



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor

City Council Meeting Minutes - Final

651-266-8560

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

Wednesday, September 18, 2019

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 19-49** Amending CDBG projects budgets to include the 2019 spending plan.

 Received and filed

- 2 **AO 19-50** Establishing five (5) new account codes for Neighborhood STAR
Year-Round Program awards adopted via City Council Resolutions RES
19-1356, RES 19-1421, RES 19-1432, RES 19-1459; closing one (1)
Year-Round STAR account; and combining two (2) STAR awards to one
(1) entity into a single account code.

 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 3 - 30)

*Item 3 was removed from the Consent Agenda for separate consideration.
Councilmember Prince moved approval of the Consent Agenda as amended.*

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Tolbert

- 4 RES 19-1559** Amending RES 19-800 formalizing a Sister City agreement between the City of Mogadishu and City of Saint Paul to include the Somali American Peace Council.

Adopted

- 5 RES 19-1437** Acknowledging receipt of District Energy St. Paul, Inc. notice of rate increase as of October 1, 2019, and directing the Office of Financial Services, the City Attorney’s Office, and City Council Operations to review and analyze the rate changes.

Adopted

- 6 RES 19-1497** Approving the City’s cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 3, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903B1, Assessment No. 190125)

Adopted

- 7 RES 19-1498** Approving the City’s cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 3, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903B2, Assessment No. 190126)

Adopted

- 8 **RES 19-1499** Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 3, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903B3, Assessment No. 190127)
Adopted
- 9 **RES 19-1500** Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 3, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903B4, Assessment No. 190128)
Adopted
- 10 **RES 19-1504** Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 17, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903C1, Assessment No. 190129)
Adopted
- 11 **RES 19-1505** Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 17, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903C2, Assessment No. 190130)
Adopted
- 12 **RES 19-1506** Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 17, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903C3, Assessment No. 190131)
Adopted
- 13 **RES 19-1507** Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 17, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903C4, Assessment No. 190132)
Adopted

14 RES 19-1508 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 24, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903D1, Assessment No. 190133)

Adopted

15 RES 19-1509 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 24, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903D2, Assessment No. 190134)

Adopted

16 RES 19-1510 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 24, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903D3, Assessment No. 190135)

Adopted

17 RES 19-1511 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 24, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903D4, Assessment No. 190136)

Adopted

18 RES 19-1554 Approving the City's cost of providing Property Clean Up services during July 2 to 11, 2019, and setting date of Legislative Hearing for October 15, 2019 and City Council public hearing for January 15, 2020 to consider and levy the assessments against individual properties. (File No. J2003A, Assessment No. 208502)

Adopted

19 RES 19-1557 Approving the City's cost of providing Property Clean Up services during July 12 to 31, 2019, and setting date of Legislative Hearing for October 15, 2019 and City Council public hearing for January 15, 2020 to consider and levy the assessments against individual properties. (File No. J2004A, Assessment No. 208503)

Adopted

- 20 **RES 19-1555** Authorizing the Fire Department to accept the donation of 250 nomex hoods valued at \$19,802.50 from the Saint Paul Fire Foundation.
Adopted
- 21 **RES 19-1540** Approving the Memorandum of Agreement for the 2019 Wage and Fringe Adjustment between the City of Saint Paul and the International Brotherhood of Electrical Workers, Local 110 (PERA members).
Adopted
- 22 **RES 19-1541** Approving the Memorandum of Agreement for the 2019 Wage and Fringe Adjustment for the Sprinkler Fitters Local Union No. 417.
Adopted
- 23 **RES 19-1598** Amending the 2019 Financing and Spending Plans in the Department of Human Rights and Equal Economic Opportunity by \$30,000 for the funding of census community engagement efforts.
Adopted
- 24 **RES 19-1558** Authorizing the Fire Department to pay for costs incurred to host a Fire Prevention Week Open House on Saturday, October 12, 2019 at Fire Station 22.
Adopted
- 25 **RES 19-1579** Accepting the gift of travel expenses from the National League of Cities for Daniel Yang, Mayor's Office, Senior Policy Advisor, to attend the Mayors' Education Policy Advisors' Network 2019 Convening, October 16-18, 2019, Orlando, Florida.
Adopted
- 26 **RES 19-1580** Accepting the gift of travel expenses from the National League of Cities for Daniel Yang and Ikram Koliso to attend the National League of Cities Early Childhood Success Summit convening in San Antonio, Texas on November 18-19, 2019 with support from the Bezos Family Foundation, the J.B. and M.K. Pritzker Family Foundation, and the W.K. Kellogg Foundation.
Adopted
- 27 **RES 19-1536** Authorizing the Como Park Zoo and Conservatory to accept funding for two employees to attend the Association of Zoos and Aquariums (AZA) conference, to be held in New Orleans, Louisiana from September 7-11, 2019.
Adopted

