



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor
651-266-8560

City Council Meeting Minutes - Final

*Council President Amy Brendmoen
Councilmember Kassim Busuri
Councilmember Mitra Jalali Nelson
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert*

Wednesday, August 21, 2019

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

Present 6 - Councilmember Amy Brendmoen, Councilmember Dai Thao,
Councilmember Rebecca Noecker, Councilmember Jane L. Prince,
Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri
Absent 1 - Councilmember Chris Tolbert

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 1 - 12)

Item 10 was removed from the Consent Agenda for separate consideration.

Councilmember Thao moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Tolbert

- 1 **RES 19-1387** Authorizing proper City officials to accept a gift membership in Welcoming America for the remainder of this year (2019).

Adopted

- 2 **RES 19-1366** Approving the release of sewer easement rights for an abandoned sewer in a portion of vacated Bidwell Street and the northwesterly corner of Block 187, Robertson's Addition to West Saint Paul (property at 84 Water Street West).
Adopted
- 3 **RES 19-1350** Declaring a hardship to satisfy petition requirements for a proposed vacation of Canfield Avenue adjacent to the property at 1290 Snelling Avenue North.
Adopted
- 4 **RES 19-1304** Approving the City's cost of providing Property Clean Up services during June 5 to 13, 2019, and setting date of Legislative Hearing for September 17, 2019 and City Council public hearing for January 8, 2020 to consider and levy the assessments against individual properties. (File No. J2001A, Assessment No. 208500)
Adopted
- 5 **RES 19-1305** Approving the City's cost of providing Property Clean Up services during June 14 to 28, 2019, and setting date of Legislative Hearing for September 17, 2019 and City Council public hearing for January 8, 2020 to consider and levy the assessments against individual properties. (File No. J2002A, Assessment No. 208501)
Adopted
- 6 **RES 19-1372** Authorizing the City of Saint Paul to accept a donation of up to \$2,700 from the National League of Cities.
Adopted
- 7 **RES 19-1384** Approving and authorizing the execution of the Sibley Park Apartments second amended and restated master subordination agreement and estoppel certificate, District 17, Ward 2.
Adopted
- 8 **RES 19-1341** Approving the Liquor Outdoor Service Area (Patio) license with conditions for NH Enterprises LLC, d/b/a Beamingful Coffee (License ID #20180003942) at 370 Wabasha Street.
Adopted
- 9 **RES 19-1329** Approving a waiver of the 45-day notice requirement to issue Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, and Entertainment (A) licenses with conditions to Amazed Group LLC, d/b/a Cups & Cheers (License ID #20190001176) at 1626 White Bear Avenue North.
Adopted

11 **RES 19-1310** Approving adverse action against the Cigarette/Tobacco license held by Carter's Oil and Food, d/b/a Carter's BP (License ID #20060003657) at 623 Como Avenue.

Adopted

12 **RES 19-1360** Approving adverse action against the Cigarette/Tobacco license held by Moundsview Retail Inc., d/b/a Mounds Park Market (License ID #20170000776) at 241 Earl Street.

Adopted

FOR DISCUSSION

Councilmember Tolbert joined the meeting.

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

10 **RES 19-1309** Approving adverse action against the Cigarette/Tobacco license held by Mel Lindholm, d/b/a Charlie's (License ID #20180002499) at 444 Cedar Street. (Public hearing continued from August 21)

City Clerk Shari Moore said the item would be moved to the 5:30 p.m. agenda because it required a public hearing.

13 **RES 19-1391** Celebrating Urban Roots and its 50 years serving the Saint Paul community.

Councilmember Prince invited representatives from Urban Roots to the podium. She read the resolution and invited representatives to introduce themselves. Executive Director Patsy Noble 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 Nelson and Councilmember Busuri

Nay: 0

14 **RES 19-1392** Recognizing the partnership of Comcast, the Sanneh Foundation, and Saint Paul Public Libraries to help bridge the digital divide.

