



City of Saint Paul

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

Minutes - Final

Katie Burger, Executive
Assistant, 651-266-8560

City Council

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

Wednesday, March 1, 2017

3:30 PM

Council Chambers - 3rd Floor

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

ROLL CALL

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

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

Absent 1 - Councilmember Chris Tolbert

Councilmember Tolbert arrived after roll call.

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 17-14](#) Letter from the Department of Safety and Inspections declaring 1330
Case Avenue a nuisance property. (For notification purposes only;
public hearings will be scheduled at a later date if necessary.)

Received and filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 2 - 21)

Councilmember Bostrom moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

- 2** [RES 17-195](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Como/Chatsworth (Phase I, Part B) street paving and lighting project. File No. 19167C2, Assessment No. 166005.
- Adopted**
- 3** [RES 17-198](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Como/Chatsworth, Phase II street paving and lighting project. File No. 19189C, Assessment No. 176000.
- Adopted**
- 4** [RES 17-266](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Jackson Street, Phase I, Part A, street paving and lighting project. File No. 19173C2, Assessment No. 176005.
- Adopted**
- 5** [RES 17-268](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Wheelock Parkway, Phase I, Part A, street paving and lighting project. File No. 19175C, Assessment No. 176003.
- Adopted**

- 6 [RES 17-289](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Randolph Avenue street reconstruction project. File No. 19196C, Assessment No. 176001.

Adopted

- 7 [RES 17-297](#) Approving a Limited Use Permit with the State of Minnesota Department of Transportation for a bicycle and pedestrian trail in the right-of-way of Interstate 35E between Saint Clair Avenue and Grand Avenue.

Adopted

- 8 [RES 17-301](#) Approving the City's cost of providing Boarding and/or Securing services during December 2016, and setting date of Legislative Hearing for April 4, 2017 and City Council public hearing for May 17, 2017 to consider and levy the assessments against individual properties. (File No. J1707B, Assessment No. 178106)

Adopted

- 9 [RES 17-302](#) Approving the City's cost of providing Property Clean Up services during January 3 to 31, 2017, and setting date of Legislative Hearing for April 4, 2017 and City Council public hearing for May 17, 2017 to consider and levy the assessments against individual properties. (File No. J1709A, Assessment No. 178510)

Adopted

- 10 [RES 17-303](#) Approving the City's cost of providing Trash Hauling services during January 3 to 24, 2017, and setting date of Legislative Hearing for April 4, 2017 and City Council public hearing for May 17, 2017 to consider and levy the assessments against individual properties. (File No. J1707G, Assessment No. 178707)

Adopted

- 11 [RES 17-304](#) Approving the City's cost of providing Tree Removal services from October to December 2016, and setting date of Legislative Hearing for April 4, 2017 and City Council public hearing for May 17, 2017 to consider and levy the assessments against individual properties. (File No. 1703T, Assessment No. 179002)

Adopted

- 12 [RES 17-315](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for sidewalk reconstruction improvement along the south side of East Sixth from Wall Street to Broadway Street. (File No. S1404, Assessment No. 145304)
Adopted
- 13 [RES 17-317](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for new sidewalk construction along the north side of Energy Park Drive from Transit Way to Raymond Avenue. (File No. S1507, Assessment No. 155307)
Adopted
- 14 [RES 17-359](#) Appointing Ben Petok to serve as Senior Communications Advisor - Assistant to the Mayor V effective March 6, 2017.
Adopted
- 15 [RES 17-362](#) Approving adverse action against the Cigarette/Tobacco license held by Richard A. Stai d/b/a 5th Street Convenience located at 55-5th Street East.
Adopted
- 16 [RES 17-364](#) Approving the Mayor's appointment of Maria Sundaram and reappointments of Thomas Kottke, David Muhovich, Regina Rippel and Kerri Elizabeth Sawyer to serve on the Community Health Services Advisory Committee.
Adopted
- 17 [RES 17-365](#) Approving the Mayor's reappointments of Gene Gelgelu, Melissa Houghtaling, Sarah Lechowich, Jennifer Lee, Leila Paye-Baker, Nieeta Presley and Noemi Trevino to serve on the Human Rights and Equal Economic Opportunity Commission.
Adopted
- 18 [RES 17-366](#) Approving the Mayor's appointments of Teresa Kimker and Joseph Peroutka to serve on the Heritage Preservation Commission.
Adopted
- 19 [RES 17-367](#) Amending RES 17-76 to appoint additional members to the Legislative Advisory Committee on Poverty.
Adopted