28 **RES 19-1501** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Agelgil Ethiopian Restaurant (License ID #20170004834), to expand the liquor service area by approximately 440 square feet, and upgrade to a full Liquor On Sale - 100 seats or less and Liquor On Sale - Sunday license from the existing Wine On Sale and Malt On Sale (Strong) license at 2585 7th Street West.

Adopted

29 **RES 19-1503** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Duke's Cars and Towing (License ID # 20190000933) for an Auto Repair Garage license at 977 Front Avenue.

Adopted

30 **RES 19-1516** Approving adverse action against the Cigarette/Tobacco License held by Mounds Liquor Corporation, d/b/a Mounds Liquor (License ID #20160003381) at 1047 Old Hudson Road.

Adopted

FOR DISCUSSION

Councilmember Tolbert joined the meeting.

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

3 **RES 19-1622** Adopting a policy for public art in the public right-of-way.

Councilmember Noecker moved an amended version. Yeas - 7 Nays - 0

Councilmember Noecker made brief comments and moved approval of the resolution as amended.

Adopted as amended

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

Nay: 0

31 **SR 19-98** Presentation by representatives of the Refugee Resettlement Agencies of Minnesota regarding the 2020 "Presidential Determination" for refugee resettlement.

Edmundo Lijo, City Attorney's Office, made introductory comments and introduced and Micaela Schuneman, Director of Refugee Services at the International Institute of Minnesota; and Mona Salazar, Director of Nursing at St. Anthony Park home.

Ms. Schuneman gave a short presentation on refugee resettlement in Minnesota. Ms. Salazar spoke about how vital refugee employees were to her organization.

Council members responded to the presentation. In response to a question from Councilmember Noecker regarding actions that could be taken by the Council, Mr. Lijo said he would welcome the opportunity to prepare a resolution for the Council, in support of increasing the number of refugees allowed to enter the country.

Council President Brendmoen said the Council would look forward to having a resolution of support in front of them.

Received and filed

- 33 RES 19-1625** Recognizing the City of Saint Paul's participation in Welcoming Week.

Edmundo Lijo, City Attorney's Office, spoke about Welcoming Week.

Council President Brendmoen moved approval of the resolution.

Adopted

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

Nay: 0

- 32 SR 19-101** Recognizing Choo Choo Bob Day in the City of Saint Paul.

Councilmember Jalali Nelson invited Bob and Gretchen Medcraft to the podium. She read the mayoral proclamation honoring the Medcrafts for their long-running presence in the community, on the occasion of their moving on to a new chapter.

Received and filed

- 34 RES 19-1620** Supporting the Second Judicial District Housing Court Workgroup's proposal to maintain the confidentiality of eviction records pending case disposition.

Legislative Hearing Officer/Policy Analyst Marcia Moermond gave a brief staff report.

Council President Brendmoen spoke in support.

Councilmember Prince moved approval of the resolution.

Adopted

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

Nay: 0

ORDINANCES

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

First Reading

- 35 **Ord 19-60** Amending Chapter 66 of the Legislative Code pertaining to overnight shelters.

Laid over to September 25 for second reading

PUBLIC HEARINGS (3:30 p.m.)

- 36 **RES PH 19-320** Approving the application of Keg and Case Park LLC for a sound level variance for amplified sound for the Apple and Cider Festival on September 21 and 22, 2019, at 928 7th Street West.

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

Adopted

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

Nay: 0

- 37 **RES PH 19-321** Approving the application of Anderson Race Management for a sound level variance for outdoor music and announcements for the Run Like A Girl 5K Event on September 29, 2019 at Como Park - Midway Picnic Pavilion.

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

Adopted

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

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 53 **RLH VBR** Appeal of Joe Collins to a Vacant Building Registration Fee Warning
19-50 Letter at 495 KENNY ROAD.

