City of Saint Paul

Minutes - Final

City Council

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

Katie Burger, Executive Assistant, 651-266-8560

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

Wednesday, March 15, 2017 | **3:30 PM** | **Council Chambers - 3rd Floor**

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

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 17-16 Letter from the Department of Safety and Inspections declaring 855 Lexington Parkway South a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and Filed

2 CO 17-17 Letters from the Department of Safety and Inspections declaring 895 Desoto Street, 544 Minnehaha Avenue West, and 666 Minnehaha Avenue West 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

Councilmember Bostrom moved approval of the Consent Agenda.

Councilmember Bostrom moved approval of the Consent Agenda.

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

Nay: 0

3 RES 17-342 Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during November 7 to December 20, 2016, and setting date of Legislative Hearing for April 18, 2017 and City Council public hearing for June 7, 2017 to consider and levy the assessments against individual properties. (File No. CRT1708, Assessment No. 178207)

Adopted

4 RES 17-343 Approving the City's cost of providing Demolition service from December 2016 at 575 McKnight Road South, and setting date of Legislative Hearing for April 18, 2017 and City Council public hearing for June 7, 2017 to consider and levy the assessments. (File No. J1703C, Assessment No. 172002)

Adopted

5 RES 17-344 Approving the City's cost of providing Demolition services from October to November 2016, and setting date of Legislative Hearing for April 18, 2017 and City Council public hearing for June 7, 2017 to consider and levy the assessments against individual properties. (File No. J1704C, Assessment No. 172003)

Adopted

6 RES 17-345 Approving the City's cost of providing Graffiti Removal services during January 17 to February 3, 2017, and setting date of Legislative Hearing for April 18, 2017 and City Council public hearing for June 7, 2017 to consider and levy the assessments against individual properties. (File No. J1707P, Assessment No. 178406)

Adopted

7 RES 17-348 Approving assessment costs and setting date of City Council public hearing to ratify the assessment for an upgrade in size to a water service connection serving 526 Selby Avenue. (File No. 19191WC, Assessment No. 166100)

Adopted

8 RES 17-385 Preliminary Order setting the date of City Council public hearing for April 19, 2017 to consider approval of improvements on Como Avenue from Raymond Avenue to Commonwealth Avenue. (File No. 19202, Assessment No. 175206)

Adopted

9 RES 17-376 Preliminary Order setting the date of City Council public hearing for April 19, 2017 to consider approval to install lantern style LED lighting on 6th Street from Arcade to Johnson Parkway. (Project No. 19228, Assessment No. 175105)

Adopted

10 RES 17-387 Preliminary Order setting the date of City Council public hearing for April 19, 2017 to consider approval of improvements on Battle Creek Road from Upper Afton Road to Park Ridge Court. (File No. 19201, Assessment No. 175207)

Adopted

11 RES 17-399 Authorizing the Department of Parks and Recreation to apply for a Department of Natural Resources Outdoor Recreation grant in the amount of $105,000 for the Willow Reserve project, and if approved, accept the grant, and enter into agreements with the MN DNR as are necessary to accept the funding, which may include an indemnification clause.

Adopted

12 RES 17-419 Authorizing the Department of Parks and Recreation, Como Park Zoo and Conservatory, to accept an invitation from Bartlett Tree Research Laboratories and Arboretum to receive paid flights, hotel , transportation, and food costs for two participants to attend Commercial Client Days in Charlotte, North Carolina.

Adopted

13 RES 17-423 Approving adverse action against the Auto Repair Garage and Second Hand Dealer - Motor Vehicle licenses held by AAA Enterprises, Inc., d/b/a Affordable Tire at 1118 Seventh Street East.

Adopted

14 RLH OA 17-3 Making recommendation to Ramsey County on the application of Amos Graves for repurchase of tax forfeited property at 1221 BRADLEY STREET.