Councilmember Prince invited Ron Orlando and Carly Warner to the podium. She read the resolution.

Ron Orlando, Comcast, 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 Nelson and Councilmember Busuri

Nay: 0

- 15 RLH TA 19-155** Ratifying the Appealed Special Tax Assessment for property at 1895 SAINT ANTHONY AVENUE. (File No. VB1907, Assessment No. 198806; amended to File No. VB1907B, Assessment No. 198819) (Public hearing held May 15)

Legislative Hearing Officer Marcia Moermond said the Council laid this matter over and was going to reduce the assessment if the code compliance certificate had been issued by today, but it had not been issued and the inspection had not been applied for. She recommended approving the assessment.

Councilmember Jalali Nelson moved to adopt Ms. Moermond's recommendation.

Adopted as amended (assessment ratified)

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

Nay: 0

Absent: 1 - Councilmember Prince

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

- 16 Ord 19-54** Amending Chapters 60, 61, 64, and 66 of the Legislative Code pertaining to establish Ford zoning districts, site plan review for Ford zoning districts, sign regulations for Ford zoning districts, references to the Ford Site Zoning and Public Realm Master Plan, and minor and major amendments to the Ford Site Zoning and Public Realm Master Plan.
Laid over to August 28 for second reading
- 17 Ord 19-55** Granting the application of the Housing and Redevelopment Authority to rezone property at 659 Otsego Street from RT1 Two-Family Residential to R4 One-Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
Laid over to August 28 for second reading
- 18 Ord 19-56** Amending Chapter 409 of the Legislative Code to raise the age of persons allowed to enter liquor stores from age eighteen (18) to twenty-one (21).

Councilmember Thao said he would be introducing an amendment the next week.

Laid over to August 28 for second reading

- 19 **Ord 19-57** Amending Chapter 324 of the Legislative Code to raise the age of persons allowed to purchase tobacco and tobacco related devices and products from eighteen (18) to twenty-one (21).

Councilmember Thao introduced and reviewed amendments. Council members requested clarification, and Councilmember Thao said he would wait and introduce the amendments the following week.

Laid over to August 28 for second reading

PUBLIC HEARINGS (3:30 p.m.)

- 20 **RES PH 19-169** Amending the City's Capital Improvement Budget and Operating Budget to reflect the final sale details resulting from the issuance of the G.O. Various Improvement Bonds, Series 2019D; and the G.O. Public Safety Refunding Bonds, Series 2019E.

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 Nelson and Councilmember Busuri

Nay: 0

- 21 **RES PH 19-281** Authorizing the Office of Financial Services through the Office of Financial Empowerment to accept a \$10,000 Phase One grant from the National League of Cities for a new initiative, Cities Addressing Fines and Fees Equitably.

No one was present to testify. Councilmember Jalali Nelson 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 Nelson and Councilmember Busuri

Nay: 0

- 22 **RES PH 19-270** Amending the financing and spending plans in the Fire Department in the amount of \$125,000 for a contribution received from the State of Minnesota to pay for training and equipment from the Fire Department Hazardous Materials team.

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 Nelson and Councilmember Busuri

Nay: 0

- 23 RES PH 19-271** Amending the financing and spending plans in the Fire Department in the amount of \$2,400 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 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 Nelson and Councilmember Busuri

Nay: 0

- 24 RES PH 19-272** Amending the financing and spending plans in the Fire Department in the amount of \$38,400 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 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 Nelson and Councilmember Busuri

Nay: 0

- 25 RES PH 19-262** Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$5,108,578.84 to reflect Metropolitan Council Clean Water, Land, and Legacy Amendment funds received for Parks projects.

No one was present to testify. Councilmember Jalali Nelson 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 Nelson and Councilmember Busuri

Nay: 0

- 26 RES PH 19-244** Establishing a financing and spending plan in the Department of Parks and Recreation in the amount of \$49,284 for STAR Grant funds received for security camera installation for the China Garden Pavilion in Phalen Regional Park.

