



# 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 Kassim Busuri**  
**Councilmember Mitra Jalali Nelson**  
**Councilmember Rebecca Noecker**  
**Councilmember Jane L. Prince**  
**Councilmember Dai Thao**  
**Councilmember Chris Tolbert**

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Wednesday, June 5, 2019

3:30 PM

Council Chambers - 3rd Floor

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

#### ROLL CALL

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

#### **Councilmember Busuri excused**

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

**Absent** 1 - Councilmember Kassim Busuri

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 19-32](#) Letter from the Department of Safety and Inspections declaring 1179 Seventh Street East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
- 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 - 17)

*Item 2 was withdrawn.*

*Councilmember Prince moved approval of the Consent Agenda as amended.*

#### **Consent Agenda adopted as amended**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 2     [RES 19-745](#)     Approving adverse action against the Taxicab Service Company License held by Blue and White Taxi Service Corporation, d/b/a Blue and White Taxi (License ID# 20170002278). (To be withdrawn.)  
**Withdrawn**
- 3     [RES 19-843](#)     Approving the use of grant funds through the Ward 6 Year-Round STAR program for security cameras at Phalen Regional Park.  
**Adopted**
- 4     [RES 19-868](#)     Approving a petition from Webb A White Trustee for specially assessing the costs of a fire protection system at 161 Snelling Avenue North (Project No. FP2019-03, Assessment No. 197102).  
**Adopted**
- 5     [RES 19-876](#)     Amending Council File RES PH 17-264 to delete the assessment for Replacement of Lead Water Service Line on Private Property during April to June 2017 at 925 Albemarle Street. (File No. 1704LDSRP, Assessment No. 174003)  
**Adopted**
- 6     [RES 19-878](#)     Approving the City's cost of providing Vacant Building Registration Fees billed during September 21, 2018 to February 14, 2019, and setting date of Legislative Hearing for July 9, 2019 and City Council public hearing for August 21, 2019 to consider and levy the assessments against individual properties. (File No. VB1910, Assessment No. 198817)  
**Adopted**
- 7     [RES 19-879](#)     Approving the City's cost of providing Boarding and/or Securing services during March 2019, and setting date of Legislative Hearing for July 9, 2019 and City Council public hearing for August 21, 2019 to consider and levy the assessments against individual properties. (File No. J1910B, Assessment No. 198109)  
**Adopted**
- 8     [RES 19-881](#)     Approving the City's cost of providing Demolition services from February 2019, and setting date of Legislative Hearing for July 9, 2019 and City Council public hearing for August 21, 2019 to consider and levy the assessments against individual properties. (File No. J1908C, Assessment No. 192007)  
**Adopted**

- 9     [RES 19-882](#)     Approving the City's cost of providing Demolition services from February to April 2019 (C.D.B.G. Funds), and setting date of Legislative Hearing for July 9, 2019 and City Council public hearing for August 21, 2019 to consider and levy the assessments against individual properties. (File No. J1909C, Assessment No. 192008)
- Adopted**
- 10    [RES 19-883](#)     Approving the City's cost of providing Fire Certificate of Occupancy Fees billed during January 14 to February 8, 2019, and setting date of Legislative Hearing for July 9, 2019 and City Council public hearing for August 21, 2019 to consider and levy the assessments against individual properties. (File No. CRT1910, Assessment No. 198211)
- Adopted**
- 11    [RES 19-884](#)     Approving the City's cost of providing Excessive Use of Inspections or Abatement services billed during January 22 to February 19, 2019, and setting date of Legislative Hearing for July 9, 2019 and City Council public hearing for August 21, 2019 to consider and levy the assessments against individual properties. (File No. J1910E, Assessment No. 198316)
- Adopted**
- 12    [RES 19-885](#)     Approving the City's cost of providing Graffiti Removal services during March 28 to April 24, 2019, and setting date of Legislative Hearing for July 9, 2019 and City Council public hearing for August 21, 2019 to consider and levy the assessments against individual properties. (File No. J1908P, Assessment No. 198407)
- Adopted**
- 13    [RES 19-895](#)     Recommending that Ramsey County prohibit parking on Larpenteur Avenue between Dale Street and Rice Street.
- Adopted**
- 14    [RES 19-899](#)     Authorizing the Department of Parks and Recreation to enter into a three-year lease agreement with District 14 Community Council at Edgumbe Recreation Center.
- Adopted**
- 15    [RES 19-902](#)     Authorizing the Police Department to amend the Joint Powers Agreement with the Minnesota State Agricultural Society (State Fair).
- Adopted**

- 16     [RES 19-903](#)     Approving the extension of the temporary installation of artwork in the public right-of-way on the Robert Street skyway windows between the Pioneer Endicott and First National Bank Buildings.

**Adopted**

- 17     [RES 19-908](#)     Approving a waiver of the 45-day notice requirement to issue Liquor On Sale-100 seats or less, Liquor On Sale-Sunday, and Liquor-Outdoor Service Area (Patio) licenses with conditions to Xu Sushi Inc., d/b/a Sakana (License ID #20190001086) at 740 Cleveland Avenue.