Adopted

15 RLH OA 17-5 Making recommendation to Ramsey County on the application of Mary Kay Stokvis for repurchase of tax forfeited property at 1352 CASE AVENUE.

Adopted

16 RLH OA 17-6 Making recommendation to Ramsey County on the application of Gregory and Megan Gordon Sutton for repurchase of tax forfeited property at 785 COOK AVENUE EAST.

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.

First Reading

17 Ord 17-8 Amending Chapter 62 of the Administrative Code to allow charging of fees for street maintenance service charges.

Laid Over to March 22, 2017 for Second Reading

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

18 RES PH 17-83 Approving and authorizing acceptance of the Metropolitan Council Local Housing Incentives Account Grants, and amending the 2017 Budget.

No one appeared. Public hearing held and closed. Councilmember Thao moved approval.

Moved by Councilmember Thao, Resolution-Public Hearing is Adopted. The motion carried by the following vote:

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

Nay: 0

19 RES PH 17-80 Amending the financing and spending plans in the Department of Parks and Recreation in the amount of $485,406 to reflect additional 2017 funding expected from Como Friends.

No one appeared. Public hearing held and closed. Councilmember Brendmoen moved approval.

Moved by Councilmember Brendmoen, Resolution-Public Hearing is Adopted. The motion carried by the following vote:

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

Nay: 0

20 RES PH 17-74 Amending the financing and spending plans in the Police Department in the amount of $124,920 for the Ramsey County Violent Crime Enforcement Team 2017.

No one appeared. Public hearing held and closed. Councilmember Bostrom moved approval.

Moved by Councilmember Bostrom, Resolution-Public Hearing is Adopted. The motion carried by the following vote:

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

Nay: 0

21 RES PH 17-75 Authorizing Police Department to accept a grant in the amount of $225,000 from the Otto Bremer Trust, sponsored by the Saint Paul Police Foundation, and amend the 2017 budget for these funds.

No one appeared. Public hearing held and closed. Councilmember Tolbert moved approval.

Moved by Councilmember Tolbert, Resolution-Public Hearing is Adopted. The motion carried by the following vote:

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

Nay: 0

Councilmembers shared information about what is going on in their wards.
The Council recessed at 3:41 p.m.

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

Thao excused; Prince arrived during Item 23

Present 5 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Chris Tolbert, City Council President Russ Stark and Councilmember Rebecca Noecker

Absent 2 - Councilmember Dai Thao and Councilmember Jane L. Prince

22 Ord 17-4 Repealing Chapter 50 of the Saint Paul Legislative Code pertaining to Individual Sewage Treatment Systems in its entirety and replacing it with new Chapter 50 language pertaining to Subsurface Sewage Treatment Systems. (To be withdrawn.)

Withdrawn

23 Ord 17-5 Amending Chapter 376 of the Legislative Code pertaining to taxicab service company license applicant qualifications.

Dan Niziolek gave staff report. This is housekeeping related to the taxicab ordinance amendments from last year. They wanted to allow for companies that were not there before. The City Attorney's Office said we needed a direct amendment specifying the criminal background checks to be done by owners.

Council President Stark said he talked to one of the company owners. There was a concern about a fee structure change on the second inspection. She asked is that before us?

Niziolek responded that one of the concerns in allowing taxi companies to do their own inspections was the high failure rate on first inspection. It was $100 on the first inspection and then a free second. If they pass on the first one, they will not need a second. Then they were taking advantage of the free second. The first one was to figure out the issues and the second one is to get the passing. They wanted to look at the pass rate on the first inspection. Since the ordinance amendment, they are monitoring and seeing improvement on the pass rate for first inspection.

Stark said fee structure change is not here. Niziolek said it is not in ordinance in terms of fee structure. It will be done administratively.

The following spoke in opposition:
Mike Breckman, Yellow Taxi, has been with them for 32 years. He has been in attendance to almost every meeting in those years that the licensing department has conducted. He will utilize the word racist in this dispatch licensing to describe the inequality the license department has presented here. He is not the guy who deregulates the taxi business.

