



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

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Wednesday, October 18, 2017

3:30 PM

Council Chambers - 3rd Floor

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

#### ROLL CALL

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

#### **Councilmember Thao excused**

**Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen,  
Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember  
Rebecca Noecker and Councilmember Jane L. Prince  
**Absent** 1 - Councilmember Dai Thao

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 17-73](#) Authorizing the Police Department to reallocate its 2017 General Fund operating budget to more accurately record expenditures.  
**Received and filed**
- 2 [AO 17-75](#) Authorizing the Department of Emergency Management to reallocate a total of \$39,368.75 for the 2016 Pre-Disaster Mitigation Grant in the 2017 adopted budget to more accurately record the grant expenditures.  
**Received and filed**
- 3 [AO 17-76](#) Amending the CDBG and ESG activities budgets.  
**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 4 - 24)**

*Councilmember Bostrom moved approval of the Consent Agenda.*

**Consent Agenda adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 4     [RES 17-1678](#)     Expressing the Council's desire to hold an event to celebrate twelve years of Saint Paul's growth, and designating Visit Saint Paul as an entity to solicit funds for the event.  
**Adopted**
- 5     [RES 17-1665](#)     Approving the use of grant and loan funds through the Neighborhood STAR Year-Round Program for Ward 6 Food and Drink.  
**Adopted**
- 6     [RES 17-1650](#)     Correcting RES 17-1404, and approving a Special Law enacted by the Minnesota State Legislature during the 2017 First Special Session.  
**Adopted**
- 7     [RES 17-1541](#)     Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during June 8 to July 8, 2017, and setting date of Legislative Hearing for November 21, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. J1801C, Assessment No. 182000)  
**Adopted**
- 8     [RES 17-1542](#)     Approving the City's cost of providing Towing of Abandoned Vehicle services during May to June 2017, and setting date of Legislative Hearing for November 21, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. J1802V, Assessment No. 188001)  
**Adopted**

- 9      [RES 17-1543](#)      Approving the City's cost of providing Demolition services from May 2017, and setting date of Legislative Hearing for November 21, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. J1801C, Assessment No. 182000)  
**Adopted**
- 10     [RES 17-1544](#)      Approving the City's cost of providing Demolition services from May to July 2017, and setting date of Legislative Hearing for November 21, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. J1802C, Assessment No. 182001)  
**Adopted**
- 11     [RES 17-1545](#)      Approving the City's cost of providing Boarding and/or Securing services during August 2017, and setting date of Legislative Hearing for November 21, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. J1803B, Assessment No. 188102)  
**Adopted**
- 12     [RES 17-1660](#)      Approving the revised Wage and Benefit Policy for Non-Represented Management and Legislative Personnel.  
**Laid over to October 25 for adoption**
- 13     [RES 17-1629](#)      Approving the Mayor's appointment of Jeffrey Risberg to serve on the Planning Commission.  
**Adopted**
- 14     [RES 17-1609](#)      Authorizing the Department of Parks and Recreation to accept a donation of two glass basketball backboards from Saint Agnes Catholic School, valued at \$2,000.  
**Adopted**
- 15     [RES 17-1610](#)      Identifying the need for Livable Communities Transit Oriented Development funding, and authorizing an application for grant funds for the Saint Paul Public Safety Annex and YWCA Infill projects.  
**Adopted**

- 16     [RES 17-1604](#)     Authorizing the Police Department to enter into an InterLocal Agreement with Ramsey County for the 2017 Byrne Justice Assistance Grant (JAG) program.  
**Adopted**
- 17     [RES 17-1642](#)     Authorizing the Police Department to accept a grant in the amount of \$75,000 from the U.S. Department of Justice for the Mental Health Collaboration Program 2017.  
**Adopted**
- 18     [RES 17-1651](#)     Authorizing Police and Emergency Management Departments to accept a grant in the amount of \$799,968 from the U.S. Department of Homeland Security, FEMA for the Port Security Grant Program.  
**Adopted**
- 19     [RES 17-1680](#)     Authorizing the Police Department to enter into a Joint Powers Agreement for the Ramsey County Violent Crime Enforcement Team.  
**Adopted**
- 20     [RES 17-1670](#)     Authorizing an extension for staff to complete final contract negotiations with the currently licensed residential trash collectors with final deadline for Council approval on November 8, 2017 and reinstating the Options Committee.  
**Adopted**
- 21     [RES 17-1658](#)     Approving adverse action against the Taxicab Driver license held by Steven Joseph Asmussen.  
**Adopted**
- 22     [RES 17-1643](#)     Approving adverse action against the Dance or Rental Halls license held by Eritrean Community Center of MN at 1935 University Avenue West.  
**Adopted**
- 23     [RES 17-1657](#)     Approving adverse action against the Second Hand Dealer - Motor Vehicle and Auto Repair Garage licenses held by Phoenix Auto d/b/a 3B Auto Sales located at 1176 Dale Street North in Saint Paul.  
**Adopted**
- 24     [RLH OA 17-20](#)     Making recommendation to Ramsey County on the application of Pamela J. Hagemann for repurchase of tax forfeited property at 42-44 COOK AVENUE WEST.  
**Adopted**

**FOR DISCUSSION**

**25**    [SR 17-130](#)            Update from Ramsey County Sheriff Jack Serier.

*Ramsey County Sheriff Serier gave an update on activities in the Sheriff's Office, and answered Council member questions.*

**Received and Filed**

26 [RES 17-1644](#)

Establishing a policy on the use of recyclable and compostable food packaging by businesses and institutions engaged in food service in the City of Saint Paul.

*Councilmember Tolbert: I have an amendment to this. I apologize, I don't have copies. I'm just going to read it. It's only deletion of two words and addition of two words. I just got it right as I was walking into the meeting so I apologize changing, but. At the resolved, it says that the St Paul City Council requests that the Administration seek funding from the Ramsey County Solid Waste Services Public Entity Innovation Grant Program and it did say "to enable" and I'm going to delete "to enable" and put in "and directs" the Department of Safety and Inspections to work with Eureka Recycling to further engage food service retail, etc. etc. Also on the next resolve, it says resolve that the City Council, and the current language says "requests" and I'm going to delete "requests" and put "directs" the Department of Safety and Inspections into the language there so both of them get rid of "requests" and "enable" and adds in "directs." The reason behind this is because we had an email from the Administration in that, basically, they were not willing to do the business outreach on "to go" packaging without the ordinance passing last week and I think one thing that we all want is we want to start pushing these businesses to moving to "to go" packaging and, based on our Council discussion last week, the majority of the Council thought that we should start with a carrot approach rather than a stick approach. Unfortunately, the Administration said they would not do that so I think we should direct them, as a Council, to do that. I don't understand, there's no resource difference whether or not the ordinance passes or not. Actually, it's probably less resources, because nobody will be enforcing anything in the Department of Safety and Inspections, and they should still apply for those grants that they were going to apply for. I think that's what we want to do and we can reconsider the stick approach to the ordinance in a year when it's laid over, so, I would ask the Council to adopt this amendment and then, obviously, I support the resolution that is in here today.*

*Council President Stark: It is clearly in everyone's best interests to continue education and outreach. My concern is that funds from Ramsey County might not be approved and we would be directing City staff to do something for which there is no funding.*

*Councilmember Brendmoen: I have two thoughts on this. And again, you are editing it here at the table and I don't feel I've had a good chance to look at it. It sounds like the proposal is basically hoping to accomplish what we voted down last week, just minus the teeth. So, get people to go with compostable, banning styrofoam, but no teeth. The thing I am concerned about and what I expressed last week is that under the ordinance, the implementation was a year out so there was concurrent education and implementation in a year. Under this proposal, if we do education for a year, what happens at the end of the year? The business who's taken advantage of this program, if we get funding for it, are complying and the ones that don't, which I contend will be in areas that are more poor, aren't going to take advantage of these opportunities. Then what do we do? Then we are at the same place, except the people who are choosing to opt out of the program. My understanding is the initial ordinance had...I have a store in my ward that sells cold ice cream confections. They would have the opportunity to apply to opt out of the program, so I feel like there's ways to deal with some of the concerns we have about particular businesses. I'm trying to understand; it feels like buyer's remorse from the people who voted it down, like, we want to have this stuff happen, but with no teeth. I'm questioning that and the second thing is, I would say is, if we really believe in this, which I think we do, the budget isn't finalized yet for 2018,*

and instead of ordering the Department of Safety and Inspections or the Admin to request money from Ramsey County that we may or may not get, we should decide what goes in the 2018 budget to accommodate this.

