City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd Floor
Katie Burger, Executive Assistant, 651-266-8560

City Council Meeting Minutes - Final

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

Wednesday, May 18, 2016 **3:30 PM** **Council Chambers - 3rd Floor**

ROLL CALL

The meeting was called to order at 3:31 p.m.

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, City Council President Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

COMMUNICATIONS & RECEIVE/FILE

1 **CO 16-28** Letters from the Department of Safety and Inspections declaring 956 Geranium Avenue East and 1094 Reaney Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and Filed

CONSENT AGENDA

Note: 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

Consent Agenda adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

2 **RES 16-841** Approving the settlement agreement and release between the City of St. Paul and Tou Lee Moua and his attorney David K. Cody.

Adopted

3 **RES 16-842** Approving the settlement agreement and release between the City of St. Paul and Seng C. Xiong and his attorney David K. Cody.

Adopted

4 **RES 16-846** Approving and authorizing the execution of the Voluntary Compliance Agreement between the City of Saint Paul, the United States Department of Housing and Urban Development, and the Metropolitan Interfaith Council on Affordable Housing.

Adopted

5 **RES 16-794** Authorizing the City to enter into a Telecommunications License Agreement with First Bank Building LLC for the Police Department's use of interior and rooftop space in the First Bank building for radio communication equipment.

Adopted

6 **RES 16-778** Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed January 13 to February 11, 2016, and setting date of Legislative Hearing for June 21, 2016 and City Council Public Hearing for August 3, 2016 to consider and levy the assessments against individual properties. (File No. CRT1610, Assessment No. 168211)

Adopted

7 **RES 16-779** Approving the City's cost of providing Excessive Inspection/Abatement services billed January 25 to February 24, 2016, and setting date of Legislative Hearing for June 21, 2016 and City Council Public Hearing for August 3, 2016 to consider and levy the assessments against individual properties. (File No. J1610E, Assessment No. 168318)

Adopted

8 **RES 16-780** Approving the City's cost of providing Graffiti Removal services from March 10 to April 6, 2016, and setting date of Legislative Hearing for June 21, 2016 and City Council Public Hearing for August 3, 2016 to consider and levy the assessments against individual properties. (File No. J1609P, Assessment No. 168409)

Adopted

9 **RES 16-781** Approving the City's cost of providing Boarding and/or Securing services during February 2016, and setting date of Legislative Hearing for June 21, 2016 and City Council Public Hearing for August 3, 2016 to consider and levy the assessments against individual properties. (File No. J1609B, Assessment No. 168109)

Adopted

10 **RES 16-853** Approving the Labor Agreement (January 1, 2016 - December 31, 2017) between the City of Saint Paul and District Lodge No. 77 International Association of Machinists and Aerospace Workers AFL-CIO.

Laid over to May 25

11 **RES 16-753** Approving the Collective Bargaining Agreement (January 1, 2016 - December 31, 2017) between the City of Saint Paul and the Saint Paul Police Federation.

Adopted

12 **RES 16-847** Approving the Mayor's Appointment of Richard Holst to serve on the Neighborhood STAR Board.

Adopted

13 **RES 16-866** Approving the Mayor's Reappointment of Matt Anfang to Serve on the Board of Water Commissioners.

Adopted

14 **RES 16-806** Designating Otto Avenue from West Seventh Street to Shepard Road as an Urban District and setting the speed limit at 30 mph.

Adopted

15 **RES 16-849** Approving adverse action against the Cigarette/Tobacco license held by La Guadalupana Inc. at 178 Cesar Chavez Street.

Adopted

FOR DISCUSSION
No items

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.

No items

BUDGET AMENDMENT PUBLIC HEARINGS (Budget Amendment public hearings are held during the 3:30 portion of the meeting)

16 **RES PH 16-146** Amending the financing and spending plans in the General Government budget in the amount of $800,000 for completion of the Local Area Network (LAN) project.

(No one appeared to represent the property.)

Councilmember Tolbert moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

17 **RES PH 16-134** Amending the financing and spending plans in the Fire Department in the amount of $10,000 for the HealthEast Foundation grant.

(No one appeared to represent the property.)

Councilmember Prince moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

18 **RES PH 16-139** Authorizing the Police Department to amend the 2016 Budget for the Sex Trafficking Investigations grant awarded and accepted (RES 16-124).

(No one appeared to represent the property.)

Councilmember Bostrom moved to close the public hearing and approve.
Motion carried
7 in favor, none opposed
Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

SUSPENSION ITEMS

CO 16-29 Recognizing Chief of Police Tom Smith on his retirement from the City of Saint Paul.

RES 16-29

Councilmember Thao moved to suspend the rules.
Motion carried

Council President Stark read the proclamation.

Each councilmember gave remarks about Chief Smith.

Chief Smith spoke.

Received and Filed

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

19 **Ord 16-12** Granting the application of the Saint Paul Housing and Redevelopment Authority to rezone its property at 952 Farrington Street from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the Saint Paul zoning map.

(No one appeared to be heard.)

Councilmember Brendmoen moved to close the public hearing.
6 in favor, none opposed
Public hearing is closed and the ordinance is laid over to May 25 for final adoption

Laid over to May 25 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Prince

20 **RES PH 16-140** Approving the application of Toua Xiong, HmongTown Marketplace, for a sound level variance in order to present amplified music during the HmongTown Festival at 217 Como Avenue, Como Avenue between Marion Street and Galtier Street, and Sheffer Park, on June 25 and June 26, 2016.

(No one appeared to be heard.)

Councilmember Brendmoen moved to close the public hearing.
6 in favor, none opposed
Public hearing is closed and the ordinance is laid over to May 25 for final adoption

Adopted

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

Nay: 0

Absent: 1 - Councilmember Prince

21 **RES PH 16-135** Approving the application of Flannery Construction, represented by Doug Hawkinson, Project Manager, for a sound level variance for construction work as part of the demolition of an existing building and new building construction site at 839 University Avenue West beginning July 11, 2016 through July 29, 2016.

(No one appeared to be heard.)

Councilmember Thao moved to close the public hearing and approve.
6 in favor, none opposed
Public hearing is closed and resolution is adopted

Adopted

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

Nay: 0

Absent: 1 - Councilmember Prince

22 **RES PH 16-142** Approving the application of HSR Events for a sound level variance in order to present amplified live music during set up and the event on Friday, July 22, 2016 during the Lowertown Blues Festival at Mears Park.

Mr. Heckler appeared in support. They have the variance for July 23. They got foundation support on the 22nd, so there will be another night for this event. They submitted the application.

Councilmember Tolbert asked who is performing. Heckler mentioned the bands.

Councilmember Noecker moved approval.
7 in favor, none opposed.
Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

23 **RES PH 16-144** Approving the request for Stay of Destruction of Dangerous Dog pending appeal. (To be withdrawn.)

Withdrawn

24 PH 16-11 Public hearing to consider the report of the Administrative Law Judge concerning the Peddler license held by Jason L. Gabbert, d/b/a Metro Tickets.

Item 24

(listened to recording)

Geoffery Karls, representing the Department of Safety and Inspections (DSI), said Gabbert holds a peddlers license with the city. In October of last year, the department commenced adverse action because he used unlicensed personnel to sell tickets outside the State Fair this year. While waiting for the hearing date, the City discovered that he had been convicted of theft by swindle in Ramsey County: Gabbert defrauded someone of several thousand dollars by selling them worthless Vikings tickets. Upon learning of his conviction, the department amended the notice of hearing and indicated they would include that conduct in the hearing and also seek revocation of his license. The ALJ granted the department's motion.

(No one appeared in opposition)

Stark moved to close the public hearing and adopt the recommendations of DSI, which is supporting the conclusion of the ALJ (Administrative Law Judge).