Council President Stark said to keep to the issue in front of us. Breckman responded the real issue is the transportation company being regulated. They want to add another license fee they don't regulate.

Kathy Windell, Citywide Cab Company, is opposed to this additional $50 fee for this second inspection. Her cars pass, and she has never had problems with the City. It does not go far enough to ensure we have good equipment on the street. It is a little Band-Aid. $100 for an inspection. If you don't pass, it's another $50. It's a drop in the bucket. She asked DSI (Department of Safety and Inspections) to take a better look at the process.

Stark responded the actual change is to license the company instead of the drivers. Windell responded this is in reference to the $50 fee. Stark responded that was part of the issue last year. Windell said it was discussed at their meeting two weeks ago. She does not understand why they have to have a company license. If there is a complaint, DSI contacts City Wide. There are companies with 24 hour cars. She doesn't understand why there is an additional fee.

Stark asked Niziolek for a brief answer. Niziolek said there was no last year service company license. We licensed the driver and the owner of the vehicle. You would have companies operating with other cars affiliated with them. We could not take action against the company because we did not license the company. We want companies to manage their fleet, and we want to hold them accountable for how they manage it. They now can train their own drivers, and we will hold them accountable. Before, we required them to go to one of the technical colleges to be trained. Now we are looking at them doing vehicle inspections. They can manage their own

company.

Councilmember Bostrom asked does this apply to companies like Uber and LFT. Niziolek said there is a separate ordinance for transportation network companies. They hold the company required for background checks, vehicle inspection. They are looking to the company to manage, and we do the audits to make sure they comply with the requirements.

Bostrom asked when Uber is inspected by someone, do we get that information? If a cab is inspected, do we get a slip that the cab has passed. Niziolek responded that taxicabs are done at the City garage. Any inspection reports, we get. Under the TNC (technical network companies) ordinance, they can use a third party. We do random audits, call up drivers, and reserve a ride. In addition we send some to the garage.

Bostrom said it is not the same as getting an inspection report on every car. Niziolek responded we do not get every report. Stark responded we are open to the City moving into that direction. Staff wanted to see a better pass rate on their inspections.

(No one else wanted to be heard.)

Councilmember Noecker moved to close the public hearing.
6 in favor, none opposed
Public hearing is closed; ordinance is laid over to March 22 for final adoption.

Laid Over to March 22, 2017 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Thao

24 Ord 17-6 Amending Chapter 412 of the Legislative Code pertaining to Massage and Bodywork Centers.

Councilmember Tolbert moved to close the public hearing.
6 in favor, none opposed
Public hearing is closed,and the ordinance is laid over to March 22 for final adoption.

Laid Over to March 22, 2017 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Thao

25 Ord 17-7 Amending Chapter 414 of the Legislative Code pertaining to Massage and Bodywork Practitioners.

Anyone opposed?

Katie Walters, Maplewood, MN, said for the current code, you are covered under the chiropractic lisense if you work for a chiropractor. She asked is that going to change. Tolbert responded this ordinance does not address that, so nothing is changed.

Walters said she is opposed to the national changing because it is only on city level. There are cities around here where you show your I.D. and you get a massage license. In Saint Paul, if you change this, you now require a national license. The test is hard and based for new massage therapist. After practicing for 8 years, she could not take the test tomorrow and pass. Someone could move to another city because it would be easier to get licensing. They could look at the current curriculum at St. Paul College. She does not know if they meet the national requirements.

Cory Han, Sister Rosalind Massage and Welness Center, licensed in City for many years. Many therapists out of school are good at what they do. The City is looking at credentialing them. It is a level that is not needed. Massage therapy is intuitive. When they come out, many of their standards have already been met in the program. Having them work to obtain the national certification is too much. Some people who have come out of school are impressive. Of the cities around us, we would be the only one requiring this. If we are trying to set a standard to improve, this is not the way to do it. We should leave it up to the centers.

