



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor
651-266-8560

Minutes - Final

City Council

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

Wednesday, December 12, 2018

3:30 PM

Council Chambers - 3rd Floor

The Library Board will convene during the City Council meeting.

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:32 p.m.

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen,
Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember
Rebecca Noecker and Councilmember Mitra Jalali Nelson

Absent 1 - Councilmember Jane L. Prince

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 18-65](#) Amending the 2018 budget of the Sewer Utility Fund.

Received and filed
- 2 [AO 18-67](#) Amending the 2018 general fund budget for the Fire Department to more accurately record expenditures.

Received and filed
- 3 [AO 18-68](#) Amending the 2018 budget of the Sewer Utility Fund.

Received and filed
- 4 [AO 18-69](#) Amending the 2018 General Fund budget for the Mayor's Office to more accurately record expenditures.

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 5 - 15)

Item 11 was removed from the Consent Agenda for separate consideration.

Councilmember Tolbert moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Prince

- 5** [RES 18-1780](#) Setting fine amounts for violations of Section 157.03 (i) of the Legislative Code pertaining to parking for vehicles containing recyclable materials.
Adopted
- 6** [RES 18-2050](#) Amending RES 18-145 by incorporating the changes to the Similar Use Determination, as set forth in the Terms of Agreement contained in the Stipulation for Consent and Order for Entry of Judgment of the Ramsey County District Court, in the matter of Listening House of St. Paul, Inc. v. City of Saint Paul.
Adopted
- 7** [RES 18-2065](#) Approving the Settlement Agreement and Release between the City of Saint Paul and First Baptist Church, et al. and its attorney John G. Hoeschler.
Adopted
- 8** [RES 18-559](#) Authorizing acceptance of a right-of-way easement along the east side of Emerald Street between Ellis Street and University Avenue West for the 2700 University FC, LLC & 2700 University FC, LP mixed-use development.
Adopted
- 9** [RES 18-2005](#) Reducing the St. Paul Streets assessment for the property located at 1083 Chatsworth Street North.
Adopted

- 10 [RES 18-2021](#) Providing for the issuance of and accepting a proposal on the sale of a General Obligation Variable Rate Street Reconstruction Bond, Series 2018E and taking other required actions with respect thereto.
Adopted
- 12 [RES 18-1918](#) Approving the 2018 Round 2 Cultural Sales Tax Revitalization (STAR) Grant Program awards.
Adopted
- 13 [RES 18-2044](#) Authorizing the Police Department to enter into an amended Joint Powers Agreement with the State of Minnesota to extend the agreement to complete the project.
Adopted
- 14 [RES 18-2058](#) Approving a waiver of the 45-day notice requirement to issue Liquor On Sale - 181-290 Seats, Liquor On Sale - Sunday, Bowling Centers, and Gambling Location licenses to Triple Shift Entertainment, LLC, d/b/a Sun Ray Lanes (License ID #20180004163) at 2245 Hudson Road.
Adopted
- 15 [RES 18-2068](#) Authorizing the City to enter into an agreement with Apple for use of their Business Manager and Volume Purchase Programs.
Adopted

FOR DISCUSSION

Councilmember Prince joined the meeting.

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

11 [RES 18-2027](#) Approving the Cultural Star program guideline modifications.

Councilmember Noecker and Council President Brendmoen made brief comments.

Councilmember Noecker moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

Councilmember Bostrom invited Romi Slowiak to speak about the Minnesota China Garden project. Ms. Slowiak made brief comments.

- 16 [RES 18-2095](#) Supporting legalization and decriminalization of recreational cannabis in Minnesota and expungement of Minnesotan records of convicted cannabis crimes.

Councilmember Thao said year after year the City had seen cuts in LGA and an increasing tax burden on residents. He said this was an opportunity for the Council to support Minnesota in joining other states, and generating tax revenue to help address some of the issues the City was facing. He said a third of the properties in the city didn't pay taxes, and this was an opportunity for the City to be creative. He said Minnesota was the most progressive state in the Midwest, and there was a huge market opportunity to have a positive impact on the tax revenue.

