



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor

651-266-8560

City Council Meeting Minutes - Final

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

Wednesday, October 16, 2019

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:31 p.m.

Councilmember Busuri excused

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 19-55** Amending the Neighborhood STAR activity budget establishing four new account codes and combining Minnesota Children's Museum into one account.

Received and filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 2 - 19)

Councilmember Noecker moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 2 **RES 19-1655** Approving the City's cost of providing Property Clean Up services during August 1 to 14, 2019, and setting date of Legislative Hearing for November 19, 2019 and City Council public hearing for January 22, 2020 to consider and levy the assessments against individual properties. (File No. J2005A, Assessment No. 208504)

Adopted

- 3 **RES 19-1656** Approving the City's cost of providing Property Clean Up services during August 15 to 30, 2019, and setting date of Legislative Hearing for November 19, 2019 and City Council public hearing for January 22, 2020 to consider and levy the assessments against individual properties. (File No. J2006A, Assessment No. 208505)

Adopted

- 4 **RES 19-1709** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for the 2019 Street Maintenance Service Program for sweeping and lighting. (File No. 2019SMSP, Assessment No. 190025)

Adopted

- 5 **RES 19-1718** Authorizing the Police Department to accept a grant in the amount of \$241,145 from the U.S. Department of Justice for the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG).

Adopted

- 6 **RES 19-1719** Establishing the rate of pay for Compliance Specialist, Compliance Coordinator, and Senior Compliance Coordinator in Grades 008, 012, and 016, respectively of EG 06, PEA Salary Schedule.

Adopted

- 7 **RES 19-1727** Establishing the rate of pay for Labor Standards Investigator I, Labor Standards Investigator II, and Labor Standards Investigator III in Grades 008, 012, and 016, respectively of EG 06, PEA Salary Schedule.

Adopted

- 8 **RES 19-1814** Approving the Memorandum of Agreement for the establishment of the 2020 health insurance contribution rates and VEBA contribution rates.

Laid over to October 23 for adoption

- 9 **RES 19-1732** Accepting the gift of the costs of travel expenses from Race Forward for the Saint Paul Chief Equity Officer Toni Newborn to attend the Results for America Summit in Washington D.C. from October 4 to October 5, 2019.
Adopted
- 10 **RES 19-1737** Accepting the gift of travel expenses from The Aspen Institute for Mayor Melvin Carter to attend “CityLab: Urban Solutions to Global Challenges” in Washington, D.C. on October 26-29, 2019.
Adopted
- 11 **RES 19-1681** Accepting a gift of \$4,000 from the Katherine B. Anderson Fund of the Saint Paul Foundation to help finance travel expenses of a Department of Parks and Recreation delegate to Changsa, China, to participate in design charettes with Chinese Artisans to determine future project phases for Phalen Regional Park.
Adopted
- 12 **RES 19-1785** Authorizing the Department of Parks and Recreation, Como Park Zoo and Conservatory, to accept funding from Polar Bears International for travel expenses for Senior Zookeeper to present and moderate at Polar Bear Workshop, November 4-7, 2019 in Toronto, Canada.
Adopted
- 13 **RES 19-1716** Authorizing the Department of Parks and Recreation to apply for grant funds of \$10,000 from the Minnesota Department of Health and, if awarded, accept and enter into a grant agreement.
Adopted
- 14 **RES 19-1725** Granting Final Plat approval for Rivoli Bluff.
Adopted
- 15 **RES 19-1788** Authorizing the Department of Planning and Economic Development to apply for the Metropolitan Council’s Livable Communities Demonstration Account Pre-Development Grants for Little Saigon Plaza (365 University Avenue).
Adopted
- 16 **RES 19-1789** Authorizing the Department of Planning and Economic Development to apply to the Metropolitan Council for Tax Base Revitalization Grants for projects at 605 and 617 Stryker Avenue, 380 Randolph Avenue, 750 Milton Avenue, and 1222 University Avenue.
Adopted

- 17 **RES 19-1790** Approving the applications by the Department of Planning and Economic Development to the State of Minnesota Department of Employment and Economic Development for Contamination Cleanup Grants at 605 and 617 Stryker Avenue, 380 Randolph Avenue, and 750 Milton Avenue.

