



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

City Council Meeting Minutes - Final

*Council President Kathy Lantry
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Russ Stark
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert*

Wednesday, November 5, 2014

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

The meeting was called to order by Council President Lantry at 3:33 p.m.

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao and Councilmember Chris Tolbert
Absent 1 - Councilmember Dave Thune

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 14-43** Letters from the Department of Safety and Inspections declaring 722 Concordia Avenue and 722 Maryland Avenue East as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 2 **CO 14-44** Letters from the Department of Safety and Inspections declaring 1007 Arundel Street and 353 Wheelock Parkway West as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 3 **AO 14-59** Amending the 2014 budget of the HOME Fund.
Received and Filed
- 4 **AO 14-62** Amending the 2014 spending budget for the Office of Technology and Communications.
Received and Filed

- 12 **RES 14-1886** Approving the use of Neighborhood STAR Year-Round Program Funds (Wards 1 & 7) for the St. Paul Domestic Abuse Intervention Project.
Adopted
- 13 **RES 14-1246** Approving the release of utility easement rights within a vacated alley abutting the Nasseff Heart Center located at 225 Smith Avenue North.
Adopted
- 14 **RES 14-1832** Approving the City's cost of providing Collection of Vacant Building Fees from December 12, 2013 to July 17, 2014, and setting date of Legislative Hearing for December 2, 2014 and City Council Public Hearing for February 4, 2015 to consider and levy the assessments against individual properties. (File No. VB1502, Assessment No. 158801)
Adopted
- 15 **RES 14-1833** Approving the City's cost of providing Property Clean Up services from September 1 to 29, 2014, and setting date of Legislative Hearing for December 2, 2014 and City Council Public Hearing for February 4, 2015 to consider and levy the assessments against individual properties. (File No. J1504A, Assessment No. 158503)
Adopted
- 16 **RES 14-1834** Approving the City's cost of providing Trash Hauling services from September 3 to 24, 2014, and setting date of Legislative Hearing for December 2, 2014 and City Council Public Hearing for February 4, 2015 to consider and levy the assessments against individual properties. (File No. J1503G, Assessment No. 158702)
Adopted
- 17 **RES 14-1835** Approving the City's cost of providing Tree Removal services during September 2014, and setting date of Legislative Hearing for December 2, 2014 and City Council Public Hearing for February 4, 2015 to consider and levy the assessments against individual properties. (File No. 1501T, Assessment No. 159000)
Adopted
- 18 **RES 14-1853** Authorizing the Fire Department to enter into a hazardous materials emergency response contract with the State of Minnesota Department of Public Safety for the time period of October 1, 2014 through September 30, 2014.
Adopted

- 19 **RES 14-1866** Authorizing the Fire Department to accept the donation of 1,152 AA and 768 9-volt batteries valued at \$1,436 from Energizer.
Adopted
- 20 **RES 14-1856** Amending Civil Service Rule 14 of the City of Saint Paul Civil Service Rules to eliminate Promotion Rights to any position within the Non-Represented Management and Legislative Group.
Laid over to November 12 for adoption
- 21 **RES 14-1890** Amending Civil Service Rule 20 of the City of Saint Paul Civil Service Rules to modify the family members for whom an employee may use sick leave credits and the circumstances under which an employee may use sick leave credits.
Laid over to November 12 for adoption
- 22 **RES 14-1870** Accepting and approving the preliminary plat for Village on Rivoli Addition.
Adopted
- 23 **RES 14-1827** Authorizing the Police Department to enter into an agreement with the U.S. Immigration and Customs Enforcement, Homeland Security Investigations.
Adopted
- 24 **RES 14-1864** Authorizing the Police Department to accept a donation of laptop computers from the Target Corporation for department computer mobile access needs.
Adopted
- 25 **RES 14-1891** Authorizing the City to enter into MnDOT Agreement No. 06933 with State of Minnesota, Department of Transportation, for operation and maintenance of the new Rectangular Rapid Flashing Beacon System on Trunk Highway No. 51 (Snelling Avenue) at Lincoln Avenue.
Adopted
- 26 **RES 14-1814** Approving adverse action against the Laundry/Dry Cleaning Plant license, Commercial Vehicle Permit, and Alarm Permit (Renew) held by Joseph Sturdevant, d/b/a Sweeney Cleaners at 252 Snelling Avenue South. (To be withdrawn)
Withdrawn
- 27 **RES 14-1880** Approving an Animal Boarding (Commercial) license for Hip Hounds, Inc., d/b/a Dog Days (License ID #20140002911) at 880 Vandalia Street.
Adopted

- 28 **RES 14-1812** Approving adverse action against the Auto Repair Garage and Second Hand Dealer - Motor Vehicle Parts licenses held by AAA Enterprise, Inc., d/b/a Affordable Tire at 1118 Seventh Street East. (To be withdrawn)
Withdrawn

FOR DISCUSSION

Councilmember Thune joined the meeting.

