City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd Floor

City Council Meeting Minutes - Final

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, April 5, 2017 **3:30 PM** **Council Chambers - 3rd Floor**

ROLL CALL

The meeting was called to order by Council Vice President Tolbert at 3:30 p.m.

Councilmember Brendmoen and Council President Stark excused

Present 5 - Councilmember Dan Bostrom, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

Absent 2 - Councilmember Amy Brendmoen and City Council President Russ Stark

COMMUNICATIONS & RECEIVE/FILE

1 **CO 17-22** Letters from the Department of Safety and Inspections declaring 1571 Christie Place and 412 Goodrich Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and filed

2 **AO 17-29** Authorizing the Police Department to reallocate its 2017 Special Fund operating budget to more accurately reflect expenditures.

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 (Items 3 - 25)

Items 3 and 6 were removed from the Consent Agenda for separate consideration.

Councilmember Bostrom moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

4 **Min 17-14** Approving the minutes of the November and December 2016 City Council meetings.

Adopted

5 **RES 17-530** Approving the use of grant funds through the Neighborhood STAR Year-Round Program for Hmong Murals on Fourth Street.

Adopted

7 **RES 17-475** Approving the City's cost of providing Property Clean Up, Improvement and/or Emergency Abatement services during October to December 2016, and setting date of Legislative Hearing for May 2, 2017 and City Council public hearing for June 21, 2017 to consider and levy the assessments against individual properties. (File No. J1710A, Assessment No. 178511)

Adopted

8 **RES 17-476** Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during October 12 to December 30, 2016, and setting date of Legislative Hearing for May 2, 2017 and City Council public hearing for June 21, 2017 to consider and levy the assessments against individual properties. (File No. VB1709, Assessment No. 178812)

Adopted

9 **RES 17-477** Approving the City's cost of providing Property Clean Up services during February 1 to 28, 2017, and setting date of Legislative Hearing for May 2, 2017 and City Council public hearing for June 21, 2017 to consider and levy the assessments against individual properties. (File No. J1711A, Assessment No. 178514)

Adopted

10 **RES 17-478** Approving the City's cost of providing Trash Hauling services during January 31 to February 21, 2017, and setting date of Legislative Hearing for May 2, 2017 and City Council public hearing for June 21, 2017 to consider and levy the assessments against individual properties. (File No. J1708G, Assessment No. 178709)

Adopted

11 **RES 17-488** Accepting the gift of the costs of hotel, travel, and some food expenses from the Bloomberg Philanthropies What Works Cities, for Deputy Director of Procurement Jessica Brokaw and Senior Innovation Consultants Catherine Penkert and Cassi Johnson to attend the 2017 What Works Cities Summit conference in New York City, March 27-29, 2017.

Adopted

12 **RES 17-492** Accepting a sidewalk easement for the Ecumen development.

Adopted

14 **RES 17-420** Amending the Salary Plan and Rates of Compensation to establish policy for prorated holiday pay for part-time employees in the event three holidays occur in one pay period.

Laid over to April 12 for adoption

13 **RES 17-529** Approving and authorizing execution of a lease agreement between the City of St. Paul ("City") and T-Mobile Central LLC, a Delaware limited liability company ("LICENSEE"), allowing the installation of wireless communication equipment on various City infrastructure.

Adopted

15 **RES 17-505** Approving a change in the rate of pay for the classification of Youth Services Coordinator from Grade 009 to Grade 014, of EG 06, PEA.

Adopted

16 **RES 17-450** Authorizing the Department of Parks and Recreation to accept donations for the 2017 Citywide Spring Cleanup event.

Adopted

17 **RES 17-519** Authorizing the Department of Parks and Recreation to apply for Federal Lands Transportation Program Alternative Transportation Program funding via the National Parks Service in the amount of $177,582 to provide funding for the Mississippi River Paddle Share project.

Adopted

18 **RES 17-504** Authorizing the Department of Parks and Recreation to pay for travel-related expenses of lodging and meals not exceeding $ 2,000 from existing budgeted funds, for two European zookeepers participating in a Polar Bear Keeper Training Program, who are not city employees, from May 11-16, 2017.

Adopted

19 **RES 17-496** Accepting the gift of a Phillips Heart Start Automated External Defibrillator ("AED") for use by the Department of Parks and Recreation at the Hazel Park Recreation Center.

Adopted

20 **RES 17-512** Authorizing the Public Works and Parks and Recreation Directors to apply to be a Minnesota GreenCorps host site and to receive up to two Minnesota GreenCorps members to assist citywide environmental programs and initiatives.

Adopted

21 **RES 17-494** Accepting a stipend from the Gateway Corridor Commission for city staff to attend a Gateway Gold Line peer region visit in Eugene, Oregon.

Adopted

22 **RES 17-487** Approving adverse action against the Rental of Hospital Equipment license held by Jackson Medical Equipment, Inc., d/b/a Jackson Medical Equipment at 982 Thomas Avenue.

Adopted

23 **RES 17-495** Approving adverse action against all licenses held by La Cabana Restaurant, Inc., d/b/a La Cabana Restaurant at 863 Seventh Street East.

Adopted

24 **RLH OA 17-7** Making recommendation to Ramsey County on the application of June D. Calton for repurchase of tax forfeited property at 34 WINONA STREET WEST.

Adopted

25 **RLH OA 17-8** Making recommendation to Ramsey County on the application of Steven Mevayaro Okagbare for repurchase of tax forfeited property at 718 ORANGE AVENUE EAST.

Adopted

FOR DISCUSSION

3 **RES 17-527** Approving the settlement agreement and release between the City of Saint Paul and Frank Baker and his attorney, Robert Bennett.

Councilmember Prince asked whether programs would be cut to pay for the portion of the settlement not covered by the tort liability budget.

Todd Hurley, Office of Financial Services Director, said for the immediate future they would fund balance in the General Fund to cash flow the settlement payment. He said his staff would continue to monitor the General Fund budget expenditures and revenue, and, if necessary, come back before the Council in the 4th quarter to possibly recommend a budget adjustment. He said it was too soon to prudently cut spending anywhere else in the city, so that was not the intention or goal.