**Adopted**

**FOR DISCUSSION**

- 18     [RES PH 19-38](#)     Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Arlington Avenue. (File No. MO1802, Assessment No. 185501) (Public hearing held April 3; laid over from June 5)

*Council President Brendmoen moved to lay the matter over to June 19.*

**Laid over to June 19**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 19     [RES PH 19-40](#)     Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Stryker Avenue. (File No. MO1805, Assessment No. 185503) (Public hearing held April 3; laid over from June 5)

*Council President Brendmoen moved to lay the matter over to June 19.*

**Laid over to June 19**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 20     [RES PH 19-41](#)     Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Forest Street. (File No. MO1806, Assessment No. 185504) (Public hearing held April 3; laid over from June 5)

*Council President Brendmoen moved to lay the matter over to June 19.*

**Laid over to June 19**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 21     [RES PH 19-42](#)     Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Victoria Street. (File No. MO1807, Assessment No. 185505) (Public hearing held April 3; laid over from June 5)

*Council President Brendmoen moved to lay the matter over to June 19.*

**Laid over to June 19**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

## **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.**

### **Final Adoption**

**22**    [Ord 19-1](#)

Amending Chapter 74 of the Legislative Code by enacting a new section designating St. Andrew's Church as a Saint Paul Heritage Preservation Site.

*Council President Brendmoen made brief comments and moved to deny the ordinance. Said the item had been laid over two weeks before, and in the ensuing time the Ward 5 office secured the services of a mediator to work on mediation and explore a path towards resolution. Council President Brendmoen said she believed there were middle ground solutions for the building's future, so the Council paused before the final vote to provide time and leverage for that conversation to occur. The mediator began working two days after the layover of the ordinance and reported back that the Twin Cities German Immersion School (TCGIS) was open to working with Save Historic St. Andrew's (SHSA) to address concerns and build understanding with the starting place being their current site plan which presumed demolition of the structure. SHSA was open to working with TCGIS to explore possibilities with a starting place being a collaborative discussion on how to meet both of their needs but presumes preservation of the structure. The mediator noted that some people in the community had different viewpoints than what TCGIS and SHSA brought to the table about the range of possibilities. Council President Brendmoen said she felt that was a point worth underscoring. She said the mediator found that participants were willing to participate in a process but not willing to participate in the same process, and the participants would need to make significant effort to move beyond their current positions and it may not be possible. Council President Brendmoen said she appreciated the willingness of the parties to engage but was disappointed at the outcome. She said she felt this deeply dug-in, win-at-any-cost mentality was more and more prevalent in the Council chambers and probably elsewhere, and was the general act of abdicating to work through problems by seeking bureaucratic or judicial interventions, which she felt was a shame.*

*Council President Brendmoen said the ordinance was before the Council for a final vote. She said she found the building handsome and recognized that people had an emotional attachment to it, but she remained uncomfortable asserting designation on a building whose owner vigorously opposed it, and she was uncomfortable with the precedent that set. She said she felt it amounted to a "taking" without compensation, and she would not be voting in support of historic designation.*

*There was no further comment from Council members.*

*Council President Brendmoen said based on comments from the previous week she had the sense that there was not enough support on the Council for this to pass, but wanted to stress that this did not preclude a better middle ground solution. She encouraged stakeholders, especially neighbors who had been sitting this out, to get engaged, be open-minded and creative. She said after this vote and those on the site plan, she would be able to join the conversation.*

*Councilmember Prince said she had been advised by counsel to recuse herself.*

*Council President Brendmoen moved to deny the ordinance.*

**Failed**

**Yea:** 0

**Nay:** 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Jalali

**Absent:** 1 - Councilmember Busuri

**Abstain:** 1 - Councilmember Prince

### Second Reading

- 23**    [Ord 19-32](#)            Granting the application of Bai Lor to rezone the property at 388 Minnehaha Avenue West from R4 Single Family Residential to RT1 Two Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

**Laid over to June 19 for third reading/public hearing**

### First Reading

- 24**    [Ord 19-10](#)            Amending Chapters 63, 65, and 66 of the Legislative Code pertaining to Solar and Wind Energy.

*Councilmember Jalali Nelson moved a version 2 with technical changes reflecting feedback from staff.*

*Council President Brendmoen spoke in support.*

**Amended and laid over to June 12 for second reading**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 25**    [Ord 19-34](#)            Repealing Ordinance Ord 18-40 which amended Chapter 357 of the Legislative Code to Regulate Coordinated Collection.

**Laid over to June 12 for second reading**

- 26**    [Ord 19-35](#)            Amending Chapter 357 of the Legislative Code to reflect current City practices.

**Laid over to June 12 for second reading**

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

- 27**     [RES PH 19-152](#)     Approving the application of Mississippi Market Natural Food Co-Op for a sound level variance to present amplified music on Saturday, June 15, 2019 in the parking lot of 1500 7th Street West for the Mississippi Market 40th Anniversary Block Party.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
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- 28**     [RES PH 19-153](#)     Approving the application of Keg and Case Park LLC for a sound level variance to provide amplified sound for Wild Food Fandango on Sunday, June 9, 2019 at 928 7th Street West.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
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- 29**     [RES PH 19-157](#)     Approving the application of Twin Cities Jazz Festival for a sound level variance to present amplified live music on June 19 to June 22, 2019 during the Twin Cities Jazz Festival at Mears Park.
- Event organizer Steve Heckler spoke about the event.*
- Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- Absent:** 1 - Councilmember Busuri



- 30     [RES PH 19-158](#)     Approving the application of Twin Cities Jazz Festival for a sound level variance to present amplified music June 20 to June 22, 2019 during the Twin Cities Jazz Festival at the Union Depot- North Plaza, 214 4th Street East.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 31     [RES PH 19-163](#)     Approving the application of OSP Events, LLC for a sound level variance to present amplified music for the Lowertown Sounds concert series on twelve Thursdays between June 6 and August 29, 2019 in Mears Park.