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

- 29 **SR 14-94** Recognition of Fire Chief Tim Butler for being named Fire Officer of the Year by the Minnesota State Fire Chiefs Association (MSFCA).
Mayor Coleman acknowledged Chief Butler's leadership, and congratulated him on his recognition by the Minnesota State Fire Chiefs Association. Fire Supervisors Association representatives and Chief Butler made brief comments. Council President Lantry congratulated Chief Butler.

Received and Filed

- 30 **SR 14-89** Update from Ramsey County Sheriff Matt Bostrom.
Sheriff Matt Bostrom gave an update on activities in the Ramsey County Sheriff's office.

Received and Filed

- 31 **RES 14-1729** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Liquor On Sale - 101-180 Seats and Liquor On Sale - Sunday licenses for The Eagle Street Grille LLC (I.D. #20140001613), d/b/a The Salt Cellar at 173 Western Avenue North. (Public hearing held October 22; laid over from November 5)
Deputy City Attorney Gerald Hendrickson said the zoning administrator had determined that an additional parking spot was required and said the applicant had submitted a site plan that met the requirements. He said an appeal of the zoning administrator's determination had been filed, and the ordinance stated that related proceedings should be stayed while the appeal was pending. He recommended laying the matter over pending the appeal to the Board of Zoning Appeals.

Councilmember Thune asked why parking was allowed in an easement. Mr. Hendrickson said that would be addressed in the appeal.

Council President Lantry said if the Council followed Mr. Hendrickson's recommendation and laid the matter over, it could come back before the Council on December 3, after the November 24 Board of Zoning Appeals meeting.

Councilmember Brendmoen asked why the two issues couldn't be addressed separately. Council President Lantry said the Council had followed Assistant City Attorney Rachel Tierney's advice to at the previous meeting to follow the recommendation of the Department of Safety and Inspections to allow the zoning

issue to be clarified first. Mr. Hendrickson reiterated the ordinance language.

Councilmember Bostrom said he felt it was appropriate to follow the recommendation of the City Attorney's Office. Councilmember Thao agreed.

Council President Lantry said no one was trying to delay things, but there was a process and procedure to follow.

Councilmember Thao moved to lay the matter over to December 3.

Councilmember Stark confirmed with Mr. Hendrickson that the determination made by the zoning administrator following the October 22 City Council meeting was the one being appealed.

Laid over to December 3

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

ORDINANCES

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

Final Adoption

32 Ord 14-41 Creating Chapter 200A of the St. Paul Legislative Code to require that private or public groups organized to care for stray, homeless, relinquished, or abandoned dogs and cats reduce unnecessary euthanasia.

Council President Lantry moved approval. She thanked Animal Control and Humane Society staff for their work on the ordinance.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

33 Ord 14-42 Memorializing City Council action granting the application of TCB Properties LLC to rezone property at 1599 - 1605 Rice Street from B3 General Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing was held on September 17, 2014.)

Councilmember Brendmoen moved approval.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 34 Ord 14-43** Memorializing City Council action granting the application of Gregory and Michelle Sutton and James Morelli to rezone property at 637 Bedford Street and 535 Tedesco Street from RT1 Residential and B3 General Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held September 17, 2014)

Councilmember Brendmoen moved approval.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

First Reading

- 35 Ord 14-44** Amending Chapter 157 of the Saint Paul Legislative Code pertaining to parking requirements for larger vehicles.

Laid over to November 12 for second reading

- 36 Ord 14-45** Amending Chapter 161 of the Legislative Code to permit the Director of Public Works to declare a continuous winter parking restriction on non-snow emergency routes.

Laid over to November 12 for second reading

SUSPENSION ITEM

Councilmember Brendmoen moved suspension of the rules.

Rules suspended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

- Ord 14-46** Amending Chapter 162 of the Legislative Code to permit the impounding of vehicles during a continuous winter parking restriction on non-snow emergency routes.