7 in favor, none opposed
Public hearing is closed and the motion with intent to accept the conclusions and findings of facts of the ALJ

Motion of Intent, Adopt the Findings of Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

25 ABZA 16-1 Public hearing to consider the appeal of Gary Findell and Jim Erchul to a decision of Board of Zoning Appeals (BZA) denying requested variances needed to construct a new single family dwelling with a two-car attached garage at 427 Mount Ida Street. (Public hearing held May 18)

Yaya Diatta, Department of Safety and Inspections (DSI), appeared. The property we are talking about is 427 Mount Ida. It is owned by the HRA.

(Showed pictures)

Diatta said it is a vacant lot. The applicant intended to purchase the lot from the Housing and Redevelopment Authority (HRA) and build a single family dwelling. The applicant is seeking a variance regarding where the primary entrance would be located. The zoning code wants the door to be on the front third of the house. The applicant is proposing a primary entrance on the side of the building. It is a service door and does not meet design standards. The variance was denied by the Board of Zoning Appeals (BZA). The council recommended approval. The applicant is appealing the denial on the basis that everything they propose meets the code and the Board of Zoning Appeals (BZA) made a mistake.

Councilmember Brendmoen said her understanding was that the applicant made adjustments after talking with the BZA after shrinking the size of the garage door and made changes to the front service door. Diatta responded the applicant made adjustments. The first proposal was a two car garage door and 70% of the width of the house. The garage door second time around would be 64% of the width of the house. He still needed a small variance.

Brendmoen asked the width of parcel. Diatta responded 32 feet wide.

Brendmoen said that is small for a Saint Paul lot. Diatta responded yes. The typical lot is 40 feet wide. The applicant feels the building would be more marketable with a 2 car garage.

(The appellants are first to speak)

Jim Urchel, Dayton's Bluff Housing Services, said this is one of five in the immediate area which was out on a RP over a year ago. In addition to the challenge of the width of the lot, building a house on that part of Railroad Island is illegal because the Federal Aviation Administration has a zero height limitation. Before starting anything, you have to get approval from them on the height. They would not allow a three story house. They barely allow you to build a two story house. Also, there are two other lots that the HRA owns and there is a retaining wall that is about 8 feet high. That is an expensive endeavor. Another thing about Railroad Island, very few streets have alleys. Character is unique than other neighborhoods. Houses may be facing one street and the garage is facing another street. Normally, you put a driveway along the side of the house and the garage is behind the house. Because of the depth of the lot, it is tricky. They are 100 feet deep. It is tricky to get the garage behind it. Staff showed you the houses on both sides are Queen Anne Victorians. The general concept is to have the house be like a Queen Victorian. The Railroad Island Task Force and the District 5 Council approved the original design and the second design. (He showed plans.) Staff pointed out there is a side door. It was at the discussion of the zoning board that you change the design. Staff is right: the front door does go into the garage. The definition of primary is not really defined in the zoning code. They would argue the primary door is the one used the most. You could build a one

stall garage, but it would be a poor use of design. They could build a hallway so the door goes into the garage and the door has a long hallway and then they get into the house. That is less inviting than having the door on the side. One stall garage is not a practical concept. People have a lot of stuff. You could put the door on the first third of the house. Again, you are wasting space again. You can build a one stall garage, but why would you? You are wasting all that space. Why waste the space having it be a hallway when it could be used for storage? The backyard will not have room for a storage shed. All in all, they do not believe it meets the intent of the code. The door is already custom. They are already spending extra. The idea that it does not meet the character of the neighborhood, he would argue it meets the character. Railroad Island has all kinds of houses: pole barns for garage, a house next to a welding house, a garage on a separate house facing the street. He would argue that it does meet the character of the neighborhood.

1755 hours

Mary Brauer, 580 Payne Avenue, is here to speak on behalf of the approval of the appeal regarding 427 Mt. Ida. She moved to Railroad Island in 2005. Brownstones are considered to be a successful achievement. Urchel has brought plans and updates since she has gone to the meetings. He has worked hard on issues of zoning, pollution, unstable ground, Downtown airport issues and more. The denial of this appeal seems like another hurdle to jump over to make this crucial development happen. Why is this development crucial? Railroad Island housing sack is 70%

rental. We need more homeowners in Railroad Island. It is critical to the stabilization and revitalization of this neighborhood. The housing market is strong now. The construction of these homes need to be started now. Dayton's Bluff Neighborhood Housing Services has the best interest of the neighborhood. Please approve the zoning appeal so the development of this neighborhood could get started.

Eric Saathoff, 691 Wells Street, which is the one of the homes Dayton's Bluff Neighborhood Housing services. He is very close the Railroad Island and they seem like minor variances.

No wanted to be heard in opposition.

Stark moved to close the public hearing.
Motion carried

Brendmoen said this is an unusual lot. The requests are minor. Urchel knows this community. She would grant the appeal and the variance request.

Rachel Tierney, City Attorney's Office, said they need to go back to the findings and resolutions. The resolution finds the variance did not meet Criteria 1, 2, 3, and 4. They need to find where the BZA erred and amend those findings in order to grant the appeal.

Brendmoen laid over this matter to May 25 to note the errors on these items. Tierney responded that her office can help draft that.
7 in favor, none opposed
Item is laid over to May 25, 3:30

Laid over to May 25

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

26 APC 16-4 Public hearing to consider the appeal of Mike and Joelle Olson to a decision of the Planning Commission denying the establishment of nonconforming use as a triplex at 897 Goodrich Avenue.

Jamie Radel, Planner with PED, said applicants applied for a nonconforming triplex at 897 Goodrich. The project needed to meet a series of guidelines and requirements in the City code. She will highlight those that the Planning Commission did not find in favor of and what they used for the basis for their denial: The property needs 6,000 square feet in area and 50 feet wide in frontage. Property has 6,000 square feet but only has a 40 foot frontage. The Planning Commission found that the project did not meet 2 of the requirements to establish a nonconforming use: 10 years of continual use and hardship. The ten years of continuance use are complicated because of actions of the previous owner. In 2011, they went through a certificate of occupancy inspection. They were told they had an illegal triplex. In February 2012, they had a second reinspection and the property owner deconverted triplex to a duplex. They presented to the City it was a duplex. It was shown as a duplex. The hardship is not economic, but use of your property. It was built in 1908 as a duplex. The zoning permits it to be used as a duplex today. This is the third floor that had been converted into the third unit.

Joelle Olson, owns and occupies 897 Goodrich Avenue. She and her husband are

seeking approval for a nonconforming use permit of a triplex status. They were looking for an opportunity to plant their roots. They researched the area and the financials of renting two units and occupying the third. They inherited two binding leases at the time of sell. They moved into the vacant main floor. The inspector said they were not allowed to have tenants in the basement unit unless they applied for the permit. During the inspection, the inspector said the basement unit is safe and he didn't have concerns. It has egress windows, the ceiling height exceeds the requirements, has a separate entrance, has passed carbon monoxide test. They did their due diligence. They have obtained the support of their neighbors, Summit Hill Association, and are asking for the Council's support. The decision of the Planning Commission to deny their request shows disregard to the facts of the situation. She will walk through key points.

(She showed several documents.)

Olson continued: beginning with lot size, the staff would recommend denial unless lot size of 60,000 square feet with a lot width or front footage of 50 feet. On two different occasions, staff said it was met and then reversed.

Council President Stark asked how it meets the requirement if the lot is 40 feet wide. Olson responded it is 40 feet wide by 50. The zoning says it has to have the lot width or front footage of 50 feet. The frontage is along the side. It is on the site map.