*Event Director Clint Roberts said they were excited for the events and for the Council's support.*

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 32     [RES PH 19-166](#)     Approving the application of Securian Financial for a sound level variance to present amplified music for Market & Music Wednesdays from June 19 through September 25, 2019 at Securian Financial, 400 Robert Street North.

*Councilmember Noecker expressed excitement about all of the activity taking place on West Seventh and especially downtown.*

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

**33**     [RES PH 19-151](#)     Adopting the Saint Paul Pedestrian Plan.

*Fay Simer, Public Works, gave a staff report and responded to questions from Council members.*

*Council members commented.*

*Testimony:*

*Michael Kuchta (1522 North Grotto), District 10 Como Community Council  
Mark Wandersee (104 Mounds Boulevard)*

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

**34**     [RES PH 19-167](#)     Adopting the Mississippi River Corridor Critical Area Chapter of Saint Paul for All: 2040 Comprehensive Plan. (Public hearing held June 5)

*Lucy Thompson, Planning and Economic Development, gave a staff report and answered questions from Council members.*

*Testimony:*

*Shirley Erstad (1660 Laurel Avenue) Friends of the Parks and Trails of St. Paul and Ramsey County*

*Dan McGuinness (2160 Ogden Avenue), board member of Lower Phalen Creek Project.*

*Tom Dimond (2119 Skyway Drive)*

*Greg Copeland (612 Cook Avenue E.)*

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

*Council President Brendmoen noted that the item would be laid over to June 19.*

*Councilmember Prince said she had a small amendment.*

*There was discussion among the Council members and Ms. Thompson.*

*A vote was taken on the amendment. Yeas - 6 Nays - 0*

*Councilmember Prince made brief comments.*

**Public hearing held and closed; laid over to June 19 (Plan amended with new policy)**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 35**     [RES PH 19-121](#)     Amending the financing and spending plans in the Department of Public Works Capital Budget by adding \$165,000 in Commercial Vitality Zone revenues to the 2019 Sidewalk Reconstruction Program for the Cesar Chavez Pedestrian Improvements.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 36**     [RES PH 19-122](#)     Amending the financing and spending plans in the Public Works Capital Budget by adding \$234,000 of Ramsey County funding and transferring \$78,000 in revenues from the 2019 Signalized Intersection Safety Improvement Program to the 2019 Fairview Street Reconstruction Project for improvements at the Cleveland and Randolph intersection.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 37**     [RES PH 19-125](#)     Amending the financing and spending plans in the Department of Public Works Capital Budget by adding \$774,260 in revenues to the 2019 East 7th Street Safety Improvements Project.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 38**     [RES PH 19-126](#)     Authorizing the Department of Public Works to accept a MnDOT Safe Routes to School grant, and amending the financing and spending plans in the Department of Public Works Capital Budget by adding \$204,000 in revenues to the 2019 Washington Tech Safe Routes to School Project.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 39**     [RES PH 19-141](#)     Authorizing Police Department to accept a grant in the amount of \$67,000 from U.S. High Intensity Drug Trafficking Areas Program (HIDTA) and amend the 2019 grant fund budget.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 40**     [RES PH 19-142](#)     Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$1,005,831 for a transfer from the Housing Redevelopment Authority Development Capital Project Fund for implementation of the Victoria Park Master Plan.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 41     [RES PH 19-143](#)     Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$50,000 to reflect funds received from the Lower Phalen Creek Project for staff design services for the Wakan Tipi project.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 42     [RES PH 19-161](#)     Approving acceptance of Minnesota China Friendship Garden Society funds for the St. Paul - Changsha China Friendship Garden project; amending the financing and spending budget for the Department of Parks and Recreation and City Internal Loan Fund in the amount of \$345,922.09 for the project; and approving an internal loan.

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

- 47 [RLH TA 19-194](#) Ratifying the Appealed Special Tax Assessment for property at 612 COOK AVENUE EAST. (File No. J1901V, Assessment No. 198000; amend to File No. J1901V1, Assessment No. 198001)

*Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of an assessment for the cost of abating an inoperable vehicle. She displayed photographs of a van and RV on the property. The abatement order was written on the two vehicles, and the van was removed by the property owner, Greg Copeland. Ms. Moermond reviewed the costs, totaling \$912, which she recommended dividing over five years. She said Mr. Copeland stated the orders didn't provide adequate time to move the vehicles. She noted the order wasn't executed until several days after the deadline, so there was seven days between receipt of the order and actual removal of the vehicle. Mr. Copeland also didn't feel he had due process throughout the event. Her response was that Mr. Copeland received the summary abatement order and took action on it, and did not appeal the order. Ms. Moermond said Mr. Copeland also believed this constituted a forfeiture of his vehicle, which he said municipalities were prohibited from conducting. Ms. Moermond said this vehicle was not being forfeited to the State or the City but was being abated as a nuisance and could have been retrieved. She said Mr. Copeland felt he made a good faith effort by removing one of the two vehicles. Ms. Moermond said the removing of the one vehicle did mean the net assessment was less but didn't take care of the cost incurred by the City of removing the remaining RV from the property. She said her recommendation was approval of the assessment and dividing it over five years.*

*Testimony:*

*Greg Copeland (612 Cook) said he was requesting specifically that the assessment be deleted because he wasn't given due process. His property was taken without a hearing, which the City charter and constitution said was wrong. He said the RV was worth more than the \$200 subtracted from the assessment, was insured and had tabs, and he had obtained a new title in May to sell or donate it. He said the overriding issue was the question of notice.*