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal to keep the property out of the vacant building program. She said the council heard the appeal of the revocation in April, and granted a short period of time to vacate the residential portion or the automobile use. She said the building used to be a shampoo factory, which was considered a lower hazard use, with a residence built in. The building went through foreclosure and was purchased by the new owner, with very little time left to complete the corrections prior to the deadline. The building was transferred into the vacant buildings program which was standard practice if corrections were not made by the deadline. She described the definitions and requirements associated with a Category 2 vacant building, including a team inspection. She said the intent was to convert the building to a different use, and what seemed logical in that context was for

plans to be submitted to DSI showing how the building would become code compliant for the intended use. She said the owner representative indicated in hearings that they would just like to complete the violations in the initial revocation. She recommended denial due to the major violations and change in use, and that this be a Category 2 vacant building. She asked that the Council waive the vacant building fee for 90 days and she would consider proration if corrections were completed between 90 and 120 days.

Ben Kauffman, spoke on behalf of Housing Hub, a property management company owned by the property owners. He said the owners were transferred the property on June 30, and were notified at that time of the revocation and list of 14 deficiencies to be addressed before a July 2 re-inspection. He said the deficiency list had some redundancies and the majority were taken care of before the inspection. He said a request was made for a two-week extension and was denied.

Council President Brendmoen asked who the extension was requested from, and who denied it. Someone from the audience stated that Ms. Moermond denied it because the issue had been heard already.

Mr. Kauffman reviewed the redundancies and items completed, and plans for the building. He said the building was deemed a Category 2 vacant building at the time of the revocation, and if that status remained, it would cost significantly more to bring the whole building up to code. He spoke about Housing Hub as a good employer and as a manager and resource for low-income housing, and said the space was needed for expansion. He said the Category 2 status would prevent them from being able to expand fast enough to serve members of the community. He said they were asking for the City to reconsider the Category 2 classification and open it up to a Category 1.

Council President Brendmoen asked for clarification of the distinction between Category 1 and 2 vacant buildings. Ms. Moermond said it Category 1 was essentially turn-key; the next level was category 2, which had a punch list of issues to be addressed before it could be occupied. The Council had in the past allowed use of an old Certificate of Occupancy inspection report as a punch list, usually when it was a short list and didn't involve multiple trades. She said in this case the assumption was that sending trades inspectors in would increase the cost of doing the rehabilitation and change of the building, compared to what they had anticipated. With respect to the request for an extension, she said she had searched her records and didn't have a record of that request; she described her practice for responding to those requests. She said there had been communication between the City Attorney's office and the attorney for the selling bank in June in which the status of the building was.

Councilmember Noecker said her understanding was that the Council was being asked to change the category from 1 to 2, but Ms. Moermond was saying the determination was based on the work that needed to be done, and a waiver of the vacant building fee was being offered so it wouldn't be more expensive to make those changes. Ms. Moermond said it was three-fold: the presumption there would be increased costs if it had an inspection, the opportunity cost of not using the space while it was under rehabilitation, and the vacant building fee.

Council President Brendmoen said she appreciated the investment in Railroad Island and especially in that building. She said given the information in front of the Council and the fact that the information was available at the time of the sale, she was going to move the recommendation of the Legislative Hearing Officer. She said she appreciated the waiver of the fee, and she felt the owners and developers could meet that timeline.

Adopted

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

Nay: 0

55 RLH TA 19-696

Ratifying the Appealed Special Tax Assessment for property at 1124 MATILDA STREET. (File No. J1923A3, Assessment No. 198577)

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of an assessment for a property clean-up; the total assessment amount was \$564. She showed the video of the clean-up and said this was one of many clean-ups at the property. She said the clean-up was done during the previous owner's ownership, but the debt went with the property. She said the because the City had spent so many dollars at this property doing cleanups, her recommendation was approval of the assessment to recoup some of those costs.

Vincent Tran, CEO of property owner VH Holdings, said they took over ownership May 1 and spent two months cleaning it up. He said when they closed on May 1, the closing company tried to check all of the records and pay everything, but didn't see this fee. He said he didn't think that was fair. He said they had spent a lot of money and were investing in affordable housing in the city. He asked that the fee be waived.

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

Council President Brendmoen said these were the most frustrating cases, because the work was done by the City and, while it didn't feel fair to Mr. Tran, the assessment belonged to the previous owner and not to the rest of the city. She said she would move Ms. Moermond's recommendation and she encouraged Mr. Tran to pursue the charges from the previous owner.