No one was present to testify. Councilmember Busuri 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 Nelson and Councilmember Busuri

Nay: 0

- 27 RES PH 19-266** Accepting an Arts and Cultural Heritage Fund grant administered through the Minnesota Humanities Center Minnesota Department of Administration, establishing a financing and spending plan in the Department of Parks and Recreation in the amount of \$388,000 for the design of a Hmong Cultural Plaza in Phalen Regional Park, and entering into a required grant agreement, which includes an indemnification clause.

No one was present to testify. Councilmember Busuri 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 Nelson and Councilmember Busuri

Nay: 0

- 28 RES PH 19-205** Amending the financing and spending plans in the Department of Public Works Capital Budget by adding Saint Paul Sewer Utility, Saint Paul Regional Water Services, and assessment funding into the 2019 Fairview Street Reconstruction Project.

No one was present to testify. Councilmember Jalali Nelson 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 Nelson and Councilmember Busuri

Nay: 0

- 29 RES PH 19-216** Amending the financing and spending plans in the Department of Public Works Capital Budget to close out projects.

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 Nelson and Councilmember Busuri

Nay: 0

- 30 RES PH 19-264** Approving the application of Gray Duck Media, Growler Magazine for a sound level variance for outdoor music and announcements for the Unlabeled Event Series on September 20, 2019 at Upper Landing Park.

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 Nelson and Councilmember Busuri

Nay: 0

- 31 RES PH 19-267** Approving the application of Hangman Productions USA Inc. for two sound level variances for outdoor music and announcements on September 6 and September 7, 2019 during the Red Bull Flugtag Events at Harriet Island and Upper Landing Park.

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 Nelson and Councilmember Busuri

Nay: 0

- 32 RES PH 19-263** Approving the application of Minnesota United FC & Allianz Field for two sound level variances for amplified music on August 27 or August 28, 2019 for the MN United FC US Open Cup Final Game, and on September 3, 2019 for the International Soccer Friendly Event at 400 Snelling Avenue North.

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 Nelson and Councilmember Busuri

Nay: 0

- 33 RES PH 19-259** Approving the application of University of St. Thomas for a sound level variance for amplified sound on August 30, 2019 for the University of St. Thomas Welcome Days at O'Shaughnessy Stadium, 2115 Summit Avenue.
- No one was present to testify. Councilmember Jalali Nelson 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 Nelson and Councilmember Busuri
- Nay:** 0
- 34 RES PH 19-260** Approving the application of Dual Citizen Brewery for a sound level variance for amplified music on September 14, 2019 in the parking lot south of 725 Raymond Avenue for the Dual Citizen Block Party-Blocktoberfest.
- No one was present to testify. Councilmember Jalali Nelson 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 Nelson and Councilmember Busuri
- Nay:** 0
- 35 RES PH 19-265** Approving the application of the Asian Economic Development Association for a sound level variance for amplified music and performances in the parking lots at 2314 University Avenue and 2274 University Avenue on September 7 and September 8, 2019 for the Night Market @ Chroma Zone.
- No one was present to testify. Councilmember Jalali Nelson 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 Nelson and Councilmember Busuri
- Nay:** 0
- 36 RES PH 19-261** Approving the application of Anderson Race Management for a sound level variance for outdoor music and announcements for the Miles for Melanoma 5K on September 15, 2019 at Phalen Park.
- No one was present to testify. Councilmember Busuri 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 Nelson and Councilmember Busuri

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 37 - 54)

No one was present to testify. Councilmember Thao 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 Nelson and Councilmember Busuri