- 20 [RES 17-369](#) Approving the Retainer Agreement between the City of Saint Paul and the Firm of Jardine, Logan & O'Brien as special counsel representing Saint Paul Police Officer Brett Palkowitsch.

Adopted

- 21 [RES 17-370](#) Approving the Retainer Agreement between the City of Saint Paul and the firm of Iverson Reuvers Condon as special counsel representing Saint Paul Police Officer Brian Ficcadenti.

Adopted

FOR DISCUSSION

No items

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.

Second Reading

- 22 [Ord 17-4](#) Repealing Chapter 50 of the Saint Paul Legislative Code pertaining to Individual Sewage Treatment Systems in its entirety and replacing it with new Chapter 50 language pertaining to Subsurface Sewage Treatment Systems. (To be withdrawn.)

Laid over to March 15 for third reading/public hearing

First Reading

- 23 [Ord 17-5](#) Amending Chapter 376 of the Legislative Code pertaining to taxicab service company license applicant qualifications.

Laid over to March 8 for second reading

- 24 [Ord 17-6](#) Amending Chapter 412 of the Legislative Code pertaining to Massage and Bodywork Centers.

Laid over to March 8 for second reading

- 25 [Ord 17-7](#) Amending Chapter 414 of the Legislative Code pertaining to Massage and Bodywork Practitioners.

Laid over to March 8 for second reading

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

- 26** [RES PH 17-43](#) Amending the financing and spending budget in the Department of Parks and Recreation by adding Commercial Vitality Zone (CVZ) funds in the amount of \$275,000 allocated for the construction of the Swede Hollow Overlook project
- No one was present to testify. Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 27** [RES PH 17-46](#) Amending the financing and spending plans in the Department of Public Works in the amount of \$729,705 in additional revenues, \$571,814 transfer of appropriations and \$51,859 in lapsed appropriations.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 28** [RES PH 17-49](#) Authorizing the Department of Parks and Recreation to accept \$25,000 allocated from the Capitol Region Watershed District's Special Projects Grant Program and to amend the financing and spending budget in the Department of Parks and Recreation to add \$25,000 for the feasibility phase of the Jimmy Lee Play Area project.
- No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0

- 29 [RES PH 17-50](#) Authorizing the Department of Parks and Recreation to accept \$75,000 allocated from the Capitol Region Watershed District's Special Projects Grant Program and to establish a financing and spending budget in the Department of Parks and Recreation to add \$75,000 to complete a feasibility study for the Victoria Park stormwater project.

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

Adopted

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

Nay: 0

- 30 [RES PH 17-63](#) Amending the financing and spending plans in the Police Department in the amount of \$90,000 for the 2016 State Homeland Security Program grant.

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

Adopted

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

Nay: 0

- 31 [RES PH 17-64](#) Amending the Activity budget in the Police Department in the amount of \$17,830 for the program income earned on the 2013 JAG.

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

Adopted

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

Nay: 0

- 32 [RES PH 17-65](#) Amending the grant activity budget in the Police Department in the amount of \$7,934 for the 2016 Toward Zero Death Enforcement Program grant.

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

Adopted

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

Nay: 0

33 [RES PH 17-68](#)

Authorizing the City to enter into a grant contract with the State of Minnesota for the DEED grant which includes an indemnification clause and amend the financing and spending plans in the Police Department in the amount of \$159,115 for this grant.