Adopted

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

Nay: 0

56 RLH TA 19-697

Ratifying the Appealed Special Tax Assessment for property at 1124 MATILDA STREET. (File No. J1911E, Assessment No. 198318)

Legislative Hearing Officer Marcia Moermond gave a staff report on the assessment for excessive consumption of inspection services. She said her recommendation was to decrease the assessment, because there were a couple of January clean-ups for snow shoveling where she was unable to determine when the snow fell versus when orders were issued and when the clean-up occurred. She said those two assessments were deleted. She read the dates of summary abatement orders issued and said there were quite a number of recent cases to base the excessive consumption on. She noted that the property was being used as a rental and Mr. Tran (property owner) hadn't applied for a Certificate of Occupancy yet.

Property owner Vincent Tran said they had sent in the application, and had no objection to the assessment. Ms. Moermond said it was not in the computer system at all.

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

Council President Brendmoen thanked Mr. Tran for purchasing the property and investing in this neighborhood. She moved to adopt the Legislative Hearing Officer's recommendation.

Adopted

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

Nay: 0

67 RLH AR 19-91 Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during February 20 to March 21, 2019. (File No. J1911E, Assessment No. 198318)

Legislative Hearing Officer Marcia Moermond asked that 308 West Lawson be removed from the assessment roll and referred back to Legislative Hearing on October 1.

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

Adopted as amended (308 Lawson Avenue West removed from the assessment roll for separate consideration)

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

Nay: 0

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

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

Approval of the Consent Agenda (Items 38 - 68)

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

38 RLH VBR 19-60 Amending Council File RLH VBR 19-34, adopted June 26, 2019, to grant Owner an additional extension for property at 926 ARMSTRONG AVENUE.

Adopted

- 39 **RLH TA 19-83** Ratifying the Appealed Special Tax Assessment for property at 367 BATES AVENUE. (File No. J1912A, Assessment No. 198511; amended to File No. J1912A1, Assessment No. 198553) (Public hearing continued from April 3)
Adopted as amended (assessment reduced)
- 40 **RLH TA 19-641** Ratifying the Appealed Special Tax Assessment for property at 1763 BAYARD AVENUE. (File No. VB1911, Assessment No. 198822)
Adopted as amended (assessment reduced)
- 41 **RLH TA 19-639** Ratifying the Appealed Special Tax Assessment for property at 1459 BIRMINGHAM STREET. (File No. J1911E, Assessment No. 198318) (Public hearing to be continued to February 5, 2020)
Public hearing continued to February 5, 2020
- 42 **RLH TA 19-603** Ratifying the Appealed Special Tax Assessment for property at 622 BUSH AVENUE. (File No. VB1911, Assessment No. 198822)
Adopted as amended (assessment ratified)
- 43 **RLH TA 19-512** Ratifying the Appealed Special Tax Assessment for property at 752 CARROLL AVENUE. (File No. CRT1909A, Assessment No. 198214)
Adopted
- 44 **RLH TA 19-600** Ratifying the Appealed Special Tax Assessment for property at 966 CENTRAL AVENUE WEST. (File No. J1911E, Assessment No. 198318)
Adopted
- 45 **RLH TA 19-645** Deleting the Appealed Special Tax Assessment for property at 108 CLEVELAND AVENUE SOUTH. (File No. J1911E, Assessment No. 198318)
Adopted
- 46 **RLH CO 19-12** Appeal of William T. Langlois to a Correction Notice at 1918 COTTAGE AVENUE EAST.
Adopted
- 47 **RLH TA 19-103** Ratifying the Appealed Special Tax Assessment for property at 1298 EDGCUMBE ROAD. (File No. J1911A, Assessment No. 198510; amended to File No. J1911A1, Assessment No. 198551) (Public hearing continued from April 3)
Adopted as amended (assessment reduced)