*Council President Stark: Businesses and vendors might not be motivated to attend resource fairs.*

*Councilmember Tolbert: Well, I would say a couple things. One, I apologize for the late nature of this. We got an email from the head of the Department of Safety and Inspections saying they weren't going to do any of these resource fairs an hour and a half ago. So I tried to put something together quickly. It's three words that I'm changing in this ordinance. Two, I think all of these things, we never knew if we were going to get the Ramsey County grant if this passed. I mean all these things were presumed. The Department of Safety and Inspections, I'm presuming, was intending to implement this with the ordinance and, as I said, anytime we add any implementation of an ordinance from DSI, that's actually staff money. So, they will not need to enforce anything, which means they will have less staff time going towards that. What we passed last week is we all want to switch our businesses to sustainable "to go" packaging. It's not buyer's remorse; it's a philosophical difference of should we start with a stick or should we start with a carrot. And if the carrot doesn't work, should we go to a stick. That's why we laid it over for a year, because we can try and do these outreach. We can do it that way. We can show businesses that, hey, you can save money by switching over. Some of these businesses, especially the small ones, the people who own it are so busy running the day-to-day operations, sitting at their counter, that they might not have the time or the resources for outreach and see hey, maybe if I switch from styrofoam to this, it's actually cheaper and it's good for the environment, or whatever those considerations might be. What this does is, it directs them to do that and I'm presuming that Department of Safety and Inspections had all this in their budget. It seems like their response, because the ordinance didn't pass, was we didn't like the results so we're taking our ball and going home. That's not what this Council wants. This Council wants to move to sustainable packaging and we still have that hanging over their heads in a year to reconsider it, to relook at it. What this does is help use the carrot to get some of these businesses to make that switch. The conversation has been started so the businesses are on notice that this Council is considering that. I don't think that was missed by anybody.*

*Councilmember Brendmoen: What is the carrot?*

*Councilmember Tolbert: The carrot is showing business owners that a lot of this is cheaper. It is in their self-interests to switch over. What we're doing, is we're helping show them that it is in their self-interest to switch over to a sustainable "to go" packaging.*

*Council President Stark: I guess I would say in response to that is, what I've heard from folks who have actually been out there doing the work for the Biz Recycle Program and all the efforts that actually have been available for a while, is that it's a very slow process without any stick to get people to even look at the information. I know there's been a lot of work, a lot of attempts to change, efforts to help promote the program for a number of years now. And there have been some great success stories. Each one of them has taken months, and in some cases, years, to finally get some action. That's fine, it's working at a relatively slow pace. Most of that work is actually through the Biz Recycle Program which is a County program that our staff are not really equipped to be the outreach people on. So, it goes back to my question, who would actually be doing this outreach work? I completely support the spirit of what you*

are trying to do here. I want us to come back and figure out, if we don't get the County grant, how are we paying for some new outreach effort that we otherwise thought we had a funding source for.

*Councilmember Prince:* When I received the memo from the Department of Safety and Inspections, my thought was to lay this over. I am prepared to vote on it today if we need to. After the ordinance failed, I was advised by Staff that we would not be seeking the grant and the work would not be done without the ordinance passing. I was surprised to hear that because, as Councilmember Tolbert said, I don't think there was any disagreement on this Council that moving in the direction of sustainable packaging was where we wanted to go, and that a program of voluntary compliance was something that we could all support, given that the cost of packaging is competitive, if not lower. It would be effective to do an educational program. I reached out to the St Paul/Ramsey County Public Health director who indicated to me, that, while she couldn't commit staff, the Public Entity Innovation Grant was something that we could certainly seek. I believe that was the money we were going to be seeking, in any event, had we passed the ordinance. I am concerned about the tone of the debate that has been, well, if we're not going to impose a regulation then we're not going to spend any money on education. I think that's unfortunate because I think we are very close to having it be in people's self-interest to make this switch with some greater education. I don't want us to lose the agreement we have here as a Council, and not do the education program, because we aren't passing the ordinance at this time. We laid over the ordinance for reconsideration for a year from now, so we have the option of acting on it at that point as well. The level of agreement here was pretty significant.

*Council President Stark:* And I will get to you in just a second [looking at Ms. Noecker]. I'm not sure whose tone you are referring to, but, my comments were not at all that we shouldn't spend money, rather that we should understand how much money it is going to take and figure out what that's going to mean for next year's budget.

*Councilmember Noecker:* It sounds like there's general agreement around the table that we would like to do education and outreach on this topic. It sounds like the question on the table is, what if we don't get the grant, how will we pay for it? Frankly, I think that would have been the same question had we passed the ordinance, if we hadn't gotten the grant, how would we pay for the outreach and education. The difference is we don't have a passed ordinance in front of us that will be hanging over business owners' heads a year from now, possibly with no education and outreach happening, because we didn't get the grant. I wasn't aware, until we had this conversation and saw the emails flying back and forth between DSI and the Mayor's office, that we didn't have the funding in place to do this education and outreach, and we were planning to pass an ordinance that might not have any funding behind it to actually do the critical education that I had assumed was just sort of baked in. So, I'm, frankly, glad now that I understand this better, that we don't have an ordinance passed that's hanging over peoples' heads and again, the question is what would we have done if we had an ordinance and not gotten the grant? I think a point of information is, when do we find out if we get the grant, and, do we have time to put something into the budget to make sure it happens. I like the decisive tone that Councilmember Tolbert's amendments bring, and I would support the resolution as is, but I do think that the question before us is when do we find out about the grant and can we put something in the budget if we need to.

*Council President Stark:* I don't want to belabor this. I guess the work over the last year had been very much in keeping with and in consultation with and done alongside Ramsey County. I think there was a strong understanding that the grant was going to



*be funded under the context of the ordinance. It remains to be seen whether they will have the desire to fund it in this case. I'm perfectly happy with us still applying for the money. Mr. Tolbert's got an amendment on the table and I think we should just consider that amendment. Is there any further discussion?*

*Councilmember Brendmoen: Just to clarify. So basically we are directing the Administration to apply for the grant.*

*Councilmember Tolbert: Directing them to apply for the grant and do that outreach that they would have done anyways.*

*Councilmember Brendmoen: Even without the grant?*

*Councilmember Tolbert: All the outreach that was proposed last week. I mean they came and met with Councilmembers and talked about it in their staff report of all the outreach that they were planning on doing. This directs them to do all of that.*

*Councilmember Brendmoen: I understand that. I'm trying to clarify what Mr. Stark just said. So we are asking to apply for the grant, but if we don't get it...*

*Council President Stark: I'm understanding that the Department is prepared to encourage people to look at the Biz Recycles program and these options when they are in the course of doing C of O inspections. Which is the point of contact that we would have. Not necessarily with everyone in a given year, but we would have that point of contact. So, I suppose, at a minimum, that's possible without any resources being needed. All right. So Mr. Tolbert moves the amended language.*

*Vote on amendment: Yeas – 6 Nays - 0*

*Councilmember Tolbert: I will make a motion on the resolution.*

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 27**     [RLH TA 17-363](#)     Ratifying the Appealed Special Tax Assessment for Property at 805 HUDSON ROAD. (File No. J1706C, Assessment No. 172005; Amended to File No. J1706C1, Assessment No. 172007) (Public hearing held October 4)

*Councilmember Prince said she was still digging into this and had gotten some of the information she needed, and had a meeting scheduled with staff. She moved to lay the matter over for one week.*

*Councilmember Brendmoen asked whether one week would be enough.*

*Councilmember Prince said (Legislative Hearing Officer) Ms. Moermond had asked her to make it one week because it had to do with tax assessments for 2018.*

*Councilmember Brendmoen said she had asked because they were sometimes ambitious and then kept on laying things over.*

**Laid over to October 25**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**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**

28 [Ord 17-38](#)

Amending Chapters 63, 65, and 66 of the Legislative Code pertaining to establishing a parking requirement for a short term rental dwelling unit, establishing short term rental dwelling unit as a permitted use in the RL-RM3, T1-T4, OS-B5, and IT-I2 zoning districts, and amending a condition for bed and breakfast residence use.

*Council President Stark: All right, I think there are amendments around the table.*

*Councilmember Noecker: Last week Councilmember Thao proposed an amendment about numbers of units and a triplex being able to be rented out as long as it was owner-occupied. I had proposed an amendment, which he accepted as friendly, so that language is now in Legistar as version 3. It allows an owner of a triplex, if the owner occupies and is in residence, to use all three units as a short-term rental, and then the same thing is true for a four-plex. And then, in addition, he had language clarifying what a commercial event would be. And that's in there, too.*

*Council President Stark: Gotcha. I had understood that there was some lingering concern about the language defining the social event.*

*Councilmember Tolbert: It would be my preference to delete that language because I think that was going to be part of the policy work that Department of Safety and Inspections was doing. And it wasn't intended to be part of the ordinance. Maybe we can amend that.*

*Councilmember Noecker: Actually, I only own A; I'm not sure about B.*

*Council President Stark: I had heard from the Ward 1 office that more work was needed from the attorneys on that language. It's probably easier for it not to be in the ordinance and for a definition to be finalized later.*

*Councilmember Tolbert: Maybe I can make a friendly amendment if you think so, and get rid of that language, the party language, or whatever that's called. And keep the parking language.*

*Councilmember Noecker: I accept that.*

*Council President Stark: So Ms. Noecker is making an amendment just on the owner-occupied triplexes and fourplexes. We are going back to the original language on social gathering.*