Councilmember Brendmoen introduced the item for first reading.

Laid over to November 12 for second reading

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

SUSPENSION ITEM

Councilmember Bostrom moved suspension of the rules.

Rules suspended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

RES 14-1965

Waiving the 45-day notice requirement to add Wine On Sale and Malt On Sale (Strong) licenses for Cook St. Paul, LLC, d/b/a Cook St. Paul (License ID #20140002595) at 1124 Payne Avenue.

Councilmember Bostrom moved approval.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

Council members shared information about upcoming events in their wards.

The meeting was recessed at 4:22 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:32 p.m.

Present 6 - Councilmember Dan Bostrom, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

Absent 1 - Councilmember Amy Brendmoen

Councilmember Brendmoen arrived after roll call.

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, City Council President Kathy Lantry, Councilmember Russ Stark, Councilmember Dai Thao, Councilmember Dave Thune and Councilmember Chris Tolbert

Council President Lantry said the budget items would be laid over and passed with the 2015 budget.

Final Order approving the 2015 Right-of-Way Maintenance Program and 2015 Above-Standard Lighting Operation and Maintenance Program. (File No. 15ROW FINAL)

Bruce Beese, Public Works, gave a brief staff report. He described services included, and said 2015 rates were proposed to increase an average of 2.4% over 2014 rates. He cited increases in raw materials costs and inflationary increases as causes, and said those increases mitigated through additional miscellaneous revenue.

In opposition:

Dr. Richard Fairrow (261 Ruth Street North), said he owned property at Ruth and Suburban. He said landscaping had not been kept up, and the taxes he'd paid had not brought any new patients.

David T. Hadgu (1504 Burg Avenue) said he'd had a 110% property tax increase over 9 years, with no changes to the property. He said he had no City lights, sidewalk, or plowing. He said his bill for 2015 was \$434 and he wasn't getting any City services. He said he felt like he was being ripped off.

M. K. Nguyen said her father was a long-time business owner and they owned the property at 823 University Avenue. She said they shared the City's goals but would like the opportunity to be more involved in decision making. She asked to delay the December 10 adoption to allow for an impact assessment and new processes with more representation.

Councilmember Stark clarified that this Right of Way maintenance fees were being considered and not the University Avenue assessments, which had been heard a few weeks prior.

Dennis Chandler (339 Webster) said he had a fee of \$268 and the value of his house had going down. He said he rarely saw a plow in the street or alley. He said his employer had cut hours, and he couldn't pay this increase. He said a lot of people were in the same situation, and he would like to see the City use some restraint in the way fees were calculated, because people couldn't afford it.

Daisy Wong (654 University), University Avenue business owner, spoke about the challenges faced before, during, and since construction including loss of 100% of on-street parking. She said the City needed to work with large and small businesses that had weathered out the construction, because the businesses couldn't survive with increasing assessments. She asked for a delay of the December 10 vote to allow for an impact assessment and new processes with more representation before any more financial burden was placed on businesses.

Chad Tulp (1140 Maryland Avenue E.) said he paid through assessment and gas tax, but there had been very little alley maintenance. He said he couldn't park on Maryland and his property had a lower value than properties on Rose (a block over) but higher rate of tax. He said he had to shovel more often because of how often the plow went through, and he would like to have the Council look into that.

Council President clarified that the City was required by State Law to adopt the budget by December 17.

Councilmember Brendmoen moved to close the public hearing and lay the matter over to December 10.

Public hearing held and closed; laid over to December 10 for adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

38 RES PH 14-307 Setting the 2015 Sanitary Sewer and Storm Sewer rates.

Bruce Beese, Public Works, gave a brief staff report. He described services included, and said 2015 rates were proposed to increase an average of 3.5% over 2014 rates. He said the increase was due to continuing decreases in billable water flow, infrastructure maintenance costs, and moderate inflationary impacts on costs.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and lay the matter over to December 10.

Public hearing held and closed; laid over to December 10 for adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

39 RES PH 14-312 Establishing the Water Charges for 2015.

Steve Schneider, St. Paul Regional Water Services, gave a brief staff report. He said the 2015 budget had been approved by the Board of Water Commissioners at its October meeting, and included operations expenses and a capital investment program. He said the Board was recommending an increase in the water services base fee of \$1 per month for residential customers and higher amounts for customers with larger water service lines. He said an increase in the water volume charge, and a new fund for infrastructure replacement were also being proposed. He said the impact of the increases on the average residential customer was an increase from \$22 to \$26 per month for water and water-related services.