Nay: 0

- 37 RLH TA 19-492** Ratifying the Appealed Special Tax Assessment for property at 668 CALIFORNIA AVENUE EAST. (File No. CRT1910, Assessment No. 198211)
Adopted
- 38 RLH TA 19-511** Ratifying the Appealed Special Tax Assessment for property at 270 EARL STREET. (File No. VB1910, Assessment No. 198817)
Adopted
- 39 RLH TA 19-493** Ratifying the Appealed Special Tax Assessment for property at 1236 GALTIER STREET. (File No. J1908E3, Assessment No. 198321)
Adopted
- 40 RLH TA 19-494** Ratifying the Appealed Special Tax Assessment for property at 1236 GALTIER STREET. (File No. J1910E, Assessment No. 198316)
Adopted
- 41 RLH VO 19-33** Amending Council File RLH VO 19-23, adopted July 10, 2019, to grant Jin Zun Zou an additional extension for property at 2209 GLENRIDGE AVENUE.
Adopted
- 42 RLH TA 19-510** Ratifying the Appealed Special Tax Assessment for property at 363 LAWSON AVENUE EAST. (File No. J1910E, Assessment No. 198316)
Adopted

- 43 **RLH TA 19-11** Ratifying the Appealed Special Tax Assessment for property at 865 LAWSON AVENUE EAST. (File No. J1904E, Assessment No. 198303; amended to File No. J1904E1, Assessment No. 198312) (Public hearing continued from August 7)
Adopted as amended (assessment ratified)
- 44 **RLH TA 19-506** Deleting the Appealed Special Tax Assessment for property at 74 MARIA AVENUE. (File No. CRT1910, Assessment No. 198211)
Adopted
- 45 **RLH TA 19-525** Deleting the Appealed Special Tax Assessment for property at 879 RICE STREET. (File No. J1908P, Assessment No. 198407)
Adopted
- 46 **RLH TA 19-509** Deleting the Appealed Special Tax Assessment for property at 995 ROSE AVENUE EAST. (File No. VB1910, Assessment No. 198817)
Adopted
- 47 **RLH TA 19-660** Deleting the Appealed Special Tax Assessment for property at 336 WYOMING STREET EAST. (File No. VB1910, Assessment No. 198817) (Legislative Hearing on August 20)
Adopted
- 48 **RLH TA 19-644** Amending the previously ratified assessment to reduce the assessment for Collection of Delinquent Garbage Bills for services during October to December 2018 at 531 YORK AVENUE. (File No. CG1901E3, Assessment No. 190069)
Adopted
- 49 **RLH AR 19-67** Ratifying the assessments for Collection of Vacant Building Registration Fees billed during September 2, 2018 to February 14, 2019. (File No. VB1910, Assessment No. 198817)
Adopted
- 50 **RLH AR 19-68** Ratifying the assessments for Boarding and/or Securing services during March 2019. (File No. J1910B, Assessment No. 198109)
Adopted
- 51 **RLH AR 19-69** Ratifying the assessments for Demolition services from February 2019. (File No. J1908C, Assessment No. 192007)
Adopted

- 52 **RLH AR 19-70** Ratifying the assessments for Demolition services from April 2019 (C.D.B.G. Funds). (File No. J1909C, Assessment No. 192008)
Adopted
- 53 **RLH AR 19-71** Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during January 14 to February 8, 2019. (File No. CRT1910, Assessment No. 198211)
Adopted
- 54 **RLH AR 19-72** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during January 22 to February 19, 2019. (File No. J1910E, Assessment No. 198316)
Adopted

The Council recessed at 4:05 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:30 p.m. with Council Vice President Noecker presiding.

Council President Brendmoen excused.

Present 6 - Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

Absent 1 - Councilmember Amy Brendmoen

RES PH 19-266 Accepting an Arts and Cultural Heritage Fund grant administered through the Minnesota Humanities Center Minnesota Department of Administration, establishing a financing and spending plan in the Department of Parks and Recreation in the amount of \$388,000 for the design of a Hmong Cultural Plaza in Phalen Regional Park, and entering into a required grant agreement, which includes an indemnification clause.

