



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor
651-266-8560

City Council Meeting Minutes - Final

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

Wednesday, October 2, 2019

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 19-48** Letters from the Department of Safety and Inspections declaring 864 Marion Street and 1904 Princeton Avenue nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
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 2 - 15)

Councilmember Thao moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 2 **RES 19-1693** Declaring support for the Land and Water Conservation Fund.
Adopted
- 3 **RES 19-1680** Approving the use of grant funds through the Neighborhood Star
Year-Round Program for redesign fees for the Rice and Larpenteur
parking lot and traffic barriers at Western and Maryland Avenues.
Adopted
- 4 **RES 19-1512** Approving the City's cost of providing Collection of Delinquent Garbage
Bills for service during April to June 2019, and setting date of Legislative
Hearing for October 31, 2019 and City Council public hearing for
November 13, 2019 to consider and levy the assessments against
individual properties. (File No. CG1903E1, Assessment No. 190137)
Adopted
- 5 **RES 19-1513** Approving the City's cost of providing Collection of Delinquent Garbage
Bills for service during April to June 2019, and setting date of Legislative
Hearing for October 31, 2019 and City Council public hearing for
November 13, 2019 to consider and levy the assessments against
individual properties. (File No. CG1903E2, Assessment No. 190138)
Adopted
- 6 **RES 19-1514** Approving the City's cost of providing Collection of Delinquent Garbage
Bills for service during April to June 2019, and setting date of Legislative
Hearing for October 31, 2019 and City Council public hearing for
November 13, 2019 to consider and levy the assessments against
individual properties. (File No. CG1903E3, Assessment No. 190139)
Adopted
- 7 **RES 19-1515** Approving the City's cost of providing Collection of Delinquent Garbage
Bills for service during April to June 2019, and setting date of Legislative
Hearing for October 31, 2019 and City Council public hearing for
November 13, 2019 to consider and levy the assessments against
individual properties. (File No. CG1903E4, Assessment No. 190140)
Adopted
- 8 **RES 19-1594** Approving the City's cost of providing Collection of Vacant Building
Registration Fees billed during September 13, 2018 to June 20, 2019,
and setting date of Legislative Hearing for November 5, 2019 and City
Council public hearing for January 22, 2020 to consider and levy the
assessments against individual properties. (File No. VB2003,
Assessment No. 208802)
Adopted

- 9 **RES 19-1595** Approving the City's cost of providing Boarding and/or Securing services during July 2019, and setting date of Legislative Hearing for November 5, 2019 and City Council public hearing for January 22, 2020 to consider and levy the assessments against individual properties. (File No. J2003B, Assessment No. 208102)
Adopted
- 10 **RES 19-1596** Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during May 20 to June 17, 2019, and setting date of Legislative Hearing for November 5, 2019 and City Council public hearing for January 22, 2020 to consider and levy the assessments against individual properties. (File No. CRT2003, Assessment No. 208202)
Adopted
- 11 **RES 19-1597** Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during May 22 to June 21, 2019, and setting date of Legislative Hearing for November 5, 2019 and City Council public hearing for January 22, 2020 to consider and levy the assessments against individual properties. (File No. J2003E, Assessment No. 208302)
Adopted
- 12 **RES 19-1599** Approving the City's cost of providing Removal of Dangerous Tree(s) from July 2019, and setting date of Legislative Hearing for November 5, 2019 and City Council public hearing for January 22, 2020 to consider and levy the assessments against individual properties. (File No. 2001T, Assessment No. 209000)
Adopted
- 13 **RES 19-1690** Accepting the gift of travel expenses from the Women in Public Finance National Chapter for Sarah Brown, Treasury Analyst, to attend the Women in Public Finance conference in Austin, Texas.
Adopted
- 14 **RES 19-1646** Establishing the rate of pay for Business Improvement Supervisor in EG 09, SPSO, Grade 020.
Laid over to October 9 for adoption
- 15 **RES 19-1647** Approving the Mayor's appointments of Baya Clare, Brad Teslow, Laurie Richardson, Mark Braun, Paul Pappas, and James Loveold to the Mayor's Advisory Committee on People with Disabilities.
Adopted

FOR DISCUSSION

Councilmember Busuri joined the meeting.

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

- 16 **SR 19-112** Presentation by State Demographer Susan Brower.
State Demographer Susan Brower gave a report and answered questions from Council members.
Received and filed

Councilmember Busuri left the meeting.

