69 **RLH CO 16-34** Appeal of Douglas Coppess to a Correction Notice at 1016 IGLEHART AVENUE.
Adopted

- 70 **RLH VBR 16-60** Appeal of Leo Viktora to a Vacant Building Registration Notice at 2129 JAMES AVENUE.
Adopted
- 71 **RLH TA 16-383** Deleting the Appealed Special Tax Assessment for Property at 755 JESSAMINE AVENUE EAST. (File No. VB1615, Assessment No. 1688220)
Adopted
- 72 **RLH TA 16-408** Deleting the Appealed Special Tax Assessment for Property at 846-848 JESSAMINE AVENUE EAST. (File No. J1612E, Assessment No. 168322)
Adopted
- 74 **RLH TA 16-419** Ratifying the Appealed Special Tax Assessment for Property at 691 LAFOND AVENUE. (File No. J1614A, Assessment No. 168537)
Adopted
- 75 **RLH TA 16-401** Deleting the Appealed Special Tax Assessment for Property at 1152 LANE PLACE. (File No. J1612E, Assessment No. 168322)
Adopted
- 76 **RLH TA 16-409** Ratifying the Appealed Special Tax Assessment for Property at 695 LAWSON AVENUE EAST. (File No. J1612E, Assessment No. 168322)
Adopted
- 77 **RLH TA 16-410** Ratifying the Appealed Special Tax Assessment for Property at 984 LEXINGTON PARKWAY NORTH. (File No. J1614A, Assessment No. 168537)
Adopted
- 78 **RLH TA 16-388** Ratifying the Appealed Special Tax Assessment for Property at 599 MAGNOLIA AVENUE EAST. (File No. VB1615, Assessment No. 168822)
Adopted
- 79 **RLH TA 16-411** Ratifying the Appealed Special Tax Assessment for Property at 665 MAGNOLIA AVENUE EAST. (File No. J1614A, Assessment No. 168537; Amended to File No. J1614A1, Assessment No. 168551) (Public hearing continued from October 5; Legislative Hearing on October 18)
Public hearing continued to October 19

- 80 **RLH TA 16-396** Ratifying the Appealed Special Tax Assessment for Property at 772 MAGNOLIA AVENUE EAST. (File No. VB1615, Assessment No. 168822)
Adopted
- 81 **RLH TA 16-420** Ratifying the Appealed Special Tax Assessment for Property at 973 MARION STREET. (File No. J1614A, Assessment No. 168537)
Adopted
- 82 **RLH TA 16-412** Deleting the Appealed Special Tax Assessment for Property at 731 MARYLAND AVENUE EAST. (File No. J1614A, Assessment No. 168537)
Adopted
- 84 **RLH TA 16-215** Ratifying the Appealed Special Tax Assessment for Property at 476 MINNEHAHA AVENUE EAST. (File No. J1609A, Assessment No. 168525; amended to File No. J1609A4, Assessment No. 168535 and to delete the assessment)
Adopted as amended (assessment deleted)
- 85 **RLH TA 16-381** Ratifying the Appealed Special Tax Assessment for Property at 1136 MINNEHAHA AVENUE EAST. (File No. VB1615, Assessment No. 168822)
Adopted
- 86 **RLH VO 16-37** Appeal of James Yacoub to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 638-640 OAKDALE AVENUE.
Adopted
- 87 **RLH TA 16-385** Ratifying the Appealed Special Tax Assessment for Property at 661 ORANGE AVENUE WEST. (File No. VB1615, Assessment No.168822; amended to File No. VB1615B, Assessment No. 168827) (Public hearing continued from October 5)
Public hearing continued to October 19
- 89 **RLH RR 16-40** Ordering the rehabilitation or razing and removal of the structures at 874 PASCAL STREET NORTH within fifteen (15) days after the September 21, 2016, City Council Public Hearing. (Amended to 180 Days)
Adopted as amended (180 days to remove or repair)
- 90 **RLH TA 16-397** Ratifying the Appealed Special Tax Assessment for Property at 719 PAYNE AVENUE. (File No. J1609C, Assessment No. 162012)
Adopted