Councilmember Tolbert suggested that the matter be laid over for a week and brought in as an amendment to the Legislative Agenda which was schedule to come before the Council at that time. He said he felt that was a more appropriate place rather than as a separate resolution. He said that was how the Council typically expressed their Legislative priorities, and it would be more successful if added to the Legislative agenda.

Council President Brendmoen said she agreed they wanted anything that passed to actually have an actionable future. She suggested adding an amendment to the resolution stating that the City of St. Paul would include the spirit of the resolution in the 2019 Legislative agenda. She said she had looked at a draft of the agenda, and it looked like it was included

Councilmember Thao said he appreciated that and would support the amendment.

Councilmember Jalali Nelson spoke in support of the resolution and amendment. She said she appreciated that, as the City of St. Paul, they wanted their position on the issue to be on record.

Councilmember Bostrom spoke in opposition. He said he didn't feel there were studies generating support for this kind of measure. He said Clearway Minnesota had been before the Council a number of times recently expressing opposition to introducing tobacco products to young people. He noted that the sale of menthol tobacco products were illegal in St. Paul, and now the Council was talking about supporting legalized marijuana. He said he wasn't there yet.

Council President Brendmoen asked if there was further discussion on the amendment. Vote on the amendment: Yeas - 6 Nays - 1 (Bostrom)

Councilmember Thao moved approval of the resolution as amended.

Adopted as amended

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

Nay: 1 - Councilmember Bostrom

BUDGET ITEMS

- 17 [RES PH 18-342](#) Setting the recycling service fee for 2019, and authorizing Public Works to request \$727,614 in SCORE grant funds from Ramsey County to support the curbside recycling program under contract with Eureka Recycling. (Public hearing held November 7)
- Councilmember Thao moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- 18 [RES PH 18-343](#) Setting the Solid Waste Service Fee portion of the Recycling and Solid Waste Service Fee for 2019. (Public hearing held November 7)
- Councilmember Jalali Nelson moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- 19 [RES PH 18-315](#) Setting the 2019 Sanitary Sewer and Storm Sewer rates. (Public hearing held November 7)
- Councilmember Noecker moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- 20 [RES PH 18-300](#) Establishing the Water Charges for 2019. (Public hearing held November 7)
- Councilmember Tolbert moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0

- 21 [RES 18-2063](#) Approving the Saint Paul Regional Water Services 2019 Budget.

Councilmember Prince moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 22 [RES 18-2057](#) Approving the Saint Paul RiverCentre Convention and Visitors Authority 2019 Budget.

Councilmember Bostrom moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

The City Council will recess and convene as the Library Board to consider RES 18-2064: Library Board Resolution Adopting 2019 Budget and Requesting Property Tax Financing

The Council recessed, and the Library Board convened at 3:46 p.m.

Chair Prince called the meeting of the Library Board to order. 7 members present

Commissioner Noecker moved approval of the Library budget item. Yeas - 7 Nays - 0

Commissioner Tolbert moved to adjourn the meeting of the Library Board. Yeas - 7 Nays - 0

The Library Board will adjourn, and the City Council will reconvene.

The City Council reconvened at 3:48 p.m.

- 23 [RES 18-2066](#) Approving and adopting the Saint Paul Public Library Agency Budget.

Councilmember Prince moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

24 [RES 18-2080](#)

Approving the final 2019 Housing and Redevelopment Authority (HRA) budget and certifying the final HRA property tax levy payable in 2019.

Councilmember Tolbert thanked budget staff and department heads for their work, and Council President Brendmoen for her leadership in developing the City budget and in bringing the levy down so that it was within the amount of growth in property values. He said this was one of the best budgets passed in his time on the Council, funding a lot of important programs and initiatives. He highlighted investments in rec centers and public safety, and said it was an important budget for moving St. Paul forward and he was happy to support it.

Council President Brendmoen clarified that the HRA budget was being considered first, and she noted the huge investment in housing and economic development.

Councilmember Tolbert said the historic part about this HRA budget, along with the City budget, was the investment in affordable housing and the creation of the housing trust fund with an identified funding source.

Councilmember Noecker said she echoed those comments, especially in support of affordable housing allotments for this year. She highlighted the need for affordable housing in Ramsey County, and said she was glad the City was not only investing, but was working to make it easier for the funds to be utilized rapidly.