Councilmember Tolbert said the licensing process was cumbersome and took long; we are trying to expediate that process.

Dan Niziolek said this came out of conversation with the massage industry. They were talking about how long it took to license massage practitioners. Currently, you have to be nationally certified or pass a written test by the City and pass a practical test conducted by a contracted individual. That is 3 to 5 week process. The massage industry said it was impacting their ability to get massage therapists. They said national certification is too high of a standard. Also, the City system did not work. They came up with the exam and accredited schooling. There is legislation before the Legislature, but it's been there for a few years. $500 is the bottom line. Saint Paul would like to get out of the business and rely on the experts. The schools are doing the training. We should be able to turn them around in 5 to 10 business days. They also do background checks. They looked at other standards around the country.

Council President Stark said he should have given the staff report first. Stark asked if the previous speakers want to say anything.

Han said Minnesota is one of the few states without national certification. They can understand the City wanting to get out of the credentialing. They should be credentialed after they get their certificate in the program. Adding another testing is still a test many people don't want to take. Saint Paul would be one of the few that would require this for a credentialing manner. Background check is good. Certification from a massage school is the only one thing they need. For hiring, it would be difficult. Not many are coming out like they used to be.

Councilmember Brendmoen asked how much debt a massage therapist has. Han said now it may be upward to $20,000. The extra fees will be a burden.

Brendmoen asked how much they make an hour. Han responded $18 to $21. Chiropractic is higher. It's about 25 hours a week maximum. Not a lot of people coming out of school that are getting the national ceritification or Mblex.

Councilmember Noecker said Mblex is one possible means and not required. Just completing the school is sufficient. Han responded absolutely.

Following are in support

Annette Rondano, Back Rub in Highland, said she hounded Councilmember Tolbert about this issue. It is hard to hire therapists because it takes so long to get a license. She finds people saying they do not want to take the time. They have to take two tests, scheduling is hard, and it is expensive. She was also on the advisory committee. She comes down on the side that a school that is accredited that is providing enough hours should suffice. They came up with the Mblex because some schools are accredited and some are not. Some are getting inferior training if it is not accredited. Any school can have a massage program, but it doesn't mean it is not accredited. She hires people from Centerpoint School Massage Therapy in St. Louis Park because the training is so thorough. It is the clinic hours that worry her the most. The Mblex is a good base. She agreed the City should not be credentialing therapists. We settled on the Mblex as a committee. If felt like that would be a minimum. If she had to take the Mblex, it would be hard, but she would study and take it. It could be the standard. People study for the test, they are more committed. She used to have a store in Minneapolis, but it was hard to keep people. She loves having a business in Saint Paul because of the requirements we have. She knows it is hard to get people. Massage therapy is moving towards medical. They are never going to get license in the State if people are not smart enough to be able to make sure they are not hurting people. It is complicated. It is not just about how much people can afford. She hired a lot of people and really supports it. If they do not go with the Mblex, it would not bother her a bit, as long as the schools are accredited.

Noecker said a graduate from an accredited school should not need an examination. Rondano responded they have a lot of examinations and a lot of clinical hours

Noecker asked about whether it is accredited versus not accredited. Rondano responded if she graduated from Centerpoint, she has had hundreds of clinical hours and it is almost an insult to take another test after all those hours. Most of her therapists have taken the state. 500 hours is not enough. It does not give you enough clinical hours.

Jennifer Sather, 1056 Winslow, says she is in support. It simplifies the process for the massage therapist. The does the hiring. It takes 3 to 5 weeks for a massage therapist to be vetted by the city. All the therapists should have a background, having them go through written and practical is time consuming. It is insulting to the therapists to have to prove themselves. The process should be simplified further. Scheduling the test for the specific computer has to be done on Tuesday or Thursday. This makes the process longer. They are pushing for a simplification of the process. She would agree with a background check and vetting process. She is in support of getting rid of the practical test.