*Councilmember Noecker: No.*

*Council President Stark: No?*

*Councilmember Noecker: Well, it used to say "use of a short term rental dwelling unit for any social or commercial event is prohibited." Oh, I guess you are saying keep that and have the definition elsewhere. So, yes.*

*Council President Stark: Correct. We are going back to the original language, I believe.*

*Councilmember Brendmoen: Is there any reason to say "as defined in policy" or...I think our concern is that it was vague and it doesn't direct you to any reference,*

*although I realize that that is still forthcoming. But if we go back to the original language, it sounds like you can't have...dinner.*

*Council President Stark: There's often a need to define the terms that are used in ordinance. I don't know that each time you do it you have to reference it.*

*Councilmember Tolbert: Maybe we could ask Mr. Niziolek.*

*City Attorney Palmer: I don't think he would want to reference a policy in an ordinance. The ordinance either defines it or you can find the definition elsewhere.*

*Council President Stark: OK. So Ms. Palmer is suggesting it's cleaner to not reference it specifically.*

*Mr. Niziolek (Department of Safety and Inspections): I would concur. There's a lot of words in the ordinance that we define by staff policy, and it gives us the ability to do it, but we would have a policy directed toward that, without referencing the policy. So, we would prefer to keep the original language.*

*Council President Stark: OK. I'm seeing head nods. So, I think we have an amendment before us. Just to change the language on allowing occupancy on triplexes and fourplexes, if they are owner occupied. Any further discussion on that motion?*

*Vote on amendment: Yeas – 6 Nays – 0*

*Council President Stark: Are there any other amendments being brought forward? I don't think so. Now this ordinance will have to lay over for an additional week because of the amended language. Do we have to move that layover? Or does it just happen? [Addressing Ms. Palmer.]*

*City Attorney Palmer: It has to be laid over.*

*Council President Stark: It's laid over until next week.*

**Amended and laid over to October 25**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

29

[Ord 17-47](#)

Amending Chapter 310 of the Legislative Code to add Short-term Rental Platform and Short-term Rental Host license fees.

*Council President Stark: For the sake of simplicity, I'm going to suggest we lay this over for a week.*

*Councilmember Prince: My amendment is in Legistar. It would increase the platform fee from \$7000 to \$10,000 annually. And the individual host license would decrease to \$40 from the original \$70.*

*Council President Stark: OK. So that amended language is attached to number 29 as an attachment, not as a separate version. Is there any discussion on that motion?*

*Councilmember Brendmoen: I don't know if this email that we received today was something that was sent to everyone, sometimes it's hard to tell if it was just sent to me, but there was some concern about that change. They were grateful for the thought of a reduced host license fee, but very concerned about the increase in the platform fee, because there are smaller local platforms that would also have to pay the increased amount and they were concerned that would reduce competition. Understanding that that is aimed at AirBnBs and larger scale.*

*Councilmember Prince: We may need Mr. Niziolek to come up again. I should look at the language in the ordinance. The intention of the \$10,000 platform fee was for the national platforms. Because we had someone testify who was a local platform, we had talked about asking DSI to come back to us with a recommendation for small and local platforms.*

*Councilmember Brendmoen: I think the other piece of it was big platforms might not come into our market because of that higher fee as well.*

*Mr. Niziolek (Department of Safety and Inspections): Last time you heard about the local platforms, which we had not heard about before. The individual who raised it at the public hearing was a part of our work group. It's a relatively new phenomenon to have local platforms. What I would recommend as a Council is to adopt the ordinance as is, which sets the fee at a higher level. And then to do a staff directive to us to look at what are there for local platforms and we can come back with a second licensing tier related to that. That way we get the ordinance for it. The higher licensing fee makes sense in terms of what we are looking at.*

*Councilmember Prince: So when you say the higher number, the amount I am planning to amend it to?*

*Mr. Niziolek: What we would recommend would be the \$7000. If you decide on the \$10,000, that would work also.*

*Councilmember Tolbert: I'm going to speak against the amendment. I think it was well thought out, it was the recommendation of the work group. It's what's been discussed out there and it was also a pretty balanced cost fee for each, and actually one of the things that this cost highlights about our ordinance is the fees pay for the staff work and that's about it. We're not making money off this; we estimated what would come in to pay for the staff. It's a good balance and that's why that amount comes in there. I do think the \$7000 platform fee is fair. \$70 for an annual host fee is not that much money. At a certain point, you are going to turn platforms away from coming to St Paul and that's not my intent on this ordinance. That's not the intent here. If we think about the*

combined platform amount for the Twin Cities, that adds up. Just to juxtapose it, I believe Chicago's fee is \$10,000, and we're not in the same... St Paul is a much better city than Chicago but we're not necessarily in the same travel market as the City of Chicago. We should consider that. I think \$7000 is a very good fee that people can pay that amount, but also will keep St Paul as a place that these platforms choose to do business. Councilmember Noecker: I will speak in favor of the amendment. I agree with Councilmember Tolbert that the most important thing, in my mind, is making sure that our costs are covered which I believe this still does with the adjustment. I'm not crying too many tears for AirBnB, VRBO, Home Away, and the other platforms. I think they are making plenty of money off of our City and I'd rather ensure that short term rentals continue to be a way for people who want to age in place to stay in bigger, expensive homes. To be able to do that, take care of those homes. I'd rather have the burden of meeting our costs be on the mega providers and corporations who are doing this, as opposed to the individuals who are offering up their homes. I like the way that Councilmember Prince's amendment rebalances that--away from solely being on the backs of property owners.

Council President Stark: I will speak in favor of it, too, with this caveat of local platforms that I think we should look at. Although it's a little mysterious to me that a small or local platform could make it in this realm, but if they can, more power to them.

Councilmember Prince: In terms of the numbers, we were working on the formula with DSI to make sure that we covered the costs of enforcement. We can't be raising additional money over what we need to pay for the program. I appreciate your speaking in support of this. I wanted to reduce the individual host license fee as well, because in Minneapolis, those hosts who are renting a room in their homes, are not being regulated at all. There is no license fee and there is no regulation. So as a recognition that we are seeking all our hosts to be regulated and licensed, I felt that this was a way to acknowledge things.

Councilmember Tolbert: Just to balance that, I believe Minneapolis' platform fee is \$5000? this will double the platform fee of Minneapolis. Just so everybody is aware of that, around the table.

Council President Stark: All right. Any further discussion on this amendment? Seeing none, let's have a roll call vote.

Vote on amendment: Yeas – 4 Nays – 2 (Tolbert, Brendmoen)

**Amended and laid over to October 25**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 30 [Ord 17-48](#) Amending Chapter 310 of the Saint Paul Legislative Code by adding Short-term Rental Platform and Short-term Rental Host licenses to Section 310.01.

*Councilmember Noecker moved to lay the matter over to October 25.*

**Laid over to October 25**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 31 [Ord 17-49](#) Creating Chapter 379 of the Saint Paul Legislative Code pertaining to Short Term Rentals.

*Councilmember Noecker moved to lay the matter over to October 25.*

**Laid over to October 25**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**First Reading**

- 32 [Ord 17-17](#) Amending Chapter 65 of the Legislative Code pertaining to Alternative Financial Establishments.

*Council President Stark said this public hearing had to take place on December 6; he moved to lay the matter over to November 15 for second reading.*

**Laid over to November 15 for second reading**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 33 [Ord 17-51](#) Amending Chapter 198 of the Legislative Code pertaining to the keeping of chickens.

**Laid over to October 25 for second reading**

- 34 [Ord 17-52](#) Amending Chapter 357 of the Legislative Code to allow composting of fowl fecal waste or fowl litter.
- Councilmember Brendmoen said she promised her colleagues that she would work with DSI to change the title of the ordinance.*
- Laid over to October 25 for second reading**
- 35 [Ord 17-53](#) Amending Chapter 310 of the Legislative Code to add permit fees for Tier 1 Permits and Tier 2 Permits relating to the keeping of chickens.
- Laid over to October 25 for second reading**

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

- 36 [RES PH 17-302](#) Amending the financing and spending plans in the Fire Department in the amount of \$250,000 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for training and equipment for the Minnesota Aviation Rescue Team and helicopter training with the Minnesota State Patrol.
- No one was present to testify. Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
- 37 [RES PH 17-301](#) Authorizing the City to enter Into a Joint Powers Agreement with the State of Minnesota for the 2017 Human Rights Symposium.
- No one was present to testify. Councilmember Prince moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao



- 38**     [RES PH 17-290](#)     Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$925,811 to include Minnesota Board of Water and Soil Resources for Disaster Recovery Assistance Program funds for the Lilydale Regional Park North Knob Stabilization project.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 39**     [RES PH 17-299](#)     Approval to accept funds from Ramsey County in the amount of \$100,000, the Metropolitan Council in the amount of \$100,000, and Ever-Green Energy in the amount of \$10,000, for a total of \$210,000, and to amend the financing and spending plan for the Department of Parks and Recreation for the Great River Passage River Balcony project.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 40**     [RES PH 17-308](#)     Authorizing an increase in the Parks and Recreation Grant Fund Budget in the amount of \$1,713,000 to reflect various grant funding awarded in 2017 from the State of Minnesota DEED, Community Development Block Grant (CDBG), Metropolitan Council, and State of Minnesota DNR; and anticipated non-grant funding for Environmental Services and Arts & Gardening.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 41**     [RES PH 17-293](#)     Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$4,115,828.09 for Metropolitan Council Clean Water, Land, and Legacy Amendment projects, detailed below; and accepting grant funds from the Metropolitan Council and through the Clean Water Land and Legacy Amendment funds through the Parks and Trails program.