Adopted

- 18 **RES 19-1791** Approving a waiver of the 45-day notice requirement to issue Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio) licenses with conditions to Bing Concepts LLC, d/b/a Hope Breakfast Bar (License ID #20190002510) at 1 Leech Street.

Adopted

- 19 **RES 19-1730** Approving adverse action against the Cigarette/Tobacco License held by High 5 Inc., d/b/a SNAP Market (License ID #20190001517) at 957 Rice Street.

Withdrawn

FOR DISCUSSION

- 20 **RES 19-1820** Declaring October Domestic Violence Awareness Month.
Councilmember Tolbert invited representatives from the St. Paul and Ramsey County Domestic Abuse Intervention Project to the podium. He read the resolution.

Shelley Johnson Kline made brief comments.

Councilmember Tolbert moved approval of the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

ORDINANCES

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

First Reading

- 21 **Ord 19-63** Granting the application of Joseph and Nancy Schumacher to rezone property at 330 Prior Avenue North from OS Office Service to RT1 Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to October 23 for second reading

- 22 **Ord 19-67** Amending section 220.05 of the Legislative Code to set rates for base level garbage service to be effective January 1, 2020.
- Council President Brendmoen said the rates represented a reduction in rates across the board. Initial rates were based on garbage haulers' estimates, and data collected after one year indicated a significant reduction in costs and therefore reduced rates.*
- Laid over to October 23 for second reading**

- 23 **Ord 19-68** Amending Chapter 88 of the Legislative Code pertaining to water code meters by removing Section 88.10(g) in its entirety.
- Laid over to October 23 for second reading**

PUBLIC HEARINGS (3:30 p.m.)

- 24 **RES PH 19-348** Amending the HOME general ledger budget to reflect the actual 2019 grant award of \$1,748,058.00 plus program income use of \$1,002,341.87 and amend HOME activities budgets to include the 2019 spending plan.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
- 25 **RES PH 19-346** Approving the application of Minnesota United FC & Allianz Field for a sound level variance for amplified music during the MN United FC - MLS Playoff Game on October 20, 2019 at 400 Snelling Avenue North.
- No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
- 26 **RES PH 19-353** Approving the application of Minnesota United FC & Allianz Field for a sound level variance for DJ Booth amplified music during the St. Thomas vs. St. John's Football Game on October 19, 2019 at 400 Snelling Avenue North.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 27 RES PH 19-347** Approving the application of the Public Works Department for a sound level variance for sanitary tunnel cleaning projects at seven locations (428 Mississippi River Blvd. S.; 356 Mississippi River Blvd. S. located on Jefferson; 270 Mississippi River Blvd. S. located on the Blvd.; 186 Mississippi River Blvd. S. located on Princeton; 2260 Summit Ave. located on the bike path on Mississippi River Blvd S; 2260 Summit Ave. located on the Blvd.; 145 Otis Ave.) beginning November 4, 2019 through April 30, 2020.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 51 RLH CO 19-13** Appeal of Elsie Mayard to a Correction Notice, which includes lack of electricity, at 755 MINNEHAHA AVENUE WEST.

Legislative Hearing Officer Marcia Moermond gave a staff report on an Xcel Energy gas and electric shut-off in Unit 2 of the property. The shut-off was confirmed the morning of the Legislative Hearing on October 1. Ms. Moermond said there was a question from the appellant about how Xcel communicated with the City about the shut-off; staff provided the notification list the City received from Xcel weekly. She said what was in front of the Council was a correction order and not a condemnation; it was the practice to provide a one-week window for services to be restored before processing an order to vacate.

Council President Brendmoen asked whether it was correct that the cold weather rule went into effect on October 15. Ms. Moermond said she believed that was the case, but the private discussion between the property owner and Xcel were not something she took into consideration.

In opposition:

Elsie Mayard (755 Minnehaha Avenue West) said she didn't have anything from Xcel and didn't know anything about the shut-off. She said she called Xcel and was told

there was no bill to cause a shut-off. She said they were harassing her, and she asked that someone call Xcel to verify what she had said.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

**61 RLH VBR
19-66**

Appeal of Chao Yang to a Vacant Building Registration Requirement at
982 WOODBRIDGE STREET.

