



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

City Council Meeting Minutes - Final

Council Chambers - 3rd
Floor
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, October 25, 2017

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 17-78** Amending the 2017 spending budget in the Public Works Engineering Fund to use budgeted salaries and fringes for equipment.
Received and filed

- 2 **AO 17-79** Amending the 2017 spending budget for the Office of Financial Services Real Estate Section.
Received and filed

CONSENT AGENDA

Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda (Items 3 - 14)

Items 9 and 12 were withdrawn. Councilmember Noecker moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

- 3 **RES 17-1677** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for the 2017 Street Maintenance Service Program. (File No. 2017SMSMP, Assessment No. 170025)
Adopted
- 4 **RES 17-1693** Authorizing the City to execute a second amendment to a lease agreement with Minnesota Life Insurance Company for the Saint Paul Police Department's continued use of office space in the 401 Robert Street building for a downtown police substation.
Adopted
- 5 **RES 17-1660** Approving the revised Wage and Benefit Policy for Non-Represented Management and Legislative Personnel.
Adopted
- 6 **RES 17-1661** Amending City of Saint Paul Civil Service Rules: Rule 2 - Definitions; Rule 5D - Residence; Rule 7 - Eligible Lists; Rule 8 - Filling Vacancies, 8.A.1, 8.A.2, 8.A.3, 8.A.4, 8.B.1, 8.B.1.a, 8.C; Rule 9 - Reporting for or Waiving Employment; Rule 10 - Probation, 10.E; and Rule 14 - Promotion Requirements.
Laid over to November 1 for adoption
- 7 **RES 17-1706** Authorizing acceptance of reimbursement for airfare, hotel, and lodging for Jane Eastwood's attendance at a conference in Baltimore, MD on September 19-20, 2017.
Adopted
- 8 **RES 17-1684** Approving the Mayor's appointment of Sheronda Orridge to serve on the Human Rights and Equal Economic Opportunity Commission.
Adopted
- 9 **RES 17-1704** Approving the development agreement between the City of Saint Paul, the Housing and Redevelopment Authority of the City of Saint Paul, and Fillmore Avenue Apartments, LLC. District 3, Ward 2.
Withdrawn
- 10 **RES 17-1710** Authorizing submission of a proposal to Bloomberg Philanthropies' Mayors Challenge.
Adopted

- 11 **RES 17-1711** Approving and authorizing subordination of a STAR loan made to East Side Enterprise Center.
Adopted
- 12 **RES 17-1662** Accepting the invitation for the Chief of Police and Senior Commander to attend the Blueprint for Safety presentation in Ireland November 28 through December 3, 2017. (To be withdrawn.)
Withdrawn
- 13 **RES 17-1663** Approving the issuance of conduit revenue bonds by the Port Authority for the benefit of District Energy Saint Paul, Inc.
Adopted
- 14 **RES 17-1715** Authorizing the proper City officials to amend the Joint Powers Agreement with Ramsey County for Solid Waste and Recycling Funding for the term July 1, 2014 through June 30, 2019.
Adopted

FOR DISCUSSION

- 15 **RLH CO 17-29** Appeal of Michael G Behan to a Vehicle Abatement Order at 601 TOPPING STREET. (Public hearing held October 4)
Legislative Hearing Officer Marcia Moermond said Mr. Behan submitted a plan to zoning for a parking pad not connected to the driveway, and it was denied. She said her recommendation was still to deny the appeal, because the boar and trailer were on an unapproved surface.
Councilmember Thao said he had spoken to DSI and reviewed the documents, and clearly there was a way to work around this so Mr. Behan could park his boat near his garage. He said what was before the Council now was whether that was Mr. Behan's proper driveway, and, according to code, it was not. He moved to deny the appeal.
Adopted (appeal denied and extension granted)
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
Nay: 0
- 16 **RLH TA 17-473** Ratifying the Appealed Special Tax Assessment for Property at 708 WESTERN AVENUE. (File No. VB1714D, Assessment No. 178830) (Public hearing held October 18)
Legislative Hearing Officer Marcia Moermond said the final permit was not finalled, so instead of recommending a reduction she was asking for approval of assessment.
Councilmember Thao moved to adopt Ms. Moermond's recommendation.
Adopted as amended (assessment approved)

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

Nay: 0

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

Ms. Moermond said the previous week there was testimony from the property owner that material was moved from inside his brick fence, and that he hadn't received an order. She said the video was reviewed in Legislative Hearing the previous day, and showed that the materials removed were outside the wall and clearly in the yard and not the alley. She said her recommendation was to cut the assessment in half as there was some argument to be made that he could misunderstand what was yard and alley.

Councilmember Thao moved to adopt Ms. Moermond's recommendation.