Councilmember Thao asked what other programs depended on that cash flow. Mr. Hurley said no other programs or projects would be affected by the decision being made. He said through Council-adopted policy, a fund balance was maintained of a minimum of 15% of City spending to fund emergency spending and to cash flow the City to ensure the General Fund never went negative.

Councilmember Thao asked what the administration was doing to prevent this type of costs like these from occurring. Mr. Hurley said he was present as the City's CFO and was not representing the administration on that question. He said follow-up with the administration and Police Department would be needed for a question like that.

Councilmember Thao asked what could happen if the Council didn't approve the settlement. Mr. Hurley said the City agreed to a deadline for payment but he would look to the City Attorney's Office (CAO) to answer that question.

Portia Hampton Flowers, CAO, said if the matter wasn't voted on or approved the City would have to continue with litigation of the case.

Councilmember Thao expressed frustration that they couldn't find $30,000 to do youth workforce development in the East Side and Frogtown but when they needed $2 million they were able to get it. He said he understand where they were now and that they had to make a tough decision, but he felt they needed to think about how they prioritize their work.

Councilmember Thao moved approval of the resolution.

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

6 **RES 17-435** Creating an Inter-Departmental Public Involvement Workgroup.

Councilmember Prince moved approval of the resolution.

She said it was a good initiative, and there would be opportunities to get additional information later.

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

26 **SR 17-25** Report from Jessi Kingston, the Director of Human Rights and Equal Economic Opportunity, on the roll-out of Earned Sick and Safe Time.

Jessi Kingston, Human Rights and Equal Economic Opportunity (HREEO), reviewed the information added to the City's website on March 31, and outreach efforts for employers and employees.

David Gorski, manager of the contract compliance team, demonstrated a tool developed for employers to use to track accrual.

Ms. Kingston thanked staff responsible for compiling the information to meet the deadlines set out in the ordinance.

Councilmember Noecker thanked staff and said the website was clear and helpful. She said it might be helpful to have a spot on the website to solicit ideas and suggestion for tools.

Councilmember Thao thanked staff for the work done and asked that outreach extend as far out into the community as possible, especially to business owners for whom English was a second language.

Councilmember Noecker asked about specific plans prior to July 1. Ms. Kingston said the business side would be the first focus, and had a series of radio ads scheduled to run closer to July 1 on the employee side.

Councilmember Tolbert thanked Ms. Kingston and staff for their work. He asked that businesses look at the information, and email to ask questions. He stressed that it was a complaint based system and there was no annual report requirement.

Received and filed

27 **SR 17-27** Presentation by Sean Kershaw about the Citizens League's Blue Ribbon Panel on PILOT (Payment in Lieu of Taxes).

Sean Kershaw distributed information on the project, and answered Council member questions.

Received and filed

ORDINANCES

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

Final Adoption

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

Councilmember Tolbert said he had amendments for both items to further simplify the licensing requirements in response to comments from the public hearing. He said the changes would have to be laid over for another public hearing in two weeks.

Councilmember Noecker asked whether the addition of the offsite locations made it harder for offsite locations to practice. Councilmember Tolbert he didn't have the answer. Assistant City Attorney Virginia Palmer said it caught locations not that weren't subject to any type of licensure, and exempted them.

Councilmember Tolbert moved the amendment. Yeas - 5 Nays - 0

No one was present to testify. Councilmember Tolbert moved to continue the public hearing to April 19.

Amended; laid over to April 19 for public hearing

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

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

Councilmember Tolbert moved the amendment. Yeas - 5 Nays - 0

No one was present to testify. Councilmember Tolbert moved to continue the public hearing to April 19.

Amended; laid over to April 19 for public hearing

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

Second Reading

30 **Ord 17-11** Amending Chapter 375 of the Saint Paul Legislative Code pertaining to pedicab definitions.

Laid over to April 19 for third reading/public hearing

First Reading

31 **Ord 17-10** Granting the application of Budd Sieger et. al to rezone their property at 816 - 818 Ashland Avenue from RT1 two family residential to RT2 townhouse residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to April 12 for second reading

32 **Ord 17-12** Granting the application of JSK Limited Partnership to rezone property at 33, 39, and 45 Syndicate Street South from RM2 multiple family, T1 traditional neighborhood, and OS office, to T2 traditional neighborhood; and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to April 12 for second reading

33 **Ord 17-13** Establishing the classification titled Deputy Chief of Police in the unclassified service pursuant to Section 12.03.02(H) of the City of Saint Paul Charter.

Laid over to April 12 for second reading

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

34 **RES PH 17-69** Authorizing the Department of Parks and Recreation to accept $100,000 from the Minnesota Super Bowl Legacy Fund of the Minnesota Community Foundation, and to amend the financing and spending budget in the Department of Parks and Recreation by adding $100,000 from said grant for construction costs related to installing Kato courts at Duluth and Case and Marydale Park.

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

35 **RES PH 17-81** Amending the financing and spending plan in the Department of Parks and Recreation in the amount of $27,000 for STAR Grant funds received for site preparation to install anticipated sister-city gifts from Changsha, China in Phalen Regional Park.

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

36 RES PH 17-87 Authorizing the Police Department to accept the St. Paul Police Foundation grant for use for technology supporting the protection of Saint Paul Police Officers, and amend the 2017 grant fund budget for these funds.

Danielle Swift (152 W. Belvidere) said she was trying to learn how things were written out with the agendas and to pay attention to everything the Council saw when the agenda was coming through. She said she found this item was concerning with the wording about protection of police officers and the amount of money being granted for that purpose. She said as a community member she felt money should be allocated towards keeping community members safe. She said before this was approved she would like to know what protection they needed and was it essential, or something that could be redirected back into the community. She asked what the $17,000 protection product was.

Councilmember Tolbert said this was a gift from the St. Paul Police Foundation, a nonprofit, being used towards the body camera program. He said it wasn't out of the general fund but was a grant from this foundation.

Ms. Swift asked if it was a Federal grant or a State grant.