- 91 **RLH TA 16-398** Deleting the Appealed Special Tax Assessment for Property at 719 PAYNE AVENUE. (File No. VB1615, Assessment No. 168822)
Adopted
- 92 **RLH TA 16-441** Amending Council File No. RLH AR 16-50 to delete the assessment for Property Clean Up services during April 1 to 28, 2016 at 2034 PINEHURST AVENUE. (File No. J1611A, Assessment No. 168527)
Adopted
- 93 **RLH TA 16-465** Ratifying the Appealed Special Tax Assessment for Property at 1722 RACE STREET. (File No. J1614A, Assessment No. 168537)
(Legislative Hearing on October 4)
Adopted as amended (assessment approved)
- 94 **RLH VBR 16-58** Appeal of Pangia Vang; representing Pranee Kempainen, Yamthongkam Properties, and Bangkok Thai Deli; to a Vacant Building Registration Renewal Notice at 1141 RICE STREET.
Adopted
- 95 **RLH TA 16-229** Ratifying the Appealed Special Tax Assessment for Property at 1054 ROSE AVENUE EAST. (File No. J1609A, Assessment No.168525; amended to File No. J1609A2, Assessment No. 168533 and to delete the assessment)
Adopted as amended (assessment deleted)
- 96 **RLH VBR 16-61** Appeal of Linda Johnson to a Vacant Building Registration Notice and Summary Abatement Order at 1069 RYDE STREET.
Adopted
- 97 **RLH TA 16-208** Ratifying the Appealed Special Tax Assessment for Property at 1453 SAINT CLAIR AVENUE. (File No. J1609A, Assessment No. 168525; amended to File No. J1609A5, Assessment No. 168536 and to delete the assessment)
Adopted as amended (assessment deleted)
- 98 **RLH FCO**
16-152 Appeal of David Faffler to a Correction Notice-Reinspection Complaint at 1709 SELBY AVENUE.
Adopted
- 99 **RLH TA 16-432** Ratifying the Appealed Special Tax Assessment for Property at 1271 SEMINARY AVENUE. (File No. J1612E, Assessment No. 168322).
Adopted

- 100 **RLH TA 16-414** Deleting the Appealed Special Tax Assessment for Property at 1495 SEVENTH STREET WEST. (File No. J1614A, Assessment No. 168537)
Adopted
- 101 **RLH TA 16-400** Ratifying the Appealed Special Tax Assessment for Property at 863 SIXTH STREET EAST. (File No. J1613A, Assessment No. 168531)
Adopted
- 102 **RLH TA 16-386** Ratifying the Appealed Special Tax Assessment for Property at 1109 SIXTH STREET EAST. (File No. VB1615, Assessment No. 168822)
Adopted as amended (assessment reduced)
- 103 **RLH VBR 16-55** Appeal of Anthony Verdeja to a Vacant Building Registration Notice at 831 SMITH AVENUE SOUTH.
Adopted
- 104 **RLH TA 16-430** Ratifying the Appealed Special Tax Assessment for Property at 201 SNELLING AVENUE NORTH. (File No. J1612B, Assessment No.168112)
Adopted
- 105 **RLH TA 16-415** Ratifying the Appealed Special Tax Assessment for Property at 992 THIRD STREET EAST. (File No. J1614A, Assessment No. 168537)
Adopted
- 106 **RLH TA 16-421** Ratifying the Appealed Special Tax Assessment for Property at 305 THOMAS AVENUE. (File No. J1614A, Assessment No. 168537)
Adopted
- 107 **RLH RR 16-46** Granting a stay to provide an extension of Council File No. RLH RR 16-9, an Order to Remove or Repair the Structures at 839 THOMAS AVENUE.
Adopted
- 108 **RLH TA 16-384** Deleting the Appealed Special Tax Assessment for Property at 383 UNIVERSITY AVENUE WEST. (File No. VB1615, Assessment No. 168822)
Adopted
- 109 **RLH VO 16-40** Amending Council File No. RLH VO 16-38, adopted September 7, 2016, to grant Heather Meyers, SMRLS on behalf of Winston Nguyen & Dianna Dong Thi Bui, an extension for property at 850 UNIVERSITY AVENUE WEST.
Adopted