Cari Pelava, owner and director of Centerpoint Massage and Shiatsu School. She was on the task force. She is concerned about educational requirements for this. A lot of graduates who live in Saint Paul and travel to St. Louis Park come to their school. The Mblex, Massage and Body Works Exam is very entry level, base education, should be able to be passed by professionals and new graduates. Accreditation is not a standard for quality or education. There are two types: 1)

institutional – Many school are institutionally accredited, but they don't go through the program, 2) programatic – commission on massage therapy accreditation. They accredit only massage schools. They go through every minute of what we teach. They have to show outcomes. There are only two schools with programmatic education that is accredited. The standard in the industry now is the Mblex: Massage and Body Works license exam. It was decided because it would simplify the process in Saint Paul. Graduates and professionals could start working sooner.

Anyone else in support? No.

Diane Marshaman, works at Sister Rosalind. She is a business owner of DM Massage. She has a license in Falcon Heights. She is an independent massage therapist. She massages anyone 55 and over. When she got her license a year ago, all she had to show was her classes. She has 680 hours from National American University. She has a diploma. She quit childcare to pursue her dream. It took her four years to get a one year diploma. In obtaining that license, she had to show her hours and go through background check. The hours include CPR and continuing education. She is going to go for her national certification. She wants to work in nursery homes and be recognized, but not to be dictated by the City of Saint Paul. She took the written test and she had to take time off and it cost her. Also, she had to take the skills test. Again, taking time off and more money. It was a breeze to get a license in Falcon Heights.

Councilmember Tolbert moved to close the public hearing.
Public hearing is closed.

Tolbert said they will vote on this next week. This will expediate this process. There may be future changes as well. There needs to be a good license in Saint Paul. It is a good compromise. A lot of this goes back before massage therapy was a legitimate educated trained thing. They are trying to get the old laws off the books. The industry has changed a lot in the last 20 to 30 years.

Noecker said she has heard about massage since she took office. This is trying to simplify the process.

Brendmoen said there is room to streamline this even more. We are open to continuing to do this. This is the first step.

Stark said it is a balancing act wanted it to be streamline and wanting to ensure that people's licensure means something and folks practicing in Saint Paul are not going to hurt people.

Ordinance is laid over to March 22 for final adoption.

Laid Over to March 22, 2017 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Thao

26 RES PH 17-84 Amending the Financing and Spending Plans for the 2017 Right-of-Way Maintenance Program to reflect changes to spending from budgets that were placed into contingency as part of the 2017 Budget. (Public hearing held March 15)

John McCarthy, Office of Financial Services, gave a staff report and presented a PowerPoint.

(No one wanted to be heard)

Councilmember Brendmoen moved to close the public hearing.

Councilmember Noecker said she would like to lay this over to March 22 to look at the sidewalk replacement. It is worth asking if it needs to be done this year. The money could be used in other areas. She would like to know what it would mean if it is not done this year. April 5 is the drop dead date. Stark responded the work is starting out there.

Councilmember Tolbert said he would generally defer to a layover. Waiting a year does not make sense. It puts us behind. We need better sidewalk connections and not less. He is not going to be supportive of delaying it, but will support it.

Council President Stark said a week is reasonable. It is okay to take a week's extra time. He does not support scaling back the assessment.

Brendmoen supports the layover.

Councilmember Prince said it is important to look into this further.

Noecker moved one week layover.
6 in favor, none opposed
Public hearing is closed and laid over to March 22, 3:30

Public hearing held and closed; laid over to March 22, 2017

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

Nay: 0

Absent: 1 - Councilmember Thao

27 RES PH 17-71 Approving the application of Bennett's Restaurant Co. LLC for a sound level variance in order to present amplified music in an enclosed tent on Friday, March 17, 2017 and Saturday, March 18, 2017 at 1305 7th Street West.