Legislative Hearing Officer Marcia Moermond gave a staff report on the vacant building registration resulting from a condemnation and order to vacate. The condemnation and order to vacate were appealed, and denied by the City Council on September 25. The property was referred to the vacant buildings program; the requirement for buildings that have been condemned was that they get a certificate of code compliance prior to re-occupation. Ms. Moermond said the Legislative Code defined the conditions that led to the different vacant building categories; the two key pieces making this a Category 2 were major code violations and the condemnation. Some of the violations in the house were related to the occupation by the tenants, but there was also significant water infiltration and mold and other problems she felt merited the code compliance inspection. Ms. Moermond recommended that the Council find the problems were sufficient to merit the code compliance inspection.

In opposition:

Property owner Chau Yang (531 Van Buren) appeared with his son Chu, who spoke on his behalf. He said the main issues at the house of mice, roaches, and mold, they had contracted a professional to come fix. He said at the last hearing, the vacant buildings inspector Matt noted that the house was completely renovated in 2008 and may not fall into Category 2. He said Joe, the inspector who placarded the house, said it wasn't as bad as a Category 2. He said they were asking that the Category 2 be removed and it be moved to Category 1, and they be given some time to fix it.

Council President Brendmoen said it was a Category 2 because it was condemned, and the Certificate of Occupancy needed to be reinstated before the house could be reoccupied. Chu stated that prior to condemnation they met with (Certificate of Occupancy inspector) Efrayn Franquiz, and he suggested that they condemn the house to move past the eviction process and get the tenants out quickly. When they found out it was going to Category 2 they moved quickly to fix the issues.

Council President Brendmoen confirmed with Chu that the decision to go with condemnation to get the tenants out had achieved that goal. Chu said that was correct; he repeated that they were asking for a Category 1 status and time to fix the house.

Council President Brendmoen said rodents and mold were not insignificant problems. Chu said they had a document showing that those things were being addressed. Council President Brendmoen said the building inspector would need to sign off on that.

Councilmember Noecker asked whether it was correct that Ms. Moermond was

recommending that the vacant building fee be waived for 90 days to allow time to get the work done and get the Certificate of Occupancy. Ms. Moermond said that was correct. She clarified that the type of inspection she was talking about was a code compliance inspection, and she was recommending that because the problems were more significant and warranted an assessment of what was going on beneath the surface. She said the inspection that was conducted was the result of a complaint, and was therefore complaint-specific. Councilmember Noecker asked whether that was typical for a Category 2. Ms. Moermond said that was correct. She said she sometimes recommended a Certificate of Occupancy inspection, but that was an exception to the rule, this was not a situation where she felt that would suffice.

Councilmember Thao asked if the property owner was fully informed of the consequences of their decision to condemn. Ms. Moermond said she felt that situation was mischaracterized. She said an inspector would not consult with the property owner, but might have used his suggestion to "soft pedal" the condemnation. Ms. Moermond said the condemnation was due to conditions in the building, and the conditions evident in the photographs made her concerned about what was under the surface.

Councilmember Thao said there seemed to be a misunderstanding on the path forward; he asked whether the fee would be waived if they come into compliance. Ms. Moermond said her recommendation was that the City Council waive the fee. She said what was being discussed was what the finish line was: Code Compliance or Certificate of Occupancy.

Council President Brendmoen said 90 days was generous, and the property needed a code compliance inspection to ensure it was safe for people to live in.

Chu provided a one-year warranty document for mold abatement and pest control. Ms. Moermond noted that it was from Elite Pest Control, which was not a mold remediation company.

Council President Brendmoen said none of the Council members were building trade or pest control or mold abatement professionals, and that was the work of a code compliance inspector. She asked whether Mr. Yang had anything to add before the public hearing was closed. She reiterated that Ms. Moermond was offering a 90-day waiver of the fee.

Mr. Yang said he would like Council to remove Category 2 and he would move on to fixing according to the Fire inspector. He said it was not as big an issue as Ms. Moermond said. He referred to the warranty and said the work had been done professionally and guaranteed by the warranty. He said he didn't know why the City would grant the pest control contractor a license and not trust it. He asked for 30 days and I would complete it properly.

Council President Brendmoen moved to close the public hearing. Yeas - 6 Nays - 0

Councilmember Thao asked for clarification of what was being requested. Mr. Yang said to remove both Category 1 and 2. He said he had a deficiency list from the Fire inspector and would complete it within 30 days. Councilmember Thao said Ms. Moermond was granting 90 days. Mr. Yang said he appreciated the waiver of the vacant building fee, but Category 2 required more inspectors. He said building inspector Matt was at the hearing on October 1 and said the building was renovated in 2008 and wasn't as bad as Category 2, and Joe who posted the placards said this didn't fall into any category and they should appeal.