Olson said she was asked to provide ten years of triplex use. She submitted dozens of documents of each tenant. She tracked them down to put together the history of this home. Some have moved out of the country. The timeline is supported by the former owner, who provided an affidavit. From the tenants' occupancy summary, three separate groups of people were occupying the home in 2012. (She mentioned the names.) The basement was occupied on that date when the inspection took place. The prior owner temporarily misrepresented the home. The home was disguised as a duplex, possibly only on the day of inspection. (She mentioned other people.) All of these tenants were under legally binding lease agreements in 2013, when it was allegedly in duplex status. It was clear it was used as a triplex. A misrepresentation has been made. If you add up the 100 plus pages she submitted, this home has been used continuously as a triplex for ten years. Lastly, moving into

hardship, she disagrees with the committee's recommendation based on hardship. It does not define hardship because hardship is its ordinary meaning. Hardship is assumed that it is such a common term that it is not even defined. Subjectively determining its meaning is unfair. Transitioning her home from 3 units down to 2 is a significant loss.

Councilmember Brendmoen asked was it listed as a triplex. Olson responded she is not sure at the time from the agent who sold it. She owned it for two years. It was represented as a triplex. It is unfortunate that the prior representations were made. They welcome the opportunity to work with DSI (Department of Safety and Inspections) to review the basement unit and continue to provide safe housing. To deny the request to use it as a triplex, it is beyond devastating. They asked to have nonconforming triplex status.

Stark asked about the map she was referring to. He asked does she have it. She does and she will look for it.

Richard Huhn, 897 Goodrich Avenue, said he is on the second floor. He is acquainted with the tenants who occupied three levels during that time. They were fine people. There were no issues of noise or rambunctious behaviors. It would be a shame to lose this occupiable residence space. As for parking, any time of day there are at least a dozen spaces for permit parking. There are two garage spaces and

two driveway spaces at the residence. She would hope the Council favorably views this appeal.

John Barron, 896 Lincoln Avenue, adjacent across the alley. They have been in their home for 27 years. As far as he knows, it has been a triplex. It has always been represented that way. It is a shame to have that technicality. Nonconforming means nonconforming. It was represented for sale on the sign as a triplex. The Olsons have gone about doing this the right way. It is unfortunate that they are denied these things. Denying these types of things encourages more people to just do it.

Olson came back up with the site map. She showed the Council where Goodrich is located.

Stark said the lot is 40 feet wide and 40 feet of frontage, correct? Olson responded it is 52 feet of frontage. Stark asked does it have more frontage then the width of the lot. Perhaps she doesn't understand the definition of frontage, responded Olson.

Councilmember Tolbert said it is 6,000 square feet. Olson responded that is correct. Last time she checked, 40 times 150 is 6,000.

Ms. Rydel said the lot is 40 feet wide. It has extra depth, so it is 150. It is 40 feet of frontage.

Tolbert asked does it meet the 6,000. Jamie responded it is 6,000 square feet with a lot coverage of 50 feet.

Councilmember Noecker asked is it accurate to say that at one time the finding was met. Jamie responded it is a guideline that staff uses to recommend denial. It is not a code requirement. They are guidelines and not a requirement; the zoning code is a requirement.

Noecker said the critical question is the ten years of continual use and hardship. It is not the lot size. Jamie responded correct.

(No one appeared to speak in opposition.)

Noecker moved to close the public hearing.
Public hearing is closed.

Noecker said the two findings that the Planning Commission made were the continual use for ten years prior to the date of the application and the hardship. I agree with applicant that the hardship is subjective. As for the nonconforming use existing for ten years continuously, it seems the Planning Commission erred in fact. The leases, affidavits, property records show clearly there were three separate tenants in that house on February 23, 2012. Given the evidence, it seems the Planning Commission made an error in that fact, which leads to an error in the finding that the nonconforming use has not existed for ten consecutive years. She is in favor of the applicant.

Noecker moved to grant the appeal based on the error in fact.

Stark said the most compelling is the neighbor said it has been a triplex for 27 years and not just ten. It was only permitted to be a duplex. The appellant said there was misrepresentation by the previous owner. Granting this appeal would be an encouragement to people to get a third unit and then ask for forgiven later.

Noecker said it is unusual. We have no basis to make our decision to encourage others to do or not do. The finding that the denial is based on is in error.

Tolbert concurred with Noecker. He is not for people asking for forgiven later, but these people did not do that. It is confusing with the 6,000 square foot issue. There is no public safety issue. This has worked for a long time in that property. The adjacent neighbors seem happy. It was a lot of work for the owner to prove it. The Planning Commission erred and it seems like a common sense issue. It is hard to prove.

Councilmember Bostrom said he would like it to be a triplex as long as they continue to live there. They move, and it becomes a rental property. Then, there is a 3 unit facility to be used by anybody. It could be part of a process for granting the appeal. People have tried to use this as an excuse for years.

Brendmoen said it was presented as a duplex when it was sold. That has some complication to this. Tolbert responded when he Googled it, it said duplex/triplex.

Brendmoen said there are smoke and mirrors going on with the sale.

Stark asked could what Bostrom say be done. Rachel Tierney, City Attorney's Office, responded that it gives the Planning Commission the authority. If it is okay with them, the Council can probably do it too. She read from the code.

7 in favor, none opposed
Motion of intent, appeal is granted

Motion of intent - appeal is granted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

27 RES PH 16-147 Adopting official City comments on the proposed Mississippi River Corridor Critical Area (MRCCA) Rules.

Josh Williams said he was assisting the Planning Commission. (He went over his Powerpoint.)

Councilmember Prince said one of the changes is the height of 65 feet. (Williams went over that, went over "Brief History," and went over "Process to Date [DNR and City]".) There was not a public hearing when the Planning Commission made their recommendation. Williams responded that is correct.

Prince said she is concerned that the hearings were done on a set of draft rules that are not before us now.

Williams talked about the next draft that was released in December 2014. That was the last draft shared publicly. There have been multiple drafts along the way. The rules have evolved a number of times.

Council President Stark asked were the changes from the previous draft substantial. Williams responded there were more than he expected. One item is treating all parking agencies the same for vegetation removal. Most of what is in the rules are largely the same.

Williams went over "Formal Rulemaking". DNR (Department of Natural Resources) will hold hearings in June. He went over "Implementation of Rules".

Stark said they are taking additional testimony so they might modify some of the comments from the Planning Commission a year ago. The intention is to lay it over after tonight for additional feedback and for staff to review the feedback for a possible vote on June 27.

Councilmember Brendmoen said this is not the only body submitting comments; individuals can. Stark concurred. The balancing act is protecting the natural asset and maintaining a vibrant City from a development standpoint. The state rules are part of it. Williams responded the City's ordinances need to be consistent.

Prince asked when the rules become law, are they allowed to make them more or less consistent. Williams responded certainly more restrictive. There is a flexibility provision. Any community can ask for flexibility on how they meet the intent.

Councilmember Noecker said they can make the rules more restrictive and less in some areas, except height.

Stark said he will give people about two minutes apiece.

Rory Sherler, Mississippi National River Recreation Area, National Park Service. The river has been protected by executive order for about 35 years. The DNR is in the process of changing that to state rules. State Legislation has deemed them the river recreational area. The river is designed as an area of critical concern to the State of Minnesota. They submitted 9 pages of comments based on two memos. (He showed maps.) The standards are a key concern. (He showed the Ford site.) That is limited to 40 feet right now. (He pointed to several points in the map.)