*Council President Brendmoen asked Mr. Copeland why he didn't ask for an extension or appeal the order. Mr. Copeland said he thought he could comply with the order and wasn't used to the City showing up on a Saturday with a tow truck and the police. He said Section 18.02 talked about "within 10 days of original notice of code violation" that you have to act. He said the notice went out on September 18, he received it on September 22, moved the other vehicle on the 28th and the RV was towed on the 29th. He said they used to have certified mail delivery of these things, which he knew because he'd had situation where he'd had trash behind his garage some years back. He said he'd only been down here one other time and understood what the rules were. He said a public improvement was not beating up on poor people in the community. A large percentage of these towings were in the poorest areas in the community. Council President Brendmoen asked Mr. Copeland to wrap up. Mr. Copeland said he was asking to delete based on lack of due process and based on the fact he made an attempt to comply.*

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

*Councilmember Prince vehicle was towed and sold; she asked whether that was usually done. Ms. Moermond said if vehicles were not claimed at the impound lot, the police had periodic auctions. The money gained at the auction was taken off the charge. Council President Brendmoen asked how long after the abatement was the RV*

*auctioned. Ms. Moermond said she didn't have that information in front of her now. She said there was a minimum of, she believed, 14 day holding time.*

*Councilmember Prince asked Mr. Copeland if he was claiming that he would have picked up the vehicle. Mr. Copeland said no.*

*Ms. Moermond said the Department of Safety and Inspections did not have a practice of sending things certified mail outside of the most serious orders they issued. The Police Department did send a certified mail indicting the vehicle was in the impound lot.*

*Council President Brendmoen move to adopt Ms. Moermond's recommendation.*

*Councilmember Prince said she was sympathetic but didn't see how they could reach the due process issue with this particular action. She said she appreciated Mr. Copeland coming in and the level of frustration she felt, and she appreciated this was difficult and expensive.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

52     [RLH VO 19-14](#)     Appeal of Susan K. Drake and Yost J. Yost to a Notice of Condemnation as Unfit for Human Habitation & Order to Vacate at 920 FREMONT AVENUE.

*Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal was of a vacate order. The property owners were present and did not want to appeal the vacate but would like their concerns shared. She said she had met with them in the hallway, and the property owners had asked her to summarize their concerns for them. She reviewed the conditions leading to the condemnation of the property. In the course of Legislative Hearings they were searching for assistance to make repairs to provide safe entrances and exits. The owners worked with House Calls and filled out applications. Planning and Economic Development (PED) sent out a rehab advisor who found the roof in a state of collapse and needed repairs exceeding the \$25,000 available for an owner-occupied property. The findings of a follow-up interior inspection showed the home was literally falling down around them; not a single system was salvageable. PED staff shared the report and photos with a Community Development Corporation, and their initial estimate was in excess of \$159,000; another person at PED estimated \$200,000-\$250,000. The property value was currently approximately \$52,000. Ms. Moermond said this was not a salvageable property, but more importantly it was not a safe property. She had needed to make a preliminary decision before bringing it before Council and that the appeal should be denied that this needed to be vacated and a safer place found. She spoke about resources available. She said the property owners were feeling that they were falling between the cracks because Mr. Yost worked full time, and although he was a senior, he was not collecting social security. Staff had encouraged him to work with legal aid to make sure he got all of the assistance he was able to. The apartments found by House Calls were in the \$1000 range, which the property owners felt exceeded their ability to pay, but they were in place where they had more money than what the assistance could help with. They were still living in a hotel, and were angry, frustrated, hurt and scared and there was a lot coming at them now. Ms. Moermond said not something that she as the Legislative Hearing Officer or the Council could address. The property owners wanted to convey that resources were not easy to access, especially when you worked traditional Monday through Friday hours.*

*Ms. Drake said they'd been struggling financially and medically would have moved out of the house if they'd had the means to do so. They had lived there for 20 years. They didn't know what to do.*

*Mr. Yost said they appreciated all the help, but didn't know where to go from here. They needed some kind of financial help. They needed assistance from more programs than the one that was applied for.*

*Council President Brendmoen said what was in front of us is condemnation. She said the Council heard that they were struggling and. She said Councilmember Prince was their Council member and she would assist them.*

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

*Councilmember Prince moved to adopt Ms. Moermond's recommendation. She said she wanted to acknowledge how much work had been done to pull resources together. She said she would get involved to help pull things together and figure out next steps.*

**Adopted**



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

**Nay:** 0

**Absent:** 2 - Councilmember Tolbert and Councilmember Busuri

#### **LEGISLATIVE HEARING CONSENT AGENDA**

**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 43 - 73)**

*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:** 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**Absent:** 2 - Councilmember Tolbert and Councilmember Busuri

- 43**    [RLH TA 18-659](#)    Ratifying the Appealed Special Tax Assessment for property at 1373 ARKWRIGHT STREET. (File No. J1905A, Assessment No. 198504; amend to File No. J1905A1, Assessment No. 198520) (Public hearing continued from January 9)  
**Adopted as amended (assessment reduced)**
- 44**    [RLH TA 18-645](#)    Ratifying the Appealed Special Tax Assessment for property at 813 BLAIR AVENUE. (File No. J1906A, Assessment No. 198505; amend to File No. J1906A2, Assessment No. 198526) (Public hearing continued from January 9)  
**Adopted as amended (assessment reduced)**
- 45**    [RLH TA 19-249](#)    Ratifying the Appealed Special Tax Assessment for property at 986 BURR STREET. (File No. J1916A, Assessment No. 198534)  
**Adopted**
- 46**    [RLH TA 19-189](#)    Ratifying the Appealed Special Tax Assessment for property at 966 CENTRAL AVENUE WEST. (File No. J1916A, Assessment No. 198534; amended to File No. J1916A2, Assessment No. 198567) (Public hearing continued from June 5)  
**Public hearing continued to October 9**