- 48 **RLH TA 19-640** Ratifying the Appealed Special Tax Assessment for property at 810 FOURTH STREET EAST. (File No. J1911E, Assessment No. 198318)
Public hearing continued to February 5, 2020
- 49 **RLH RR 19-25** Granting a stay of enforcement to provide an extension of Council File No. RLH RR 19-18, an Order to Raze and Remove the Structures at 530 GERANIUM AVENUE EAST. (Amend to grant the stay of enforcement)
Adopted as amended (stay of enforcement granted)
- 50 **RLH TA 19-604** Ratifying the Appealed Special Tax Assessment for property at 171 GRANITE STREET. (File No. VB1911, Assessment No. 198822)
Adopted as amended (assessment ratified and payable over 5 years)
- 51 **RLH TA 19-618** Ratifying the Appealed Special Tax Assessment for property at 911 IDAHO AVENUE WEST. (File No. J1911E, Assessment No. 198318)
Public hearing continued to February 5, 2020
- 52 **RLH TA 19-30** Ratifying the Appealed Special Tax Assessment for property at 699 JESSAMINE AVENUE WEST. (File No. J1910A, Assessment No. 198509; amended to File No. J1910A1, Assessment No. 198546) (Public hearing continued from March 6)
Adopted as amended (assessment reduced)
- 54 **RLH TA 19-93** Ratifying the Appealed Special Tax Assessment for property at 1275 LAFOND AVENUE. (File No. J1910A, Assessment No. 198509; amended to File No. J1910A1, Assessment No. 19546) (Public hearing continued from March 6)
Adopted as amended (assessment reduced)
- 57 **RLH TA 19-601** Deleting the Appealed Special Tax Assessment for property at 1876 MECHANIC AVENUE. (File No. J1911B, Assessment No. 198112)
Adopted
- 58 **RLH TA 19-602** Ratifying the Appealed Special Tax Assessment for property at 1763 MINNEHAHA AVENUE EAST. (File No. VB1911, Assessment No. 198822)
Adopted as amended (assessment reduced)
- 59 **RLH TA 19-624** Deleting the Appealed Special Tax Assessment for property at 260 PAGE STREET EAST. (File No. J1911E, Assessment No. 198318)
Adopted

- 60 **RLH AR 19-93** Ratifying the assessments for Tree Removal service during August 2018 at 425 RICE STREET. (File No. 1904T, Assessment No. 199003)
Adopted
- 61 **RLH TA 19-683** Ratifying the Appealed Special Tax Assessment for property at 427 WHITALL STREET. (File No. J1910E1, Assessment No. 198324)
Adopted
- 62 **RLH TA 19-684** Ratifying the Appealed Special Tax Assessment for property at 427 WHITALL STREET. (File No. J1911E, Assessment No. 198318)
Adopted
- 63 **RLH TA 19-638** Ratifying the Appealed Special Tax Assessment for property at 45 WINONA STREET EAST. (File No. CRT1911, Assessment No. 198212)
Adopted
- 64 **RLH AR 19-88** Ratifying the assessments for Collection of Vacant Building Registration Fees billed during September 27, 2018 to March 21, 2019. (File No. VB1911, Assessment No. 198822)
Adopted
- 65 **RLH AR 19-89** Ratifying the assessments for Boarding and/or Securing services during April 2019. (File No. J1911B, Assessment No. 198112)
Adopted
- 66 **RLH AR 19-90** Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during February 12 to March 15, 2019. (File No. CRT1911, Assessment No. 198212)
Adopted
- 68 **RLH AR 19-92** Ratifying the assessments for Tree Removal services from August 2017 to April 2019. (File No. 1903T, Assessment No. 199002)
Adopted

The Council recessed at 4:32 p.m.

PUBLIC HEARINGS (5:30 p.m.)

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

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

- 69 RES PH 19-224** Final Order approving the Places to Park operation and maintenance costs for 2021. (File No. 18744-20 and 18746-20, Assessment No. 207201 and 207202)
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- 70 RES PH 19-226** Ratifying the assessments for benefits, costs, and expenses for the Arcade/Case and the Grand/Snelling parking lots operation and maintenance costs for 2020. (File No. 18744-19 and 18746-19, Assessment No. 197201 and 197202) (Public hearing continued from September 18)
- Bruce Engelbrekt, Office of Financial Services, described the Places to Park program at the request of Council President Brendmoen.*
- In opposition:*
- Connie Baehr, business owner at 961 Arcade, expressed concerns about the lack maintenance of the parking lot at Arcade/Case. She said the person in charge of the maintenance wasn't doing anything. She had been there and paying into the fund for 40 years. She had asked a landscaper for an estimate. She displayed photographs.*
- Council President Brendmoen asked Mr. Engelbrekt what the next steps were procedurally. Bruce deferred to City Parking Manager Gary Grabko.*
- Mr. Grabko said the Grand/Snelling association functioned well, but the Arcade/Case had been inactive for a number of years. He said the City had tried try to encourage them to work together, and didn't have the authority to replace the coordinator.*
- Ms. Baehr said she had been trying for ten years. Council President Brendmoen said she didn't know what their role was, and would look to Councilmember Busuri. She recommended a layover to allow time for clarification of the Council's role and details of the contract.*
- Councilmember Busuri said his office had spoken with Ms. Baehr and the current coordinator, and would continue to follow up.*
- Ms. Baehr said she hoped the Council members understood her frustration. She said she had been patient but the coordinator did nothing.*
- Councilmember Busuri moved to continue the public hearing for two weeks.*
- Councilmember Noecker spoke in support of motion. She said the City should have control over the who the administrator was and she would like a better understanding of the City's role.*
- Public hearing continued to October 2 at 5:30 p.m.**