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

Adopted

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

Nay: 0

34 [RES PH 17-70](#)

Accepting Contamination Cleanup and Investigation grants from the Department of Employment and Economic Development, and Livable Communities Demonstration Account Tax Base Revitalization account grants from the Metropolitan Council and amending the 2017 budget.

No one was present to testify. Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

SUSPENSION ITEMS

Councilmember Noecker moved suspension of the rules.

Rules suspended

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

Nay: 0

[RLH TA 17-17](#)

Ratifying the Appealed Special Tax Assessment for Property at 417 GRAND AVENUE. (File No. J1703B, Assessment No. 178102) (Public hearing held February 15) (Amended to File No. J1703B1, Assessment No. 178109)

Councilmember Noecker reviewed the circumstances leading to the assessment. She said when she looked into the record she learned that dispatch didn't have a number on file for the property and hadn't been able to call property management. She said there was a form for property managers to fill out with that information, but it was apparently not uncommon for property managers to not be aware of the form and not have contact information on file with dispatch. She moved to reduce the fee by half to acknowledge the fact that it was in part the appellant's responsibility to have the number on file, but also that he truly did have people standing by to handle this type of work had he been notified. She said she had brought this to the attention of the Department of Safety and Inspections (DSI) just to make sure this was something they were including in their landlord training.

Councilmember Brendmoen said she appreciated that extra time was taken to dig into the issue, but offered the counterpoint that it was on the property owner to have the information on file. She said the City was in a situation of having to lock up the property quickly or face potential liability. She said she appreciated the gesture of offering a reduction in the assessment, but the work was done and it didn't seem fair for other taxpayers to have to take up the slack. She said she would not support the motion.

Councilmember Noecker said she appreciated that, and part of her rationale was also that it in Legislative Hearings it was stated that the call was made to the property owner, when that wasn't in fact the case.

Council President Stark said he would support the motion and felt it was a reasonable compromise under the circumstances. He said the main point was to make sure the system was worked on to make it function more smoothly and every opportunity was given for landlords to provide contact information.

Adopted as amended (assessment reduced by half)

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 1 - Councilmember Brendmoen

Councilmember Tolbert moved suspension of the rules.

Rules suspended

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

Nay: 0

[RES 17-371](#)

Approval of a waiver of the 45-day notice requirement in order to issue a Liquor On Sale - 100 Seats or less and Liquor On Sale - Sunday license with conditions to O'Reilly Custom, LLC d/b/a Brigade (License ID #20170000305) for the premises located at 470 Cleveland Avenue South.

Councilmember Tolbert moved approval of the resolution.

Adopted

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

Nay: 0

Council President Stark moved suspension of the rules.

Rules suspended

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

Nay: 0

[RES 17-379](#)

Preliminary Order setting the date of Public Hearing for April 5, 2017 to consider approval of the 2017 Saint Paul Streets Program (2017 SPS)

Council President Stark said the item was coming in under suspension due to a notice issue. He moved approval of the resolution.

Adopted

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

Nay: 0

Councilmember Brendmoen moved suspension of the rules.

Rules suspended

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

Nay: 0

[RES 17-375](#)

Proclaiming March 7, 2017 as A Day of Action to End Domestic Violence.

Councilmember Brendmoen read the resolution.

Councilmember Prince introduced Rebecca McLean and Emily Pyle from the St. Paul & Ramsey County Domestic Abuse Intervention Project. Ms. McLean made brief comments about the services offered by their organization, and thanked the Council for their support. She said things there were events statewide on March 7 recognizing domestic violence.

Councilmember Tolbert thanked Council members Brendmoen and Prince for their work on this issue. He noted the Ramsey County-City of St. Paul employee hockey game taking place on March 18 to raise funds for the St. Paul & Ramsey County Domestic Abuse Intervention Project.

Councilmember Brendmoen moved approval of the resolution.

Adopted

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

Nay: 0

Council members shared good news from their wards. Councilmember Bostrom asked for a moment of remembrance for Tim Bradley, a retired police officer who had recently passed away.

The Council recessed at 3:55 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:30 p.m. Council President Stark welcomed everyone and explained the procedures for public testimony.