- 48     [RLH TA 19-293](#)     Ratifying the Appealed Special Tax Assessment for property at 697 COOK AVENUE EAST. (File No. J1915A, Assessment No. 198529)  
**Adopted**
- 49     [RLH TA 19-238](#)     Deleting the Appealed Special Tax Assessment for property at 1189 COOK AVENUE EAST. (File No. J1915A, Assessment No. 198529)  
**Adopted**
- 50     [RLH TA 19-223](#)     Ratifying the Appealed Special Tax Assessment for property at 1193 COOK AVENUE EAST. (File No. J1915A, Assessment No. 198529)  
**Adopted**
- 51     [RLH TA 19-186](#)     Ratifying the Appealed Special Tax Assessment for property at 1354 DALE STREET NORTH. (File No. J1915A , Assessment No. 198529; amended to File No. J1915A2, Assessment No. 198565) (Public hearing continued from June 5)  
**Public hearing continued to October 9**
- 53     [RLH TA 18-660](#)     Ratifying the Appealed Special Tax Assessment for property at 1232 GALTIER STREET. (File No. J1905A, Assessment No. 198504; amend to File No. J1905A1, Assessment No. 198520) (Public hearing continued from January 9)  
**Adopted as amended (assessment deleted)**
- 54     [RLH RR 19-3](#)     Ordering the rehabilitation or razing and removal of the structures at 899 GERMAIN STREET within fifteen (15) days after the February 13, 2019 City Council public hearing. (Amend to remove within 15 days) (Public hearing continued from June 5)  
**Referred to Legislative Hearings on June 11; Council public hearing continued to June 19**
- 55     [RLH TA 18-640](#)     Ratifying the Appealed Special Tax Assessment for property at 557 GORMAN AVENUE. (File No. J1905A, Assessment No. 198504; amend to File No. J1905A1, Assessment No. 198520) (Public hearing continued from January 9)  
**Adopted as amended (assessment deleted)**
- 56     [RLH TA 19-312](#)     Ratifying the Appealed Special Tax Assessment for property at 888 HOWELL STREET NORTH. (File No. J1911A2, Assessment No. 198552)  
**Adopted**

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- 57     [RLH TA 19-199](#)     Ratifying the Appealed Special Tax Assessment for property at 797 IGLEHART AVENUE. (File No. J1907B, Assessment No. 198106; amend to File No. J1907B1, Assessment No. 198113) (Amend to delete the assessment)  
**Adopted as amended (assessment deleted)**
- 58     [RLH TA 18-633](#)     Ratifying the Appealed Special Tax Assessment for property at 838 JENKS AVENUE. (File No. J1906A, Assessment No. 198505; amend to File No. J1906A2, Assessment No. 198526) (Public hearing continued from January 9)  
**Adopted as amended (assessment deleted)**
- 59     [RLH TA 19-301](#)     Deleting the Appealed Special Tax Assessment for property at 722 MAGNOLIA AVENUE EAST. (File No. J1915A, Assessment No. 198529)  
**Adopted**
- 60     [RLH TA 19-326](#)     Deleting the Appealed Special Tax Assessment for property at 1124 MATILDA STREET. (File No. J1916A, Assessment No. 198534)  
**Adopted**
- 61     [RLH TA 19-328](#)     Deleting the Appealed Special Tax Assessment for property at 1124 MATILDA STREET. (File No. J1915A, Assessment No. 198529)  
**Adopted**
- 62     [RLH TA 19-285](#)     Deleting the Appealed Special Tax Assessment for property at 602 MINNEHAHA AVENUE WEST. (File No. J1915A, Assessment No. 198529)  
**Adopted**
- 63     [RLH TA 18-652](#)     Ratifying the Appealed Special Tax Assessment for property at 698 MINNEHAHA AVENUE WEST. (File No. J1906A, Assessment No. 198505; amend to J1906A2, Assessment No. 198526) (Public hearing continued from January 9)  
**Adopted as amended (assessment reduced and payments spread over two years)**
- 64     [RLH TA 18-634](#)     Ratifying the Appealed Special Tax Assessment for property at 910 MINNEHAHA AVENUE EAST. (File No. J1906A, Assessment No. 198505; amend to J1906A2, Assessment No. 198526) (Public hearing continued from January 9)  
**Adopted as amended (assessment reduced)**