Senator Durenberger said he is a resident of Crocus Hill. Along with Congressman Bruce Vento, he wrote the legislation that authorized the Mississippi National River

Recreational Area. Forty years ago he took on challenge at the request of the Governor and chairman of Metropolitan Council of determining the state's roles in the evolution of parks and open spaces. They designed an open space plan that lasts to this day. The important decision they took was to trust all the municipalities and all the counties along the 72 mile river area to make the right decision for the extemporaneous generation and future generations. It is a tough decision. When Bruce and he talked about it, they made the decision to trust the Council. He asks the Council to consider balancing the demands on this Council on behalf of the thousands in Saint Paul. He is here to remind you that forty years ago, two of us made the decision that brought all of this right where it is and the Council has to face some difficult decisions. A lot of people will support the Council if they take a position on behalf of future generations and this community.

Tom Dimond, 2119 Skyway Drive, in 1969 the Met Council came up with a river corridor report. (Dimond talked about what has happened through the years.) They have had tremendous leadership advocating for cleaning up the river and enhancing this and protecting this resource for generations to come. He helped work on the management plan for the river. There were standards set, and there was a Tier 2 set of standards for communities to set even stronger protection of the river. The City committed to being that. Dimond would encourage them to look at the long term protection of the river corridor instead of the short term for a few. There has been an extensive review of this. Now we are talking about compromising. The proposed DNR regulations are a significant reduction of the current protection. If they weaken them further, the planning by the neighborhood does not matter.

Kathy Stack appeared and said she lives on a small house boat from May to October. She has been up and down the 72 miles. She has seen from the water how well the rule making has worked. There are many people like her who want to advocate for the river. At the 2014 DNR hearing, there were longer lines than this. They appreciate the efforts at flexibility. They do not want to go backwards. For those who know what the river used to look like, they had done a good job. They need to keep strong for further protection of the river. Where Saint Paul is right now is a testimonial of how well the rules work.

Prince said Stack is the City's former director of Community Services. During her tenure, it included Parks and Rec.

Irene Jones, Friends of the Mississippi River, said they submitted written comments. Saint Paul is the host city of their national park. They want to encourage the City to embrace the new rules. The City has long been a good steward. Now is the opportunity for the City to lead the way in ensuring the rules are strong and protect the national park. We continue to be disappointed in the way the comments are coming out of Saint Paul. There continues to be attempts to weaken the standards. She questions if the constituents would agree with reducing or eliminating common sense restrictions: construction height limits, building on bluffs and steep slopes, managing vegetation. They feel strongly that the 18% slope with 25 feet high is a good definition for bluff. The city came up with that definition. Some of the heights are being raised. They would encourage the Council to ask the DNR to change some of those designations.
Furthermore, she would like to see less than 20 pages of comments that are mainly negative. Some areas are being weakened, but some is to provide for some flexibility.

Paul Sawyer, President of District 1 Community Council, said they did a quick scan of the river's draft. Many of the comments they brought forward have been addressed by the current rules. They want to point out having things readily visible to the river

has a certain amount of objectiveness to it.

Pete Renier (phonetic), 1850 Jefferson Avenue, said they are half a mile from the Mississippi. He has been over 20 years on the board of St. Paul Ramsey County Friends of Parks and Trails. New item: the timing of the council taking this up. Next week when Saint Paul is hosting the children and nature international conference preceded by National League of Cities children and nature event. One of the things they are inviting people to do is hands-on experience of the Mississippi River. He is asked the council to not reduce the restrictions. The restrictions are adequate, studied, 40 foot requirement, height restriction, no reason to be changing after 65 feet. This is for children who are going to be going out into nature.

Marie Ellis, Chamber of Commerce, actively involved in the past few years. They will submit substantive comments to the Administrative Law Judge. She thanked staff for helping her get up to speed on this issue. There is a memo in the packet dated April 19 about what the Planning Commission recommends. In general, the Chambers agrees with 3 points: 1) there is a lack of clear criteria for understanding and regulating building heights under the current rules, 2) they agree with Planning Commission that it is possible to protection slope stability, 3) they are concerned the proposed rules will create new legally nonconforming structures in the City. The proposed rules will result in less legal nonconformity than currently exist. They recommend the City's comments closely follow the conclusions of the Planning Commission.

Laurie Louder, Senior Vice President of St. Paul Port Authority, said the Port Authority believes in protecting the quality of the Mississippi River and honoring businesses. The law indicates the guidelines and standards must protect a variety of key features, including commercial, industrial, and resident recources. Both sides need to be in balance. In answer to Noecker's question, they came a long way from what they first saw with DNR. There is more work to be done. Businesses provide important assets. They keep the taxes as low as they are. They are working with suppliers, grow the economy on a daily basis, provide jobs, donate funds and direct services to neighborhood groups. They are concerned about nonconformities. They hope the DNR will let the local units of government have more flexibility.

Gary Thompson, lives on Youngman along the critical river area. He is against the 60 foot height proposal. That is over a 50 foot increase. The river should be a destination and not a place to weed through high rises to get to the river. He is not against development. Put them where there is a dense population area. He does not
understand why the DNR came out with a 65 foot height proposal. He thought they were an environmental group. Saint Paul can do better than this proposal.

Shaun Devine, speaking on behalf of the District 9 Fort Road Federation, said much of the Mississippi River corridor is in this area. The Board of Direction recognize that the Planning commission held a meeting on draft rules. The Board felt this sold opportunity for public comment is insufficient. The federation is in opposition to language to increase building height limits or weaken the existing required bluff setbacks.

Prince moved to close the public hearing.

Stark said the public hearing is closed.

Prince moved a lay over to June 22.
Motion carried

Laid over to June 22

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

28 RES PH 16-129 Adopting the District 1 Community Plan update as an addendum to the Comprehensive Plan.

Bill Dermody, PED (Planning and Economic Development) said this is the District 1 plan. The Planning Commission recommends approval. There was a full public hearing. They will have comments from the public.

Betsy Leach, Executive Director of District 1 Community Council, said they are proud to have the community plan for approval. They view their role as translators for the City and the resident, so they all understand each other. The plan represents an intensive effort to understand the vision that all the residents have for the place they live. Listening to people in small groups and one on one. They have encouraged participation. They have taken the visions from their community and translated it into a form that government will understand.

Councilmember Prince thanked District 1 for the great work. She asked about the Highwood Small Area Plan. Ms. Leach responded all the plans were considered.

There were some minor issues--the Boys Totem Town, for example--that the Planning Commission did not agree on.

Prince moved to close the public hearing and approve.
6 in favor none oppose (Brendmoen absent)
Public hearing is closed and resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Brendmoen

29 RES PH 16-148 Approving the establishment of the Wilson II Redevelopment Project Area and the Tax Increment Financing District (Wilson II Housing Project) and approving a Housing Development and Redevelopment Plan and Tax Increment Financing Plan. (District 4, Ward 7)

Dan Biers, Planning and Economic Development, said the resolution would create a TIF (tax increment financing district). This will be 114 unit affordable housing at 1256 Wilson Avenue.

(No one wished to speak in opposition.)

Brian Flakne said he is with the team proposing this development and working with Councilmember Prince and the neighborhood. They have taken an existing building, improved it, and believe the next phase will be an amenity for this neighborhood. The need for the TIF is outlined before the Council and set forth by bond counsel. The net result will be 114 units of affordable housing. They have worked with transit officials in connection with the gold line. TIF has gotten a bad name. TIF is a valid tool for the use of and creation of government objections. This has affordability, density, corridor. He would ask for your support of this recommendation.

Councilmember Prince moved to close the public hearing.
Motion carried

Prince said she is working with her community. Dayton's Bluff neighborhood is supportive of this. She has been asked what makes her support this project. She believes that TIF is an important tool that should be used judiciously. It is a difficult site: odd shape, slope, access issues. It includes a double home that was built in the 1980's and would be unfortunate to destroy, so it will be donated and will be moved to a nearby site on the East Side. In addition to TIF, the developer purchased a problem property next to the project, which he has rehabilitated and will continue to pay taxes through the TIF period. In this case, it is a good TIF project.