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

35 [RES PH 17-58](#)

Approving the application of Patrick McGovern's for a sound level variance in order to present amplified music in an enclosed tent on Friday, March 17, 2017 at 225 7th Street West.

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

Adopted

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

Nay: 0

36 [RES PH 17-59](#)

Approving the application of Shamrock's Irish Nook for a sound level variance in order to present amplified music in an enclosed tent on Friday, March 17, 2017 at 995 7th Street West.

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

Adopted

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

Nay: 0

37 [ABZA 17-2](#)

Public hearing to consider the appeal of Gnia Dua Kong to a decision of Board of Zoning Appeals (BZA) denying a variance request to allow an existing illegal parking space in the front yard at 312 Wheelock Parkway East. (Public hearing continued from January 18; to be continued to March 1)

Sean Westenhofer, Department of Safety and Inspections (DSI), gave a staff report on the variance application and appeal. He displayed aerial photos of the property. He said the garage was converted to living space in 1990, and the driveway was never removed. He said there was a single stall garage behind the house and enough space behind the house for six vehicles to park.

Appellant Gnia D. Kong (312 Wheelock Parkway East) said he converted the garage to a living space in 1990 under permit, and the inspector didn't say anything at that time. He said he'd been parking there for 27 years, and had done other permitted work in that time and no one had said anything. He said sidewalk work had been done in front of his house and nothing was said at that time. He said they removed the old slab because it was cracked, and the inspector did not allow him to replace it. He said the inspector told him he should never have removed it. He said he removed it to make it match the condition of the street. He said he was told that in order to get a variance he would have to prove the area had been used for parking for 10 years, and he had been using it for parking for 27 years. He said there was no on-street parking for a half block, and if they parked six vehicles in the available parking spaces they were stacked and could not be moved. He said he had the support of his neighbors and approval from District 5. He said he didn't create the slab and their mistake was to remove it. He said he needed to park his car there so his tenant could get in and out. He said they did not create the situation and it would not change the character of the neighborhood because they had been there forever.

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

Councilmember Brendmoen asked Deputy City Attorney Rachel Tierney to explain the role of the Council in appeals of BZA decisions. Ms. Tierney said in order to grant the appeal the Council would need to find error in the BZA's findings. She said the BZA's found that Mr. Kong had not met conditions 1B, 2, 4 or 6; and the Council would have to state on the record where they found error in all of those findings. Councilmember Brendmoen said she understood the circumstances and that it was a hardship and a change for Mr. Kong, but she couldn't find any evidence that the BZA had made a mistake. She said she empathized with the situation that the changes on Wheelock Parkway had caused for Mr. Kong, and noted that those changes had impacted the parking situation for many other residents.

Mr. Kong said there were six other houses with the same thing as his house, and he felt they were being picked on. He said they had paid \$14,400 so they couldn't park where they had been parking for 27 years. He said they counted six houses on Edgerton with the same thing, and he asked why they were being picked. Councilmember Brendmoen asked whether those houses were on other streets like Edgerton or Larpenteur. Mr. Kong said they were on Wheelock along for four or five blocks to Edgerton.

Councilmember Bostrom said he gotten to know Mr. Kong over the years as one of the first community police officers. He said the property was next to a gas station and not in a pristine residential neighborhood, and Mr. Kong had taken good care of the property. He said if they were splitting hairs on this thing they had a responsibility to be a little bit understanding in a situation where people had invested their time and

money and were still living in the City. He said if they hadn't put windows in front of that section where the garage was they'd be okay, but now they were losing their parking. He said the opportunities for parking in that area were very limited, and he knew Mr. Kong had a big family and occasionally had social gatherings. He said he thought this was a case where a little judgment on the Council's part, recognizing the contributions and the fact that this wasn't going to do anything to change the character of the neighborhood. He said he felt it was within the Council's judgment to be able to grant this.