Councilmember Tolbert moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

25 [RES 18-2056](#)

Approving the 2019 City Tax Levy.

Council President Brendmoen this had come in a little over a percentage point below the original proposal, due to some shifts, primarily made in the shifts from the HRA to the City budget. She said that did have consequences in terms of stabilizing the budget in the future, but the Council heard that 11.5% was tough and they did their best to whittle it down.

Councilmember Thao moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

26 [RES 18-2072](#) Adopting the 2019 Budget.

Council President Brendmoen noted that the Truth in Taxation public hearing had been held the previous week on the budget and levy.

Councilmember Tolbert said he had already made his comments. (See minutes for Item 24, HRA budget)

Councilmember Jalali Nelson said she was hopeful for the millions of dollars being invested in the City's future; she highlighted some of the investments and said they were part of a broader strategy to support neighborhoods and provide needed services. She said the Council knew there was work to be done with Community-First Public Safety, and she re-affirmed her commitment towards a people's cabinet for public safety. She said she was confident they could build on the investments and keep moving towards a community where everyone felt safe.

Councilmember Prince said she felt it was an extraordinary budget in her history with the City in that they were addressing poverty head on and working to reverse it. She said the compromise reached in adding police officers was an important reflecting the increase in population and increase in 911 response time for some of the most serious calls. She said since joining the Council she had seen constant process and training improvements in the police department in response to the community. She said she felt it was a good budget, and she expressed appreciation for the work of her colleagues, especially Council President Brendmoen.

Councilmember Noecker said she shared her colleagues' enthusiasm for the budget, and was proud of the work they did to tamp down the proposed levy increase and still make needed investments. She said the City needed an adequately-funded police department and one that built trust and was accountable to the community, and the two were not mutually exclusive. She said she was supportive of the budget and looked forward to the work ahead.

Councilmember Thao acknowledged the tremendous leadership of Council President Brendmoen, Budget Officer Holly Huston, and Mayor Carter. He spoke about the community process led by the Mayor which allowed people to take ownership of their government. He said he liked that they lowered the levy, and did it in a creative way that made sense. He said he liked that they were creating accountability in the Police Department and providing fire fighters and EMS with the funding they needed. He highlighted the investment in youth workforce development. He said he and his colleagues were ready to go with Community-First, but they had to move in a gradual way and find that sweet spot where the City had enough police officers while working in a progressive way on Community-First. He said he was proud of the budget and felt this was a tax increase he could take back to my constituents and say the Council did the right thing.

Council President Brendmoen said to Councilmember Bostrom that his statement at the beginning of the process, that the Council had never set a maximum levy and come down, had served as a challenge for her, and she was proud they had met it. She said she was proud to work with Mayor Carter and her colleagues to move this budget forward; she read the amounts of some of the new investments. She highlighted the investment in free after-school time programming, and said members of the after-school program CommUSICation were present to perform for the Council. She thanked Holly Huston, and finance staff members John McCarthy and Marissa

Peterson for their work on the budget.

Councilmember Noecker moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

ComMUSICation performed for the Council.

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

- 27** [Ord 18-56](#) Amending Chapter 91 of the Legislative Code pertaining to sprinkling restrictions.
- Councilmember Bostrom moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
-
- 28** [Ord 18-57](#) Amending Chapter 93 of the Legislative Code pertaining to rules governing water service connections.
- Councilmember Tolbert moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0

- 29 [Ord 18-58](#) Amending Chapter 94 of the Legislative Code pertaining to meters, settings, and cable installations.
- Councilmember Prince moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- 30 [Ord 18-59](#) Amending Chapter 157.11 of the Legislative Code to clarify regulations for vehicles containing recyclable materials.
- Council President Brendmoen moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- 31 [Ord 18-60](#) Granting the application of TK Dynamic Home LLC to rezone property at 1350 Payne Avenue from B1 Local Business to T1 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Councilmember Bostrom moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- 32 [Ord 18-63](#) Amending Chapter 347 of the Legislative Code to include regulations of the sale of dogs and cats at pet shops and pet shop facilities.
- Councilmember Noecker made brief comments and moved approval.*
- Council President Brendmoen spoke in support.*
- Adopted as amended (amended December 5)**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0

First Reading

- 33 [Ord 18-67](#) Amending Chapter 409.25 of the Legislative Code pertaining to temporary wine licenses.