Council President Brendmoen said she appreciated that if the Council reduced it to a Category 1 it would be less work and expense for the property owners, but renters deserved to have safe, dignified places to live, and she believed that the Code Compliance was the safest and most appropriate thing to do, especially given the 90-day waiver of the fee. She moved to adopt Ms. Moermond's recommendation. Councilmember Noecker spoke in support of the motion.

Councilmember Thao said if they were using Category 2 as a way to get the tenants out, as the appellants had testified, they needed to work with inspectors to make clear that the decision was irreversible and the property owner could not revert back to Category 1 or get their Certificate of Occupancy unless they met the code requirements identified by Category 2. He said their interpretation as City employees and the interpretation of the property owner might be two different things.

Council President Brendmoen said clear communication was important, but property owners didn't have a choice as to the vacant building category assigned. The inspector made the decision based on the condition of the property.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

LEGISLATIVE HEARING CONSENT AGENDA (3:30 p.m.)

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

Approval of the Consent Agenda (Items 28 - 61)

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 28 RLH TA 19-792** Ratifying the Appealed Special Tax Assessment for property at 1131 ALBEMARLE STREET (File No. CRT1911, Assessment No. 198212) (Legislative Hearing on October 15)

Adopted as amended (assessment reduced)

- 29 RLH TA 18-576** Ratifying the Appealed Special Tax Assessment for property at 488 AURORA AVENUE. (File No. J1904A, Assessment No. 198503; amended to File No J1904A2, Assessment No. 198533) (Public hearing continued from January 16)

Adopted as amended (assessment deleted)

- 30 **RLH TA 19-798** Amending Council Files No. RLH AR 19-85 to delete the assessment for Collection of Delinquent Garbage Bills for services during January to March 2019 at 560 AURORA AVENUE. (File No. CG1902C2, Assessment No. 190110)
Adopted
- 31 **RLH TA 19-799** Amending Council Files No. RLH AR 19-65 to delete the assessment for Collection of Delinquent Garbage Bills for services during October to December 2018 at 560 AURORA AVENUE. (File No. CG1901E4, Assessment No. 190070)
Adopted
- 32 **RLH TA 19-781** Amending the previously ratified assessment to reduce the assessment for Collection of Vacant Building Registration Fees billed during September 27, 2018 to March 21, 2019 at 622 BUSH AVENUE. (File No. VB1911, Assessment No. 198822)
Adopted
- 33 **RLH TA 18-548** Ratifying the Appealed Special Tax Assessment for property at 1737 CARROLL AVENUE. (File No. J1901A, Assessment No. 198500; amended to File No. J1901A1, Assessment No. 198514) (Public hearing continued from January 2)
Adopted as amended (assessment reduced)
- 34 **RLH TA 19-310** Ratifying the Appealed Special Tax Assessment for property at 246 CHARLES AVENUE. (File No. J1908E, Assessment No. 198312; amended to File No. J1908E2, Assessment No. 198320) (Public hearing continued from June 19)
Adopted as amended (assessment deleted)
- 35 **RLH TA 18-552** Ratifying the Appealed Special Tax Assessment for property at 974 CONWAY STREET. (File No. J1902A, Assessment No. 198501; amended to File No. J1902A1, Assessment No. 198517) (Public hearing continued from January 2)
Adopted as amended (assessment deleted)
- 36 **RLH TA 19-320** Ratifying the Appealed Special Tax Assessment for property at 55 COOK AVENUE WEST. (File No. J1908E, Assessment No. 198312; amended to File No. J1908E2, Assessment No. 198320) (Public hearing continued from June 19)
Adopted as amended (assessment ratified)