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- 65     [RLH TA 19-187](#)     Ratifying the Appealed Special Tax Assessment for property at 767 ROBERT STREET SOUTH. (File No. J1916A, Assessment No. 198534)  
**Adopted**
- 66     [RLH TA 18-632](#)     Ratifying the Appealed Special Tax Assessment for property at 700 SAINT ALBANS STREET NORTH. (File No. J1906A, Assessment No. 198505; amend to File No. J1906A2, Assessment No. 198526) (Public hearing continued from January 9)  
**Adopted as amended (assessment reduced)**
- 67     [RLH TA 19-292](#)     Ratifying the Appealed Special Tax Assessment for property at 693 SIMON AVENUE. (File No. J1915A, Assessment No. 198529; amended to File No. J1915A1, Assessment No. 198564) (Public hearing continued from June 5)  
**Public hearing continued to October 16**
- 68     [RLH TA 19-284](#)     Ratifying the Appealed Special Tax Assessment for property at 834 THOMAS AVENUE. (File No. J1916A, Assessment No. 198534; amended to File No. J1916A1, Assessment No. 198566) (Public hearing continued from June 5)  
**Public hearing continued to October 9**
- 69     [RLH TA 18-646](#)     Ratifying the Appealed Special Tax Assessment for property at 806 VAN BUREN AVENUE. (File No. J1906A, Assessment No. 198505; amend to File No. J1906A2, Assessment No. 198526) (Public hearing continued from January 9)  
**Adopted as amended (assessment deleted)**
- 70     [RLH RR 19-12](#)     Ordering the rehabilitation or razing and removal of the structures at 1143 WOODBRIDGE STREET within fifteen (15) days after the April 10, 2019 City Council public hearing. (Amend to grant 180 days) (Public hearing continued from April 10)  
**Adopted as amended (180 days to remove or repair)**
- 71     [RLH TA 19-283](#)     Ratifying the Appealed Special Tax Assessment for property at 1077 YORK AVENUE (File No. J1916A, Assessment No. 198534)  
**Adopted**
- 72     [RLH AR 19-31](#)     Ratifying the assessments for Property Clean Up during January 2 to 11, 2019. (File No. J1915A, Assessment No. 198529)  
**Adopted**

- 73     [RLH AR 19-32](#)     Ratifying the assessments for Property Clean Up during January 14 to 29, 2019. (File No. J1916A, Assessment No. 198534)

**Adopted**

*The Council took a brief recess at 5:28 p.m.*

### 5:30 pm PUBLIC HEARINGS

*The Council reconvened for public hearings at 5:40 p.m.*

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

**Councilmember Busuri excused**

- Present** 4 - Councilmember Amy Brendmoen, Councilmember Rebecca Noecker, Councilmember Jane L. Prince and Councilmember Mitra Jalali
- Absent** 3 - Councilmember Dai Thao, Councilmember Chris Tolbert and Councilmember Kassim Busuri

**Council members Tolbert and Thao arrived after roll call.**

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

- 74     [Ord 19-31](#)     Granting the application of Paula Lilly to rezone property at 321 Irvine Avenue from R2 One-Family Residential to RT-1 Two-Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

*Michael Wade, Planning and Economic Development, gave a brief staff report.*

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

**Public hearing held and closed; laid over to June 12 for final adoption**

- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- Absent:** 1 - Councilmember Busuri

- 75     [Ord 19-33](#)     Amending Ordinance No. 16740 establishing the Muskego Church Heritage Preservation Site, approved on October 28, 1978 under Council File No. 271887, to set new legal boundaries based upon the recommendation by the Saint Paul Heritage Preservation Commission.
- No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing.*
- Public hearing held and closed; laid over to June 12 for final adoption**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
- 76     [RES PH 19-108](#)     Approving the preliminary plat for Rivoli Bluff to create 26 one-family residential lots and 1 outlot at 660 Rivoli Street, et al.
- Bill Dermody, Planning and Economic Development, gave a staff report.*
- Councilmember Prince moved an amended version 2; she read the changes into the record.*
- Council President Brendmoen spoke in support.*
- Vote on amendment. Yeas - 6 Nays - 0*
- Jack Byers, Executive Director of Payne Phalen Community Council, spoke in support of the amendment.*
- Councilmember Prince moved to close the public hearing and approve the resolution as amended.*
- Adopted as amended**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
- 77     [RES PH 19-123](#)     Ratifying the assessments for Replacement of Lead Water Service Line on Private Property during January to March 2019. (File No. 1903LDSRP, Assessment No. 194002)
- No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 78**     [RES PH 19-124](#)     Ratifying the assessments for Replacement of Sanitary Sewer Line on Private Property during January to March 2019. (File No. SWRP1903, Assessment No. 193002)

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

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 79**     [RES PH 19-159](#)     Approving the petition of Bremer Bank and Snelling Shields LLC to vacate a portion of the alley in Block 1, Milham Park..

*Bruce Engelbrekt, Real Estate, gave a brief staff report.*

*Julia Duarte (584 Roy Street) spoke against the alley being closed.*

*Mr. Engelbrekt and a representative from developer Wellington Management clarified that the vacation was just a portion of the alley.*

*Councilmember Jalali Nelson moved to close the public hearing and approve.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 80**     [RES PH 19-162](#)     Approving the application submitted by Tom Dillon of Madison Equities for an exception to the general hours of operation for pedestrian skyway bridges #33, #43, and #46, which serve the Degree of Honor Building, during construction and asbestos abatement.

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

*Councilmember Noecker said she would move approval, but wanted to point out that this skyway portion had been closed since last summer. She said it was important that they minimized the amount of time skyways were closed.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

- 81**     [RES PH 19-164](#)     Reciting a proposal for a Housing Finance Program for a multifamily rental housing development; giving preliminary approval to the project and the program; authorizing the Housing and Redevelopment Authority to issue conduit multifamily housing revenue obligations; and authorizing the preparation of necessary documents and materials in connection with the Rice Street Flats Project (District 6, Ward 1).