No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and lay the matter over to December 10.

Public hearing held and closed; laid over to December 10 for adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

40 RES PH 14-316 Setting the recycling service fee for 2015, and authorizing Public Works to request \$590,554 in SCORE grant funds from Ramsey County to support the curbside recycling program under contract with Eureka Recycling.

Bruce Beese, Public Works, gave a brief staff report. He described services included, and said 2015 rates were proposed to increase an average of 2.4% over 2014 rates. He said the increase was due to incremental inflationary changes, and said they were holding off on increased service until it could be rebid in 2017.

In opposition:

Dennis Chandler (339 Webster) said organics recycling was a waste of time, and the City should try to cut costs rather than raising everyone's rates.

Councilmember Thune moved to close the public hearing and lay the matter over to December 10.

Public hearing held and closed; laid over to December 10 for adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

41 Ord 14-37

Amending Legislative Code Chapter 64 pertaining to sign regulations in the City of Saint Paul.

Councilmember Thune introduced amendments. Yeas - 7 Nays - 0

Jake Reilly, Planning and Economic Development, presented a drawing of the stadium with proposed signage, and reviewed applicable regulations. He noted that no advertising signage was proposed. He said he felt they were close to addressing all eventualities.

In opposition:

Tom Whaley (1771 Energy Park Drive), St. Paul Saints Baseball Club, said he was in opposition to the amendment related to seating capacity which made the restrictions apply specifically to the Saint's stadium. He said they would like to be treated the same as the Xcel and keep their options open. He said they would still need a variance for signs promoting stadium activities, but would like to have the opportunity to take advantage of that process.

John Mannillo (1335 Beechwood Road) read the Capitol River Council resolution, and said they didn't have a problem with anything proposed specifically, but did have a problem with advertising signs in the future. He said the Saints were not competing with the Xcel, and the signs described by Mr. Whaley would be business signs and not advertising.

In support:

Jeanne Weigum (1647 Laurel) spoke in support.

Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0 (Thao not present for vote)

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

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thune and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Thao

42 RES PH 14-313 Approving the application of Travis Dray, Managing Partner for Human Movement Management, for a sound level variance in order to present amplified iPod speaker music at Harriet Island, and at Lilydale Road and South Joy Avenue, from 9:00 a.m. until 2:00 p.m. on Saturday, November 29, 2014 for the Ugly Sweater Run.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

SUSPENSION ITEM

APC 14-6 Public hearing to consider the appeal of Donald Buckrey to a decision of the Planning Commission denying a change of nonconforming use permit for auto repair and outdoor auto sales at 1176 Dale Street. (Public hearing continued from October 15)

Appellant:

Robert Keena, attorney for Mr. Buckrey, said the application was for a reduction from 50 to 40 automobiles and a change in the parking layout, and the addition of decorative aluminum fence. He said the applicant was also asking that the Planning Commission's recommendation that cars be moved every 72 hours be increased to one week. He said it was plain at the previous hearing that the Council had concerns about the use, and he reiterated that the appeal was for a reduction. He said the things being requested would improve the business, and all neighbors who had been asked were in support. In response to a question from Council President Lantry he said the Planning Commission erred in determining that the application did not meet the finding that the use would not be detrimental to the existing character and development of the immediate neighborhood, or endanger the public safety or general welfare. He said it appeared the Planning Commission was referring to the property itself and not the requested reduction in use.

Licensee Donald Buckrey (1176 Dale Street) appeared to answer any questions.

Councilmember Brendmoen said she would like to hear from the District Council before continuing the discussion.

Council President Lantry asked Mr. Buckrey what he would do to assure the Council he would comply with the conditions given his history of noncompliance.

Councilmember Brendmoen asked what would happen if this came back again because the new conditions weren't met. She asked whether teeth could be added to the requirements. Mr. Keena said failure to comply would be citable. He said Mr. Buckrey intended to comply and had requested a change to the one condition he didn't feel he couldn't comply with. Deputy City Attorney Gerald Hendrickson confirmed that failure to comply with conditions would be citable, and consistent failure to comply could conceivably lead a hearing before the Council to revoke the conditional use permit. Councilmember Brendmoen said she felt that had previously been a little bit of a gray area.

Jake Reilly, Planning and Economic Development, said a provision in code specific to nonconforming use permits allowed the Planning Commission to have a hearing when permit conditions were not met, although sometimes licensing versus permit condition enforcement got conflated between departments.