Councilmember Busuri moved to reconsider item 27 to make a correction. City Clerk Shari Moore said the grant was administered through the Minnesota Department of Administration and not the Minnesota Humanities Center.

Vote to reconsider: Yeas - 6 Nays - 0

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

Reconsidered; adopted as amended

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

RES 19-1309

Approving adverse action against the Cigarette/Tobacco license held by Mel Lindholm, d/b/a Charlie's (License ID #20180002499) at 444 Cedar Street. (Public hearing continued from August 21)

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violations of three tobacco ordinances. She said the licensing official recommended a \$500 matrix penalty, and the licensee requested a public hearing.

In opposition:

Nancy Litin, employee, referred to a letter she had submitted to the Council, and said she felt this was a small misstep, and she didn't understand why the suppliers didn't bear some of the responsibility. She said a convenience store provided a service to the community, and was not a big profit generator or something where people were trying to break the law. She said the laws were murky sometimes and she didn't think the City needed to levy huge fines on businesses that were operating on a small margin.

Mel Lindholm said they made a mistake, and he apologized. He said it was a small business, social security was his only income, and he couldn't afford \$500 in one payment. He said he could make payments or the City could suspend the license for one or two days. He said he didn't sell that much in cigarettes, and the \$500 didn't make sense. He asked that the City shut down his cigarette sales for a couple of days, or just forget it even happened. He said they'd learned their lesson and staff had been trained, and they'd bought in a machine to check IDs. He said he and his wife had purchased the business a year ago, and he was there every day. He said the penalty would be a hardship for his employees, customers, and vendors. He apologized again.

Councilmember Noecker thanked Mr. Lindholm for his testimony and said she understood and appreciated the challenges faced by small business owners. She discussed payment options with Mr. Lindholm and Ms. Skarda. In response to a question from Councilmember Noecker, Ms. Skarda said there were no previous violations.

Councilmember Noecker noted that the public hearing would have to be left open for a week.

Following discussion among Council members Noecker and Tolbert and Ms. Skarda about penalty options, Councilmember Noecker moved to continue the public hearing. She said a decision would be made the following week.

Public hearing held and continued to August 28 at 3:30 p.m.

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

56 Ord 19-53

Amending Chapter 25 of the Legislative Code pertaining to the supplemental tax on hotels and motels by increasing the imposed tax rate from three to four percent.

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

Public hearing held and closed; laid over to August 28 for final adoption

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

57 RES PH 19-283

Authorizing a business subsidy for The Coven project.

Councilmember Noecker asked for a report on the business subsidy program and why this was coming before the Council now.

Mary Rick, PED, said The Coven was awarded money through the STAR program but because of the amount and the fact that they were for-profit, there needed to be a public hearing.

Alex West Steinman the Coven, thanked the Council, spoke about the program, and answered questions from Councilmember Thao about outreach.

Council members Jalali Nelson and Noecker spoke.

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

Adopted

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

58 RES PH 19-252

Approving the establishment of the Riverview Special Sanitary Sewer Availability Connection Charge District, determining the Riverview Special Sanitary Sewer Availability Connection Charge, approving record of restated and combined inter department loans, and budget amendment (Ward 2, District 3).

Jenny Wolfe, Planning and Economic Development, gave a staff report on the next two items.

Testimony:

Dave Nemec, owner of St. Croix Linen, said they had designed a water re-use system into their commercial laundry business plan, at a cost of medium 6-digits, and which would reduce their water consumption by 50%. He said the plans were submitted to DSI and were told they couldn't re-use water. He said they had to re-tool, which cost close to \$200,000. He said the business open and growing, had 50 employees, He said they paid their SAC fees and knew they were going to be expensive. He said with this proposal they couldn't expand beyond a certain capacity because they couldn't re-use water, and were going to be paying more in fees. He said their feeling was that this was attacking a symptom of the problem; they should be able to be sustainable and re-use water.