(No one appeared)

Councilmember Noecker 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 Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Thao

28 RES PH 17-79 Approving the application of Bad Weather Brewing Company for a sound level variance in order to present amplified music on April 21, 22, and 23, 2017 during the Bad Weather Anniversary Party in the parking lot at 414 7th Street West.

(No one appeared)

Councilmember Noecker 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 Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Thao

29 RES PH 17-76 Approving the application of Macalester College Program Board for a sound level variance in order to present amplified music on Saturday, April 15, 2017 during Springfest at 1600 Grand Avenue.

(No one appeared)

Councilmember Tolbert 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 Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Thao

30 RES PH 17-62 Approving the application of Pro-Life Action Ministries for a sound level variance for a Friday, April 14, 2017 Good Friday Event on Charles Avenue between Vandalia and Pillsbury Streets.

(No one appeared)

Council President Stark 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 Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Thao

31 ABZA 17-3 Public hearing to consider the appeal of McKenna Skrypek to a decision of the Board of Zoning Appeals (BZA) denying a variance of the minimum floor area ratio (FAR) in order to construct a new commercial building with three business spaces in the T2 Traditional Neighborhood zoning district at 373 Ruth Street North. (Public hearing continued from May 3)

(No one appeared)

Councilmember Prince said she received a letter withdrawing the appeal. She received a second one that they would like to lay over for two weeks.

Rachel Tierney, City Attorney's Office, said the most they can lay it over is one week. 60 days extension is March 31.

Prince moved a one week layover to 3:30.
6 in favor none opposed
Public hearing continued to March 30.

Public hearing continued to March 22, 2017 at 3:30 p.m.

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

Nay: 0

Absent: 1 - Councilmember Thao

32 RES PH 17-47 Final Order to consider approving the reconstruction of the I35E Trail between St. Clair Avenue and Grand Avenue. (File No. 19226, Assessment No. 175209)

Councilmember Noecker said they asked for a brief staff report.

Reuben Collins said this is a project to reconstruct an existing bike trail. It is funded through CIB. The budget is $757,000. The scope: reconstructing the existing trail, plant removal and overgrowth removal, geometric improvement to improve safety, lighting. Worked closely with Little Bohemia Association. Substantial comments from the public is the overgrowth of the plants and contributing to the homeless population along the trail and overgrowth for hiding spots.

(No one in appeared to speak in opposition.)

Support is next:

Mark Fangmeier, 455 Banfil Street, appeared and said he and his wife are co-chairs of Little Bohemia Association, and they submitted the CIB grant proposal. The whole reason why the neighborhood submitted this proposal: 1) insure bike infrastructure going through the neighborhood. That is a city wide asset. It connects Highland Park to Downtown. 2) It is in complete disrepair. There are potholes anywhere. 3) It is a quality of life for the neighbors with having homeless encampments along the trail. In addition to this CIB grant, the neighbors are working hard on some other areas. One of the neighbors has been involved with MNDOT Roadship partnership going. They received about $90,000 from MNDOT. They send in landscape architects to repair the entire strip from Grand Avenue to St. Clair. The neighborhood provides all the labor. It is a 3.5 year process. So far, the first two phases, they planted over 1500 new plants and trees along that trail. They are low growing plants so they do not have cover for encampments and they work as a pollinary habitat. They also received a grant from the Minnesota Pollution Control for the tree truck program. They have special signs to scan to tour all the trees in the neighborhood. This approval is the final step. The new crosswalks on St. Clair are important for safety. Reuben has been fantastic to work with.

Darren Tobolt, lives in Bohemia, wants to second everything Mark said. It has been a fantastic project. This is increasing public safety. Keep working and going along the 35 trail. For the next neighborhood down; it is still a problem with the homeless encampments.

Noecker moved to close the public hearing.
Motion carried.

Noecker wanted to thank the Little Bohemia Association. She wants to shout out to everyone. Also, it is called the Little Bohemia Trail, although that is not official.