Councilmember Noecker said they can spend 10% for activities outside the project area. Where is the project area clearly established? Jenny Wolf, PED, said they are co-terminus. There will not be an opportunity to suspend TIF other than on the housing project and the admin.

Noecker asked how much other public investments have gone into this site apart from this TIF. Wold responded they are doing housing revenue bonds, maximum is $19 Million, estimated right now is about $18 Million, which is both permanent and

construction financing to bridge the tax credit equity that comes with the bond.

Councilmember Tolbert asked what is this TIF going to be used for. Wolf responded to construct the affordable housing building, bricks and mortar.

Tolbert asked how much money is the private developer bringing to this project. Dan responded there will be the bonds and 4% tax credits, there will be a seller note--the seller will be selling the property to the new partnership. Instead of taking cash out of that, he will be putting his equity into that. There will be deferred developer fees going into that, and the TIF with the private financing to the bonds.

Tolbert asked was the bonds public or private. Biers responded the HRA will review the bonds and the TIF district May 25, next Wednesday.

Tolbert asked how much money he is bringing into the development. Biers

responded $2 Million.

Councilmember Thao said he will vote in support. It will result in more affordable housing. It will bring value to the neighborhood. These are the same outcomes they like to see at the Midway site.

Council President Stark said it sounds like a good project and a good use of TIF.

Prince moved approval
7 in favor, none opposed
Resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

30 RES PH 16-151 Recommending that Ramsey County implement bicycle facilities on Upper Afton Road between Burns Avenue and McKnight Road.

Mr. Hanson said there are two resolutions. He will quickly summarize the process for both projects. The intent is to improve safety for people riding bikes. (He talked about how they went about doing this.)

Councilmember Thao asked the parking demand. Hanson responded estimated 257 parking spaces.

Council President Stark said given that Public works is recommending parking removal on both sides, he is thinking an additional notice should go out. They will hold the public hearing tonight, send another notice, and do the public hearings in a few weeks.

Councilmember Prince responded that is her recommendation. She spent 10 to 12 hours door-knocking her constituents to hear from them. It would be fair to send out a new notice.

Councilmember Brendmoen asked would it make sense to have the initial recommendation from Public Works be the proposal on the table.

Stark said the Public Works recommendation has changed. They will renotice the folks in the area. The issue in two weeks is the new recommendation.

Brendmoen moved to change the resolution to reflect the new recommendation from Public Works.
Motion carries.

(Opposition is first)

Mike Conlin, 1653 Upper Aften Road, said he opposes this plan for bike plans for two sides. He has been hearing conflicting stories. Putting bike lanes on both sides will restrict access to Battle Creek Park, restrict people having garage sales, parties, and there is no other place to park. These are long blocks.

Kristine Callinan, 1641 Upper Afton Road, said she is not opposed to one bike lane. Two takes the value down on her home. They have three children and children of their own who are small. There are three short streets. There are two short streets on her side. This will be a burden.

Benita Warns, 1440 Lafond, said she generally supports bike lanes. This proposal is not a compromise. It is all or nothing. People should have access to their property. People need to share.

Elinor Auge, 1645 Upper Afton Road, likes to bicycle. She does not like the idea of removing parking on both sides of the street. She questions the studies, which were done in the middle of winter. It is an emergency vehicle route. She is okay with one side parking and one side bike lanes. It would be a hike with senior and people with bikes. For that first letter, no one she knows got one. Did see the letter about this hearing.

Angela Flanaghan, 2180 Upper Afton Road, they did not get a mailing. When she addressed this issue at Battle Creek, about 85 to 90% did not get it. They said it went into the District 1 newsletter. That is unfair. They are making judgements when they do not live in the neighborhood. She would like to see where they sent it.

Mike Flanagan, 2180 Upper Afton Road, said the meeting on March 3 was negative towards this. They were shoving this down our throat. If you don't like it, shut up. He took offense. They could use the trail going down Lower Afton.

Mike Nexbith, 2244 Upper Afton Road, said he didn't make it to March 3. He agrees with taxpayers. They need our parking spots. He is on the south side of the street. There is a lot of parking utilization that is in the study. If they lose the parking on one side, then parking will be in front of their house. They have an RV. If the bike lane goes in, there may be cars parked there. Don't know when the parking study was done, but he disagrees.

Kim Nexbeth, 2244 Upper Afton, said it is a busy street. Are you going to let your kids ride their bikes on the street. There are city buses. They pay taxes. They are not willing to share the parking in front of their house because the people across the street can't park. Use the bike path down on Lower Afton.

In support:

Paul Sawyer, President of District 1, said the Number 1 issue of speeding. South of 94 is Battle creek Rec. 3,000 children take the trip to the rec center. The residents deserve better. They can make Upper Afton safer. They can make it attractive.

Andy Itz, daily bike commuter, lives in Minneapolis. Goes through area daily. Asks for support for two lanes. It improves the safety of all users. Underutilized parking spaces makes even more sense. Critical connection to Woodbury. Building the bike network is good. Equal transportation options. Supports two lane proposal. Having the one lane on one side, the bike lane ends, and then you have to ride uphill.

Peter Grasser, Woodbury, represents the 3M bicycle group. Important user route. Path on Lower Afton is a great path. This path appeals to a gap in the network. On Saturday, there was a bike event. They can make that happen on Upper Afton.

Stephanie Weir, St. Paul Women on Bikes, coalition of women and families. Upper Afton project is the first step for a safe convenient route for everyone that has a bike. The East side has not seen the same investments. The project narrows lanes and slows traffic. They support the protected bicycle design. The bicycle lane works for our cities communities.

Prince said Women on Bikes joined her door knocking

Rick Holst said he is a mountain bike rider. They use Upper Afton Road. She rides with her family a lot. All of his kids are below driving age. They prefer paths. Bicycle lanes are the compromise instead of protected bike lanes. Speeds along Upper Afton are high. It screams for protected bike lanes.

Heidi Schallberg, Highland, support bike lanes on both sides. Bike lanes on one side are unsafe. District Council wants a buffer bike lane. This is a compromised bike lane.

Mike Sonn, 1458 Wellesley, said he is pleased that the proposal is two bike lanes. The original was not safe.

Stark said they will continue the public hearing.

Prince moved a two week layover for the public hearing.

Councilmember Brendmoen said she would like to make sure people get mailings It should go to owners and potential renters.
Stark wanted information about how the parking was done.

Motion carries
7 in favor, none opposed
Public hearing is continued to June 1

Amended; public hearing continued to June 1

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

31 RES PH 16-150 Recommending that Ramsey County implement bicycle lanes on Edgerton Street between Maryland Avenue and Wheelock Parkway.

Two resolutions. Hanson said segments are scheduled to be resurfaced this year. Staff believes the scheduled street resurfacing is the perfect time to implement biking

facilities. (Lots of detail here.)

Councilmember Brendmoen said she heard from people about the dangerous intersection. Staff should look at it.

Linda Peterson, 1421 Edgerton said on the west side of Edgerton, the houses do not have alley. Some houses share a driveway or easement. There are a lot of rentals. There is not enough room to park. They have duplexes.

Vicky Hamilton, 1395 Edgerton Street, said there is a bus stop. That is 20 feet into her property. So, there is only one vehicle in front of her house. There are four vehicles. Across the street is a duplex. She took the counts. They should be taken at midnight. People are running around. The street is busy. The adults would be using the lanes and not the kids. Her kid was hit. Edgerton is not safe for kids. She pays licenses and taxes on her vehicles. The bikes can be on the street and it is lacking a lot of things some vehicles do not have.