*Council President Stark noted that this was a significant infusion of resources from the Legacy Amendment into the City of St. Paul.*

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 42**     [RES PH 17-283](#)     Amending the spending and financing plans in the 2010 and 2017 Capital Improvement Budgets in the Department of Parks and Recreation, and giving permission for the proper city officials to enter into an agreement with the Metropolitan Council - Metropolitan Parks 2018 Capital Improvement Program for a total of \$1,141,000 for Lilydale Regional Park, Sam Morgan Regional Trail, and Trout Brook Regional Trail projects.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 43**     [RES PH 17-287](#)     Approving acceptance of funds from Ramsey County in the amount of \$100,000, the Saint Paul Parks Conservancy in the amount of \$100,000, and license fees in the amount of \$24,360, for a total of \$224,360; and amending the financing and spending plan for the Department of Parks and Recreation for the Sepak Takraw (Kato) court projects at Duluth and Case and Marydale Parks.

*Councilmember Brendmoen said Commissioner McDonough was proactive in reaching out and offering his help to get this project done, and his contribution as well as the Parks Conservancy helped make the project a reality. She thanked Commissioner McDonough.*

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 44**     [RES PH 17-306](#)     Amending the 2017 City budget in the amount of \$13,000,000 to accept a grant from the State of Minnesota for the renovation of the Science Museum of Minnesota; and approving and authorizing execution of State Grant Agreement and other necessary documents in connection therewith (District 17, Ward 2).

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 45**     [RES PH 17-295](#)     Amending the financing and spending plans in the Police Department Special Fund in the amount of \$195,000 for the Police Officer Clothing activity to more accurately reflect expenditure.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 46**     [RES PH 17-303](#)     Authorizing the Police Department to enter into an agreement with Ramsey County for a sub-grant award for the 2018 Toward Zero Death grant and to amend the 2017 budget for this award.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 47**     [RES PH 17-305](#)     Amending the financing and spending plans in the Police Department grant fund for the Ramsey County 2017 Toward Zero Death sub grant.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**SUSPENSION ITEMS**

*Council President Stark moved suspension of the rules.*

**Rules suspended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

[RES 17-1713](#)

Undertaking a zoning study of land use and land use classifications along Marshall Avenue between Mississippi River Boulevard and Hamline Avenue, and establishing interim zoning regulations pursuant to Minn. Stat. § 462.355, Subd. 4 pending Council action on the zoning study within the study area between Wilder and Wheeler.

*Council President Stark said the Council had passed a similar resolution a couple of weeks before as a bridge resolution to the interim ordinance having a public hearing that night. He said this resolution clarified what would be allowed during the moratorium.*

*Councilmember Tolbert asked what the current zoning was. Council President Stark said the six-block area included in the proposed moratorium was zoned RM2.*

*Councilmember Tolbert asked whether this vote or the ordinance set the start of the moratorium. Council President Stark said state law stated that the moratorium couldn't go into effect until after the public hearing. Assistant City Attorney Virginia Palmer confirmed that the Council could vote on the interim ordinance following the public hearing.*

*Council President Stark moved approval of the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

*Council members shared news from their wards.*

*The Council recessed at 4:48 p.m.*

**PUBLIC HEARINGS (Public hearings begin at 5:30 p.m.)**

*The Council reconvened for Public Hearings at 5:33 p.m.*

**Councilmember Thao excused**

**Present** 5 - Councilmember Dan Bostrom, Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

**Absent** 2 - Councilmember Amy Brendmoen and Councilmember Dai Thao

*Councilmember Tolbert moved to reconsider Item 26, amended and adopted during the 3:30 portion of the meeting. Yeas - 6 Nays - 0*

**Councilmember Brendmoen arrived after roll call.**

**Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Chris Tolbert, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

**Absent** 1 - Councilmember Dai Thao

[RES 17-1644](#)

Establishing a policy on the use of recyclable and compostable food packaging by businesses and institutions engaged in food service in the City of Saint Paul.

*He said his amendments were incorporated into a Version 2 of the resolution, but what was before the Council at 3:30 was Version 1. He moved to approve Version 2, including the amendments.*

**Reconsidered; adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**48** [Ord 17-50](#)

Granting the application of Zamzam Inc to rezone property at 1543-1571 Maryland Avenue East from B1 Local Business to B2 Community Business, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

*The following spoke in support:  
Chuck Repke, District 2 Community Council  
Abdella Nour, owner, described the project.*

*Councilmember Bostrom moved to close the public hearing.*

**Public hearing held and closed; laid over to October 25 for final adoption**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**49**     [Ord 17-54](#)

Approving an interim ordinance pursuant to Minn. Stat. § 462.355, Subd.4 pending the completion of the West Marshall Study Area, specifically between Wilder and Wheeler.

*Council President Stark: All right. I don't believe anyone is here for a staff report. We will go ahead and hold the public hearing. We will first hear from anyone here who is here in opposition to item 49.*

*In opposition:*

*Raza Hassan, Inver Grove Heights: The property I'm here about is 1984 Marshall. I do have four houses around the College of St Thomas which I got into because my son went to St Thomas and somehow I got into the rental property business because of him. I want to convert my property, which is next to an 11-unit apartment building. North of the building is Marshall; east of the building is Moore and south of the building is an alley and a church. The reason I thought of this is I saw this 11-unit building next door and there is no other house in the neighborhood. So I felt that, on the same size lot, there is a building with 11 units, why should I not be able to have the same, or similar, structure. I don't like to hide stuff. I primarily rent to students and I believe that's a good market. The investment would be \$2,000,000. I am an entrepreneur; I run a tech company. I do care about the environment; I personally drive an electric Leaf and I was hoping to put three Nissan Leafs there and require that none of the residents have cars. Again, those would be students. And also provide them free regular bikes so they can get around. That was my vision for creating value because I do care for doing something worthwhile. I heard there was some objections and a zoning, I guess, study. Being a member of this community, I am really confused about what problem are we trying to solve. By putting a zoning study on Marshall when it was zoned RM2, which means multifamily units. I understand the issues that the people in that area face, is there anybody here from that district? Thank you. Is the disturbances caused by students, would you folks agree with that?*

*Council President Stark: Sir, you are talking to us tonight.*

*Raza Hassan, Inver Grove Heights: OK. Sorry, I'm new to this. The issue is there was a big party around St Thomas, it's called the Frenzy, I don't know the name, and because of that, the residents are unhappy. I understand that and I fully share their frustration. I believe that it can be handled in a different way. I have proposed this several times to, I guess not the higher level, to St Thomas University to provide a party location for the students. When these students do not have a place to party, they have a party in their homes. This is a single-family home which has an open space which is the easiest place to go and party, so they have a party which gets out of hand because St Thomas, somehow, refuses to look at this as an issue. They want to look the other way even though other schools, like Macalester, already has those type of provisions, that people can go and party, as part of the student body. So, that's the issue I think we're trying to solve. I believe that having some kind of limitation and restricting investment reduces revitalization. As I said, I served on the economic development commission of Eagan. All of you can go to Eagan. There's a big new outlet mall and a big new shopping area. Eagan is thriving because of their progressive views. It's not something you want to restrict. You should look at what does it take at a bigger level, not that some residents are upset because of the partying of the students. I understand that, but I believe this resolution requires further review of what problem we are trying to solve. If it is the partying issue, then I don't believe this action will resolve it. That's all I have. I am excited and hoping to contribute to the City. If I don't have this opportunity, I will take my money someplace else. Please take more*

time and see what the issue is. Thank you.