Adopted as amended (assessment number amended; assessment reduced)

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

Nay: 0

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

Councilmember Prince moved to ratify the assessment but reduce it by \$7500 in recognition that, while the appellant was legally notified of the pending demolition, it would have been a better practice on the part of the City to send a second notification that the project hadn't been completed in the time given. She said there was about a four-month period between the end of the 90 days given for project-completion and the demolition, and he received no notice during that period. In response to a question from Council President Stark she said the full assessment amount was \$20,000.

Councilmember Tolbert asked where the money would come from. Councilmember Prince said she believed this was done with CDBG funds and the City would not be getting it back. Legislative Hearing Officer Marcia Moermond said the City had paid the bill of \$20,944 with CDBG dollars, and the decrease in the assessment would be debited to the CDBG funds.

Council President Stark asked Ms. Moermond for her recommendation in the matter. Ms. Moermond said her recommendation was to approve the assessment and spread payments over 10 years. She noted that in Legislative Hearing they had recently introduced a new process with a second Legislative Hearing making a finding as to whether the nuisance had been abated, which provided an additional notification. She said there was proper legal notification that demolition would occur if the nuisance were not abated, but the new process provided suspenders to go with the belt.

Councilmember Noecker asked Councilmember Prince to re-state her reason for a reduction in the assessment. Councilmember Prince said this was a situation of a

first-time business owner who purchased a vacant building and was also going through the zoning process, and both sides were not talking to each other. She reviewed steps undertaken by the owner in the rezoning and code compliance processes. She said she would rely on the judgment of her colleagues, but felt this was someone who got tied up in a lot of confusing process between DSI and PED, and ultimately was unaware the building was being demolished. She said the City now brought these issues in for a final Legislative Hearing before demolition, and given that the new process did not apply to this situation, she felt because of the time and confusion and investment, that it warranted a reduction. She said if her colleagues would be open to a smaller adjustment, she would consider it. She said her motion was to reduce it by \$7500.

Councilmember Tolbert asked what the CDBG money would be available for if it was reimbursed. Ms. Moermond said the City had paid the contractor, so the City was already out the \$20,000+. She said if the \$7500 was not assessed, that amount wouldn't be available for other things, whatever they may be.

Councilmember Noecker said she appreciated the extra explanation. She said she was concerned about setting a precedent. She said these situations of confusion and miscommunication were a prompt to the City to clean up the processes. She said she understood the intent but wrestled with the precedent.

Councilmember Brendmoen encouraged Councilmember Prince to consider how she could invest in the property owner going forward rather than trying to pay for something

that had already been completed.

Council President Stark said he also understood Councilmember Prince's thinking. He said he'd had the opportunity to talk with Ms. Moermond on the matter and couldn't remember another time when the Council had reduced a demolition assessment of this kind. He said he understood the issue of the second notice that could have been better, but the practice that was followed met the legal requirements, and there was a lot of extra time before the building actually came down. He said he liked the idea of trying to find a different way to be helpful. He said he'd speak against the reduction.

Vote on motion: Yeas - 1 Nays - 6

Councilmember Tolbert moved to adopt Ms. Moermond's recommendation.

Adopted as amended (assessment number amended)

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

Nay: 0

PUBLIC HEARING

- 19 RLH TA 17-424** Ratifying the Appealed Special Tax Assessment for Property at 1021 MINNEHAHA AVENUE EAST. (File No. VB1713, Assessment No. 178819; amended to File No. VB1713A, Assessment No. 178826) (Public hearing continued from October 18)

Legislative Hearing Officer Marcia Moermond said this was a vacant building tax assessment, and the building became a Category 2 vacant building on March 2 of 2017. She said in Legislative Hearing the property owner stated he didn't believe it was Category 2, and he was doing repairs and was ready to have people move in. She said

appealing the Category 2 status must be done within 10 days of the building being put into the vacant building registration program, and they had talked about the necessity of a getting code compliance report and a certificate that the building had come into repair. She said the property owner had been for the Council a couple of months before for a clean-up assessment and stated he'd had trouble accessing the property after a tenant died in the property and squatters moved in. Ms. Moermond said even taking into account those six weeks, it was still more than half way into the year and she would recommend approval of the entire assessment. She said they'd received a request to lay the matter over from last week because the appellant had hired an attorney, but they had just been informed the attorney was unable to attend today and another layover had been requested. She said she did not recommend an additional layover; there had been three scheduled Legislative Hearings and this was the third public hearing before the Council.

No one was present to testify.

Councilmember Prince moved to close the public hearing and adopt Ms. Moermond's recommendation to approve the assessment.

Adopted as amended (assessment number amended; assessment approved)

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

Nay: 0

ORDINANCES

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

Final Adoption

20 Ord 17-28 Amending Chapter 324 of the Legislative Code by adding menthol, mint or wintergreen and fruit to the definition of flavored products.