Mr. Keena said there was a history at the property but Mr. Buckrey had only had the property since 2010, and while there had been citations, he had made improvements. He reiterated that Mr. Buckrey understood the consequences of failing to meet the requirements.

Kerry Antrim, District Planning Council (171 Front Avenue), said they did not feel the Planning Commission had erred in their finding regarding the use being detrimental to the neighborhood, although they understood that was a matter of interpretation. She said DSI and zoning had worked diligently with the appellant to try to solve problems at the site. She noted that there had been three adverse actions against the business and a fine of 41000 had been imposed. She said nonconforming uses were an exception to zoning rules and should be followed stringently. She said the

property had been a detriment to the neighborhood and would continue to be even with the improvements, and it should not be the responsibility of the neighbors to enforce and report violations. She said they felt the only area in which the Planning Commission erred was in not holding a secondary public hearing to revoke the original permit and discontinue the use. She said if the appeal was granted, they hoped the Council would add conditions stating that noncompliance would result in a public hearing to consider revocation of the license. She asked for a reasonable deadline for exterior improvements, an 84-hour limit for cars to remain outdoors on the lot, and no dismantled vehicles stored outside at all. She reiterated that they would like further violations to result in revocation of the license and use permit.

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

Council President Lantry clarified with Mr. Hendrickson that this was a request for change in a nonconforming use, and if the appeal was denied the use would still be allowed as is. She said she understood the concerns about continued failure to comply with conditions.

Councilmember Brendmoen said based on conversations with Mr. Reilly it appeared this was an improvement and there were reasons to move forward with the request, but she heard and agreed with concerns related to compliance with conditions. She said she felt the staff recommendations were reasonable including six conditions that had to happen immediately before the change in use was allowed, and additional conditions for continuing to operate. She moved to grant the appeal with staff recommendations, a deadline of seven months for exterior improvements, and 96-hour limit for cars to remain on the lot.

Motion of Intent - Appeal Granted with Conditions

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

43 APC 14-4

Public hearing to consider the appeal of the West 7th Federation to a decision of the Planning Commission granting reestablishment and change of a nonconforming use for an indoor rental storage facility at 543 James Avenue.

Bill Dermody, Planning and Economic Development, gave a staff report on the application and appeal, and reviewed the Planning Commission's findings.

Council President Lantry asked whether warehouses and storage facilities were allowed in T3 zoning. Mr. Dermody said they were not, which was why this action was necessary.

Councilmember Thune asked whether the Planning Commission vote had been split. Mr. Dermody said it was split 9 to 8.

Councilmember Stark confirmed with Mr. Dermody that the applicant needed to apply for a re-establishment or change in the nonconforming use because there was not a continuous use of the property. Mr. Dermody said the property was vacant for more than a year, and the legal nonconforming status had lapsed according to the zoning administrator.

Appellant:

Shawn Devine (501 Mt. Curve Boulevard), Fort Road Federation Board President, asked the Council to consider the work done by the Fort Road Federation towards the development of the site, particularly the opening of the Schmidt Artists' Lofts. He outlined their disagreements with the zoning staff report related to the proposed use's effect on the view from the river, on the existing development character, its consistency with comp plan, and effect on character of immediate neighborhood. He noted the proximity of the property to the river and said the Great River Passage Master Plan should be considered.

Edie Meissner (409 Colborne Street), said she had moved to a townhouse in the West 7th area from Mac Groveland. She spoke about characteristics of neighborhood and its vision for the future which would be nourished by the T3 zoning, and she asked Council not to turn back.

Denise Wickiser (354 Duke Street), Fort Road Federation Board of Directors member, co-chair of the Brewery Neighborhood Redevelopment Task Force, and Brewery Neighborhood Block Club Coordinator, spoke about positive changes in the neighborhood and efforts by community members to continue the positive momentum. She said storage units did not at all fit the Traditional Neighborhood vision and zoning. She asked that the Council not undo years of work, and public and private investment.

Mary Judge (900 West 7th) said they had moved into the brew house from Manhattan, and were excited to see the neighborhood taking on new life.