*Tom Bastian (659 Wilder): I would like to speak in opposition to the moratorium. I don't have specific objections to the study itself. The moratorium is unnecessary. Like my friend here said, what problem is it trying to solve? Who does it benefit? What is the purpose for the community, other than to slow down development in a market, a city, which needs more housing. That's something we desperately need; rents are going up. This is a place where apartment buildings, like his, should be allowed. I feel this moratorium is an unnecessary delay and housing delayed is housing denied. Until we get to a point in this town where we have a more stable housing market, where I don't have to see a house and sign the papers the same day in order to get a place to live, we need to not be denying housing in any sort of way, especially in an area so appropriate as right next to St. Thomas, right along a major transit corridor, with Marshall. There's buses up and down it. Bike lanes, too. It's an easy place to get around. I used to live on Marshall, at 1920, right by Prior there, and to speak of neighborhood character, if that's what this moratorium is in service of saving, who decides what that is? That definition is different every door you knock on. That's not a good enough answer, "to preserve the neighborhood's character." It's not a good enough answer for why we need a moratorium. I think I'll leave it at that. Thank you for your time.*

*In support:*

*Dean Nelson (2000 Marshall): On behalf of neighborhood group, I would like to first thank Council President Stark for sponsoring the West Marshall Zoning and Land Use Study and for all of you for passing it and accepting it and we appreciate that Councilmember Thao extended that zoning study up to Hamline, given the contemplated redevelopment in that area. Lastly we would like to thank you, Council President Stark, for sponsoring the interim ordinance between Wilder and Wheeler. The Union Park District Council Board has also been very helpful. They passed a resolution in support of the interim ordinance and that's included in your materials. Tonight, we are here to respectfully ask for your support of the interim ordinance. The purpose of this temporary moratorium would be to preserve the status quo, provide Planning and the Heritage Preservation Commission breathing space in which to conduct the zoning and land use study, uninterrupted by redevelopment pressures, and to protect the integrity of Planning's and HPC's ultimate recommendations. The proposed moratorium would only cover six blocks of Marshall Ave. For reasons we don't understand, this six blocks is higher density than any other stretch of Marshall. It's RM2. It permits five story apartment buildings of 50 feet, immediately adjacent to existing homes. It's between Wilder, near Izzy's, and Wheeler, one block east of Fairview. If a property owner has two adjacent lots, they can build a five-story apartment building in this area, without any variances, without any substantive public hearing. So we think there's a challenge with the process, but that's a separate issue. We welcome redevelopment to keep our neighborhood vibrant and to accommodate the City's increased housing and transit needs. We recognize that Marshall is a transit corridor and that we have changing demographics. However, we ask that we be smart about it and establish reasonable density balances before we start tearing down great historic houses. These homes have been in place for over 100 years, so it seems entirely reasonable that we would take a little time to re-evaluate the zoning code and these historic homes before they are gone forever. Historic neighborhoods and homes attract many new residents to the City, in fact, that's why I moved here from Minneapolis. Many former homes, that appear single family, are actually multifamily, student housing, higher density, sober houses, so there have been an incredible amount of adaptive uses of these homes. We look at that as a much more environmentally friendly approach than tearing a house down, and then, rebuilding a*



*new building in its place. We welcome that density. Most of the existing apartments on Marshall today are about three stories. Five stories seems out of character. We welcome Planning's view on this once they've taken a harder look at the street. and see what is appropriate and maybe five stories is. But I think we need to take a breath and take a look at it. So Marshall, when it was first platted, was viewed as a showcase boulevard for the City at the turn of the last century. Colonel John Merriam envisioned Merriam Park as an attractive first-ring commuter suburb. In fact, Merriam, along with Archbishop John Ireland and James J. Hill, made a pitch in 1899 to build the new capitol on the grounds of what is now the Town and Country Club. Obviously, they weren't that persuasive. The same prominent architects that designed Summit Ave mansions also designed most of Marshall's historic homes. One home in the moratorium area was executed by the architect who designed Grant Central Station in Manhattan. I'm going to just quickly show some images of a few of the houses that are found within the moratorium. [Shows pictures.] These are houses by known architects that are in existence today and operating very well. This is a sober house. They are worked very well, integrating with the neighborhood once single families have moved out. This is one of the best examples of Arts and Crafts in the Twin Cities. This is a house designed by Thomas Holyoke who was a partner of Cass Gilbert who actually put the Capitol where it is today. Lastly, I'm going to ... we're not suggesting that all things historic need to be frozen in time, but let's evaluate these important St Paul assets very carefully and thoughtfully before we start demolishing significant homes, which would then be gone forever. This is consistent with the recent Union Park Community Plan which strongly recognizes that historic preservation is a top priority in Union Park. Redevelopment is vital for neighborhood vitality.*

*Shanna Suther Clarkson (1980 Iglehart): I am here to speak in favor of supporting the interim ordinance to enact a development moratorium on these six blocks on Marshall Ave. My husband and I moved from Minneapolis 11 years ago. As land use planners in Minneapolis, it took a lot for us to come across the river, but we found everything we wanted here in St Paul, lovely neighborhoods, historic preservation. With my background, I dug into the zoning and the Comprehensive Plans and that's where I'd like to focus my testimony today. Here is the land use map showing southwest sector. This is the proposed moratorium boundary. It's only six blocks but we think this is where the land use policy is inconsistent with the zoning classification. The density called for on a residential corridor, which is what Marshall is for this stretch, allows for 29.4 dwelling units per acre. That's on the upper end of what a residential corridor is allowed, where 30 is the max. Many of the homes along Marshall Ave have higher grades along the public sidewalk, allowing a windfall for developers to allow for underground parking, and therefore, a density bonus allowed in the zoning ordinance. That allows a density of up to 36 dwelling units per acre, moving it outside of what would be identified in the Comprehensive Plan. And that is one of the reasons we are asking, as a neighborhood, for you to take another look, to make sure the City's Comprehensive Plan and zoning ordinance are consistent. I'm going to leave it at that. We believe this is very similar to Grand Ave Zoning Study of 2012, except that Marshall Ave has the higher grades. So, we would really like this study to revisit height, density allowances, and some design review for new development, to make sure that it is compatible with the neighborhood. Thanks very much.*

*Mary Anderson (1969 Marshall): I have lived on Marshall for 65 years, 12 years at 1968 Marshall and 53 years at 1969 Marshall. I'm a resident on Marshall Ave for the long haul. I appreciate the fact that we are a diverse community with families, empty nesters, seniors, students, and first-time homeowners, but most of all, we love our community. I would like to tell you about my home. [Shows picture.] It was built in 1883 by my late husband's grandfather. The home has always been occupied by*

Andersons. It was designed by J. Walter Stevens, who was an important architect in the Twin Cities. He designed homes and several buildings on the University of Minnesota campus and several downtown buildings. Our home was the last home on the north side on Marshall, until you got to the Town and Country Club. Recently, a developer approached me to buy my home. The plan was to demolish my home to build a large, five-story apartment building. I am not selling; I am in for the long haul. It is disheartening to me that perhaps that important home, and it is probably more important to me than anyone else, would so easily disappear. I would like to suggest that a study be undertaken of the historical importance of the many homes on Marshall Ave. Many of them have been on the avenue for over 100 years. My home, and several of these homes are located within a six-block zoning district that allows much larger apartment buildings to be built on that area, more than any others in the neighborhood. I have seen these historic family homes be converted into multiple dwellings and they have remained in place, not demolished. This retains the general feel and scale of the neighborhood. I feel we need to keep a balance so we keep our community welcoming for all, including young families, which are my favorites, new citizens, students, and people who value homes and diverse neighborhoods. It is my understanding of the temporary moratorium, which I would urge you to support, is that it would provide the Planning Department appropriate time so that they are able to conduct a zoning study of the avenue without outside pressure from developers. I ask that you remember that these homes have graced Marshall Ave for over 100 years, and I think it would be a travesty for these historic homes to be demolished. I ask you to take the time to evaluate the existing codes and the significance of these treasures, before they are lost to our community and our City. I appreciate your careful consideration of the moratorium and thank you all for your time. I appreciate all that you do.

Father Umberto Palimino, Pastor of St. Marks, So, no pressure. Good ceremonies, they say, short and sweet. This is my eighth year as a pastor. The church of St Marks is the oldest church in the neighborhood since 1877. The original building was built in 1889. We have 600 families coming to St Marks. The family school is growing. I am concerned for the safety of the children in the school because the building doors and for new families moving in. Thank you.

Dan Weston (2005 Marshall): I am a new resident, about a year, but I've lived in the Mac/Groveland area for about 20 years. We just love our neighborhood and we love the fact that you would consider this moratorium. I want to point out one thing; the study is for roughly 22 blocks and the moratorium is only for six, and in my opinion, it doesn't have anything to do with partying students. Thank you.

Stephan Plombeck (2006 Marshall): As a longtime resident in this neighborhood, I have already seen many changes. I welcome change; I understand this is part of living in our City. I hope that you can take the time to support the moratorium and I concur with everything that went before me. Thank you very much.

Glen McCluskey (2016 Marshall): I was on the Union Park District Council and Merriam Park for about 10 years. So I've seen a lot of land issues come and go. I have lived in Minneapolis 30 years and St Paul for 30 years, and St Paul is better because of the historic character issue. That's really what we're asking, keep to the status quo. So, please vote for this interim ordinance and give some more time and space to the issue. Thank you.