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

Nay: 0

71 RES PH 19-298 Ratifying the assessments for Replacement of Lead Water Service Line on Private Property during April to June 2017 at 876 Galtier Street. (File No. 1704LDSRP1, Assessment No. 194004)

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

Adopted

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

Nay: 0

72 RES PH 19-297 Ratifying the assessments for Replacement of Lead Water Service Line on Private Properties during April to June 2019. (File No. 1904LDSRP, Assessment No. 194003)

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

Adopted

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

Nay: 0

73 ABZA 19-4 Public hearing to consider the appeal of Seth Brand from a decision of the Board of Zoning Appeals approving an off-street parking variance request for a proposed daycare facility at 1886 Ford Parkway.

Jerome Benner, Department of Safety and Inspections, gave a staff report and reviewed the conditions attached to the variance.

Councilmember Busuri asked whether they were taking down the old building and putting a new building up. Mr. Benner said that was correct. He said the existing daycare would return to a use allowed in the district, and the existing duplex would be torn down and rebuilt to be the proposed three-story daycare facility.

Councilmember Tolbert confirmed that the variance was needed to operate the daycare but not to build the building. Mr. Benner said that was correct. In response to additional questions from Councilmember Tolbert, Mr. Benner said the height limit in RT1 was 40 feet and they were proposing a height of 34.5 feet.

Deputy City Attorney Rachel Tierney clarified that the focus of the hearing was on whether the BZA erred in any of the findings they considered in their decision to grant the variance.

For the appellants:

Appellant Seth Brand (1679 Hillcrest Avenue) said he was the appellant but neighbors shared his concerns. He reviewed what they felt were procedural errors in terms of notification, in terms of the way their concerns and others' support were characterized by the Highland district council, and in terms of written testimony being accepted from the applicant after the public hearing was closed. He reviewed what they believed were errors in the findings of the BZA: the first being that there were practical difficulties with the property that they could not comply with and led to the need for the parking variance, and the second being that the plight of the landowner was due circumstances unique to the property and not created by the landowner. He said they felt the size and scale of the proposed building prevented build-out of adequate parking and was due to economic considerations, and did not represent practical difficulties with the property itself. The proposed size would allow the daycare to expand beyond the 82 students which was the proposed capacity, and provided a strong economic incentive to continue to grow, leading to the need for more parking spaces for staff. The staff parking lot was full on an almost daily basis, and the owners couldn't predict how future staff would come to work. Adding staff could potentially put them further in breach and neighbors would have very little recourse. In terms of the plight of the landowner being due to circumstances unique to the property, Mr. Brand said he thought there was space on the property to do what the property owners wanted to do, particularly as the owners of two adjacent properties.

Councilmember Noecker asked Deputy City Attorney Rachel Tierney whether it was a procedural error to have correspondence come in after the public hearing was closed. Ms. Tierney said the issue was more whether the information considered by the BZA was part of the public record. Mr. Brand confirmed that he was able to access the materials.

Ashley Rather (1885 Hillcrest Avenue) reiterated the points expressed by Mr. Brand. She also said the structure would abut the alley, and there would be nowhere for snow to go.

Pam Bartle (1865 Hillcrest Avenue) said she was also representing other neighbors. She said almost all the neighbors on the alley had opposed the variance due to the way the alley had been used by the daycare. She said they we had tolerated a lot of issues with these owners, and felt the owners had created a problem for the alley and for themselves. She asked that the Council consider the impact on the neighbors and alley.