Councilmember Noecker acknowledged that the hard copies of the agenda distributed prior to the meeting didn't provide a lot of information, and she said the information was available online. She explained that this was a grant from an individual donor to the St. Paul Police Foundation for $360,000, and the use that the donor pledged was for technology, including body cameras. She said Police were required to come to the Council for approval to accept the grant.

Ms. Swift thanked Councilmember Noecker for the explanation. She asked whether the wording "for the protection of the St. Paul police officers" was in the grant from the private donor. She said it was becoming important how important narrative was and, while she thought body cams were a good thing, she felt it was more for the protection of the community members that police officers were serving.

The following gave additional testimony:

Chauntyll Allen (640 Aurora)
John Thompson (1270 Etna Street)
Katy Cummins-Bakko (1281 Thomas)

Councilmember Bostrom moved to close the public hearing and approve the resolution. He left the meeting.

Councilmember Thao moved to close the public hearing and approve the resolution.

Adopted

Yea: 4 - Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 3 - Councilmember Bostrom, Councilmember Brendmoen and City Council President Stark

The Council recessed at 4:30 p.m.

PUBLIC HEARINGS

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

Present 5 - Councilmember Dan Bostrom, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

Absent 2 - Councilmember Amy Brendmoen and City Council President Russ Stark

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

Councilmember Tolbert moved an amendment putting in the financing charge of the assessment.

Councilmember Noecker said she would support the amendment, but she and Councilmember Brendmoen and others had concerns about the way finance charges were applied. She said Councilmember Brendmoen would be bringing forward a suggested ordinance amendment to address that.

Councilmember Thao confirmed with Councilmember Tolbert that they were voting on the amendment but would be voting on the ordinance the following week.

Councilmember Prince said she wanted to second Councilmember Noecker's comments, and was interested in looking deeper into the issue, possibly with a policy discussion, particularly on street reconstruction projects. She said she supported the amendment on Right of Way projects.

Vote on amendment: Yeas - 5 Nays - 0

No one was present to testify. Councilmember Tolbert moved to close the public hearing.

Amended; public hearing held and closed; laid over to April 12 for final adoption

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

38 RES PH 17-88 Sustaining adverse action against all licenses held by Tom Super USA, LLC, d/b/a Super USA at 976 Seventh Street East.

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI) gave a staff report on the Administrative Law Judge (ALJ) hearing and DSI exceptions to the recommendations. She reviewed the license violations having to do with the sale of drug paraphernalia and of loose cigarettes, and reviewed the testimony provided by the licensee at the hearing. She said the ALJ recommended a matrix penalty of $2000 and a 10-day suspension. She said the ALJ used unsupported allegations by the licensee in developing his recommendation, and it was position of DSI that the license history and evidence presented at the hearing warranted an upward deviation from the penalty matrix, and they had recommended revocation of all licenses. She listed past license condition violations, and noted the last penalty imposed was a $1000 fine and 10-day suspension. She said DSI was asking that the Council adopt the findings of fact and conclusions of law as amended by the exceptions filed, decline to adopt the recommendation of a 10-day suspension and $2000 fine, decline to adopt the accompanying memorandum of the ALJ, and instead adopt DSI's recommendation of revocation of all licenses.

Paul Godfread (1077 Wakefield Avenue), attorney representing Tom's Super USA, appeared. He said the ALJ heard all evidence both sides had to present and got the factual findings and recommendations exactly right. He said the exceptions were basically a request to ignore findings based on credible evidence accepted by the ALJ and not objected to or contradicted by opposing evidence. He said the testimony was presented under oath and the City Attorney had the opportunity to cross examine. He said DSI's recommended penalty was not called for by City Code, and DSI did not meet its burden in finding that there was anything substantial other than what had already been accounted for by the ALJ. He said the matrix was based on number of appearances and not on notices of violation; he said notices were issued so business owners could take corrective action.

Licensee Towfik Hassan (8371 Savanna Oak Lane) said when the last violation happened he wasn't thinking. He said when the last incident happened his mother was dying, and then his wife was pregnant, and he was busy with the situation. He said he wasn't aware of the situation, but he terminated the employees. He said he had complied with everything asked of him and tried to cooperate with the officers. He said the store was super clean. He said taking the license and closing the store, he couldn't afford it. He said 50% of the business is cigarettes, and he'd have to close the store.

Councilmember Bostrom moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Bostrom asked for Ms. Skarda to recap the department's reasons for the upward departure; he said it was a significant deviation.

Ms. Skarda said it was the DSI position that the license history and evidence at the hearing supported a deviation. She re-read the dates of past violations.

Councilmember Prince asked about the exceptions. She said she hadn't seen that before. She asked whether they went back to the ALJ. Ms. Skarda said the exceptions were sent back to the ALJ, but the role of the ALJ was to gather evidence and develop a recommendation to be considered by the Council. Councilmember Prince asked about the City Attorney's cross examination. Ms. Skarda said she was the attorney and did have the opportunity to cross-examine, and there were some things she was able to satisfactorily attack. She said, unlike a criminal case, they

didn't know what the testimony was going to be beforehand, and the ALJ decision was based on sworn testimony presented at the hearing.

Councilmember Noecker asked how many rows on the matrix they were leaping to get to revocation. Ms. Skarda said revocation was one step up.

Councilmember Bostrom said based on that number of complaints in the short period of time, the number of complaints they'd received, and with all of the work being done to keep cigarettes away from young people, and selling single cigarettes was an easy way to get kids involved. He said at some point you just had to say enough was enough, and in this particular case enough was enough, and he would move to adopt DSI's recommendation.

Adopted (all licenses revoked)

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

39 PH 17-2 Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Midway Enterprises, Ltd., d/b/a Hot Rods Bar & Grill at 1553 University Avenue West.

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the Administrative Law Judge (ALJ) report on the license violations. She reviewed the violations of allowing a patron to remain after closing time and allowing the patron to leave with alcohol; and reviewed the ALJ proceedings and report. She said the recommendation of the Department was to follow the recommendation of the ALJ, and impose the presumptive $1000 matrix penalty.

No one appeared. Councilmember Noecker moved to close the public hearing and approve the staff recommendation.