Council President Stark asked Mr. Westenhofer whether it was the case that if they hadn't removed the pad it could have stayed in place. Mr. Westenhofer said the pad could have stayed but they still would not have been allowed to park there because they removed the garage and made it living space. Council President Stark asked whether there was a review of all of the properties and parking situations at the time the Wheelock street project was being planned. Mr. Westenhofer said with every street project, zoning inspectors were sent out to see how people were parking, and front yard parking situations were handled individually.

Yaya Diatta, DSI, said when inspectors encountered a situation that did not meet code, they went back and looked in the books to see when the situation may have changed. He said in this situation it became an illegal driveway when the garage was converted to a living space; he said permits were issued in 1990 and the project was completed in 1992. He said there would be space to access ample parking and a single car garage in back. He said three parking spaces were required since the property was a duplex, and he felt six spaces was plenty of parking. Council President Stark asked whether the spots along the side of the house were legal places to park. Mr. Diatta said parking was allowed in a driveway that lead to a legal parking space. He said parking there would restrict access to the rear spaces, but it they were legal spaces.

Councilmember Noecker confirmed with Mr. Diatta that there were six parking spaces stacked, in addition to the single car garage, so there were seven spaces. She said she kept coming back to the need to find error in fact, finding or procedure. She said in this situation there were ample alternatives to having parking spaces in the front yard.

Councilmember Prince said the stacking of the parking didn't really make it accessible available parking. Councilmember Brendmoen said the requirement for a duplex was three spots. Councilmember Prince said she was convinced that it didn't alter the character of the neighborhood. In response to a question from Councilmember Prince about the legality of parking in front of the property, Mr. Diatta said it was legal to park in a driveway that lead to a legal parking space. Councilmember Prince said it was hard to see that this parking pad, which almost appeared to be just a widening of the driveway, significantly altered the character of the community. She said it was also significant that the neighbors supported the change as well as the strong support from the District 5 Community Council.

Council President Stark said it was his understanding that there were other houses along the stretch that had this situation and corrected it. Mr. Westenhofer confirmed that. Council President Stark said everyone along the stretch was asked to come into compliance with the same rules at the same time. Councilmember Bostrom noted that this house was the only house on the block with a gas station next door, and he said it was a well maintained duplex. Council President Stark reminded Councilmember Bostrom that the Council would need to find error with all of the BZA's finding. He said the person's character and service to the City were not at play. Councilmember Bostrom said it should count for something.

Councilmember Brendmoen said this wasn't a question about character or about investment in property; it was about the BZA's ruling and whether the Council could find error. She said she didn't think they were able to do that, and she moved to deny the appeal.

Councilmember Thao said they were trying to promote good home ownership across the city. He said this was a homeowner who had a cracked concrete slab and wanted to improve it and was being told he couldn't when it had historically been okay there. He said, due to cultural practices, six spots might not be adequate for the families and relatives in the duplex. He said all of the homeowners along that short block had kept the neighborhood a good place to live. He said with the gas station and liquor store this was a busy area, and he felt this was a situation where they could be lenient for someone who just wanted to improve the neighborhood. and improve the driveway.

Motion of Intent - Appeal denied

Yea: 4 - Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark and Councilmember Noecker

Nay: 3 - Councilmember Bostrom, Councilmember Thao and Councilmember Prince

38 [ABZA 17-3](#)

Public hearing to consider the appeal of McKenna Skrypek to a decision of the Board of Zoning Appeals (BZA) denying a variance of the minimum floor area ratio (FAR) in order to construct a new commercial building with three business spaces in the T2 Traditional Neighborhood zoning district at 373 Ruth Street North. (Public hearing continued from May 3)

Councilmember Prince said they were still waiting for a letter withdrawing the appeal. She asked to continue the public hearing for two weeks.

No one was present to testify. Councilmember Prince moved to continue the public hearing to March 15.

Public hearing continued to March 15

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

Nay: 0

- 39 [RES PH 17-20](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Property during July to September 2016. (File No. 1701LDSRP, Assessment No. 174000)

Testimony:

Nicholas Mellstrom (1076 Case Avenue) purchased the house in June and wasn't aware of the lead pipe problem. He asked whether the City sometimes covered a portion of the cost, and, if not, he would like to ask if the assessment could be spread over time.