In opposition to appeal:

Shamil Ranasinghe (3800 Wescott Circle), said he and his wife had owned the daycare center since 2014, and it had been in existence for 15-20 years. He said they lived at 1886 until February of the previous year and moved to Eagan for education and school considerations. He said there were two BZA meetings and a Highland Park district council meeting, and always the same set of neighbors showed up but not all the neighbors. He said economic factors did come into play; they considered trying to renovate the existing daycare, and moving or connecting the existing buildings. With the age of the existing building at 1882, that was way more cost-prohibitive than building a new facility that was looking towards 15-20 years down the road. They had no plans to expand beyond 82 children; they wanted an indoor playground. They were looking at bus passes for employees, to limit the parking demand. There was no existing kitchen, no extra staff, and they ran a very lean operation. There were no employees they hadn't taken into consideration.

Councilmember Prince asked if they would need more staff if they expanded.

Chad Haller, architect, said the portion of the code referenced earlier related to square footage and capacity was incorrect. He read from the code stating that capacity was based on square footage excluding hallways, closets, stairways, bathrooms, and space occupied by cribs, and the indoor play area. He said the indoor play area was required by the state. Varuni Ranasinghe said there was no requirement but if they said the second floor was going to be used for an indoor play area we couldn't put children there or count it towards the required square footage per child.

Councilmember Tolbert said based on the dimensions, how much more could it grow. Mr. Haller said based on the plan and communication with their licensing person, 82 was the maximum. Ms. Ranasinghe said that didn't mean they would will have 82 every day.

Councilmember Tolbert asked what their plan was to make sure the four variance conditions were met. Mr. Haller said one condition was signage, and that would be part of the construction. He said the owners had put together an agreement for parents to sign stating they would not use the alley. He said the building design would discourage that, and the front would be only entrance unlocked during the day.

Mr. Ranasinghe said Ms. Ranasinghe had already told the parents they couldn't use the alley, and since then, parents had always been parking on Ford Parkway. In terms of snow removal, he said they had been talking to snow removal companies and one of the conditions would be that the snow must be taken off premises.

Councilmember Tolbert confirmed that the owners had no objection to conditions. Mr. Ranasinghe said in order for the project to proceed they had to agree to the conditions, and they were conditions that could be met.

Councilmember Tolbert noted that adding one more teacher would mean one more required parking spot and would have to go through this variance process again. Mr. Haller said that was correct, but in order to add another teacher they would have to increase enrollment, so the parking variance was based on the maximum capacity of the school based on state law. Mr. Ranasinghe said even though their capacity was 82 there would always be fewer children.

Ms. Ranasinghe said she had been opening and closing the school for the past couple of weeks and had not observed any parents parking in the alley.

Mr. Haller said Ms. Ranasinghe had taken photographs to document parking on Ford Parkway during the busiest times the previous day. He said the morning photographs were included in the record but the afternoon photos weren't. He said the afternoon photos were very similar to the morning.

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

Councilmember Tolbert asked Mr. Brand what was the biggest concern of the neighbors regarding the alley. Mr. Brand said it was full of cars already, and in the long term, what was being proposed had no mechanism for recourse. He said they were not confident parents would comply with the alley parking restriction or that the owners would be able to police it. He said he would like to see documentation that they could not increase their capacity.

Councilmember Tolbert asked Mr. Benner if he knew about the capacity issue. Mr. Benner said no. He said information provided by applicant is provided was on record in his staff report. He read the teacher-child ratios for different ages, and reiterated that an additional variance would be required to add additional staff.

Councilmember Tolbert said the BZA conditions seemed to be looking for ways to address the concerns related to the alley; he asked how they would be enforced. Mr. Benner said enforcement would be on a complaint basis, and DSI would investigate complaints.

Councilmember Busuri said, as a person who owned and ran a child care center, he knew the state gave you your capacity, and an increase in capacity would require re-licensing.

Councilmember Noecker said future expansion was not really germane and not consistent with the way they treated other businesses requesting off-street parking variances.

Mr. Benner said they wanted to make sure they were not compromising a business and its potential programming for off-street parking when there was parking available.

Councilmember Tolbert said the one to one teacher to parking space ratio was something they didn't see with other businesses, and he suspected the requirement was added because daycares were allowed in residential neighborhoods. He said he understood and appreciated the concerns about traffic in the alley, but didn't see an error in the BZA's decision. He said the one to one ration had resulted in the BZA's conditions which he felt would help ensure the alley wasn't over-run with cars, and that parents didn't use it as a stop. He said he was confident the neighbors would be able to document any violations. He moved to deny the appeal and uphold the BZA and grant the parking variance.

Motion of Intent - Appeal denied

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

Nay: 0

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 6:42 p.m.

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