Applicant:

Todd Jones (200 N. Chestnut), Premier Storage, described the business concept and showed photographs. He described plans for the St. Paul location, and said it was a low-intensity use which generated little traffic and had a low demand for City services, but represented a significant investment and source of tax revenue. He said there was strong neighborhood support for the project and it had received staff recommendation and support, and he didn't believe the appeal was reflective of the opinion of the neighborhood. He said the building type, location, and underlying zoning made use difficult, and Dominion had passed on the property saying it was unsuitable for residential redevelopment. He said his proposed use would occupy the most difficult 2/3 of the building, and the remainder would be maintained for other uses that fit in T3. He asked to be allowed to move forward.

John Flottmeier, on behalf of current owner, said they strongly supported the proposed non-conforming use, based on their experience trying to find a use.

Bill Griffith (107 Virginia Street), representing the applicant, said the use was a warehouse, was used as a warehouse as recently as the previous week, and the use had never been abandoned. He said in terms of the comp plan, this was an adaptive reuse of an industrial site?, and the storage use was supportive of other uses.

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

Councilmember Thune said he would move to grant the appeal, based on the applicant's own admission that the property had been vacant for the last five years, and based on errors in the Planning Commission's decision related to consistency with the comp plan. He noted that the site had been rezoned to TN3 in 2008, and the use was not permitted in that zoning. He read a statement detailing his findings of error in the Planning Commission's decision.

Councilmember Stark said the T3 zoning was compelling and the most direct expression of the comprehensive plan. He said if the property hadn't been vacant for five years the use wouldn't need to be re-established.

Council President Lantry said she didn't recall the owners objecting to the change to T3 zoning, and if it was already being used as storage as the owners claimed, they wouldn't need to be doing this.

Councilmember Brendmoen said she saw the need for the use and it was a cool concept, but she also understood the view of the Fort Road Federation. She said there was a reason for requiring things to revert to a conforming use when it became vacant. She said she would support the motion but would hate to see this sit vacant for 20 years again when the perfect panacea had presented itself and there a need and desire for the service.

Motion of Intent - Appeal Granted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

44 PH 14-14

Public hearing to consider the application of Homestead Partners for preliminary and final plat approval for Pleasant Ridge to create eight (8) R2 Residential parcels. (Zoning File # 14-307-093) (Public hearing continued from October 1)

Councilmember Thune said since the last public hearing, the developers had gone back to the district council and neighbors, and some mutual goals had been achieved. He said he was interested in hearing from participants.

In opposition:

Jackie Rogowski (314 Irvine Avenue) asked that the developers follow the Irvine Development Plan and re-establish the forestation, and work with the City to establish parking on the south side of Pleasant since they would be eliminating parking on the north.

In support:

Matt Hanisch, representing the developer, said they had held a neighborhood meeting and were able to answer a lot of questions. He said reforestation was an impossibility but they did have a landscaping plan. Councilmember Thune asked that they work with the City to add established trees; he noted that the avenue was forested now and that was one of the things that made it a wonderful place. Mr.

Hanisch said they were willing to work with City staff to establish an acceptable landscape plan. Councilmember Thune confirmed with Mr. Hanisch that there would be no objection to moving the parking to the other side of the street.

Councilmember Thune said with agreements related to those two points of concern, he would move to close the public hearing and approve the application.

Motion of Intent - Application Granted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 45 **RES PH 14-308** Approving the petition of Opus Development Company, L.L.C. to vacate part of an alley in Block 26, Rice & Irvine's Addition, near West Seventh Street and Chestnut Street.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 46 **PH 14-16** Public hearing to consider the application of the Housing & Redevelopment Authority to rezone property at 619-627 Wells Street from R4 Single Family Residential to T2 Traditional Neighborhood.

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

Motion of Intent - Application Granted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Thune

- 47 **PH 14-17** Public hearing to consider the application of John D. Lenzi to rezone property at 662 Payne Avenue from B2 Business to T2 Traditional Neighborhood.

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

Motion of Intent - Application Granted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Thune

- 48 **RES PH 14-314** Granting an interim use zoning permit to the Saint Paul Housing and Redevelopment Authority (HRA) allowing the establishment and use of a temporary parking lot on HRA property at 845-851 Payne Avenue.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Thune

- 49 **RES PH 14-224** Authorizing the Department of Parks and Recreation to accept a donation in the amount of \$30,000 from the Minnesota Beverage Association, and to increase the Payne Maryland (Arlington Hills) Capital Improvement Budget accordingly to reflect the additional funding available for the construction of the facility's walking track.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Thune

- 50 **RES PH 14-317** Authorizing the acceptance of funds for the Emergency Solutions Grant Program for HUD FY2014.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Thune

- 51 **RES PH 14-306** Authorizing the Police Department and Emergency Management Department to accept the 2014 Port Security grant in the amount of \$514,929 which includes a \$128,732 match from the Department of Homeland Security and to amend the 2014 budget for this award.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Thune

- 52 **RES PH 14-304** Amending the financing and spending plans in the Police Department in the amount of \$19,500 for the Police Parking Lot Special Fund.