Council President Stark said the City was responsible for the main in the street, and the resident for service line. He said the work was typically done when there was a problem or when the City was tearing the street up anyway and residents were given the option to have it done.

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

Adopted

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

Nay: 0

40 [RES PH 17-42](#)

Final Order to consider approval for the installation of medians and dedicated turn lanes along Snelling Avenue from Ford Parkway to Randolph Avenue. (File No. 19225, Assessment No. 175208)

In opposition:

John O'Halloran (2126 Scheffer Avenue) said he and son owned a funeral home at 575 South Snelling. He said the Highland District Council (HDC) had initiated the idea of the medians to make the area safer for pedestrians. He said he agreed that medians made the streets safer for pedestrians but questioned that there were enough pedestrians to make it worth the expenditures. He said the was busier at Randolph and Snelling and somewhat at Highland and Snelling but there were traffic, lights. He said there were other businesses with concerns about how it would affect their businesses, but they were told by the HDC that the work would be done whether they got the funding or not, and there was no point in opposing. He asked whether City engineering should do a pedestrian survey to see whether it was needed. He said he knew there was a need for sidewalks in Highland but understood the funds could not be used for that.

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

Councilmember Tolbert thanked Mr. O'Halloran for his testimony, and said this as an exciting day for the neighborhood. He said his office, the district council, and Public Works had been working for a couple of years with property owners and businesses to get the medians in. He said in his experience it was difficult to cross Snelling in this area because it was on a hill, and was wide with parking on both sides, and cars travelled down it very fast. He said he was able-bodied and able to sprint across, but seniors and parents didn't have that ability. He said the purpose and the reason he'd been supportive was safety and making the neighborhood more livable and walkable. He said they'd worked with MnDot on funding and to maintain on-street parking on both sides, and had made accommodations for Mr. O'Halloran so funeral processions could get out. He said, in terms of pedestrians in the rest of Highland, they had just won a grant to put sidewalks on in all of those places. He said he thought it was a great idea to get pedestrian counts and felt the addition of the medians would increase pedestrian use by increasing safety. He said he was excited to support it and hoped his colleagues would as well.

Councilmember Brendmoen said she was happy to support it as well. She said she had lived in that area with three small sons and knew from experience how difficult it was to cross Snelling.

Council President Stark thanked Councilmember Tolbert for his work. He said there was a section of Snelling that still needed medians, between Summit and Selby, and the district council there was clamoring for it for the same reasons. he said he would be supporting the motion as well.

Adopted

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

Nay: 0

41 [RES PH 17-66](#)

Approving adverse action against all licenses held by Metro Bar & Grill, Inc. d/b/a Arnellia's located at 1182 University Avenue West in Saint Paul.

Therese Skarda, assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the license condition violation related to failure to provide video surveillance footage as required. She said Arnellia's had originally disputed the charges, but the City and Arnellia's were able to reach a settlement agreement. She said the agreement stated that Arnellia's understood this was the third violation of this license conditions within the last 18 months, and that DSI was recommending a reduced matrix penalty of \$500 along with a 10-day license suspension. She said it was her understanding that Arnellia's had requested the Council public hearing to discuss the start date of the suspension and possibility of breaking up the ten days. She said this was not the first time Arnellia's had had this type of an issue; therefore DSI was recommending the \$500 penalty and a 10-day suspension to occur within the next two months with a start date selected by the Arnellia's. In response to a question by Council President Stark, she clarified that DSI was recommending that the suspension be ten consecutive days.

In opposition:

Jerry Allen (2156 14th Avenue E., North St. Paul) said they were not objecting to the recommendations for the adverse action. He said he had taken over the day-to-day operations for Arnellia's, and hopefully they would become a better business and neighbor.

Council President Stark asked whether it was correct that they were asking to be able to choose the date for the 10-day suspension. Mr. Allen said that was correct.