Richard Smith (1995 Marshall): I recently moved in with my young family, my young daughter. I support the moratorium for the better assessment of the historic buildings in there. Since we moved in the neighborhood, we found that the identity of the

*neighborhood is very eclectic, across all parts of society from young families to multifamily, and even the Spry house which I live next door to. I actually embrace the multi-use of the different large homes in that area. I found that the identity of that area is based on the people who live there themselves. That can be from all facets of society as mentioned, and I think the people who live there are the identity of the community. That, in itself, is why I do support the moratorium, to better assess the use of these old houses and, hopefully, the preservation, but also support the development in a rational way that does identify with the existing buildings in the community as well. I'm not against any sort of development but I do think we need to take a very careful look before we start tearing down these old homes. And really eradicating the identity of Marshall, which is why I moved there in the first place. Since we moved there, we've fallen in love with it. It's families, individuals, and the whole community does get on super well and we really love it, so we don't want to see it change on the face of it too much. So, that's all.*

*Council President Stark: OK. Please sign in. I think that's everyone. We went a little over time, but I appreciate the brevity there at the end. I'm going to move that we close the public hearing. Yeas – 6 Nays - 0*

*Council President Stark: Just a couple of comments and then, actually, before the ordinance is laid over, officially, there are some amendments that I need to bring in that will make it consistent with the bridge resolution that we passed at 3:30. Those amendments refer to, in our system here, and available online, essentially what it does, it would allow building permits within the moratorium area for things such as the upkeep of existing homes, as long as no units are being added or buildings being demolished. Just straightforward to declare the intent of the moratorium. Before I do that, though, I want to thank everyone for coming out tonight on this important topic. To respond to some of the comments earlier from the gentleman who was hoping to build an apartment building, and to Tom who is probably still here, I'm a big believer in cities and density and so I know it surprised some people that I support this moratorium. I think we've made it clear early on, with the community and the district council, I personally, and the law also, finds it reasonable that if a development had been proposed before a moratorium would go into effect, and we'd actually received building plans and site plans, that would not be affected by the moratorium proposal and so I think there's been ample time over the preceding months for any possible developments that were out there to actually come in. I don't know, but I think one may have, anyway. I know there was a possibility that was going to happen. The intent here was not really, on my part, for the proposed moratorium, to limit density overall, in fact, the reason I think the zoning study is so needed, is that right now this RM2 area on Marshall has neighbors that are lower density residential. There are properties on the commercial corners, that are zoned B2, that really kind of scream out for traditional neighborhood zoning and mixed use. I'm not presupposing what this zoning study will end up with. I think those are some of the things that come to mind when you look at the current zoning along Marshall. In this particular area, I was really compelled by the neighbors who came to me, and the stories of these historic structures, that I think are pretty unique. The idea that it's only within a small area of Marshall, where the structures seem to have some of this really significant historic character, that it really made sense to me to look at a short term pause in that area, that's there's a short time to consider whether some historic survey work can be done, what that would look like and ultimately, what the appropriate zoning is for this area in the context of the larger area of Marshall. It's certainly not my intent and I don't anticipate I would support zoning changes along Marshall that would decrease the overall density allowed. But I do think it's important that we do give some time to look at the significance of some of the structures in this area, because once those structures are gone, they're gone. I think it is one of the unique things about St Paul that we have preserved a lot of our*

*historic structures. That was the intent of bringing it forward and I appreciate everyone's participation and, as the zoning study gets further underway next year, there will be lots of opportunity for further participation in the conversation. First I'd like to move the amendment that clarifies the permits to basically the upkeep to existing structures would be allowed. Any discussion on that motion?*

*Vote on amendment: Yeas – 6 Nays – 0*

*Council President Stark: So now this will officially lay over until next week for possible final adoption, although my understanding is that after we have held this public hearing, the bridge resolution that we previously adopted can go into effect. In effect, the moratorium, if it's adopted by this body tonight, would go into effect tonight or tomorrow.*

**Public hearing held and closed; amended; laid over to October 25 for final adoption**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 50**     [RES PH 17-300](#)     Approving the petition of the State of Minnesota and Minnesota State Colleges and Universities, d/b/a St. Paul College, to vacate right-of-way within the St. Paul College campus.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 51**     [RES PH 17-292](#)     Approving the adjustment of a common boundary via Registered Land Survey between 692 Woodlawn Avenue and 695 Mount Curve Boulevard.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 52**     [RES PH 17-296](#)     Approving the application of Podium Sports Marketing for a sound level variance on Shepard Road at Washington Street and at Sherman Street for the Turkey Trot Saint Paul on Thursday, November 23, 2017.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 53**     [RES PH 17-297](#)     Approving the application of Team Ortho Foundation - Monster Dash for eleven sound level variances in order to present amplified sound for announcements, speakers, and music on Saturday, October 28, 2017 at the following locations: CHS Field; Lower Landing Park; Mississippi River Boulevard and Old Ford Plant; Shepard Road and Gannon Road; Shepard Road and Ontario; Shepard Road and Randolph; Shepard Road and Homer-Elway; Shepard Road and Washington-Eagle; Shepard Road and Sibley; Summit Avenue and Nina-Selby and Upper Landing Park.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

- 54     [RLH CO 17-32](#)     Appeal of Hayley (Thomas) Ball and Emerson Ball to a Correction Notice at 1253 ALAMEDA STREET NORTH.

*No one appeared.*

*Councilmember Brendmoen asked Legislative Hearing Officer Marcia Moermond whether no one had shown up because the matter was resolved. Ms. Moermond said it had been resolved. She said a survey brought in by the property owner indicated the retaining wall and fence are on the property line. She said the appellant's property had the higher elevation, and they were therefore responsible for maintaining the soils on their own property. She said the property owner at 53 Alameda indicated in the Legislative Hearing that they would be repairing the wall and pulling it back from the property line so it was on their own property.*

*Councilmember Brendmoen asked how that would be tracked. Ms. Moermond said an inspector would follow up on the deadline.*

*Councilmember Brendmoen thanked Ms. Moermond for her work.*

*In response to a question from Council President Stark, Ms. Moermond said the recommended action on the matter was to grant an extension.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 63 [RLH SAO 17-65](#) Making finding on the appealed nuisance abatement ordered for 25 ELIZABETH STREET EAST in Council File RLH SAO 17-56. (Public hearing continued from April 11)

*Ms. Moermond: I feel like I need to make a staff report on this because it has been extended way past the deadline that the Council put into place. You originally heard an appeal of a May 23 Summary Abatement Order to repair a retaining wall that is 10 to 12 feet in height. I brought a photograph up here. [Shows photo.] This retaining wall holds a property that is higher elevation in place, so that the garage and other soils don't fall into a building on the neighboring property. It is in a state of failure, which is why you went with the deadline that you did. On August 1, I conducted a follow-up Legislative Hearing to make a recommendation for you on whether the nuisance was abated. The nuisance had not been abated. The owner indicated he was waiting for the City to tell him how to abate the condition. We talked about how the owner would need to hire consultants and engineers and so on, and develop plans. I laid the matter over in Legislative Hearing and asked the Council to also lay the matter over. On September 5, a month later, the owner indicated he had talked with several engineers and the plan he had come forward with was putting in a wall that was 5 to 6 feet deep in order to retain so much land and soil. But, in order to erect that and maintain the garage in place, he would need to use part of his land, the 3 feet between the garage and the property boundary, but also 3 feet of the neighbor's property, and he had not been able to successfully communicate or get an agreement with the neighbor to use his property for that purpose. I laid the matter over to give him a chance to come to some agreement with the neighbor. That was three weeks. When we revisited, there was no agreement. We need to start exploring a plan B if there is no plan coming forward from the owner to hold back these soils. What is the City going to do? I asked for an opinion from the building official and the City structural engineer to go look at this and provide some advice. He wrote his own independent order as a building official about the wall and some other conditions on the property. Also, Mr. Steve Magner met with contractors with the City who would go out there and be responsible for abating the nuisance condition, if the owner did not do so in the time allotted. That might involve removing the garage to be able to get at those soils, to be able to hold them back. But all of this could be done for under \$5000. The contractor was giving an estimate of \$4500 to be able to put a solution into place before winter. So, I stand here now saying that I would like you to refer this back to Legislative Hearing on November 14, where I can get a progress report. And on December 6, to ask for a final decision from City Council. Mr. Magner believes that the depth of frost in the soil at that point would still allow for contractors to resolve the situation if it has not been resolved privately at that point in time. So, the City would take action immediately, after December 6, if the owner hasn't finished the work.*

*Councilmember Noecker: Thank you. Just a clarifying question, the owner would still be given until November 14 to continue working on this on his or her own at the same time as the City is evaluating what we might do if that's not abated.*

*Ms. Moermond: In fact, I would say the owner has all the way up until December 5 or 6, that we would do a follow-up so you have the most up to date information possible for your December 6 hearing. If it's taken care of, we would pull the trigger for an independent contractor for the City.*

*No one was present to testify. Councilmember Noecker moved to continue the public hearing to December 6.*

**Referred to Legislative Hearings on November 14; Council public hearing**

**continued to December 6**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao



71 [RLH SAO 17-79](#) Appeal of Richard S. Heller to a Summary Abatement Order at 1223 MARION STREET.