- 37 **RLH TA 19-71** Ratifying the Appealed Special Tax Assessment for property at 1049 EDMUND AVENUE. (File No. J1912A, Assessment No. 198511; amended to File No. J1912A2, Assessment No. 198554) (Public hearing continued from April 3)
Adopted as amended (assessment reduced)
- 38 **RLH TA 18-579** Ratifying the Appealed Special Tax Assessment for property at 1431 EDMUND AVENUE. (File No. J1904A, Assessment No. 198503; amended to File No. J1904A2, Assessment No. 198533) (Public hearing continued from January 16)
Adopted as amended (assessment deleted)
- 39 **RLH TA 19-404** Ratifying the Appealed Special Tax Assessment for property at 1180 FOREST STREET. (File No. J1917A, Assessment No. 198535; amended to File No. J1917A2, Assessment No. 198566) (Public hearing continued from July 10)
Adopted as amended (assessment ratified)
- 40 **RLH OA 19-8** Appeal of Charles McCarty to a Code Compliance Report at 1093 FOURTH STREET EAST.
Adopted
- 41 **RLH TA 18-589** Ratifying the Appealed Special Tax Assessment for property at 887 GERANIUM AVENUE EAST. (File No. J1903A, Assessment No. 198502; amended to File No. J1903A2, Assessment No. 198531) (Public hearing continued from January 16)
Adopted as amended (assessment reduced)
- 42 **RLH TA 19-319** Ratifying the Appealed Special Tax Assessment for property at 1396 GRAND AVENUE. (File No. J1908E, Assessment No. 198312; amended to File No. J1908E2, Assessment No. 198320) (Public hearing continued from June 19)
Adopted as amended (assessment deleted)
- 43 **RLH SAO 19-47** Making finding on the appealed nuisance abatement ordered for 1122 JACKSON STREET in Council File RLH SAO 19-44.
Adopted
- 44 **RLH TA 19-732** Ratifying the Appealed Special Tax Assessment for property at 308 LAWSON AVENUE WEST. (File No. J1911E2, Assessment No. 198326)
Adopted

- 45 RLH TA 19-340** Ratifying the Appealed Special Tax Assessment for property at 865 LAWSON AVENUE EAST. (File No. J1908E, Assessment No. 198312; amended to File No. J1908E2, Assessment No. 198320) (Public hearing continued from June 19)
Adopted as amended (assessment ratified)
- 46 RLH TA 18-587** Ratifying the Appealed Special Tax Assessment for property at 1922 LINCOLN AVENUE. (File No. J1903A, Assessment No. 198502; amended to File No. J1903A2, Assessment No. 198531) (Public hearing continued from January 16)
Adopted as amended (assessment reduced)
- 47 RLH VBR 19-71** Appeal of Laura Jelinek o/b/o Tomeka Miller to a Vacant Building Registration Requirement at 1235 MARGARET STREET (Legislative Hearing on October 15, 2019)
Adopted as amended (appeal denied; extension granted for compliance)
- 48 RLH VBR 19-72** Appeal of Doug Turner, on behalf of Travis Senenfelder dba 1235 Margaret Street LLC, to a Vacant Building Registration Requirement at 1235 MARGARET STREET. (Legislative Hearing on October 15, 2019)
Adopted as amended (appeal denied; extension granted for compliance)
- 49 RLH TA 19-337** Ratifying the Appealed Special Tax Assessment for property at 147 MARIA AVENUE. (File No. J1917A, Assessment No. 198535; amended to File No. J1917A2, Assessment No. 198566) (Public hearing continued from July 10)
Adopted as amended (assessment deleted)
- 50 RLH TA 18-584** Ratifying the Appealed Special Tax Assessment for property at 1083 MARION STREET. (File No. J1903A, Assessment No. 198502; amended to File No. J1903A2, Assessment No. 198531) (Public hearing continued from January 16)
Adopted as amended (assessment ratified and payable over 2 years)
- 52 RLH TA 19-376** Ratifying the Appealed Special Tax Assessment for property at 652 OAKDALE AVENUE. (File No. J1917A, Assessment No. 198535; amended to File No. J1917A, Assessment No. 198566) (Public hearing continued from July 10)
Adopted as amended (assessment deleted)
- 53 RLH VO 19-40** Appeal of Carolyn Brown to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 707 PREBLE STREET.
Adopted