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

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 19-59** Amending the zoning map as recommended in the Stryker Avenue Zoning Study.
Laid over to October 9 for second reading
- 18 **Ord 19-61** Amending Chapter 152 of the Legislative Code permitting the City Engineer to set speed limits on roads under the City's jurisdiction.
Laid over to October 9 for second reading
- 19 **Ord 19-62** Amending sections 373.01 and 373.08 of the Legislative Code pertaining to transportation network company (TNC) definitions to include rented or leased vehicles and allow automobile rental companies to make rental vehicles available to TNC endorsed drivers.
Laid over to October 9 for second reading

PUBLIC HEARINGS (3:30 p.m.)

- 20 **RES PH 19-332** Approving the application of Clutch Brewing Company for a sound level variance for background music and movies on October 12, 2019 at 928 7th Street West for the First Annual Halloween Anniversary Bash.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

27 RLH FCO 19-81 Appeal of Michael Gonzalez to a Correction Notice - Complaint
Inspection at 1052 DAYTON AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on an appeal related to sleeping room egress. She said the bedroom was on the second level and had a door that opened into an enclosed porch. The Fire Code required two ways to get out - one through the house and one directly outside; in this case there was an exit through the house but the egress outside required going through the porch. She said the remedy would be to cut down the wall between the two spaces - code required at least 50% open. She said the appellant asking that this continue to be used as a sleeping room; she noted it had passed a couple of Certificate of Occupancy inspections with this layout. She displayed a drawing of the layout.

In response to a question from Councilmember Noecker, Ms. Moermond said 50% of the wall would have to be taken out.

In response to questions from Councilmember Thao, Ms. Moermond said it was a rental and had passed Certificate of Occupancy inspections twice. She said that was an error that occurred on two separate occasions; the code had not changed on many years. She said that didn't provide a bye to continue the way it had in the past. She said the cost associated with the inspection was the typical cost of a certificate of occupancy inspection for a duplex.

In opposition:

Mike Gonzales (Coon Rapids) said he had co-owned the property since January 2011, and had passed two inspections with two different inspections, and hadn't had any problems with the property. He said since they had passed two inspections and had been using it as a bedroom since January 2011, he was asking to have it grandfathered in.

Councilmember Thao moved to close the public hearing. Yeas - 6 Nays - 0

Councilmember Thao thanked Mr. Gonzales for coming, and said he sympathized and apologized for the error in the previous inspections. He said to Ms. Moermond's point, the City had to make a correction when they discovered the error, and in this case it was important to make the correction because if there was an incident Mr. Gonzales would be in a way liable. He moved to deny the appeal, and said his office would work with Mr. Gonzales to assist on making the changes to come into compliance.

Council President Brendmoen said she supported Councilmember Thao's motion and

thoughts, and once the City knew there was a problem they were also somewhat liable. She noted that the City had small rental rehab loans and Councilmember Thao had offered his assistance, so they were focused on safety but also not wanting to jeopardize a good rental property.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

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

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

Approval of the Consent Agenda (Items 21 - 43)

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 21 RLH TA 19-657** Ratifying the Appealed Special Tax Assessment for property at 558 ARUNDEL STREET. (File No. J1925A, Assessment No. 198562)

Adopted

- 22 RLH TA 18-524** Ratifying the Appealed Special Tax Assessment for property at 819 AURORA AVENUE. (File No. J1902A, Assessment No. 198501)

Adopted as amended (assessment deleted)

- 23 RLH TA 19-698** Ratifying the Appealed Special Tax Assessment for property at 740 CAPITOL HEIGHTS. (File No. J1922A1, Assessment No. 198574)

Public hearing continued to February 19, 2020

- 24 RLH TA 19-664** Ratifying the Appealed Special Tax Assessment for property at 560 CHARLES AVENUE. (File No. J1924A, Assessment No. 198561)

Adopted

- 25 **RLH TA 19-175** Ratifying the Appealed Special Tax Assessment for property at 287 CLARENCE STREET. (File No. J1913A, Assessment No. 198512; amended to File No. J1913A1, Assessment No. 198557)
Adopted as amended (assessment reduced)
- 26 **RLH FCO 19-83** Appeal of Michael Wood to a Fire Inspection Correction Notice at 1030 CONWAY STREET.
Adopted
- 28 **RLH OA 19-7** Appeal of Ben Aeling to a Subsurface Sewage Treatment System Non-Compliant at 2108 DOUGLYNN LANE.
Adopted
- 29 **RLH TA 19-731** Amending Council File No. RLH AR 19-77 to delete the assessment for Collection of Delinquent Garbage Bills for services during January to March 2019 at 249 ERIE STREET. (File No. CG1902A4, Assessment No. 190104)
Adopted
- 30 **RLH TA 19-666** Ratifying the Appealed Special Tax Assessment for property at 1010 FRONT AVENUE. (File No. J1925A, Assessment No. 198562)
Public hearing continued to February 19, 2020
- 31 **RLH VBR
19-51** Appeal of Erik Stadstad, representing Daniel Wagers, to a Vacant Building Registration Renewal Notice at 412 HOLLY AVENUE.
Adopted
- 32 **RLH SAO 19-44** Appeal of Roger Stadler to a Summary Abatement Order at 1122 JACKSON STREET.
Adopted as amended (extensions granted for compliance)
- 33 **RLH TA 18-541** Ratifying the Appealed Special Tax Assessment for property at 366 JENKS AVENUE. (File No. J1902A, Assessment No. 198501)
Adopted as amended (assessment ratified)
- 34 **RLH TA 19-661** Ratifying the Appealed Special Tax Assessment for property at 569 LAFOND AVENUE. (File No. J1924A, Assessment No. 198561)
Adopted
- 35 **RLH TA 19-669** Ratifying the Appealed Special Tax Assessment for property at 298 LAWSON AVENUE EAST. (File No. J1924A, Assessment No. 198561)
Public hearing continued to February 19, 2020