*Ms. Moermond: This is a Summary Abatement Order to remove buckets with debris on the property. The owner had been selling tomatoes and other kind of things out of his front lawn and there were other items in the yard that needed to be removed. At the time of the hearing, he had taken care of these items so the nuisance conditions were abated. My recommendation to the Council is to deny the appeal. It was a valid Summary Abatement Order. There are photos showing that this is a problem and the inspector reported that this is an ongoing problem at this property. However, it is moot point; the issue has been abated. The owner would like to address the Council. In the Legislative Hearing, he had some comments on ADA concerns with respect to this issue.*

*Council President Stark: OK. But at this time, the actual item is moot.*

*Ms. Moermond: Indeed.*

*In opposition:*

*Mr. Richard S. Heller: Looks like the clock just started running. It's five minutes so I better start talking. The records need to be corrected first of all; the records are not accurate. If I have to go to mediation with the city, I shall. If you have that process. I have a data request. I think it's relevant for this committee to know that the data request, as it relates to the function of your branch, your administrative branch, as it relates to having hearings, as well as the billing of inspections and the timeliness and notification. That's something that can be done at a different time, again, if you need to know those details, be glad to share those with you. Unofficially, I represent twice exceptional, and people with print disability. That is on the record, on the recording. I have asked for a transcript or a printed version. I've gone to many places on the record. If you search for me, you will find me. I always ask for records because I use Adobe Reader in how I recall information or have it read out loud to me and I can see it. I was told that the City doesn't provide that. I think if you look in the minutes, or the summary, I'd like to correct that. Also, as far the accuracy of the saw horses and wood framing, nothing whatsoever was mentioned in the last Abatement Summary. People need to review their documents before we have a hearing. The officer that you have, I believe next door, her name is Maria Moermond. She wanted the record, but they didn't have the records. The full record of the property. Online, I tried to access it but I couldn't access it. I had a data private subject and a public request but it hasn't been fulfilled. Personal data is required for 10 days. They have not met that. I see you don't have closed caption. Last time I was down here, I asked about closed caption. And I petitioned you, that when you do your contract, that you ensured videos would have closed caption for people who are deaf. Still haven't done it. Not really meeting the spirit of ADA from 2008. If you want to reach the majority of people that are blind and print disabled. I wouldn't claim to be an equal opportunity employer unless I had a streaming with closed captioning. YouTube does it now. You can put it in a contract. I found out the word "sale" wasn't an appropriate word. I was doing a fund-raiser. In fact, I have pictures here I can show you. Unless we can work that out about the data. It's not accurate. It was online. I have other pictures that the Hearing did not online either, so those are being excluded in this process, too. I think that's relevant for you, to hear the whole story, not part of the story. Do you have any suggestions? Any feedback?*

*Council President Stark: I think the most important suggestion right up front is because this issue was already abated, I don't know that there is any photos we would need to see, because the issue that's actually before us is moot. In terms of your ADA*

concerns, I appreciate that feedback and if there are improvements we need to make, we should definitely pursue that.

*Councilmember Brendmoen: I was going to say similar. I was going, like, why do I recognize this name and I remember we had a conversation about this several years ago, I think maybe three years or so. I believe at the time, we had you talk to the City Clerk about some of the issues so maybe we need to follow up on. I don't know the answer about closed captioning; I don't know the answer to some of the other items that you are mentioned today but I do think that you deserve an answer to them. It isn't necessarily connected to the issue in front of us but it is something that I think you deserve answers to. As I said, I do recall that we talked about this several years ago as well. I don't know if it's something that HERO would like at or if it's something the Council looks at directly.*

*Mr. Richard S. Heller: Your clock just stopped so you might want to start it again, but Minnesota Statute 16E.03 Subdivision 9 is on request that agencies be compliant to what constitutes accessibility guidelines double E and 508. And you're exempt from it but I can tell you that for certain 508 coming in January at the federal level, for federal and state, you are way behind. Way behind. About opportunity, sameness, and timely transparency. If I can't even access your own documents, they aren't in the Summary. It's not a PDF. That's one example. When I print the page as it is, it only prints half of the document. It says page one of one. My printer's working ok. And then, if you look at your own documents, these things that are going on today, it won't even read the header, or your own seal in your PDF. How important is that for people that are blind? How serious do you take accessibility regarding tagging? I mean everybody needs to see the same thing. In all fairness. And know that it's there. One way or another. There it is. Time's up. Thank you.*

*Council President Stark: Thank you, sir. I guess my only other suggestion would be, in addition to following up with our Department of Human Rights and Equal Opportunity, perhaps consult with the Mayor's Advisory Council on people with disabilities who might be able to take a look at some of the specific concerns that you've identified. They could possibly make a recommendation to the Mayor and Council on those issues. That's something that they often do, so that's another route that you might want to consider.*

*Mr. Richard S. Heller: Unless you have goals and objectives, I have no time for this because you gotta have a timing thing and you gotta have outcomes. You can talk all you want, like you said, unless you have a recommendation and you approve 'em, then you stick to it. It's the policy, you go back to the policy, not to beat everyone up. You work toward compliance. As we all know, I don't know if you really have a continuous improvement plan on this. I have never seen it or heard about it. Other than the ADA coordinator; you moved it up one notch, but it's not even close to functionality regarding the workforce innovation 2.5, so.*

*Council President Stark: Thank you. Motion by Ms. Brendmoen to close the public hearing and approve the recommendation.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**75**     [RLH SAO 17-82](#)     Appeal of Michael Bergman to a Vehicle Abatement Order at 718 PELHAM BOULEVARD.

*Ms. Moermond: It was Mr. Bergman I was just meeting with in the hallway, prior to the Legislative Hearings. We have come to an agreement that I would recommend a two week extension to November 1 for the vehicle to be abated. He indicates he can have it done by that time. So, that is my request.*

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 81 [RLH TA 17-396](#) Ratifying the Appealed Special Tax Assessment for Property at 571-575 VAN BUREN AVENUE. (File No. J1715A, Assessment No. 178528; amended to J1715A1, Assessment No. 178536) (Public hearing held October 4 and 18)

*Legislative Hearing Officer Marcia Moermond said this had been a no-show legislative hearing that the Council had referred back, then was a no-show again. She recommended ratification of the assessment since there had been 2 no-show hearings. She gave a staff report on the summary abatement, and said inspectors' notes indicated this was a registered vacant building and there was a history of orders with the property.*

*Appellant Rukhan Ghazi appeared. He said he was one of the owners and the project manager at 571-575 Van Buren. He said the property was previously owned by Ronald Peltier who'd had several run-ins over the years with the Department of Safety and Inspections (DSI), and had developed a bad relationship with the City. Mr. Ghazi said he and his business partner purchased the property from Mr. Peltier, and it was a category 2 building that was originally a duplex in front with a carriage house in back. He said it was a nice property but Mr. Peltier was in his 80s and no longer able to renovate it. Mr Ghazi said he went to DSI to see about how they could bring the property back to functionality, and he noticed that, even though there had been issues with Mr. Peltier over the years, DSI never came to the property and did what they had done to him (Mr. Ghazi). He said there was a patio with a five-foot high brick wall, and you'd have to walk right up the property and get up high to look over the wall. He said they had been renovating the property with all the proper permits, and did everything DSI requested, and moved full-speed ahead with the renovations. He said for whatever reason, strangely enough, one day he came back to the property and everything was gone. He said they took building materials, wood, and tools, and he thought they'd been robbed. He said he never received anything in the mail.*

*Council President Stark asked Mr. Ghazi when he purchased the property. Mr. Ghazi said he had purchased it 9 months ago, sometime in January. Ms. Moermond said the sale transaction was recorded January 23, 2017. She said notices were sent to Mr. Peltier; to William Sauter in San Antonio, Texas; and to Pinewood Consulting - which Mr. Ghazi acknowledged he was representing - in Cottage Grove. She said the record indicated there was no returned mail.*

*Mr. Ghazi said he understood, but still didn't think that it was legal or what right the City had or why they would go looking in the yards that have 5-foot high brick walls to find issues. He said he thought if they had an issue with the property they would post something on the door or send something directly to the property itself, since he was there every day, or just stop and talk to him in person. He said in addition to that, it was his yard, and specifically the patio with a 5-foot high brick wall. He said he didn't understand who would come and take all the stuff off his patio. He said he found out about it when he went to go pull permits and they asked if he knew there was an assessment on the property. He said he was there to speak out against it and didn't feel he should have to pay it, and never knew they could do that. He said previous to this, Mr. Peltier had all type of stuff in his yard and never indicated that the City was cleaning up the yard and assessing fees.*

*Council President Stark said this was an interesting case given that there wasn't a legislative hearing. He moved to close the public hearing. Yeas - 6 Nays - 0*

Council President Stark said it sounded like Mr. Ghazi got a notice on the abatement order and would also have gotten a notice of the Legislative Hearing on the matter, and the only reason it was before the Council was because they didn't hear from Mr. Ghazi at those other steps. He said the orders were for cleaning up items far beyond building materials, and there was mention of tires, vehicle parts, scrap, appliances(interrupted). Mr. Ghazi said that was not accurate. Council President Stark said that's what was in the order. He said one option would be to refer the matter back to Legislative Hearings; he noted that Councilmember Thao wasn't present. He said Mr. Ghazi would have to come to the Legislative Hearing. Mr. Ghazi said he absolutely understood that.