Motion of Intent - Adopted the Findings of Fact; Conclusions of Law, and Recommendations of the Administrative Law Judge ($1000 matrix penalty imposed)

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

40 ABZA 17-4 Public hearing to consider the appeal of Wayne Fischer to a decision of Board of Zoning Appeals (BZA) denying a variance request to construct a three-car detached garage at 1560 Lincoln Avenue.

Jerome Benner, Department of Safety and Inspections, gave a staff report on the application and appeal. He said, based on findings 3 and 4 of the BZA decision, the BZA stated that since there were already three spaces available on the lot there was no need for an additional three car garage, and there was no unique circumstance to the property.

Councilmember Prince asked whether the district council had weighed in. Mr. Benner said they had recommended denial of the variance.

Appellant Wayne Fisher (1560 Lincoln Avenue) distributed packets to Council members. He said a decision was made by the BZA after several layovers due to not enough members present, and was made by new members and members who were not present for his presentation, and was based only on minutes. He said he would address staff report findings E3 and E4 since they were related to each other. He said he lived just off Snelling and Grand, and described on-street parking constraints due to hour limits intended to keep parking rotating for businesses, Immanuel Lutheran Church, and Macalester College. He said those parking constraints were hardship beyond his control. He said his house was a duplex, meaning two households, with no street parking available, and he believed this was why variances existed. He said what he really needed was a four car garage but could make a three car garage work with some room in front of the cars, 7 feet to be exact. he described the parking needs of the members of the households, and the condition and orientation of the existing garage facing directly across from the exit from the Immanuel Church parking lot. He described the proposed change in orientation and said it would benefit the church. He said he had taken about 35 photographs of garages very near to his that were as large or larger; he said zoning had the photos with the addresses but they had not made it into the packet. He said he was going above and beyond to blend the garage in, and the extra cost to do the garage in brick to match the house was about $60,000. He said the total he was committed to was $98,000. He said the hardship he described would only get worse with the redevelopment of Snelling Avenue.

In support of the appellant:
Philip Jacobs (1557 Goodrich Avenue) said he lived directly behind the property and would be looking at the garage more than anyone else, and he was present to support it. He described the increasing parking pressures in the neighborhood and said he felt the Council should support homeowners willing to take care of their own needs. He said Mr. Fisher's proposed garage would not stick into his yard more than others on the block.

Councilmember Thao asked if Mr. Fisher lived at the property. Mr. Fisher said his son and granddaughter lived in one unit and he and his wife lived above.

Councilmember Noecker said in reading BZA hearing minutes she noticed that there was some question about whether Mr. Fisher needed to exceed 1000 square feet to build a three, and there was some discussion about needing additional space to work on projects. Mr. Fisher said he made the mistake of telling the Macalester group that he was a retired auto mechanic, leading to the assumption that he'd be working out of the garage. He said he was retired as a mechanic and made his income through investments. He said he would not be working out of his garage, other than to work on his own car.

No one appeared in opposition.

Councilmember Thao moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Tolbert apologized on behalf of the City for delays the due to BZA quorum problems. He said the BZA staff report stated that Mr. Fisher had met first and second requirements for a variance, and he agreed with that portion of the report. He said he said BZA report stated that Mr. Fisher had not established practical difficulties, and he disagreed with that. He said his motion would state that Mr. Fisher had met that requirement and that the congestion by the City, the development, the

church, and the two-hour parking limits. He said the BZA staff report stated that Mr. Fisher had not met the fourth requirement and he disagreed with that finding. He said his motion would state that the situation was unique to the property and no created by the land owner. He said it was a duplex on a one way street and there was lost parking due to the development, the church, and from the two hour parking. He said both three and four had been met, and he moved to grant the variance.

Council members Bostrom, Prince, and Thao spoke in support of the motion.

Motion of Intent - Appeal granted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

41 PH 17-3 Public hearing to consider the application of St. Paul Ventures, LLC for preliminary and final plat approval for the Hotel Addition to create two (2) T2 lots and one (1) outlot. (Zoning File # 17-004-206)

Jamie Radel, PED, gave a brief staff report. She said it was staff felt that all requirements had been met and recommended approval of the plat.

The following spoke in support of the applicant:
Chuck Repke (154 W. Winifred) on behalf of Hotel Ventures
Brody N. with St. Paul Hotel Ventures

In opposition:
Imran Khan (1120 Lincoln Avenue) said he owned property at 210 Grand. He said he was not about the variances, but hadn't been able to get any help from Dave Brooks as a neighbor. He said he was trying to build a 48-seat restaurant at that spot, and had approval before Mr. Brooks got involved buying the Kraus Anderson building. He said it had been a nuisance for him and extra cost for no reason, and he felt anyone who got $500,000 from the City for free should be nice to their neighbors. He said he wasn't asking for money, had had this plan for years with no variances needed, zoning staff had signed off, and now he had to go through the whole process again just because Dave Brooks didn't want him there. He said Dave Brooks had found out where he lived and tried to low ball him to buy the property. He said he had improved the neighborhood, and now what was left was a pool and dingy fire station for the past year. He said he wasn't given a break, and asked why variances were being granted to a guy with all of the money in the world and who was offering him $30,000 for his land. He said he didn't want to be bullied and he asked that the City give minorities a chance to develop a business in St. Paul. He said he had gone through the process and wanted to the area to look nice and wanted donate to Children's Hospital and ask them for help with parking. He said he wanted people off his back and he wanted to be able to build. He said he initially wanted to do an outdoor playground and offered to take care of the fire station with no City money, but nobody listened. if he should have to do things above and beyond the rules, this other person shouldn't get any breaks. He said he should be getting money from the City for taking care of that area instead of the constant bullying he'd gotten over the years. He said when the Councilmembers were talking later on, they could talk to tell David Brooks that he just wanted to be a good neighbor. He said he didn't need to be on Mr. Brooks' land, and having to go to the City again and again was just not fun. He said he wanted an apology for some things. He said yes, Mr. Brooks' was building a great hotel there but how much was he making.

He asked why a gas station was allowed across from the hospital but he wasn't allowed to build a 30-foot structure that was meant to be classy.