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

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao and Councilmember Tolbert

Nay: 0

Absent: 1 - Councilmember Thune

LEGISLATIVE HEARING ITEMS REQUIRING DISCUSSION

- 63 **RLH VO 14-50** Appeal of James N. Gilbert to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1127 RAYMOND AVENUE.

Legislative Hearing Officer Marcia Moermond said the property had come before the Council in August. She said all work had been completed except roof repairs which had been due October 1, and Fire had revoked the Certificate of Occupancy. She recommended denying the appeal.

Property owner James Gilbert (2064 Fry Street, Roseville) said the roof was signed off and done, and he needed one more week for the soffits.

Councilmember Stark asked whether he could be done by November 14. Mr. Gilbert said he could.

Councilmember Stark moved to close the public hearing, deny the appeal and grant an extension to November 14 for compliance.

Adopted as amended (appeal denied and extension granted to November 14)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

- 72 **RLH OA 14-29** Appeal of Sengleuame Ly to a Code Compliance Report at 755 THIRD STREET EAST.

Legislative Hearing Officer Marcia Moermond reviewed the hearings history for the property, and gave a staff report on the current appeal of a doubled permit fee.

In opposition:

Property owner Sengleuame Ly (7207 Upper 36th Street N., Oakdale) said he'd bought the property in June 2012 from HUD and didn't know anything about the Code Compliance or vacant building classification. He said HUD said he could live in the property as soon as he received the key, but he decided to do some repairs first. He said he received a letter in January 2013 saying a City inspection was required, and he paid \$447 for the application fee. He said the inspection report included a long list of corrections to be completed before he could move in, and he didn't have the money to do the work. He said when he had money to start the work in 2014 he was told he needed a new inspection which would cost another \$447, but inspectors helped him have the requirement reduced to a more limited inspection for \$125. He acknowledged he had done some work without a permit before he knew about the requirements, but the previous report didn't have the double fee and this second one did. He asked that the Council reverse the fee and help hi get going and get the house rehabbed.

Council President Lantry asked how much money Mr. Ly had for the rehab. Mr. Ly said he had a couple thousand. Council President Lantry said that wasn't enough; she noted that the house had been vacant for five years. She said HUD did not allow the City to disclose information to purchasers regarding property status and requirements. She said she would refer Mr. Ly for help with financing for the rehab; she said they both had the goal of getting the property rehabbed and occupied.

Mr. Ly said he was living in Oakdale and paying two mortgages. He said everything was current but it was difficult and he needed every dollar.

In response to questions from Council President Lantry, Mr. Ly said he'd paid \$50,000 for the property and had expected to need \$5,000 - \$10,000 for the rehabilitation. He said he didn't know how inspectors had come up with a valuation of \$15,000 for the permitted work. Council President Lantry said she could connect Mr. Lee with resources but if he couldn't afford to pay a \$300 assessment she wasn't confident in his ability to complete the rehab. Mr. Ly said he could afford it but needed every dollar and had wanted the Council to hear his voice. He said he was taking care of the property and wanted so much to get the work done and move into the house. He said in 2012 he didn't even know the City would come plow the snow.

Council President Lantry moved to close the public hearing and approve the assessment, but said she wanted to make sure her office connected Mr. Ly with help.

Adopted (appeal denied)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

74 RLH RR 14-12

Ordering the razing and removal of the structures at 391 VIEW STREET within fifteen (15) days after the July 23, 2014, City Council Public Hearing.

Legislative Hearing Officer Marcia Moermond said no one had appeared for the Legislative Hearing related to the Remove or Repair order, but someone was present to testify. She showed photos of the building, and said notification of this action had been sent to Deutsche Bank and someone named Schwartz. She said a Code

Compliance inspection had not been done, but it appeared someone had been taking care of the property. She reviewed the requirements for transfer of the property, and said it would go tax forfeit in 2017.