Council President Stark asked when the next opportunity would be. Ms. Moermond said it was a tricky situation, and the following Tuesday was the only time. She said the problem was that this was an assessment that was to be certified for taxes prior to November 1. She said perhaps they could convince the Real Estate department to consider the matter right up to the public hearing on November 1, but this had been pending for a long time and the City was obligated to sent the County its certified assessments. She said if she held the Legislative Hearing on Tuesday and brought it back to Council the following day, they could probably do it.

Councilmember Brendmoen asked whether it could be put on next year's taxes. Ms. Moermond said it could but was logistically really difficult for Real Estate.

Council President Stark suggested that it be referred back to Legislative Hearing on Tuesday and come back before the Council on Wednesday for final consideration.

Councilmember Noecker said she supported the motion. She noted for Mr. Ghazi that the City didn't have the inspector staff to go to people's yards and "snoop around," but the City relied on complaints. Mr. Ghazi thanked Councilmember Noecker for the clarification and said he just really didn't understand what was going on. He said at the time he was just happy that no one had gotten hurt around the property and if that was the worst thing that happened then so be it.

Council President Stark said chances were Mr. Peltier had had neighbors complaining previously and kept complaining, and that's probably exactly what had happened here. Mr. Ghazi agreed and said he bet the neighbors were pretty happy with the progress there.

Council President Stark moved to refer the matter to Legislative Hearings on Tuesday and lay the matter over for one week.

Ms. Moermond clarified the dates, times, and locations of the hearings.

**Public hearing held and closed. Referred to Legislative Hearings on October 24; laid over to Council on October 25**

**Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark and Councilmember Noecker

**Nay:** 0

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

**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 54 - 84)**

*No one was present to testify. Councilmember Bostrom moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.*

**Legislative Hearing Consent Agenda adopted as amended**

**Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark and Councilmember Noecker

**Nay:** 0

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

- 55**    [RLH SAO 17-77](#)    Making finding on the appealed nuisance abatement ordered for 902 ALBEMARLE STREET in Council File SAO 17-75. (Legislative Hearing on October 17)  
**Adopted as amended**
- 56**    [RLH RR 17-18](#)    Ordering the razing and removal of the structures at 675 AURORA AVENUE within thirty (30) days after the July 19, 2017 City Council public hearing. (Public hearing continued from August 16) (Amend to grant 180 days)  
**Adopted as amended**
- 57**    [RLH TA 17-163](#)    Ratifying the Appealed Special Tax Assessment for Property at 598 CASE AVENUE. (File No. J1711A, Assessment No. 178514; amended to File No. J1711A1, Assessment No. 178529 and to delete the assessment) (Public hearing continued from June 21 and August 2)  
**Adopted as amended**
- 58**    [RLH TA 17-323](#)    Ratifying the Appealed Special Tax Assessment for Property at 411 CHARLES AVENUE. (File No. J1710E, Assessment No. 178313; amended to File No. J1710E1, Assessment No. 178316) (Public hearing continued from September 20)  
**Adopted as amended**
- 59**    [RLH TA 17-463](#)    Ratifying the Appealed Special Tax Assessment for Property at 1795 COTTAGE AVENUE EAST. (File No. J1711P1, Assessment No. 178412) (Legislative Hearing on October 17) (Amend to delete the assessment)  
**Adopted as amended**

- 60     [RLH TA 17-298](#)     Ratifying the Appealed Special Tax Assessment for Property at 1814 COTTAGE AVENUE EAST. (File No. J1713A, Assessment No. 178523; amended to File No. J1713A1, Assessment No. 178534 and to reduce) (Public hearing continued from September 6)  
**Adopted as amended**
- 61     [RLH VBR 17-65](#)     Appeal of Andrew Nilssen, Hosford Properties, to a Vacant Building Registration Notice at 672 EDMUND AVENUE.  
**Adopted**
- 62     [RLH FCO 17-167](#)     Amending Council File RLH FCO 17-123, adopted September 6, 2017, to grant Eric Eddy an additional extension for property at 886 EDMUND AVENUE.  
**Adopted**
- 64     [RLH RR 17-41](#)     Ordering the razing and removal of the structures at 272 GOODHUE STREET within fifteen (15) days after the October 18, 2017, City Council Public Hearing.  
**Adopted**
- 65     [RLH TA 17-472](#)     Ratifying the Appealed Special Tax Assessment for Property at 345 GOODRICH AVENUE. (File No. VB1714C, Assessment No. 178829)  
**Adopted as amended**
- 66     [RLH VO 17-45](#)     Appeal of Greg Heck to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1650 IGLEHART AVENUE.  
**Adopted**
- 67     [RLH FCO 17-184](#)     Amending Council File RLH FCO 17-119, adopted August 16, 2017, to grant Yer Yang Syhaphom an additional extension for property at 341 JENKS AVENUE.  
**Adopted**
- 68     [RLH RR 17-42](#)     Ordering the razing and removal of the structures at 653 JESSAMINE AVENUE EAST within fifteen (15) days after the October 18, 2017 City Council public hearing.  
**Adopted**
- 69     [RLH SAO 17-86](#)     Appeal of Willard C. Hodge to a Notice to Cut Tall Grass and/or Weeds at 16 KING STREET EAST.  
**Adopted**

- 70     [RLH TA 17-400](#)     Ratifying the Appealed Special Tax Assessment for Property at 617 MAGNOLIA AVENUE EAST. (File No. J1711E, Assessment No. 178314; amended to File No. J1711E1, Assessment No. 178317 and to delete the assessment) (Public hearing continued from October 4) (Legislative Hearing on October 17)  
**Adopted as amended**
- 72     [RLH TA 17-402](#)     Ratifying the Appealed Special Tax Assessment for Property at 888 MARYLAND AVENUE EAST. (File No. VB1714, Assessment No. 178820; amended to File No. VB1714A, Assessment No. 178827) (Public hearing continued from October 4)  
**Adopted as amended**
- 73     [RLH TA 17-424](#)     Ratifying the Appealed Special Tax Assessment for Property at 1021 MINNEHAHA AVENUE EAST. (File No. VB1713, Assessment No. 178819; amended to File No. VB1713A, Assessment No. 178826) (Public hearing continued from October 18)  
**Public hearing continued to October 25 at 3:30 p.m.**
- 74     [RLH SAO 17-84](#)     Appeal of Justin Johnson to a Summary Abatement Order at 1167 MINNEHAHA AVENUE WEST.  
**Adopted**
- 76     [RLH TA 17-399](#)     Ratifying the Appealed Special Tax Assessment for Property at 1196 REANEY AVENUE. (File No. VB1714, Assessment No. 178820; amended to File No. VB1714B, Assessment No. 178828) (Public hearing continued from October 4)  
**Adopted as amended**
- 77     [RLH RR 17-28](#)     Ordering the rehabilitation or razing and removal of the structures at 2096 REANEY AVENUE within fifteen (15) days after the August 2, 2017, City Council Public Hearing. (Amend to grant 45 days)  
**Adopted as amended**
- 78     [RLH TA 17-459](#)     Amending Council Files RLH AR 17-59 and RLH TA 17-296, adopted September 6, 2017, to ratify the assessment at 1199 REANEY AVENUE (File No. J1713A, Assessment No. 178523).  
**Adopted**
- 79     [RLH SAO 17-85](#)     Appeal of Mike Seeber to a Notice to Cut Tall Grass and/or Weeds at 1011 SELBY AVENUE.  
**Public hearing continued to November 1**



- 80     [RLH TA 17-271](#)     Ratifying the Appealed Special Tax Assessment for Property at 657 SHERBURNE AVENUE. (File No. J1707E, Assessment No. 178307; amended to File No. J1707E1, Assessment No. 178315) (Public hearing continued from June 21)  
**Adopted as amended**
- 82     [RLH SAO 17-76](#)     Appeal of Denise M. Fonville to a Summary Abatement Order at 593 VAN BUREN AVENUE.  
**Adopted**
- 83     [RLH TA 17-473](#)     Ratifying the Appealed Special Tax Assessment for Property at 708 WESTERN AVENUE. (File No. VB1714D, Assessment No. 178830) (Public hearing held October 18)  
**Public hearing held and closed; laid over to Council on October 25**
- 84     [RLH TA 17-347](#)     Ratifying the Appealed Special Tax Assessment for Property at 851 YORK AVENUE. (File No. J1701V, Assessment No. 178000; amended to File No. J1701V1, Assessment No. 178002) (Public hearing continued from September 20)  
**Adopted as amended**

**ADJOURNMENT**

*Council President Stark adjourned the meeting.*

**Meeting adjourned at 6:49 p.m.**

**Yea:** 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark and Councilmember Noecker

**Nay:** 0

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

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