Laid over to December 19 for second reading

- 34 [Ord 18-68](#) Amending Chapter 310 of the Legislative Code pertaining to wine licenses for festivals.

Laid over to December 19 for second reading

BUDGET AMENDMENT PUBLIC HEARINGS

- 35 [RES PH 18-199](#) Amending the City's Capital Improvement Budget to reflect the final sale details resulting from the issuance of the G.O. Capital Improvement Bonds, Series 2016A; G.O. Capital Improvement Bonds, Series 2017A; and G.O. Capital Improvement Bonds, Series 2018A.

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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 36 [RES PH 18-370](#) Amending the 2018 budget to carry forward unspent funds from a McKnight Foundation grant awarded in 2017 to match funds secured for the City Energy Project and to support community engagement in the development of a climate action and adaptation plan

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 37 [RES PH 18-377](#) Amending the 2018 financing and spending plans in the Mayor's Office in the amount of \$35,245 to contract with the University of Minnesota on a Public Sector Partnership project for building capacity for recruiting, hiring, and retaining diverse employees across public sector agencies.

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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 38 [RES PH 18-376](#) Amending the spending and financing plans for the Parks and Recreation, City Attorney's Office, and General Government departments.

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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 39 [RES PH 18-345](#) Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$996,023 to reflect funds received from Dakota County for construction of the Robert Piram Regional Trail 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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 40 [RES PH 18-348](#) Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$7,000 to reflect funds received from the Lower Phalen Creek Project for staff design services for the Wakan Tipi project.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 41** [RES PH 18-368](#) Amending the HOME general ledger budget to reflect the actual 2018 grant award of \$1,938,350 and amending the HOME activities budgets to include the 2018 grant award.

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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 42** [RES PH 18-369](#) Amending the 2018 budgets in the Public Works Right of Way Permits Fund.

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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 43** [RES PH 18-378](#) Amending the 2018 budget in the Mill and Overlay Street Maintenance Program.

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

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 44 [RES PH 18-371](#) Amending the financing and spending plans in the Office of Technology's General Government Special Projects fund in the City's 2018 Operating Budget to more accurately reflect the transfer of cable franchise revenues to Saint Paul Neighborhood Network (SPNN).

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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

46 [RLH CO 18-44](#) Appeal of Troy Allison to a Correction Notice at 1042 CHARLES AVENUE.

Legislative Hearing Officer Marcia Moermond said this was a correction notice for parking in the apron of the driveway, which was in the City's right-of-way. She displayed a photograph showing vehicles in the driveway apron, and said it was an area regulated differently than public property, such as streets, and differently than private property. She displayed an aerial map showing the property boundaries. She said she believed the appellant wished to discuss the policy prohibiting parking in these areas. She recommended denying the appeal; she said the Legislative Code was quite clear on the matter.

Council President Brendmoen confirmed with Ms. Moermond that the photos showed on-street parking on both sides of the road. Ms. Moermond said that was correct. She said she had checked with Public Works to see whether there were any exceptions to the rule, and learned that this situation did not meet their specifications for issuance of encroachment permits.

Council President Brendmoen told Mr. Allison he would have five minutes to address the Council; she noted that policy issues were things the Council worked on outside of the public hearing setting.

Appellant Troy Allison thanked Ms. Moermond for going above and beyond in contacting Public Works. He said this had been their family home for 43 years and they'd never had a problem. He said they took care of the property; he displayed a photograph. He said he felt the City had a lot of cracks in the system, and he offered two options: Let this policy stand and enforce it uniformly across the City, or change the policy and let people park on their properties. He said the inspector didn't want to write this up. He said in 2015 they'd started receiving notices about items they were leaving out on their property for others to take. He said they took care of that, but then there was a problem with his trailer being in the driveway with no wheels. He said they removed the wheels so the trailer wouldn't get stolen, and the inspectors let it go. He said the inspectors over the years had all said he'd been compliant until it went to (DSI) Deputy Director Bistodeau. He said he felt Mr. Bistodeau should have treated it like a mistake and corrected it, but instead he didn't return Mr. Allison's phone call. He said a neighbor across the street was cited for a couch on the boulevard but not for a car parked in the driveway apron. He referred to photographs and said he had placed over 100 complaints about cars parked on the boulevard, and half of the complaints were not entered. He noted that the planters in front of City Hall were on the boulevard, and there was no permit. He said the inspectors were picking and choosing who they inspected and cited.