Support?

Eric Sutter, 691 Wells Street, year round commuter, chair of Transportation Committee, voted for the striping on Edgerton. They need connections going north and south. Payne Avenue was not a great choice. It really is the only alternative. It is the only street in an area that really needs a connection.

Jeff Zaayer said he supports this project as part of the greater vision of the overall bike plan. This is a regional road that extends to the depths of the county.

Paul Sawyer said this project is not in his district, but if his residents cannot get to places, it does not make sense. It comes down to the networks. Every new bikeway increases the use of the network.

Brendmoen moved to close the public hearing.
Motion carries
Public hearing is closed

Brendmoen said she will support the bike lanes today. The timing is right.

Brendmoen moved approval

Motion carries
7 in favor, none oppose
Resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

32 RES PH 16-124 Final Order approving the removal of a street bump-out at the northeast corner of Selby and Saratoga. (File No. 19216 Assessment No. 165211) (Public hearing held May 18; laid over from July 6)

Benita Warns opposes this project. There was a community process a couple years ago. There have been substantial changes since that was proposed. There are no site lines with everything in the way. Explained what should be done on the

intersection with lights. A lot of people will continue to use Selby-Snelling movement. At minimum, it should be laid over for 60 days. She does not think this is a good idea. (She showed several maps while she was speaking.)

Mike Sonn, 1458 Wellesley, said they walk up to the new Whole Foods. Traffic on Selby does not back up to Saratoga. If the curb is shaved back further, they will be taken at a higher rate of speed. Having the bump outs makes crossing Selby better. Maybe 60 days would be good.

Councilmember Thao moved to close the public hearing.
Motion carries

Paul St. Martin, Public Works, showed map.

Councilmember Prince asked does it make sense to take action now without doing analysis. St. Martin responded other projects were approved. They can take some time to do observations..

Councilmemer Thao said he wants to respect the process. Not sure laying it over for 60 days will change the outcome.

Council President Stark said he doesn't think it changes the process. This solution was come up with extensive community process. Small project: $25,000.

Prince said she is struck by the acknowledgement by St. Martin said there can be more analysis. Spending money to remove a bump out, she would like to suggest that. A few weeks.

Thao said he does not feel comfortable doing this. He has been on that intersection. His instinct is to send it back to Union Park with changes.

St. Martin responded A-Line starts in June.

Thao moved to lay over to July 6
Motion carries
7 in favor, none opposed
Laid over to July 6, 3:30

Laid over to July 6

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

33 RES PH 16-125 Final Order approving the construction of a shared use trail along Pierce Butler Route from the southeast corner of Dunlap to the west side of Lexington. (File No. 19217 Assessment No. 165212)

Michael Warns spoke in favor of this. There is already a trail there. They want to make an official trail.

Woman came back. In this case, the project was recommended for funding. The funding was removed. They had to do it again when they won. Now they are finally here. Hopefully, this time it will happen. This connects one bike facility to another. And it's not an expensive project.

Council President Stark moved to close the public hearing and approve.
7 in favor, none oppose
Public hearing is closed and resolution is adopted.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda

Councilmember Tolbert moved to approve the rest of the Legislative Hearing items.
7 in favor, none opposed
Legislative Hearing Consent Agenda is adopted as amended

Legislative Hearing Consent Agenda adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

34 **RLH TA 16-249** Amending Council File RLH AR 16-9 to delete the assessment for Graffiti Removal services from November 6 to December 21, 2015 at 1193 ARONA STREET. (File No. J1606P, Assessment No. 168405)

Adopted

35 **RLH FCO 16-49** Appeal of Josephine Macey Daly to a Fire Inspection Correction Notice at 1817 ASHLAND AVENUE.

Adopted

36 **RLH TA 16-193** Ratifying the Appealed Special Tax Assessment for Property at 1294 BOHLAND PLACE. (File No. J1608E, Assessment No. 168309)

Adopted

37 **RLH VBR 16-24** Appeal of Arafat El Bakri to a Vacant Building Registration Notice at 1737 BUSH AVENUE.

Adopted

38 **RLH TA 16-191** Ratifying the Appealed Special Tax Assessment for Property at 2120

CASE AVENUE. (File No. J1608A, Assessment No. 168517)

Adopted

39 **RLH TA 16-159** Deleting the Appealed Special Tax Assessment for Property at 971 CENTRAL AVENUE WEST (File No. J1607E, Assessment No. 168308).

Adopted

40 **RLH TA 16-173** Deleting the Appealed Special Tax Assessment for Property at 129 COMO AVENUE. (File No. J1608A, Assessment No. 168517)

Adopted

41 **RLH TA 16-167** Deleting the Appealed Special Tax Assessment for Property at 375 COOK AVENUE WEST (File No. J1607E, Assessment No. 168308).

Adopted

42 **RLH TA 16-211** Ratifying the Appealed Special Tax Assessment for Property at 1522 DORA LANE. (File No. J1607E, Assessment No. 168308)

Adopted

43 **RLH TA 16-212** Ratifying the Appealed Special Tax Assessment for Property at 1522 DORA LANE. (File No. J1608E, Assessment No. 168309)

Adopted

44 **RLH TA 16-177** Ratifying the Appealed Special Tax Assessment for Property at 1022 EARL STREET. (File No. J1608E, Assessment No. 168309)

Adopted

45 **RLH FCO 16-55** Appeal of Cornelius Brown to a Fire Inspection Correction Notice at 1694 EDMUND AVENUE.

Adopted

46 **RLH TA 16-186** Ratifying the Appealed Special Tax Assessment for Property at 25 ELIZABETH STREET. (File No. J1608E, Assessment No. 168517)

Adopted

47 **RLH TA 16-174** Ratifying the Appealed Special Tax Assessment for Property at 1231 FARRINGTON STREET. (File No. J1608A1, Assessment No. 168529)

Referred to June 7 Legislative Hearing

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

48 **RLH TA 16-179** Deleting the Appealed Special Tax Assessment for Property at 907 FIFTH STREET EAST. (File No. J1608A, Assessment No. 168517)

Adopted

49 **RLH TA 16-185** Ratifying the Appealed Special Tax Assessment for Property at 2135 FIFTH STREET EAST. (File No. J1608E, Assessment No. 168309)

Adopted

50 **RLH TA 16-184** Ratifying the Appealed Special Tax Assessment for Property at 742 FOURTH STREET EAST. (File No. J1608A, Assessment No. 168517)

Adopted

51 **RLH FCO 16-57** Appeal of Tim Murphy to a Fire Certificate of Occupancy Approval With Corrections at 855 FOURTH STREET EAST.

Adopted

52 **RLH TA 15-570** Ratifying the Appealed Special Tax Assessment for Property at 790-794 FRANK STREET. (File No. J1603E, Assessment No. 168302; amended to File No. J1603E1, Assessment No. 168306 and to approve the assessment)

Public hearing continued to June 1

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

53 **RLH TA 16-175** Ratifying the Appealed Special Tax Assessment for Property at 1234 FREMONT AVENUE. (File No. J1608A, Assessment No. 168517)

Nhia Vang, Deputy Legislative Hearing Officer, said this is a Summary Abatement Order with a compliance date of January 8. The work was completed by staff. The assessment is $448.

Megan Hume owns 1234 Fremont Avenue. Husband and her grew up here. They understand the appearance of their home. Intend to not be a nuisance in the future. They are asking that the assessment not be ratified.

Councilmember Prince moved to close the public hearing.
Motion carries

Prince said she asked the tenant to take care of it. Hugh responded the tenant moved out. They cleaned the interior. In that time, the prior renters put things on the boulevard. There was a lot of refuse left there. The brush was next to the garage. Nhia responded she has a photo, but no video.