In response to a question from Councilmember Prince he said his property was right next door, and Dave (Brooks) wanted him out so he could have the whole corner. He said he could build other things and make it not looks as nice in the neighborhood but he didn't want to be about that. He said he could make tons of money regardless of what was there because of the traffic. He said he had already agreed with Little Bohemia to change the name from the Fighting Sioux but he still wasn't receiving any support. He said another option would be for him to build a 35-foot tall mosque, nonprofit, with the setbacks (Mr. Brooks) wanted. He said if the Council didn't want to help him, he didn't have to clean up the area.

Councilmember Noecker moved to close the public hearing. Yeas - 5 Nays – 0

Councilmember Noecker said she appreciated Mr. Khan coming and sharing his perspective, and her office had been working with him on some of his plans for his neighboring property. She said the issue at hand was not a variance but the platting of a project that she was excited about and the City had done a lot of work on. She said she was thrilled to see this moving forward, and she moved to grant the application.

Motion of Intent - Application granted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

42 **RES PH 17-82** Approving the application of Planned Parenthood Minnesota - North Dakota - South Dakota for a sound level variance for Solidarity Day on Friday, April 14, 2017.

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

43 **RES PH 17-94** Approving the application of the Ordway Center for a sound level variance in order to present live bands for the Flint Hills International Children’s Festival Event at Rice Park and Landmark Plaza from May 30 through June 4, 2017.

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

44 **RES PH 17-73** Final Order approving the reconstruction of streets in the 2017 Saint Paul Streets Program (2017 SPS). (Public hearing held April 5)

Dan Haak, Public Works, gave a staff report on the three projects.

The following spoke in opposition:
Andrew Livingston (1659 Chamber)
Georgette Danczyk (1197 Brighton Place)
Daniel Danczyk (1197 Brighton Place)
Jim Cardinal (1586 Atlantic Street)
Tom and Susan Arndt (616 Wheelock Parkway W.)
Scott Backes (667 Wheelock Parkway W.)
Roy Magnuson and mary Drew (727 Wheelock Parkway W.)
Shaun Hawkinson (659 Wheelock Parkway W.)
Mike McCall (1328 Dale Street)
Joe Savage (364 Wheelock Parkway W.)
John Mischke (480 Wheelock Parkway W.)

Councilmember Noecker moved to close the public hearing. Yeas - 5 Nays - 0

Mr. Haak answered questions from Council members.

Councilmember Noecker moved a one week layover to get more information on traffic circles and to allow Councilmember Brendmoen to be present and part of the discussion.

Public hearing held and closed; laid over to April 12

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

45 **RES PH 17-85** Approving the petition of Hmong Education Reform Company to vacate the northerly portion of Brewster Street, east of the Snelling Avenue off ramp.

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

46 **RES PH 17-97** Reciting a proposal for a Housing Finance Program for a Multi-Family Rental Housing Development, giving preliminary approval to the Project and the Program pursuant to Minnesota Statutes, Chapter 462C; authorizing the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota to issue Conduit Multi-Family Housing Revenue Bonds; and authorizing the preparation of necessary documents and materials in connection with said Project and Program, 345 Cedar Street (Pioneer Press Building Project) District 17, Ward 2.

Bill Bisanz (345 St. Peter) spoke in support, and answered Council members' questions.

Councilmember Noecker moved to close the public hearing. Yeas - 5 Nays - 0

Council members Noecker, Tolbert, and Thao spoke in support.

Councilmember Noecker moved approval of the resolution.

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

47 **RES PH 17-52** Ratifying the assessment for replacement of sanitary sewer services within the right-of-way as part of the Jackson Street, Phase I, Part A, street paving and lighting project. (File No. 19173C2, Assessment No. 176005)

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

48 **RES PH 17-60** Ratifying the assessment for sidewalk reconstruction improvement along the south side of East Sixth from Wall Street to Broadway Street. (File No. S1404, Assessment No. 145304)

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

49 **RES PH 17-55** Ratifying the assessment for replacement of sanitary sewer services within the right-of-way as part of the Randolph Avenue street reconstruction project. (File No. 19196C, Assessment No. 176001)

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

50 **RES PH 17-61** Ratifying the assessment for new sidewalk construction along the north side of Energy Park Drive from Transit Way to Raymond Avenue. (File No. S1507, Assessment No. 155307) (Public hearing held April 5)

In opposition:
Eric Olson, Wellington Management (2233 Energy Park Drive)

Councilmember Thao moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Thao moved a one week layover to allow Council President Stark to have input.

Councilmember Noecker said she opposed the layover because she didn't feel the outcome would change.

Public hearing held and closed; laid over to April 12

Yea: 4 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert and Councilmember Prince

Nay: 1 - Councilmember Noecker

Absent: 2 - Councilmember Brendmoen and City Council President Stark

51 **RES PH 17-38** Ratifying the assessment for replacement of sanitary sewer services within the right-of-way as part of the Como/Chatsworth (Phase I, Part B) street paving and lighting project. (File No. 19167C2, Assessment No. 166005)

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

52 **RES PH 17-39** Ratifying the assessment for replacement of sanitary sewer services within the right-of-way as part of the Como/Chatsworth, Phase II street paving and lighting project. (File No. 19189C, Assessment No. 176000)

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

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

53 **RES PH 17-53** Ratifying the assessment for replacement of sanitary sewer services within the right-of-way as part of the Wheelock Parkway, Phase I, Part A, street paving and lighting project. (File No. 19175C, Assessment No. 176003)

Roy Magnuson (727 Wheelock Parkway W.), speaking on behalf of their neighbors and community, asked whether this proposal was linked to the one that was laid over. Dan Haak, Public Works, said this was for last year's sewer services charges for individual properties that requested it.

Councilmember Prince moved to close the public hearing and approve the resolution.

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

RECONSIDERATION

Councilmember Prince moved to reconsider the denial of the zoning appeal at 373 Ruth Street. Yeas - 5 Nays - 0

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)

Councilmember Prince said she would like to vacate the denial and lay the matter over to April 19. She said she received the paperwork from owner waiving the property
owners rights under Minnesota Statutes 15.99, so that the Council wasn't inadvertently granting the appeal through inaction.