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

Council President Brendmoen asked Mr. Allison why don't you just park on the street next to his driveway instead of calling in 100 cars. Mr. Allison said he did park in the street. He said his family had multiple cars, the boulevard was safe.

Councilmember Thao said the code was clear, but he appreciated Mr. Allison sharing his concerns and ideas. He acknowledged Mr. Allison for providing leadership in Frogtown with his well-kept property, and said Mr. Allison was a citizen model, and others would follow his example. He said he would deny the appeal but wanted to work with Mr. Allison in any way he could.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

47 [RLH VBR 18-52](#) Appeal of Nancy Eserkain to a Vacant Building Registration Renewal Notice at 1034 CHATSWORTH STREET NORTH.

Legislative Hearing Officer Marcia Moermond said one of the owners had been present but had left, and her discussion with him in hallway was that she would be denying the appeal. She said a 90-day waiver of the August 2018 to August 2019 vacant building fee had come and gone, and she felt it was best to address it as an assessment with the possibility of proration if the work was complete in less than six months. She said the owner seemed confident they would be able to do that.

No one was present to testify. Council President Brendmoen moved to close the public hearing and adopt Ms. Moermond's recommendation.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

53 [RLH SAO 18-76](#) Appeal of Elsie Mayard to a Vehicle Abatement Order and Summary Abatement Order at 755 MINNEHAHA AVENUE WEST.

Legislative Hearing Officer Marcia Moermond said the two orders were for a vehicle parked on the lawn, and wood stacked against a fence. She said both were abated by the time of the Legislative Hearing, and there was no action for the City Council to take. She said she believed Ms. Mayard wished to address the Council; in hearing Ms. Mayard had talked about her concerns with City-issued garbage cans.

Council President Brendmoen asked why the matter was being heard if it was resolved. Ms. Moermond said at the time the appeal was filed there was a violation, and, as a matter of course, items moved forward from the Legislative Hearings to the Council. She said Chapter 18 didn't afford her the opportunity to choose which items to send forward to the Council. She said that might be something the Council could look at in the future.

Council President Brendmoen clarified that the public hearing was on the removal of the car and the removal of the wood.

Appellant Elsie Mayard said the inspectors didn't like her and targeted her, and the City was after her. She said she had moved her vehicle inside her gate on her private property because it had snowed and she thought they might clean the streets. She said City put two garbage cans in front of her garage, telling her blocked her she couldn't park her car in her garage. She said she parked her car in the garage and was told to put the trash cans in her house. She said now she had no trash cans, and they wanted to send her two bills for trash cans she didn't have. She reiterated that this was private property and she had parked inside the gate and locked the gate. She spoke about past issues that had come before the Council and her concerns about the trash cans and trash service.

Council President Brendmoen asked Ms. Mayard whether she wanted to say anything about the vehicle or wood abatement. She said if Ms. Mayard had issues with her garbage cans, Councilmember Thao would be happy to help her.

Ms. Mayard said the City Council needed to stop harassing her.

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

Councilmember Thao thanked Ms. Mayard for coming down; he noted she had a lot of anger and frustration. He said he was trying to understand Ms. Mayard and didn't want to think about the past, and that Ms. Mayard was a good citizen in complying with the orders. He said he would be more than happy to talk to her about how her trash cans were set up, but that was a different issue.