(Nhia showed a picture.)

Hume said they removed what was on the curb and closed the bin. They didn't see it. They took care of what was on the curb. This is their first offense. They repainted the entire home and the garage.

Council President Stark said the orders say boulevard. He indicated the brush was there and the tenants used it for wood pile. He thought he was going to save it. He knew the pile was there.

Prince said the work had to be done. The orders say boulevard and the yard. We can spread spread out the payment for over four years. Hugh responded okay.

Prince moved approval of the assessment with spreading it over a four year period.

Motion carries
7 in favor, none opposed
Resolution is adopted and spread over four years.

Adopted as amended (payments spread over four years)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

54 RLH RR 15-13 Ordering the razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing.

Referred to June 1 Legislative Hearing

55 RLH TA 16-176 Ratifying the Appealed Special Tax Assessment for Property at 558 GROTTO STREET NORTH. (File No. J1608E, Assessment No. 168309)

Nhia Vang, Deputy Legislative Hearing Officer, said this is an excessive consumption fee for failure to maintain exterior property. The cost is $155. Date of order was 12-3-15 with a compliance date of December 11 to remove items. The inspector gave Ng an extra four days. The inspector went out on December 15 and there was no action when he went back. There are photos on record. There is a history on this property. The City razed it in 2009. (Vang spoke on the past history on the property.) It is now in compliance.

Ng said the Council saw him before. The appeal was rejected and he got two dates, followed those dates, and things are getting better. Everything had to be cleaned up on April 15. He got that done. These fees are not about what he is getting done. On December 17 he received a letter for excessive consumption of the services. He filed an appeal on December 24. The Legislative Hearing Officer is saying they cannot excuse those fees because the excessive consumption was done before his appeal. He told the inspector that he rented the property. His tenant put up teepee stuff. The neighborhood came and destroyed the stuff, which started the inspections. The inspector said this stuff is nuisance. He talked to his tenant who said this is a Native American heritage stuff. When he did the appeal, he got these excessive fees. They came out on December 2 and December 15, that is two times. It is not supposed to be done this way.

Councilmember Thao said the $120 is for removing the materials. Nhia responded it is the cost of the inspectors going out there. Stark said it is excessive consumption fee if they go out so many times.

Thao asked when the materials were removed. Nhia answered much later. The City Council granted him until April 15 to remove the teepees. But, this predates this time frame.

Stark said the excessive consumption had been triggered by the initial compliance dates.

Thao said the property owner was notified each time it was triggered. Nhia said there were multiple reinspection dates.

Thao asked about the $120 and if the appellant thinks it is too much or more time is needed to be in compliance? Ng responded they gave him a few days. When he called on the 10th, they gave him a few days. They counted that as two. This is not supposed to be counted.

Thao moved to go with staff recommendation for the fee.
Motion carries
6 in favor, none opposed (Bostrom gone)
Resolution is adopted

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Bostrom

56 **RLH TA 16-200** Deleting the Appealed Special Tax Assessment for Property at 675 HALL AVENUE. (File No. J1608A, Assessment No. 168517)

Adopted

57 **RLH TA 16-161** Ratifying the Appealed Special Tax Assessment for Property at 287 HAMLINE AVENUE SOUTH. (File No. J1607E, Assessment No. 168308)

Adopted

58 **RLH VBR 16-27** Appeal of Yan Chen to a Vacant Building Registration Requirement at 1005 HUBBARD AVENUE.

Adopted

59 **RLH TA 16-171** Deleting the Appealed Special Tax Assessment for Property at 732 IGLEHART AVENUE. (File No. J1608A, Assessment No. 168517)

Adopted

60 **RLH FCO 15-112** Appeal of Robert Stein to a Correction Notice - Complaint Inspection at 332 JESSAMINE AVENUE EAST.

Nhia Vang, Deputy Legislative Hearing Officer, said this is a fire certificate of occupancy. This includes the retaining wall.

(Documents were passed out, including photos.)

Robert Stein stated he retained an attorney. He would like another rescheduling because he has 50 documents. He would like his attorney to see. His final thought is these walls were built all over Saint Paul. When the wall was built it probably cost more than the house was worth.

Councilmember Brendmoen stated she is comfortable waiting two weeks.

Brendmoen laid over to June 1, 3:30 Public Hearing.
Motion carries

Public hearing continued to June 1 at 3:30 p.m.

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

61 RLH CO 16-15 Appeal of Philip Varchenko to a Correction Order at 1627 MARSHALL AVENUE. (Public hearing continued from June 15)

Referred to May 24 Legislative Hearing

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

62 RLH TA 16-180 Deleting the Appealed Special Tax Assessment for Property at 815 OHIO STREET. (File No. J1608E, Assessment No. 168309)

Adopted

63 RLH VBR 16-25 Appeal of Bill Bernier to a Vacant Building Registration Requirement at 287 PAGE STREET EAST.

Nhia Vang, Deputy Legislative Hearing Officer, said this is an appeal of the vacant building registration.

Kenneth Schivone is representing Mr. Bernier. 287 was purchased by Benier from the owner. It was an upper and lower level. It passed numerous inspections over the years. They fell behind in the rent. He brought an eviction matter. They contacted DSI (Department of Safety and Inspections). DSI found numerous problems with the property, all of which was the result of the actions of the tenants. The tenants would not allow Benier to come in and make the repairs. On April 4, the tenant had to be out. Benier contacted DSI and said he will not have access to the property until then. He was told the date had been set and could not be changed. He was there the morning of the 4th. The property was locked by the tenants. There was no basis for the property being vacant except the problems the tenants created themselves.

Noecker asked if the property was order vacated after the certificate of occupancy was revoked. Nhia responded that is correct.

Noecker said the code compliance report needs to be done. Schivone responded they couldn't do it because he didn't have access. He asked why couldn't more time

be given.

Noecker moved approval of the recommendation.

Motion carries
7 in favor, none opposed
Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

64 **RLH TA 16-188** Ratifying the Appealed Special Tax Assessment for Property at 436/438 PAGE STREET EAST. (File No. VB1608, Assessment No.168808)

Adopted

65 **RLH TA 16-182** Ratifying the Appealed Special Tax Assessment for Property at 1223 PALACE AVENUE. (File No. J1608A, Assessment No. 168517)

Adopted

66 **RLH FCO 16-56** Appeal of Thomas & Sheila Casper, d/b/a Copper Dome/Tommy C's Randolph Griddle, to a Fire Certificate of Occupancy Correction Notice - Complaint Inspection at 1333 RANDOLPH AVENUE.

Public hearing continued to June 1

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

67 **RLH TA 15-558** Ratifying the Appealed Special Tax Assessment for Property at 1634 REANEY AVENUE. (File No. J1603E, Assessment No. 168302; Amended to File No. J1603E2, Assessment No. 168307 and to delete the assessment)

Adopted as amended (delete the assessment and change file numbers)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

68 **RLH TA 16-169** Deleting the Appealed Special Tax Assessment for Property at 439 ROBERT STREET. (File No. J1607P, Assessment No. 168406)

Adopted

69 **RLH SAO 16-12** Appeal of Tylon Newcomb to a Vehicle Abatement Order at 488 ROBERT STREET SOUTH.

Adopted

70 **RLH TA 16-162** Ratifying the Appealed Special Tax Assessment for Property at 1499 SCHLETTI STREET. (File No. J1606B, Assessment No. 168105)

Adopted

71 **RLH TA 16-190** Deleting the Appealed Special Tax Assessment for Property at 1541 SEVENTH STREET EAST. (File No. VB1608, Assessment No. 168808)

Adopted

72 **RLH SAO 16-14** Appeal of Thomas Valtierra to a Summary Abatement Order at 256 SIDNEY STREET EAST.