In opposition:

Vick Christensen (phonetic) showed a statement showing \$8000 in back taxes on the property. She said the neighborhood had been taking care of property and didn't want to see it knocked down. She said the property owners didn't have the wherewithal or skill to repurchase or repair, and the neighbors were asking for a delay of decision to allow time to look at alternatives. She asked Councilmember Thune to come to the neighborhood to hear from neighbors.

After consulting with Ms. Moermond, Councilmember Thune moved to continue the public hearing for 60 days.

Public hearing continued to January 7, 2015

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda

No one appeared in opposition; Councilmember Thune 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, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

53 RLH TA 14-611 Amending Council File RLH AR 14-63 to delete the assessment for Property Clean-Up services from June 4 to July 1, 2014 at 129 BATES AVENUE. (File No. J1412A, Assessment No. 148538)

Adopted

54 RLH VO 14-54 Appeal of Le Nguyen to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 1792 CASE AVENUE.

Adopted

55 RLH FCO 14-150 Appeal of Daniel D. Arndt to a Fire Inspection Correction Notice at 1164 CHARLES AVENUE.

Adopted

- 56 **RLH FCO** Appeal of David Hoffman to a Fire Inspection Correction Notice at 696
14-157 COOK AVENUE EAST.
Adopted
- 57 **RLH VBR 14-79** Appeal of Keith Hayes to a Vacant Building Registration Notice at 318
FRONT AVENUE.
Adopted
- 58 **RLH FCO** Appeal of Karen Haug, CEO for Advance Shoring Company to a
14-149 Correction Notice - Complaint Inspection at 1400 JACKSON STREET.
Adopted
- 59 **RLH CO 14-12** Appeal of Lawrence Moloney, Southern Minnesota Regional Legal
Services, on behalf of Leonard Anderson, to a Correction Notice at
559 MCKNIGHT ROAD SOUTH.
Adopted
- 60 **RLH SAO 14-37** Appeal of Catherine Walsh to a Vehicle Abatement Order at 1080
NORTON STREET.
**Referred to Legislative Hearings on April 14, 2015; Council Public Hearing
continued to May 6, 2015**
- 61 **RLH VO 14-56** Appeal of Colleen Walbran, Southern Minnesota Regional Legal
Services, on behalf of Lisa Barrett, to a Correction Notice-Complaint
Inspection (which includes condemnation of Units 2 and 3) at 650
OAKDALE AVENUE, UNIT 3.
Adopted
- 62 **RLH FCO** Appeal of IBEW Local 23 to a Fire Inspection Correction Notice at 932
14-154 PAYNE AVENUE.
Adopted
- 64 **RLH FCO** Appeal of Harry "Dutch" Erkenbrack to a Fire Inspection Correction
14-151 Notice at 429 ROBERT STREET SOUTH.
Adopted
- 65 **RLH VBR 14-69** Appeal of Mr. and Mrs. William Jansen to a Vacant Building
Registration Notice at 610 SAINT ALBANS STREET NORTH.
Adopted
- 66 **RLH VBR 14-80** Appeal of Alexis Vigliotti to a Vacant Building Registration Fee at 573
SAINT CLAIR AVENUE.
Adopted

- 67 **RLH FCO** Appeal of Cosmin and Megan Tarau to a Fire Inspection Correction
14-142 Notice at 1495 SAINT CLAIR AVENUE.
Adopted
- 68 **RLH FCO** Appeal of Ishvar Bhakta to a Fire Certificate Correction Notice at 2152
14-146 SEVENTH STREET WEST.
Adopted
- 69 **RLH VBR 14-75** Appeal of Zin Hao Liang to a Vacant Building Registration Notice at
2346 SEVENTH STREET WEST.
Adopted as amended (appeal granted)
- 70 **RLH FCO** Appeal of Petra Meyer to a Fire Inspection Correction Notice at 681
14-153 SIMPSON STREET.
Adopted
- 71 **RLH VBR 14-76** Appeal of Leaetta Hough for Hough, LLC to a Vacant Building
Registration Notice at 705 THIRD STREET EAST.
Adopted
- 73 **RLH VO 14-53** Appeal of Greg Daniel for Blue Dog Holdings, LLC to a Revocation of
Fire Certificate of Occupancy and Order to Vacate at 1519
UNIVERSITY AVENUE WEST.
Adopted
- 75 **RLH FCO** Appeal of Juan Ruiz to a Fire Inspection Correction Notice at 668
14-158 YORK AVENUE.
Adopted

ADJOURNMENT

Councilmember Brendmoen moved adjournment.

Meeting adjourned at 8:03 p.m.

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0

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