Council Secretary Shari Moore and Assistant City Attorney Virginia Palmer confirmed with Councilmember Prince that her intention was to re-open the public hearing.

Reconsidered; laid over to April 19 for public hearing

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

56 RLH VO 17-4 Appeal of Joseph M. Felt to a Fire Certificate of Occupancy Revocation and Order to Vacate at 96 BATES AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of Fire Certificate of Occupancy (CO) revocation. She said two inspections were rescheduled,
and staff were informed the owner was asserting his Fourth Amendment right to deny access and objected to the CO program for single family homes and duplexes. She said she did not deal with issues of constitutionality but with City code, and this property was being let for rent and required a certificate. She said the available tool to obtain access was an administrative warrant, or if access wasn't granted the property would need to be vacated. She recommended denying the appeal.

In opposition:
Appellant Joseph Felt said the tenant had been uncomfortable about an inspection and he was as well, and he they were talking their Fourth Amendment rights. He said the City had a right to an inspection program and a process and to inspect public buildings, but as soon as someone said they didn't want the City on their property, the only legal way was with an administrative warrant. He said it was no different than a police officer knocking on the door and asking to come in, and having the right to say yes or no. He said this was a single family home and there had been no problems with
the property. He said this was a hot bed issue across the country, and he was asking that this at least be held off until the current Minnesota Supreme Court case was completed. He said he didn't think anyone there would want a stranger walking through
their home, and he had a hard time believing this was a safety inspection; but felt it was more of an intrusion.

Councilmember Prince moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Tolbert said Mr. Felt had Fourth Amendment rights but the City had a right to withhold the CO.

Councilmember Prince said Mr. Felt was a good landlord and good neighbor, but the Council could only rule under the ordinance Chapter 40. She said, to Mr. Felt's point about it being a health and safety issue, she was a Council aide before single family

homes and duplexes were added to the CO program and there were units all over the City that were hugely hazardous. She said she appreciated the fact that the City had a CO program for one and two unit buildings, but whether she agreed with it or not, that was the law they had to act on. She said they could schedule the inspection at a time convenient for the tenant, and, knowing the tenant, she appreciated his concerns about a public inspection. She said in this venue they couldn't reach the constitutional question or wait for the court case.

Mr. Felt said reiterated that he wasn't questioning the inspection process but the only way the City could legally enter (interrupted) Councilmember Tolbert said the public hearing was closed and Mr. Felt could continue the conversation with Councilmember Prince afterwards. Mr. Felt said you can't take away my CO because at that point you're taking away (interrupted) Councilmember Tolbert said the public hearing was closed.

Councilmember Prince said, based on Chapter 40, she would have to move denial of the appeal.

Councilmember Tolbert spoke in support of the motion.

Councilmember Prince asked whether the inspection could be scheduled to accommodate the tenants need to prepare. Ms. Moermond said that was offered and she believed it was a standing offer. She said she would call the supervisor and make sure she understood the Council's wishes.

Adopted (appeal denied)

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

66 RLH VO 17-3 Appeal of Theresa Salais-Wietzel and Daniel Veesenmeyer to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 171 GRANITE STREET.

Legislative Hearing Officer Marcia Moermond gave a staff report. She said this was a long term chronic problem property which was condemned at the first inspection of the cycle after barely passing a year ago. She said code enforcement inspectors were brought in to address exterior conditions, and summary and vehicle abatement orders were issued. She said the most pressing issue was the order to vacate and the fire orders, and she noted significant concerns including illegal an business operating out of property, unsanitary conditions, installation of a gas stove without a permit, open burning, disabled smoke detectors, unsafe dryer venting, and digging in the basement with possible undermining of the foundation. She displayed photographs taken during the inspection.

In response to a question from Councilmember Thao, Ms. Moermond said that Mr. Veesenmeyer was the long term owner occupant but lost the property, and was now living there as a renter. She noted that there was no Certificate of Occupancy Responsible Party appointed by the owner, and Mr. Veesenmeyer had been present operating the property in this manner on his own.

Appellant Daniel Veesenmeyer said he'd been the owner since 2003. He said he'd had some financial difficulties a couple of years ago and Mr. Berget, who was like his

dad, had bailed him out but he wasn't paying rent. He said the allegations were blown way out of proportion, and the inspector had it in for him. He said the stove had been hooked up since 2004, and there should be inspections on the house because he wasn't a renter. He said was being asked to get a permit for the dryer vent, the stove and the foundation. He described the work he was doing in the living room and the basement and said he made foundations for a living. He said he wasn't a scrapper, and had a couple of trucks and a concrete and stucco business. He said he'd cleaned up the yard last week and they had come and taken all of his gardening stuff. He said things that had been fine in the past were being cited now, including the items in the yard and vehicles parked at a neighbor's property. He said it was crazy. He said he had signatures from neighbors, and he helped people out more than anything.

Appellant Theresa Salais-Wietzel displayed photos of the house interior and the work being done. Mr. Veesenmeyer said he'd been doing nothing but work on the house for the last two years and it got a little better every year. He said a master gardener had complimented him on the garden.

Councilmember Noecker moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Prince said she was concerned about the history at the property. She said Mr. Veesenmeyer was given until March 27 to deal with a number of issues, and there was significant time before that when he was under orders from the City. She moved to deny the appeal.

Councilmember Thao said he was concerned about the owner being Mr. Berget and it would require a Certificate of Occupancy just like the property in the previous hearing. He said that was still unclear to him.

Adopted (appeal denied)

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

75 **RLH VBR 17-19** Appeal of Bill Bernier to a Vacant Building Registration Fee Warning Letter at 786 ORANGE AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of the vacant building registration fee. She said the property was condemned last year and the Council had heard an appeal of that condemnation and order to vacate, and adopted its findings on January 4. She said at that point the property had been vacated and was referred to the vacant building program, and this appeal was of that registration fee. She said Nhia Vang had conducted the Legislative Hearing, and it was her recommendation to deny the appeal. She said in the hearing Ms. Vang had discussed waiving the fee for a limited number of days, and Mr. Bernier left the hearing and declined the offer at that time. She said there was subsequent communication in which he did want to have the waiver of the fee for a number of days, and Ms. Vang was referring that decision to the City Council.