Adopted

73 **RLH TA 16-187** Ratifying the Appealed Special Tax Assessment for Property at 201 SNELLING AVENUE NORTH. (File No. VB1608, Assessment No. 168808)

Nhia Vang, Deputy Legislative Hearing Officer, said this is an appeal of the vacant building fee. This was a Category 1 fire exempt building. The file was opened on July 2, 2015. It got a 90 day waiver and then there was an additional 90 day waiver. After the 90 day waiver was expired, it moved to a Category 2. Fees due January 2016. Appellant would like fee waived because he in unable to pull permits, and he is waiting for permit approval from site plan review. No permits have been pulled. There is a site plan submitted by someone. The permit was filed for parking lot. The City has waived the fee for 180 days, no permits pulled. She is recommending approval of the assessment. Another fee will be due in July. On May 13, it was changed from Category 2 to Category 3. As a result of the fire, the City has already waived the vacant building fee for 100 days.

Council President Stark asked the date of the fire. Vang responded July 2. Council President Stark says it has been vacant since then and unabated.

Todd Harrington appeared representing the owner of 201 Snelling. He is also representing the real estate agent. The fire was in July 2015. Number of events have happened since then. The fire needed to be investigated by Fire. That investigation started on July 5. It was not completed until the end of October. It took about 3 to 4 months to be completed. After that was completed, the insurance company could finish their process. In the process of all of that, Edward Connolly wanted to purchase the property. During the investigation, Connolly would need to get a Phase 1 and Phase 2 inspection in order to get financing to purchase the property. They needed to wait. No one can touch the property until the investigation is done. Then the insurance needs to investigate the property. This is a 6 month process. When those things were completed, the property owner cleaned up the property. In the middle of this, there was a vacant housing fee being assessed, but we couldn't touch the property until the issues were resolved.

Stark said the fee was waived. Harrington said there was some delays in getting

things done because there were site plans under review. That is where they are right now. The plans are still under review. They were supposed to close on the property this week. About 3 weeks ago, they had a hearing and he was in the room with the current owner Ali. They were told they would be given through May. Vang added that was her recommendation.

Harrington continued. He put a document on the display. This permit was the same day Ed, the buyer, was pulling his site plan for the property. Also, part of the agreement was that the seller would remove the current structure at the property. The current owner went to pull the permit today to get approval to remove the structure, so his purchase agreement would go through and he could close on Friday. The current owner was told that he cannot pull the permit because a site plan was under review. The buyer would have to pull their general building permit in order for the demolition permit to be accepted. The next owner will change this corner. This area needs parking, which is what the buyer is going to do. This assessment is coming at a horrible time when the seller is doing everything to get the property gone. He lost everything in the fire. For someone to buy this property is a blessing. The seller can't do anything at the moment because he can't pull the permit to demolish the property. How can this be resolved to allow things to go forward?

Stark asked about the vacant building fee. Nhia responded they waive the fee to give them a chance to correct the nuisance. This has gone beyond the 6 month period.

Even with the permit situation, the fee is for the constant monitoring by City staff for graffiti, trash, snow removal. The fee is to ensure that we don't want to put this assessment on all the properties in St. Paul. It is due again in July.

Harrington said the current owner took care of any issues.

Stark said the nature of the program is that when there are vacant structures, they do these inspections.

Stark moved to close the public hearing.
Motion carries
Public hearing is closed

Stark said we are in the second six months of that annual period. It is does not seem the fee is holding up the structure. The alternative is to ask the taxpayer to pay for it. All the resources of this seller have been used up.

Stark moved the recommendation of the hearing officer that the fee is imposed. If the process is delayed further, he should stay in touch with staff on this issue. It appears the property will be sold at that time. The structure has been sitting there for a long time at this point unabated.
Motion carries
7 in favor, none opposed
Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

74 **RLH TA 16-168** Ratifying the Appealed Special Tax Assessment for Property at 652 STRYKER AVENUE. (File No. J1606B, Assessment No. 168105)

Adopted

75 **RLH TA 16-165** Deleting the Appealed Special Tax Assessment for Property at 854 TATUM STREET. (File No. J1607E, Assessment No. 168308)

Adopted

76 **RLH TA 16-178** Ratifying the Appealed Special Tax Assessment for Property at 926 THIRD STREET EAST. (File No. J1608A, Assessment No. 168517)

Adopted

77 **RLH TA 16-170** Ratifying the Appealed Special Tax Assessment for Property at 606 THOMAS AVENUE. (File No. J1608A, Assessment No. 168517)

Adopted

78 **RLH TA 16-192** Ratifying the Appealed Special Tax Assessment for Property at 1326 THOMAS AVENUE. (File No. J1608A, Assessment No. 168517)

Adopted

79 **RLH TA 16-172** Deleting the Appealed Special Tax Assessment for Property at 767 UNIVERSITY AVENUE WEST. (File No. J1608E, Assessment No. 168309)

Adopted

80 **RLH TA 16-199** Ratifying the Appealed Special Tax Assessment for Property at 76 WHEELOCK PARKWAY EAST. (File No. J1608E, Assessment No. 168309)

Adopted

81 **RLH FCO 16-41** Appeal of Kristin Upton, Main Street Renewal, to a Fire Inspection Correction Notice at 1020 WILSON AVENUE. (Public hearing continued from April 6)

Adopted

82 **RLH FCO 16-19** Appeal of Kelley Anderson to a Fire Inspection Correction Notice at 1221 WOODBRIDGE STREET. (Public hearing continued from April 6)

Adopted

83 **RLH TA 16-163** Ratifying the Appealed Special Tax Assessment for Property at 1749 WORDSWORTH AVENUE. (File No. J1606B, Assessment No. 168105)

Adopted

84 **RLH TA 16-189** Deleting the Appealed Special Tax Assessment for Property at 664 YORK AVENUE. (File No. J1608A, Assessment No. 168517)

Adopted

85 **RLH AR 16-17** Ratifying the assessments for Excessive Inspection/Abatement services billed October 22 to November 20, 2015. (File No. J1607E, Assessment No. 168308)

Adopted

86 **RLH AR 16-18** Ratifying the assessments for Boarding and/or Securing services during November 2015. (File No. J1606B, Assessment No. 168105)

Adopted

87 **RLH AR 16-19** Ratifying the assessments for Boarding and/or Securing services during December 2015. (File No. J1607B, Assessment No. 168106)

Adopted

88 **RLH AR 16-20** Ratifying the assessments for Graffiti Removal services from December 24 to January 24, 2016. (File No. J1607P, Assessment No. 168406)

Adopted

89 **RLH AR 16-21** Ratifying the assessments for Collection of Vacant Building Registration Fees billed July 2 to December 16, 2015. (File No. VB1608, Assessment No. 168808)

Adopted as amended (647 York Avenue referred to June 7 Legislative Hearing)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

90 **RLH AR 16-22** Ratifying the assessments for Excessive Inspection/Abatement services billed November 23 to December 18, 2015. (File No. J1608E, Assessment No. 168309)

Adopted

91 **RLH AR 16-23** Ratifying the assessments for Property Clean Up services from January 4 to 28, 2016. (File No. J1608A, Assessment No. 168517)

Adopted as amended (1231 Farrington Street referred to June 7 Legislative Hearing)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

92 **RLH AR 16-24** Ratifying the assessments for Trash Hauling services from January 6 to 27, 2016. (File No. J1608G, Assessment No. 168707)

Adopted

ADJOURNMENT

Councilmember Brendmoen moved adjournment
7 in favor, none oppose

The meeting was adjourned at 10:02 p.m.

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

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