- 54 **RLH TA 18-592** Ratifying the Appealed Special Tax Assessment for property at 670 ROBERT STREET NORTH. (File No. J1903A, Assessment No. 198502; amended to File No. J1903A2, Assessment No. 198531) (Public hearing continued from January 2)
Adopted as amended (assessment reduced)
- 55 **RLH TA 19-292** Ratifying the Appealed Special Tax Assessment for property at 693 SIMON AVENUE. (File No. J1915A, Assessment No. 198529; amended to File No. J1915A1, Assessment No. 198564) (Public hearing continued from June 5)
Adopted as amended (assessment reduced)
- 56 **RLH VBR
19-61** Appeal of Christine Hyrkas, on behalf of Shirley Johnson, to a Vacant Building Registration Notice at 699 SMITH AVENUE SOUTH.
Adopted
- 57 **RLH TA 19-260** Ratifying the Appealed Special Tax Assessment for property at 1981 THIRD STREET EAST. (File No. CG1901D2, Assessment No. 190064; amended to File No. CG1901D2-1, Assessment No. 190083, and to delete the assessment) (Public hearing continued from June 12)
Adopted as amended (assessment deleted)
- 58 **RLH FCO 19-93** Appeal of Tory Christensen, University Buildings LLC, to a Fire Certificate Correction Notice at 2147 UNIVERSITY AVENUE WEST.
Adopted
- 59 **RLH TA 18-594** Ratifying the Appealed Special Tax Assessment for property at 1067 VAN DYKE STREET. (File No. J1904A, Assessment No. 198503; amended to File No. J1904A2, Assessment No. 198533) (Public hearing continued from January 16) (Amend to delete)
Adopted as amended (assessment deleted)
- 60 **RLH TA 19-412** Ratifying the Appealed Special Tax Assessment for property at 930 WOODBRIDGE STREET. (File No. J1917A, Assessment No. 198535; amended to File No. J19172, Assessment No. 198566) (Public hearing continued from July 10)
Adopted as amended (assessment deleted)

Council members shared news about events in their wards.

The Council recessed at 4:13 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:31 p.m.

- 62 RES PH 19-337** Approving adverse action against the Auto Body Repair Shop and Auto Repair Garage License held by SKD Auto Tek LLC, d/b/a SKD Auto Tek (License ID # 20170002848) at 80 Cottage Avenue West.
- Council President Brendmoen said there was a miscommunication with the licensee; she moved to continue the public hearing for two weeks so the licensee could testify in person.*
- No one was present to testify.*
- Public hearing continued to November 6**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
-
- 63 Ord 19-62** Amending sections 373.01 and 373.08 of the Legislative Code pertaining to transportation network company (TNC) definitions to include rented or leased vehicles and allow automobile rental companies to make rental vehicles available to TNC endorsed drivers.
- Dan Niziolek, Department of Safety and Inspections, gave a brief staff report.*
- No one was present to testify. Councilmember Tolbert moved to close the public hearing.*
- Public hearing held and closed; laid over to October 23 for final adoption**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
-
- 64 Ord 19-57** Amending Chapter 324 of the Legislative Code to raise the age of persons allowed to purchase tobacco and tobacco related devices and products from eighteen (18) to twenty-one (21).
- Council President Brendmoen said a small adjustment was made to the ordinance, and it was laid over to allow for notification of store owners.*
- In support:*
Ellie Beaver (677 Jefferson Avenue)
Nicola Giusti (152 Bigelow Lane)
Bilese Dinsa
- Council President Brendmoen invited those in support to stand.*

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

Council members Thao and Tolbert, and Council President Brendmoen made comments.

Councilmember Tolbert moved final adoption of the ordinance.

Adopted as amended (amended September 4)

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

Nay: 0

Absent: 1 - Councilmember Busuri

65 Ord 19-59

Amending the zoning map as recommended in the Stryker Avenue Zoning Study.

Michael Wade, Planning and Economic Development, gave a brief staff report and answered questions from Council members.

No one was present to testify. Councilmember Noecker made brief comments and moved to close the public hearing.

Public hearing held and closed; laid over to October 23 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Busuri

66 ABZA 19-5

Public hearing to consider Dorian P. Nelson's appeal of a decision by the Board of Zoning Appeals (BZA) denying variances of the sidewall articulation and the maximum building height requirements in order to construct a two-story addition to an existing single-family dwelling at 1946 Wellesley Avenue.

Yaya Diatta, Department of Safety and Inspections, gave a staff report on the application and appeal.

Councilmember Prince asked whether the district council had weighed in. Mr. Diatta said at the time the staff report was written, the district council had not weighed in. Councilmember Tolbert said they recommended approval of the height variance.