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

*Councilmember Thao made brief comments and moved approval of the resolution.*

*Council President Brendmoen spoke in support.*

**Adopted**

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

**Nay:** 0

**Absent:** 1 - Councilmember Busuri

*Council President Brendmoen said items 82, 83, and 84 would be taken out of order.*

*Deputy City Attorney Rachel Tierney said there were three items before the Council all related to the same project. There were a number of procedural irregularities at the Planning Commission; they were explained well in all of the appeals, and because of those irregularities, the Planning Commission action had no legal effect. What was actually before the Council was the original applications, which had been amended somewhat, and staff would provide reports about that.*

*Council President Brendmoen said they would take 82 and 83 together as a report and a public hearing, with 20 minutes per side. The Council would vote on the variances then site plan. Presuming they could resolve issues in Item 84, the hope was that they wouldn't need to hear it.*

*Councilmember Prince said she had been advised by the City Attorney to recuse herself, and she would leave the chambers.*

*City Clerk Shari Moore read items 82 and 83.*



83 [APC 19-2](#)

Public hearing to consider the appeal of Kevin Anderson (on behalf of Friends of Warrendale - Save Historic Saint Andrews LLC) to a procedure of the Planning Commission approving the variances through an improper vote on January 25, 2019, and the decision of the Planning Commission not to reopen the vote on February 8, 2019, for requested variances of maximum lot coverage, maximum height, and minimum off-street parking for a 3-story building addition at 1031 Como Avenue.

*Tia Anderson, Department of Safety and Inspections (DSI) Planner, distributed written copies of the staff report and gave a staff report on the site plan application. She reviewed the plan. She said site plan review was usually done administratively but due to community interest, staff decided that it would go with the variances to the Planning Commission. The May 21 version of the site plan had sign-off from all site plan review committee members across City departments. Ms. Anderson said it was worth noting that an application had been received and was being processed by DSI for the shared parking agreement, which was part of the parking variance. She said the 11 findings were in the staff report along with staff's recommendations for those findings. Staff recommended approval of the site plan with conditions, pending approval of variances. A number of recommendations from the traffic impact study had been incorporated into conditions on the site plan. Traffic impact solutions would continue to be worked on with Twin Cities German Immersion School (TCGIS) staff and Public Works. District 10 had offered to assist.*

*Council President Brendmoen said the site plan had continued to evolve since December and could continue to evolve if it was approved tonight. Ms. Anderson said Public Works had an ongoing role working with schools. The ongoing efforts wouldn't necessarily manifest themselves as a change in the site plan but would continue to work with the school to operationalize the recommendations.*

*Josh Williams, Planning and Economic Development (PED), distributed and presented a staff report on the variances. He said the staff recommendation hadn't changed since the revised staff report to the Zoning Committee and Planning Commission in December, but based on some updates to the site plan and a couple of other things, a new staff report was prepared. The updated June 5 staff report provided new information on the process to date, and reflected the updated site plan. There was some modified language related to one of the conditions, with the intent of providing the some flexibility to the applicant and a more reasonable basis for the City to monitor and enforce the condition. He noted that the findings came from State law, and for all three variances all findings were met. He noted that the variances for building height and lot coverage were very minor. Mr. Williams said the parking variance was more substantial, however he felt the findings were met provided there were some reasonable conditions on the approval. He reviewed the conditions.*

*In response to questions from Council President Brendmoen and Councilmember Noecker, Mr. Williams and Ms. Anderson clarified the existing parking and the status of the shared parking agreement.*

*In response to a question from Council President Brendmoen, Mr. Williams said variances ran with the land but parking requirements were also based on use, and would be recalculated if the use changed.*

*In response to questions from Councilmember Noecker, Mr. Williams explained the rationale for the language in the condition capping enrollment.*

*In opposition:*

*Tom Goldstein (1399 Sherburne Avenue) made a presentation on behalf of Save Historic St. Andrew's. He reviewed the Zoning Committee and Planning Commission process, and said he disagreed with counsel that the starting point should be the application. He said he would argue the starting point should be what a duly constituted subcommittee of the Planning Commission concluded. He read from the Zoning Committee meeting minutes. Council President Brendmoen noted that the things Mr. Goldstein was reading were a part of the public record. Mr. Goldstein said the Zoning Committee vote was 5-1 to deny, however there was a very different outcome at the Planning Commission. The Zoning Committee's well-reasoned decision was rejected with little discussion and no explanation. He asked whether political pressure was applied to Planning Commissioners. He said they were there today to ask that the Council invalidate the Planning Commission actions, accept the original recommendations of the Zoning Committee, and deny the site plan and variances. He said the variances requested failed to meet five of the required six criteria. They contended TCGIS would not need the variances if they had it capped enrollment at the level projected by school officials when the school moved to the Como neighborhood in 2013. They believed the acrimonious debate could have been avoided if the school had been willing to consider adaptive re-use rather than only demolition of the old St. Andrew's sanctuary. He displayed photos and said parking had been a problem throughout. He said emails showed the school admitted they had been in violation of the variance since they began, and past practice was indicative of the future. The City did not have a good track record for enforcement. He displayed a graph and said, in terms of the plight of the landowner, the size of TCGIS relative to all other schools in any R1-R4 zoned district showed how dense it was. He displayed a chart and photographs showing traffic and parking impacts, and said they spoke to changing the essential character of the area.*

*Bonnie Youngquist (1170 Churchill Street) said the site plan meant demolition of St. Andrew's, which was eligible for local and national historic designation. She said the variances failed to meet findings laid out in state statute, including Finding 2, that the variance must be consistent with the Comprehensive Plan. Demolition of St. Andrew's was inconsistent with the Comprehensive Plan in ignoring historic preservation policies and interpreting collaboration as demolition.*