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

Council President Stark thanked Mr. Allen for coming down. He said the events that transpired and the violation were serious, and this was a little bit of a string of events after a quieter period. He said Arnellia's had been around for a long time with a long standing clientele, and everybody wanted to see them succeed, but the continued violations were becoming an issue. He said he was glad to hear there was an amicable agreement, and felt improvements to the video cameras and security system were going to be important. He said he would move to adopt DSI's recommendation and allow them to choose the 10-day period in the next two months. He said the Smackfest stuff had to stop. He said he understood it brought people in, but it had clearly proven to not be a good thing for the community overall.

In response to a question from Councilmember Bostrom, Council President Stark clarified the recommended penalty.

Adopted as amended

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

Nay: 0

SUSPENSION ITEMS

Council President Stark moved suspension of the rules.

Rules suspended

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

Nay: 0

[RES PH 17-62](#)

Approving the application of Pro-Life Action Ministries for a sound level variance for a Friday, April 14, 2017 Good Friday Event on Charles Avenue between Vandalia and Pillsbury Streets.

Council President Stark said because the item didn't make it onto the published agenda, the item would have to be continued for two weeks so the proper notice was there.

In support:

Reverend Brian Walker (1163 Payne Avenue), Pro Life Action Ministries program director, said the item was being continued for two weeks due to an error on the City's part. He asked that the Council consider the department's recommendation to grant the appeal, and said he could answer any questions the Council had now.

Council President Stark said he hadn't heard any concerns about the noise variance request and it was just a matter of the Council having to continue the public hearing for two weeks and making the decision on March 15.

Council President Stark moved to continue the public hearing for two weeks.

Public hearing continued to March 15

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

Nay: 0

Council President Stark moved suspension of the rules.

Rules suspended

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

Nay: 0

[RES PH 17-21](#)

Ratifying the assessments for Repair of Sanitary Sewer Line on Private Property during July to September 2016. (File No. SWRP1701, Assessment No. 173000)

Council President Stark said this mistakenly did not appear on the agenda, and the public hearing would be continued for two weeks.

No one was present to testify. Council President Stark moved to continue the public hearing to March 15.

Public hearing continued to March 15

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

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

61

[RLH SAO 17-6](#)

Appeal of Patrick Brown to Summary and Vehicle Abatement Orders at 792 THOMAS AVENUE.

Legislative Hearing Assistant Mai Vang gave a staff report on the Summary and Vehicle Abatement Orders, and Correction Notice. She said the Summary Abatement was complied with but the vehicle chassis remained. She said (Legislative Hearing Officer) Ms. Moermond's recommendation was to deny the appeal and give an extension until March 24 for compliance

In opposition:

Patrick Brown said the vehicle registration renewal paperwork was at his land in Wisconsin and he wouldn't be going there until May. Council President Stark said the alternative was to move the vehicle. Mr. Brown said the car didn't run; he said his son bought it to work on it. He said May 24 would work out perfect.

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

Councilmember Thao said he thought March 24 was ample time. He moved to adopt the Legislative Hearing Officer's recommendation.

Adopted (vehicle abatement appeal denied, with compliance deadline of March 24)

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

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda (Items 42 - 66)

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 Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 42** [RLH TA 17-25](#) Ratifying the Appealed Special Tax Assessment for Property at 198 BRIDLEWOOD DRIVE (File No. CRT1705, Assessment No. 178204).
Adopted
- 43** [RLH TA 17-26](#) Ratifying the Appealed Special Tax Assessment for Property at 1032 CARROLL AVENUE (File No. CRT1705, Assessment No. 178204).
Adopted
- 44** [RLH VBR 17-10](#) Appeal of Kenneth Cobb to a Vacant Building Registration Requirement, Summary Abatement Order, and Vehicle Abatement Order at 512 CENTRAL AVENUE WEST.
Adopted
- 45** [RLH FCO 17-12](#) Appeal of Kay Lovness, Chatsworth Properties, LLC, to a Fire Inspection Correction Notice at 1125 CHATSWORTH STREET NORTH.
Adopted
- 46** [RLH FCO 17-17](#) Appeal of David Daly to a Fire Inspection Correction Notice at 1415 CLEVELAND AVENUE NORTH.
Adopted
- 47** [RLH VBR 17-6](#) Appeal of Chris Rueb, PA, o/b/o John F. Nieszner, to a Vacant Building Registration Requirement at 854 EDMUND AVENUE.
Adopted