Appellant Bill Bernier asked whether there was a recording of the meeting during which he was offered time. Ms. Moermond said the minutes were available on line. He said he had a tenant who didn't pay rent and was a poor housekeeper, and there were always going to be some tenants like that. He said there was also some mental illness

in the house, and some real life stuff you that you deal with as a landlord. He said he evicted the tenants and they complained to the City, and the City stepped in and condemned the property. He said he immediately went in and rehabbed it, and it needed it. His attorney displayed photographs of the work done. He said he worked on his properties every day to improve them, and felt it was wrong and sad that St. Paul condemned a property immediately upon the tenant leaving rather than giving the landlord 60 days to make corrections. He said it was illegal for the City to require property to be brought up to brand new house code; he displayed a copy of a memo to the Council from Department of Safety and Inspections Director Ricardo Cervantes providing that information. He said he was all in favor of making his properties clean, attractive and safe. He acknowledged that he and Ms. Moermond hadn't gotten a long in the past and he apologized for previous statements made to Ms. Moermond. He said it was sad and counter-productive for the City to have a policy against landlords. He said he had a problem with three or four of his properties.

Kenneth Shivone, Mr. Bernier's attorney, displayed a copy of the City memo previously shown by Mr. Bernier. He said Mr. Bernier had brought the house up to clean wholesome maintenance standards and should be allowed to rent it out. He said the vacant building fees as applied to Mr. Bernier had been punitive and against the law.

Councilmember Bostrom moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Bostrom noted that the photographs were from November and the property was a disaster at that time; he asked Ms. Moermond what the property looked like currently. Ms. Moermond said there wasn't a current inspection of the property. She said the one option for the Council would be to require a code compliance inspection which she felt would be pretty clean based on reports. She noted, for the record, that the code compliance did not and could not require current code, except for items being removed and replaced during a rehab. She said a second option was to require and Certificate of Occupancy inspection and see if the Certificate of Occupancy could be reinstated. She said the issue before them was the vacant building fee and status, and whether the fee could be prorated. In response to a question from Councilmember Bostrom, she said the vacant building anniversary date was December 22, 2016.

Councilmember Bostrom recommended that the CO inspection be required and, based on those results, the Council could discuss possible proration of the fee. Ms. Moermond said she would communicate that to the department.

Councilmember Bostrom moved a one week layover.

Public hearing held and closed; laid over to April 12

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

72 RLH SAO 17-12 Appeal of Valerie Hoiness to a Summary Abatement Order at 2157 LINCOLN AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the Summary Abatement order to remove a semi trailer from the back yard. She said the argument of the appellant was thea the City couldn't order the trailer abated because trailers were not specifically mentioned in the code chapter addressing nuisances. Ms. Moermond

said they were specifically mentioned in the property maintenance chapter as items that could not be in residential yards. She said the City was using the nuisance code to enforce property maintenance standards which was standard operating procedure.

Property owner Valerie Hoiness said they didn't want to keep it. She said it was a leased item they were using to go through items from her father's and grandmother's homes. She said they were near the end of the project and probably could move items if they had appropriate weather and space to put the shed. She said her husband was a full time student but would be fully employed in June; she asked to have until June 30. She said she had never objected to removing it but the issue was timing and finances. She said she objected to the summary abatement order because chapter 34 prohibited items that were a nuisance or rodent harborage, and the trailer was neither. She distributed a prepared statement and a photographs. She said she and husband both got sick just after the March (Legislative) hearing, and any efforts to comply were thwarted by illness and the weather related delays in erecting the shed they'd purchased. She said the deadline was really not achievable since the process began.

Councilmember Thao moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Noecker asked how long trailer had been on the property. Ms. Moermond said based on testimony in the hearing indicated it had been a matter of years, and it was written up to be abated more six months ago. Councilmember Noecker said the City did have the authority to order this item abated. She said the end of June was too long a time. She said April 7 was unreasonable, but she would be willing to go to middle of May 15.

Adopted as amended (May 15 compliance deadline)

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

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 (Items 54 - 94)

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

Legislative Hearing Consent Agenda adopted as amended

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

54 **RLH VBR 17-4** Appeal of Thong Her, Sierra Properties, to a Vacant Building Registration Notice plus Revocation of Fire Certificate of Occupancy and Order to Vacate at 1177 ALBEMARLE STREET.

Adopted

55 **RLH TA 17-66** Ratifying the Appealed Special Tax Assessment for Property at 853-855 AURORA AVENUE. (File No. J1705E, Assessment No. 178304) (Amended to delete the assessment)

Adopted as amended (assessment deleted)

57 **RLH TA 17-47** Deleting the Appealed Special Tax Assessment for Property at 411 BEACON AVENUE. (File No. J1706P, Assessment No. 178405)

Adopted

58 **RLH FCO 17-26** Appeal of Mike Taff to a Fire Inspection Correction Notice at 986 BEECH STREET.

Adopted

59 **RLH TA 17-56** Ratifying the Appealed Special Tax Assessment for Property at 915 CENTRAL AVENUE WEST. (File No. VB1705, Assessment No. 178805)

Adopted

60 **RLH TA 17-50** Ratifying the Appealed Special Tax Assessment for Property at 2340 CHARLES AVENUE. (File No. CRT1706, Assessment No. 178205)

Adopted

61 **RLH TA 17-129** Amending Council File RLH AR 17-9 to delete the assessment for Graffiti Removal services during October 3 to 20, 2016 for 710 DAYTON AVENUE. (File No. J1705P, Assessment No. 178404)

Adopted

62 **RLH TA 17-65** Deleting the Appealed Special Tax Assessment for Property at 380 DUNLAP STREET NORTH. (File No. J1706P, Assessment No. 178405)

Adopted

63 **RLH FCO 17-16** Appeal of Jason R. Crowley to a Fire Inspection Correction Notice at 1707-1711 ENGLEWOOD AVENUE.