*Teri Alberico (1023 Como Avenue) said the neighborhood had given up all they could. There had been no outreach, collaboration, or listening from the school.*

*Stephen Greenwood (1111 Argyle) said TCGIS had created their own building plight by deferring routine maintenance, thus the variances were in violation of state statute.*

*Mary Burneson (1131 Argyle Street) said her neighborhood and community were being destroyed by the divisiveness.*

*Tom Goldstein read from a letter sent to the Zoning Commission before the January vote, asking that the process be tables until there was a community process. He said they felt the decision made on historic designation was improper and not based on record in front of the Council, and hoped they would make a decision today based on the record before them. He said they had data showing that the busing transit numbers they had measured were significantly less than what the school claimed.*

*Council President Brendmoen said there were a few seconds left. District 10 had some comments, which would be allowed. Time would be added for the other side.*

*Michael Kuchta, District 10 Community Council, (1224 Lexington Parkway N.) said District 10 was in support of the variances, and the existing version of the site plan and conditions and commitments, as well as direction for future modifications. He asked for a change to recommendation E3 on page 6 of Ms. Anderson's report. He encouraged the Council to change "at least 6 feet and 80% opaque" to a 7-foot solid fence.*

*Applicant:*

*Kelly Lauden (Arden Hills), volunteer member of board of directors, thanked the Council and staff for their work. She acknowledged that tonight was a significant moment for the school and the neighborhood. The process had been exhausting and had had a tremendous impact on the school and neighborhood community. Regardless of outcome, there had already been significant costs. They felt they had acted according to their vision and values throughout the process and were committed to being a good neighbor in the Como community. They hoped the community would be open to coming together for hearing and reconciliation. Ms. Lauden clarified the parking changes. She said they were completely in agreement with the site plan as recommended by City staff and didn't object to any recommended conditions. She noted that Minneapolis based parking calculations on the number of physical classrooms, and she pointed out that the current staff was sufficient to teach three sections of K - 6, and they would only be adding two classroom teachers with the campus improvement plan. She said with respect to the concerns about density, the Minnesota Department of education measured density based on students per square foot, and TCGIS fell well within that. Ms. Lauden spoke about the contributions of the school to the City and community, and she spoke about the reasons for the need for expansion and development of site plan. She reviewed the neighborhood engagement process. She reviewed the benefits of site plan. She displayed renderings.*

*Council President Brendmoen asked if there had been an effort to make a nod to the building that was there before.*

*Ms. Lauden said they had discussed that and offered it up as they'd engaged with people who wanted to preserve the memory of the former church.*

*Ms. Lauden displayed interior elevations and drawings, and spoke about the educational needs which would be accommodated by the new space.*

*Ms. Lauden answered questions from Councilmember Noecker and Councilmember Thao about enrollment and staffing numbers and about efforts to mitigate traffic and parking concerns.*

*Councilmember Jalali Neslon asked for a response to District 10's request. Ms. Lauden said they had already agreed, and didn't object to the Council adding that. Council President Brendmoen confirmed with Ms. Anderson that a seven-foot fence would be allowed.*

*Emmi Koepke (S. St. Paul), teacher, spoke about the value of a new building to a growing body of diverse learners at TCGIS.*

*Gustave Beaton (Roseville), student, spoke in support of variance approval.*

*Ryan Flynn, former chair of D10, said if the Council took action on this issue, the purpose of their appeal would be met, and they could withdraw it.*

*Council President Brendmoen moved to close the public hearing. Yeas - 5 Nays - 0*

*Council President Brendmoen clarified with Ms. Anderson how the fence agreement could be codified, and she asked that it be done.*

*Council President Brendmoen said what was before the Council first were the variances, and they were required to take action today. She said what she'd heard from staff was that the variances were minor but she realized it was significant what the variances and site plan meant. She said she would vote in support of the variances and site plan but encouraged people to continue to work together on improving the plan in a way that was meaningful for sound and traffic mitigation, to manage parking, and particularly to pay homage to a structure that was very meaningful to people. She said the variances were straightforward and within the range of what was typically acceptable. She moved to approve the variances.*

*Council members Thao and Jalali Nelson spoke in support.*

**Motion of Intent - Variances Approved**

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

**Nay:** 0

**Absent:** 2 - Councilmember Prince and Councilmember Busuri

**82**     [APC 19-1](#)

Public hearing to consider the appeal of Kevin Anderson (on behalf of Friends of Warrendale - Save Historic Saint Andrews LLC) to a procedure of the Planning Commission approving a site plan through an improper vote on January 25, 2019, and to the decision of the Planning Commission on February 8, 2019 not to reopen the vote from January 25, 2019, on a site plan for a 3-story building addition at 1031 Como Avenue.

*(See minutes for item 83.)*

*Council President Brendmoen moved to approve the site plan application as updated on May 21, and adopt the findings and staff report, with the modifications to the fence.*

**Motion of Intent - Site Plan Approved as Modified**

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

**Nay:** 0

**Absent:** 2 - Councilmember Prince and Councilmember Busuri

- 84     [APC 19-3](#)     Public hearing to consider the appeal of the District 10 Como Community Council to a decision of the Planning Commission on February 8, 2019 not to reopen the vote from January 25, 2019, on a site plan that requires zoning variances for a 3-story building addition at 1031 Como Avenue.

*District 10 withdrew their appeal.*

**Withdrawn**

## **ADJOURNMENT**

*Council President Brendmoen adjourned the meeting.*

**Meeting adjourned at 7:46 p.m.**

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