Council President Stark said there had been a meeting of stakeholders the previous day that he was able to attend. He said Dan Niziolek, Department of Safety and Inspections, had facilitated the meeting; he invited Mr. Niziolek to give a report about the meeting.

Mr. Niziolek said the meeting of stakeholders was convened at the direction of City Council, and was well-attended and productive. He said the group was asked to consider two points: 1) What are reasonable ways to assist businesses to transition themselves in the market given the decrease in tobacco sales, and 2) What is a reasonable time frame for the implementation of the menthol tobacco ordinance restriction? He said they addressed questions of specific strategies, available resources, and a time frame that would allow businesses to take advantage of the strategies and resources.

Councilmember Brendmoen said it was her understanding that the meetings with stakeholders would be ongoing, and she was glad for the outreach to businesses and wished it had begun earlier in the process. She introduced two amendments, based on the information from the meeting. She said the first would extend the implementation date for a full year to November 1, 2018.

Council President Stark spoke in support of the amendment.

Councilmember Brendmoen said she knew advocates were looking forward to passage of the ordinance; she noted that this amendment would require that it be laid over for a week, although it would not trigger re-opening of the public hearing.

Vote on amendment: Yeas - 7 Nays - 0

Councilmember Brendmoen moved a second amendment which would exempt off-sale liquor stores. She said the exemption could be revisited in the future, and stressed that she would continue to be aggressive in her opposition to a proliferation of tobacco stores or liquor stores that sold tobacco. She said the amended version also included some non-substantive language changes recommended by the City Attorney's office.

Council members Prince, Thao, and Bostrom spoke in opposition to the exemption for off-sale liquor stores. Councilmember Bostrom said he had an amendment that would prohibit the sale or distribution of menthol-flavored tobacco products, with no exceptions.

Council President Stark spoke in support of Councilmember Brendmoen's amendment.

Councilmember Noecker spoke in support of implementing a cap on tobacco licenses, and said she would vote in support of Councilmember Brendmoen's amendment.

Councilmember Bostrom said establishing a cap would just make the existing licenses that much more valuable.

Vote on amendment: Yeas - 4 Nays - 3 (Prince, Thao, Bostrom)

Councilmember Bostrom introduced an amendment fully prohibiting sale and

distribution of flavored products. Vote on amendment: Yeas - 2 Nays - 5 (Prince, Thao, Brendmoen, Noecker, Stark)

Amended; laid over to November 1

Yea: 4 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark and Councilmember Noecker

Nay: 3 - Councilmember Bostrom, Councilmember Thao and Councilmember Prince

21 Ord 17-38

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

Councilmember Tolbert moved approval.

Adopted as amended

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

Nay: 1 - Councilmember Bostrom

- 22 **Ord 17-47** Amending Chapter 310 of the Legislative Code to add Short-term Rental Platform and Short-term Rental Host license fees.
Councilmember Tolbert moved approval.
- Adopted as amended**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 1 - Councilmember Bostrom
- 23 **Ord 17-48** Amending Chapter 310 of the Saint Paul Legislative Code by adding Short-term Rental Platform and Short-term Rental Host licenses to Section 310.01.
Councilmember Tolbert moved approval.
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 1 - Councilmember Bostrom
- 24 **Ord 17-49** Creating Chapter 379 of the Saint Paul Legislative Code pertaining to Short Term Rentals.
Councilmember Tolbert moved approval.
- Councilmember Bostrom said he had a real problem with businesses being set up in residential neighborhoods.*
- Adopted as amended**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 1 - Councilmember Bostrom
- 25 **Ord 17-50** Granting the application of Zamzam Inc to rezone property at 1543-1571 Maryland Avenue East from B1 Local Business to B2 Community Business, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.
Councilmember Bostrom moved approval.
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 26 **Ord 17-54** Approving an interim ordinance pursuant to Minn. Stat. § 462.355, Subd.4 pending the completion of the West Marshall Study Area, specifically between Wilder and Wheeler.

Council President Stark moved approval.

Adopted as amended

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

Nay: 0

Second Reading

- 27 **Ord 17-51** Amending Chapter 198 of the Legislative Code pertaining to the keeping of chickens.
Laid over to November 1 for third reading/public hearing
- 28 **Ord 17-52** Amending Chapter 357 of the Legislative Code to allow composting of fowl fecal waste or fowl litter.
Laid over to November 1 for third reading/public hearing
- 29 **Ord 17-53** Amending Chapter 310 of the Legislative Code to add permit fees for Tier 1 Permits and Tier 2 Permits relating to the keeping of chickens.
Laid over to November 1 for third reading/public hearing

ADJOURNMENT

Council President Stark adjourned the meeting.

Meeting adjourned at 4:18 p.m.

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

Nay: 0

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