- 48 [RLH RR 17-6](#) Granting a stay of enforcement to provide a 120-day extension for Richard Einan for the rehabilitation or removal of for property at 1062 FRONT AVENUE.
Adopted
- 49 [RLH VBR 17-8](#) Appeal of Marcus A Brown to a Vacant Building Registration Requirement at 642 FULLER AVENUE.
Adopted
- 50 [RLH FCO 17-20](#) Appeal of Scott Kramer to a Correction Notice-Complaint Inspection at 306 GEORGE STREET WEST.
Adopted as amended (appeal granted)
- 51 [RLH FCO 17-21](#) Appeal of John A. Larson to a Fire Certificate of Occupancy Approval with Corrections at 894 GRAND AVENUE.
Adopted
- 52 [RLH TA 17-42](#) Deleting the Appealed Special Tax Assessment for Property at 996 HUBBARD AVENUE. (File No. J1704P, Assessment No. 178403)
Adopted
- 53 [RLH VBR 17-9](#) Appeal of Jay Nord, Singular Development, Inc., to a Vacant Building Registration Renewal Notice at 906 JESSAMINE AVENUE EAST.
Adopted
- 54 [RLH TA 17-35](#) Deleting the Appealed Special Tax Assessment for Property at 407 LAFOND AVENUE. (File No. J1704P, Assessment No. 178403)
Adopted
- 55 [RLH VBR 17-14](#) Appeal of Wamoua Lee to a Vacant Building Registration Fee Warning Letter at 957 MENDOTA STREET.
Adopted
- 56 [RLH FCO 17-2](#) Appeal of Leonard Wistrill to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 714 MINNEHAHA AVENUE WEST.
Adopted
- 57 [RLH SAO 17-8](#) Appeal of Raymond Becker to a Summary Abatement Order and Correction Notice at 1300 PAYNE AVENUE.
Adopted

- 58 [RLH SAO 17-7](#) Appeal of Linda Konicek to a Summary Abatement Order at 653 REANEY AVENUE.
Adopted
- 59 [RLH RR 17-4](#) Ordering the rehabilitation or razing and removal of the structures at 672 RIVOLI STREET within fifteen (15) days after the March 1, 2017, City Council Public Hearing. (Amended to remove or repair within 180 days)
Adopted as amended (remove or repair within 180 days)
- 60 [RLH FCO 17-18](#) Appeal of Stephen D. Farrell to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1990 SUBURBAN AVENUE.
Adopted
- 62 [RLH TA 17-58](#) Amending Council File RLH AR 16-91 to delete the assessment for Graffiti Removal services during August 23 to September 1, 2016 at 162 YORK AVENUE. (File No. J1703P, Assessment No. 178402).
Adopted
- 63 [RLH AR 17-6](#) Ratifying the assessments for Demolition services from June to September 2016. (File No. J1702C, Assessment No. 172001)
Adopted
- 64 [RLH AR 17-7](#) Ratifying the assessments for Graffiti Removal services during September 8 to October 29, 2016. (File No. J1704P, Assessment No. 178403)
Adopted
- 65 [RLH AR 17-8](#) Ratifying the assessments for Fire Certificate of Occupancy fees billed during August 8 to September 10, 2016. (File No. CRT1705, Assessment No. 178204)
Adopted
- 66 [RLH AR 16-109](#) Ratifying the assessments for Tree Removal services from September 2016. (File No. 1702T, Assessment No. 179001)
Adopted

ADJOURNMENT

Councilmember Bostrom moved adjournment.

Meeting adjourned at 6:36 p.m.

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

Nay: 0

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