Kelly Nemec said they continued to grow, and had wanted to come to St. Paul because of the sustainability practices, and to be told they couldn't use the green practices that were important to them, it hurt, and they were going to get taxed a second time.

Councilmember Prince asked whether staff was available to address the sustainability issue.

Councilmember Noecker said she didn't think so. She thanked Mr. and Ms. Nemec for coming and for doing business on the West Side. She said she had been working with the Nemecs to try to get a different answer from DSI. She said this lift station was needed anyway, and she was going to vote in favor, but would continue to work with the Nemecs on the storm water they used and how it affected the fee.

Aaron Hass, Public Works, said waste water fees came from the sewer utility, with bills sent via the water utility, and there was a fee passed along to all commercial and residential properties to pay for the costs of maintaining the City's sewer system. He said there was also a stormwater applied to different properties. He said he could work with the Nemecs to try and answer their questions.

Resident Jack Hoeschler (1630 Edgcumbe) said he wanted to warn the Council about the deliterious effect in the long run of expanding TIF districts. He said every time they expanded they were taking money from the general fund.

Ms. Wolfe said they were not expanding the TIF district boundaries, but were expanding the area where the funds could be used.

There was additional discussion among the Council members about TIF and about the sustainability questions.

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

Adopted

Yea: 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 59 RES PH 19-276** Amending the redevelopment plan for the Riverfront Redevelopment Project Area, and approving the adoption of an amendment to the tax increment financing plan for the Riverfront Renaissance Redevelopment Tax Increment Financing District (Districts 3 and 17, Ward 2).
- No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Brendmoen

- 60 RES PH 19-207** Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Western Avenue from Larch to Front. (File No. MO1813, Assessment No. 185510) (Public hearing held August 21)
- Councilmember Noecker moved Version 2; she said the City Attorneys just needed to clean up some language. Yeas - 5 Nays - 0*
- In opposition:*
Simon Taghioff spoke in opposition to the funding mechanism for mill and overlay, and said it should be paid for out of the general fund.
- Jack Hoeschler spoke in opposition to the funding mechanism for mill and overlay.*
- Councilmember Noecker moved to close the public hearing. Yeas - 5 Nays - 0*
- Council members discussed the issue, and asked questions of Deputy City Attorney Rachel Tierney.*
- Councilmember Jalali Nelson said the matter could be laid over if more information was needed, but it wouldn't won't change anything and will...*
- Amended; public hearing held and closed; laid over to August 28**
- Yea:** 5 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 2 - Councilmember Brendmoen and Councilmember Busuri

- 61 RES PH 19-206** Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Franklin Avenue from TH 280 to Pelham. (File No. MO1812, Assessment No. 185509) (Public hearing held August 21)
- (See minutes from Item 60)*
Councilmember Noecker moved Version 2. Yeas - 5 Nays - 0

No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing and lay the matter over to August 28.

Amended; public hearing held and closed; laid over to August 28

Yea: 5 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Busuri

- 62 RES PH 19-208** Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Prior Avenue from University to Minnehaha. (File No. MO1814, Assessment No. 185511) (Public hearing held August 21)

(See minutes from Item 60)

Councilmember Noecker moved Version 2. Yeas - 5 Nays - 0

No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing and lay the matter over to August 28.

Amended; public hearing held and closed; laid over to August 28

Yea: 5 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Busuri

- 63 RES PH 19-209** Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Third Street from Ruth to McKnight. (File No. MO1815, Assessment No. 185512) (Public hearing held August 21)

(See minutes from Item 60)

Councilmember Noecker moved Version 2. Yeas - 5 Nays - 0

No one was present to testify. Councilmember Prince moved to close the public hearing and lay the matter over to August 28.

Amended; public hearing held and closed; laid over to August 28

Yea: 5 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Busuri

ADJOURNMENT

Councilmember Noecker adjourned the meeting.

Meeting adjourned at 6:34 p.m.

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