Councilmember Thao moved to adopt Ms. Moermond's recommendation. Ms. Moermond clarified that her recommendation was to grant the appeal as the issues had been resolved.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

55 [RLH RR 18-44](#)

Ordering the rehabilitation or razing and removal of the structures at 931-933 SHERBURNE AVENUE within fifteen (15) days after the October 24, 2018 City Council public hearing. (Public hearing continued from October 24)

Ms. Moermond said this issue had been in Legislative Hearings three times and Council once, and two of five or six conditions set at the first Legislative Hearing had been met by the deadline. She said there was no work plan or evidence of financing, and the past due and owing property taxes remained unpaid. She said Mr. Robert Gotch attended the first Legislative Hearing; the other two were no-shows. She said Mr. Gotch's wife was not aware of the order to abate a nuisance building in the Legislative Hearings and would like to have her perspective shared. Ms. Moermond said late that afternoon she received an email from co-owner Mr. Gotch asking for two months to pull together plans. She said she did not recommend that length of time, but rather to refer the matter back to Legislative Hearing on December 27 with specific expectations including a specific work plan, evidence of financing, payment of property taxes, and maintenance of the property. She said there was going to be a concern with evidence of financing, in that they had three real estate holdings and intended to liquidate one to finance this rehabilitation. She said she would be looking for something more specific and available for the Council to consider for financing. She asked that the public hearing be held and continued to January 9. Council President Brendmoen repeated that Ms. Moermond's recommendation was to refer the matter back to Legislative Hearing on December 27 and continue the Council public hearing to January 9.

Robert Gotch, son of co-owner Ms. Gotch, said they were pleading to have until December 27 to figure things out. He said this was the first his mother was aware of the issues at the property; it had been in the family for many years and they didn't want to lose it. He said you're supposed to trust your husband when he's been given the power to be in charge of everything and when you finally are able to open the mail and find the property you've owned for almost 30 years is about to be demolished; she would have been at the first hearing. He said a lot of issues were now coming to a head, and they were pleading for time to come up with a plan. He said there were plenty of other properties in their possession that could be used to take care of this property.

Council President Brendmoen confirmed with Mr. Gotch that they supported Ms. Moermond's recommendation.

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

Councilmember Thao moved Ms. Moermond's recommendation (referred to Legislative Hearing on December 27; Council public hearing continued to January 9)

Public hearing continued to January 9, 2019 (Legislative Hearing on December 27, 2018)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda (Items 45 - 58)

No one was present to testify. Councilmember Noecker 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, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 45** [RLH VO 18-56](#) Appeal of Attorney MaLeeha Rizwy, Southern Minnesota Regional Legal Services, on behalf of Peggy Baker, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 752 CARROLL AVENUE #1.
Adopted
- 48** [RLH VO 18-59](#) Amending Council File RLH VO 18-51, adopted October 17, 2018, to grant Ranjit Bhagyam an additional extension for property at 2012 COMO AVENUE.
Adopted
- 49** [RLH RR 18-48](#) Ordering the rehabilitation or razing and removal of the structures at 636 HALL AVENUE within fifteen (15) days after the December 12, 2018 City Council public hearing. (Amend to grant 180 days)
Adopted as amended (remove or repair within 180 days)
- 50** [RLH CO 18-43](#) Appeal of Barbara Brekke to a Correction Notice at 1018 JENKS AVENUE EAST.
Adopted
- 51** [RLH VBR 18-93](#) Appeal of Charles Smith to a Vacant Building Registration Fee - Warning Letter at 673 LEXINGTON PARKWAY SOUTH.
Adopted
- 52** [RLH VBR 18-55](#) Appeal of Laura Kidd to a Vacant Building Registration Notice at 1187 MARYLAND AVENUE EAST.
Adopted

- 54 [RLH SAO 18-71](#) Making finding on the appealed nuisance abatement ordered for 1352 SEVENTH STREET WEST in Council File RLH SAO 18-69.
Adopted

- 56 [RLH FCO 18-190](#) Appeal of Dean Dalzell/Amy Hanson to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 450 SYNDICATE STREET NORTH.
Adopted

- 57 [RLH VBR 18-88](#) Appeal of Hector Mach to a Vacant Building Registration Fee Warning Letter at 839 VAN BUREN AVENUE.
Adopted

- 58 [RLH VBR 18-89](#) Appeal of Shirzad Raimi to a Vacant Building Registration Renewal Notice at 58 WHEELLOCK PARKWAY EAST.
Adopted

Council members shared news from their wards.

Councilmember Bostrom announced that he would retire effective December 31, 2018.

ADJOURNMENT

The meeting was adjourned at 5:11 p.m.

Meeting adjourned

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