- 110 **RLH TA 16-339** Ratifying the Appealed Special Tax Assessment for Property at 979 UNIVERSITY AVENUE WEST. (File No. CRT1611, Assessment No. 168212)
Public hearing continued to October 19
- 112 **RLH TA 16-222** Ratifying the Appealed Special Tax Assessment for Property at 122 WAYZATA STREET. (File No. J1609A, Assessment No. 168525, Amended to File No. J1609A, Assessment No. 168534 and to delete the assessment)
Adopted as amended (assessment deleted)
- 111 **RLH VBR 16-57** Appeal of Thomas Krebsbach to a Vacant Building Registration Renewal Notice at 1389 UNIVERSITY AVENUE WEST.
Adopted
- 113 **RLH TA 16-433** Deleting the Appealed Special Tax Assessment for Property at 601 WESTERN AVENUE NORTH. (File No. J1614A, Assessment No. 168537)
Adopted
- 114 **RLH TA 16-416** Ratifying the Appealed Special Tax Assessment for Property at 1040 WESTERN AVENUE NORTH. (File No. J1614A, Assessment No. 168537)
Adopted
- 115 **RLH VBR 16-59** Appeal of Wayne Berger to a Vacant Building Registration Notice at 407 WHEELLOCK PARKWAY WEST.
Adopted
- 116 **RLH TA 16-423** Deleting the Appealed Special Tax Assessment for Property at 1623 WHEELLOCK LANE. (File No. J1612E, Assessment No. 168322)
Adopted
- 117 **RLH TA 16-476** Amending Council Files Nos. RLH AR 16-59 and RLH TA 16-363 to correct the assessment for Graffiti Removal services during April 5 to May 18, 2016 at 429 WHITALL STREET to 629 WHITALL STREET. (File No. J1610P, Assessment No. 168410)
Adopted
- 118 **RLH TA 16-481** Ratifying the Appealed Special Tax Assessment for Property at 961 WILSON AVENUE. (File No. VB1615, Assessment No. 168822). (Amended to delete)
Adopted as amended (assessment deleted)

- 119 **RLH SAO 16-33** Appeal of Donnell Horn to a Summary Abatement Order at 970 WILSON AVENUE.
Adopted
- 120 **RLH VO 16-41** Amending Council File RLH VO 16-24, adopted July 20, 2016, to grant Don Cameron an additional extension for property at 669 YORK AVENUE.
Adopted
- 121 **RLH AR 16-63** Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during March 16 to April 8, 2016. (File No. CRT1612, Assessment No. 168213)
Adopted
- 122 **RLH AR 16-64** Ratifying the assessments for Collection of Vacant Building Registration Fees billed during January 4 to April 21, 2016. (File No. VB1615, Assessment No. 168822)
Adopted
- 123 **RLH AR 16-65** Ratifying the assessments for Emergency Tree Removal services during December 2015 to May 2016. (File No. J1613A, Assessment No. 168531)
Adopted
- 124 **RLH AR 16-66** Ratifying the assessments for Demolition services during March to June 2016. (File No. J1609C, Assessment No. 162012)
Adopted
- 125 **RLH AR 16-67** Ratifying the assessments for Graffiti Removal services during June 1 to 22, 2016. (File No. J1611P, Assessment No. 168411)
Adopted
- 126 **RLH AR 16-69** Ratifying the assessments for Excessive Use of Inspection/Abatement services billed during March 31 to May 6, 2016. (File No. J1612E, Assessment No. 168322)
Adopted
- 127 **RLH AR 16-70** Ratifying the assessments for Property Clean Up services during June 2 to July 1, 2016. (File No. J1614A, Assessment No. 168537)
Adopted as amended (1455 Edmund Avenue removed from the assessment roll for separate consideration)
- 128 **RLH AR 16-71** Ratifying the assessments for Trash Hauling services during June 1 to 29, 2016. (File No. J1613G, Assessment No. 168713)
Adopted

129 RLH AR 16-72 Ratifying the assessments for Boarding and/or Securing services during May 2016. (File No. J1612B, Assessment No. 168112)
Adopted as amended (956 Geranium Avenue East removed from the assessment roll for separate consideration)

130 RLH AR 16-73 Ratifying the assessments for Towing of Abandoned Vehicle services during April 2015 to March 2016. (File No. J1602V, Assessment No. 168001)
Adopted

Council President Stark moved to recall item 31 to amend in newly scheduled assessment appeal hearings. (See minutes for item 31)

ADJOURNMENT

Councilmember Bostrom moved adjournment.

Meeting adjourned at 7:33 p.m.

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

Nay: 0

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