Noecker moved approval.

Councilmember Tolbert said this was an important connection. He has heard from his constituents.

6 in favor, none opposed
Public Hearing is closed and resolution is adopted

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

33 RES PH 17-34 Ratifying the assessments for Replacement of Lead Water Service Line on Private Property during October to December 2016. (File No. 1702LDSRP, Assessment No. 174001)

(No one wished to be heard)

Council President Stark moved to close the public hearing and approve.
5 in favor, none opposed (Bostrom absent)
Public hearing is closed and resolution is adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thao

34 RES PH 17-35 Ratifying the assessments for Repair of Sanitary Sewer Line on Private Property during October to December 2016. (File No. SWRP1702, Assessment No. 173001)

(No one wished to be heard)

Councilmember Noecker moved to close the public hearing and approve.
5 in favor, none opposed (Bostrom absent)
Public hearing is closed and resolution is adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Bostrom and Councilmember Thao

35 RES PH 17-21 Ratifying the assessments for Repair of Sanitary Sewer Line on Private Property during July to September 2016. (File No. SWRP1701, Assessment No. 173000)

(No one wished to be heard)

Councilmember Prince 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 Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Thao

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

Marcia Moermond, Legislative Hearing Officer, said she has no items (besides the ones on the sheet she distributed).

(No one wished to be heard)

Councilmember Brendmoen moved to close the public hearing and approve as amended.
6 in favor, none opposed
Public hearing is closed and Legislative Hearing Consent Agenda is adopted as amended

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thao

36 RLH TA 17-30 Ratifying the Appealed Special Tax Assessment for Property at 979 AGATE STREET. (File No. J1706A, Assessment No. 178505)

Adopted

37 RLH TA 17-29 Ratifying the Appealed Special Tax Assessment for Property at 984 BEECH STREET. (File No. J1706A, Assessment No. 178505)

Adopted

38 RLH TA 17-43 Ratifying the Appealed Special Tax Assessment for Property at 1034 BEECH STREET. (File No. J1705G, Assessment No. 178704)

Adopted

39 RLH TA 17-44 Ratifying the Appealed Special Tax Assessment for Property at 1053 BEECH STREET. (File No. J1704E, Assessment No. 178303)

Adopted

40 RLH TA 17-38 Ratifying the Appealed Special Tax Assessment for Property at 1618 BEECH STREET. (File No. J1705G, Assessment No. 178704)

Adopted

41 RLH VBR 16-81 Appeal of Denise Skorka to a Vacant Building Registration Fee warning Letter at 1104 COOK AVENUE EAST. (Public hearing continued from January 4)

Adopted as amended (Appeal granted; property is code compliant)

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

Nay: 0

Absent: 1 - Councilmember Thao

42 RLH TA 17-32 Ratifying the Appealed Special Tax Assessment for Property at 916 IGLEHART AVENUE. (File No. J1704E, Assessment No. 178303; amended to File No. J1704E2, Assessment No. 178310) (Public hearing continued from March 15)

Continue public hearing to July 19, 2017

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

Nay: 0

Absent: 1 - Councilmember Thao

43 RLH VBR 17-17 Appeal of Rebecca Devine to a Vacant Building Registration Requirement at 1909 JEFFERSON AVENUE.

Adopted

44 RLH VBR 17-18 Appeal of Sara Carter to a Vacant Building Registration Renewal Notice at 1036 LOEB STREET.

Adopted

45 RLH TA 17-48 Ratifying the Appealed Special Tax Assessment for Property at 1669 MANTON AVENUE. (File No. J1706A, Assessment No. 178505)

Adopted

46 RLH TA 17-84 Amending Council File RLH AR 16-81 to delete the assessment for Collection of Vacant Building Registration Fees billed during March 7 to June 21, 2016 at 1564 MCAFEE STREET. (File No. VB1702, Assessment No. 178801)

Adopted

47 RLH TA 17-33 Deleting the Appealed Special Tax Assessment for Property at 240 MORTON STREET EAST. (File No. J1706A, Assessment No. 178505)

Adopted

48 RLH CO 17-8 Appeal of Lisa Lemke to a Correction Notice-Complaint Inspection (includes condemnation) at 930 MOUND STREET.