Adopted

64 **RLH TA 17-68** Ratifying the Appealed Special Tax Assessment for Property at 521 FOREST STREET. (File No. CRT1705A, Assessment No. 178209)

Public hearing continued to April 19

65 **RLH TA 17-62** Ratifying the Appealed Special Tax Assessment for Property at 372 FRY STREET. (File No. J1705E, Assessment No. 178304)

Adopted

67 **RLH TA 17-67** Ratifying the Appealed Special Tax Assessment for Property at 1083 HAGUE AVENUE. (File No. J1705E, Assessment No. 178304)

Adopted

68 **RLH TA 17-55** Ratifying the Appealed Special Tax Assessment for Property at 711 HOPE STREET. (File No. VB1705, Assessment No. 178805)

Adopted

69 **RLH TA 17-90** Ratifying the Appealed Special Tax Assessment for Property at 1071 HUDSON ROAD. (File No. J1705E, Assessment No. 178304)

Public hearing continued to May 17

70 **RLH FCO 17-33** Appeal of Kathleen J. Schmieg to a Fire Safety Inspection Appointment at 422 JESSAMINE AVENUE EAST.

Adopted

71 **RLH TA 17-127** Deleting the Appealed Special Tax Assessment for Property at 1026 LAWSON AVENUE EAST. (File No. VB1705, Assessment No. 178805)

Adopted

73 **RLH TA 17-91** Ratifying the Appealed Special Tax Assessment for Property at 125 MAGNOLIA AVENUE WEST. (File No. J1704B, Assessment No. 178103)

Adopted

74 **RLH TA 17-49** Deleting the Appealed Special Tax Assessment for Property at 680 MINNEHAHA AVENUE EAST. (File No. J1706P, Assessment No. 178405)

Adopted

76 **RLH TA 17-93** Ratifying the Appealed Special Tax Assessment for Property at 1007 OXFORD STREET NORTH. (File No. VB1705, Assessment No. 178805)

Adopted

77 **RLH TA 17-83** Ratifying the Appealed Special Tax Assessment for Property at 913 SAINT ANTHONY AVENUE. (File No. J1704B, Assessment No. 178103)

Adopted

78 **RLH TA 17-57** Ratifying the Appealed Special Tax Assessment for Property at 573 SAINT CLAIR AVENUE. (File No. VB1705, Assessment No. 178805)

Public hearing continued to May 3

79 **RLH TA 17-28** Deleting the Appealed Special Tax Assessment for Property at 81 SEVENTH PLACE EAST/ 428 MINNESOTA STREET. (File No. J1706P, Assessment No. 178405)

Adopted

80 **RLH TA 17-116** Ratifying the Appealed Special Tax Assessment for Property at 1354 SHERBURNE AVENUE. (File No. J1706A1, Assessment No. 178516)

Public hearing continued to September 6

81 **RLH TA 17-130** Amending Council File RLH AR 17-9 to delete the assessment for Graffiti Removal services during October 3 to 20, 2016 for 1080 UNIVERSITY AVENUE WEST. (File No. J1705P, Assessment No. 178404)

Adopted

82 **RLH TA 17-59** Ratifying the Appealed Special Tax Assessment for Property at 1169 UNIVERSITY AVENUE WEST. (File No. VB1705, Assessment No. 178805)

Adopted

83 **RLH TA 17-71** Deleting the Appealed Special Tax Assessment for Property at 1578 UNIVERSITY AVENUE WEST. (File No. J1706P, Assessment No. 178405)

Adopted

84 **RLH TA 17-53** Deleting the Appealed Special Tax Assessment for Property at 2389 UNIVERSITY AVENUE WEST. (File No. J1706P, Assessment No. 178405)

Adopted

85 **RLH TA 17-63** Ratifying the Appealed Special Tax Assessment for Property at 598 VAN BUREN AVENUE. (File No. J1705E, Assessment No. 178304)

Adopted

86 **RLH TA 17-61** Ratifying the Appealed Special Tax Assessment for Property at 419 WHITALL STREET. (File No. J1705E, Assessment No. 178304)

Adopted

87 **RLH TA 17-60** Deleting the Appealed Special Tax Assessment for Property at 214 WINIFRED STREET EAST. (File No. VB1705, Assessment No. 178805)

Adopted

88 **RLH TA 17-64** Ratifying the Appealed Special Tax Assessment for Property at 1174 WOODBRIDGE STREET. (File No. J1705E, Assessment No. 178304)

Adopted

89 **RLH TA 17-54** Deleting the Appealed Special Tax Assessment for Property at 1809 YORKSHIRE AVENUE. (File No. VB1705, Assessment No. 178805)

Adopted

90 **RLH AR 17-14** Ratifying the assessments for Collection of Vacant Building Registration Fees billed during April 27 to September 23, 2016. (File No. VB1705, Assessment No. 178805)

Adopted

91 **RLH AR 17-15** Ratifying the assessments for Boarding and/or Securing services during September 2016. (File No. J1704B, Assessment No. 178103)

Adopted

92 **RLH AR 17-16** Ratifying the assessments for Excessive Use of Inspection/Abatement services billed during September 26 to October 21, 2016. (File No. J1705E, Assessment No. 178304)

Adopted

93 **RLH AR 17-17** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during September 12 to October 6, 2016. (File No. CRT1706, Assessment No. 178205)

Adopted

94 **RLH AR 17-18** Ratifying the assessments for Graffiti Removal services during November 10 to December 24, 2016. (File No. J1706P, Assessment No. 178405)

Adopted

ADJOURNMENT

Councilmember Thao moved adjournment.

Meeting adjourned at 8:23 p.m.

Yea: 5 - Councilmember Bostrom, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 2 - Councilmember Brendmoen and City Council President Stark

Council Meeting Information

The City Council is paperless which saves the environment and reduces expenses. The agendas and Council files are all available on the Web (see below). Councilmembers use iPads to review the files during the meeting. Using the iPad greatly reduces costs since most agendas, including the documents attached to files, are over 1000 pages when printed.

Web

Meetings are available on the Council's website. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit www.stpaul.gov/council for meeting videos and updated copies of the Agendas, Minutes and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)

Many people are extremely sensitive to scented products. Please refrain from wearing or using fragrances such as perfumes, lotions, aftershave, scented aerosol products, and other such products.