Appellant:

Dorian Nelson (1946 Wellesley) said the nonconforming setback variance was approved, and upon the discussion with the Macalester Groveland neighborhood council they decided to meet the articulation requirement, and were only appealing the height requirement. He said the height variance was required for them to match the height of the rear addition to the existing house, and the design was intended to maximize green space. The height would not exceed that of neighboring houses, and neighbors who wrote in agreed. The current house exceeded the height requirement as

did most houses in the neighborhood. The Macalester Groveland Community Council unanimously approved the height variance, and they had strong support from neighbors. He reviewed key points to overturn staff's findings regarding criteria 3, practical difficulties with compliance, and 4, circumstances unique to the property. He said, in terms of practical difficulties, since they were willing to meet the articulation requirement, the negative impact of the height due to the proximity to the neighbor was alleviated. He said the design of the current house and location on the lot presented a practical difficulty to compliance, and they were not looking to change the design. He said the current design was unique to the property, and they were designing the edition to match the neighborhood and the property. He said a number of other factual errors related to the project itself created confusion during the hearing.

No one was present to testify in opposition.

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

Councilmember Tolbert said the BZA heard three variance requests: the side yard setback was approved, and the sidewall articulation was denied, and he found no errors in those decisions. He said the height was denied and, after reviewing the application and appeal he believed there were both practical difficulties in complying with the height requirement as well as circumstances unique to the property that were not created by the land owner. He read the specific errors in findings 3 and 4, and noted that the property owner went to the district council which recommended approval of the height variance, and all of the letters received from neighbors were in support of the addition. He moved to overturn the BZA's decision on the height variance, and modify the BZA resolution to reflect that decision. He moved to deny the appeal of the decision on the sidewall articulation variance.

Motion of Intent - Appeal on height variance granted; appeal on sidewall articulation denied

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

Nay: 0

Absent: 1 - Councilmember Busuri

67 Ord 19-61

Amending Chapter 152 of the Legislative Code permitting the City Engineer to set speed limits on roads under the City's jurisdiction.

Patricia Thompson (1496 Raymond Avenue), co-chair of the transportation committee of the St. Anthony Park Community Council, spoke in support.

Councilmember Jalali Nelson moved to close the public hearing.

Public hearing held and closed; laid over to October 23 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 68 RES PH 19-351** Approving intersection safety improvements for the Johnson Parkway Regional Trail.
- Luke Hanson, Public Works, gave a staff report.*
- In support:*
Zack Mensinger (1226 Englewood Avenue)
Andy Singer (2103 Berkeley Avenue), St. Paul Bicycle Coalition co-chair
Stefan Pomrenke (950 Margaret Street)
Ian Buck (514 Thomas Avenue W.), St. Paul Bicycle Coalition
- Councilmember Prince moved to close the public hearing. Yeas - 6 Nays - 0*
- Councilmember Prince made remarks and moved approval of the resolution.*
- Council members Thao and Jalali Nelson, and Council President Brendmoen commented.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
-
- 69 RES PH 19-299** Ratifying the assessments for Replacement of Sanitary Sewer Line on Private Properties during April to June 2019. (File No. SWRP1904, Assessment No. 193003)
- In opposition:*
Edane Engelby (1557 Albany Avenue) said shew had discovered a cesspool in her yard when having sewer work done. She asked if anything could be done to make sure homeowners were notified if there was a cesspool.
- Council President Brendmoen said Ms. Engelby might have a private cause of action against the previous owner. She said Ms. Engelby was in Ward 4, and that office would follow up. She said the City also had some home improvement loan funds.*
- Councilmember Jalali Nelson said she would make sure her staff followed up.*
- Councilmember Noecker moved to close the public hearing and and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri

- 70 RES PH 19-303** Ratifying the assessment for Improvements on Jackson Street from 11th to University. (File No. 19203, Assessment No. 175205)
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
-
- 71 RES PH 19-301** Ratifying the assessment for benefits, costs, and expenses for the Seventh Place Mall operation and maintenance costs for 2018. (File No. 18428-19, Assessment No. 197200)
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
-
- 72 RES PH 19-302** Final Order approving the Seventh Place Mall operation and maintenance for 2019. (File No. 18428-20, Assessment No. 207200)
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
-
- 73 RES PH 19-338** Approving the application of the West Side Community Organization for the installation of public art in the public right-of-way on the pedestrian bridge over Robert Street for a 15-year period.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**

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

Nay: 0

Absent: 1 - Councilmember Busuri

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 6:26 p.m.

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