Adopted

49 RLH FCO 17-19 Appeal of Stephen Buck, for Project for Pride, to a Fire Certificate of Occupancy Approval with Corrections at 1068 RAYMOND AVENUE.

Adopted

50 RLH TA 17-51 Ratifying the Appealed Special Tax Assessment for Property at 756-758 REANEY AVENUE. (File No. J1705A2, Assessment No. 178513)

Adopted

51 RLH TA 17-52 Deleting the Appealed Special Tax Assessment for Property at 756-758 REANEY AVENUE. (File No. J1704G1, Assessment No. 178708)

Adopted

52 RLH RR 17-5 Ordering the razing and removal of the structures at 418 SHERBURNE AVENUE within five (5) days after the March 15, 2017, City Council Public Hearing.

Adopted

53 RLH TA 17-31 Ratifying the Appealed Special Tax Assessment for Property at 898 SIXTH STREET EAST. (File No. J1704E, Assessment No. 178303)

Adopted

54 RLH TA 17-34 Ratifying the Appealed Special Tax Assessment for Property at 35 STEVENS STREET EAST. (File No. J1704E, Assessment No. 178803; amended to File No. J1704E1, Assessment No. 178309)

Continue public hearing to September 6, 2017

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

Nay: 0

Absent: 1 - Councilmember Thao

55 RLH TA 17-36 Deleting the Appealed Special Tax Assessment for Property at 2300 TERRITORIAL ROAD. (File No. J1705P, Assessment No. 178404)

Adopted

56 RLH VBR 17-15 Appeal of Eng Tat Ng to a Vacant Building Registration Requirement at 303 TOPPING STREET.

Adopted

57 RLH TA 17-39 Ratifying the Appealed Special Tax Assessment for Property at 612 WELLS STREET. (File No. J1705B, Assessment No. 178104)

Adopted

58 RLH TA 17-46 Ratifying the Appealed Special Tax Assessment for Property at 880 WHEELER STREET NORTH. (File No. J1705B, Assessment No. 178104)

Adopted

59 RLH TA 17-45 Deleting the Appealed Special Tax Assessment for Property at 2030 & 2060 WILSON AVENUE. (File No. J1705P, Assessment No. 178404)

Adopted

60 RLH TA 17-37 Deleting the Appealed Special Tax Assessment for Property at 903 YORK AVENUE. (File No. J1706A, Assessment No. 178505)

Adopted

61 RLH AR 17-9 Ratifying the assessments for Graffiti Removal services during October 3 to 20, 2016. (File No. J1705P, Assessment No. 178404)

Adopted

62 RLH AR 17-10 Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during August 15 to September 23, 2016. (File No. J1704E, Assessment No. 178303)

Adopted

63 RLH AR 17-11 Ratifying the assessments for Boarding and/or Securing services during October 2016. (File No. J1705B, Assessment No. 178104)

Adopted

64 RLH AR 17-12 Ratifying the assessments for Property Clean Up services during November 3 to 29, 2016. (File No. J1706A, Assessment No. 178505)

Adopted as amended (1364 Sherburne Avenue referred to the Legislative Hearing on March 21, 2017 and City Council Public Hearing on April 5, 2017)

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

Nay: 0

Absent: 1 - Councilmember Thao

65 RLH AR 17-13 Ratifying the assessments for Trash Hauling services during November 1 to 23, 2016. (File No. J1705G, Assessment No. 178704)

Adopted

ADJOURNMENT

The meeting was adjourned at 6:48 p.m.

Moved by Councilmember Noecker, is Adjourned. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Councilmember Thao

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