- 36 RLH FCO 19-95** Amending Council File RLH FCO 19-16, adopted March 6, 2019, to grant Alan Roers, representing David Wetherill, an additional extension to a Fire Inspection Correction Notice for property at 602 LAWSON AVENUE WEST.
Adopted
- 37 RLH TA 19-665** Ratifying the Appealed Special Tax Assessment for property at 1871 NEBRASKA AVENUE EAST. (File No. J1924A, Assessment No. 198561)
Adopted
- 38 RLH VO 19-37** Appeal of Steven Miller to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 622 OAKDALE AVENUE.
Adopted
- 39 RLH VBR 19-57** Appeal of Dao Hoang to a Vacant Building Registration Fee at 1040 SELBY AVENUE.
Adopted
- 40 RLH TA 19-658** Ratifying the Appealed Special Tax Assessment for property at 544 SHERBURNE AVENUE. (File No. J1924A, Assessment No. 198561)
Public hearing continued to February 19, 2020
- 41 RLH TA 19-646** Deleting the Appealed Special Tax Assessment for property at 791 YORK AVENUE. (File No. J1925A, Assessment No. 198562)
Adopted
- 42 RLH AR 19-102** Ratifying the assessments for Property Clean Up services during May 1 to 10, 2019. (File No. J1924A, Assessment No. 198561)
Adopted
- 43 RLH AR 19-103** Ratifying the assessments for Property Clean Up services during May 13 to 16, 2019. (File No. J1925A, Assessment No. 198562)
Adopted

Council members shared information about events in their wards.

The Council recessed 4:21 p.m.

PUBLIC HEARINGS (5:30 p.m.)

Present 5 - Councilmember Amy Brendmoen, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince and Councilmember Mitra Jalali Nelson

Absent 2 - Councilmember Dai Thao and Councilmember Kassim Busuri

Council members Busuri and Thao arrived during the testimony for Item 44.

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

44 Ord 19-60

Amending Chapter 66 of the Legislative Code pertaining to overnight shelters.

Barry Riesch (2251 Knapp Street) read a statement in opposition to spending additional tax dollars on homeless shelters, and said there should be a more comprehensive plan for addressing homelessness.

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

Councilmember Noecker clarified that the resolution removed a regulatory barrier for shelters and corrected what she felt was an anomaly in code that allowed other types of congregate living in B4 districts but not homeless shelters.

Public hearing held and closed; laid over to October 9 for final adoption

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

Nay: 0

45 RES PH 19-294

Approving the request of District Energy St. Paul, Inc. to amend District Heating rates for fiscal year 2020.

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

Adopted

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

Nay: 0

46 RES PH 19-293

Approving the request of District Energy St. Paul, Inc. to amend District Cooling rates for fiscal year 2020.

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

Adopted

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

Nay: 0

47 RES PH 19-226 Ratifying the assessments for benefits, costs, and expenses for the Arcade/Case and the Grand/Snelling parking lots operation and maintenance costs for 2020. (File No. 18744-19 and 18746-19, Assessment No. 197201 and 197202) (Public hearing continued from September 18)

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

Adopted

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

Nay: 0

48 RES PH 19-287 Ratifying the assessment for the Fairview Avenue from Shields to University paving and lighting project constructed as part of the 2019 St. Paul Street Paving Program (SPS). (File No. 19231, Assessment No. 195202)

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

Adopted

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

Nay: 0

49 RES PH 19-286 Ratifying the assessment for the Wheelock Parkway from Western to Rice paving and lighting project constructed as part of the 2019 St. Paul Street Paving Program (SPS). (File No. 19206, Assessment No. 195201)

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

Adopted

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

Nay: 0

50 RES PH 19-288 Ratifying the assessment for installation of a fire protection system, as requested by Gloria Freeman, for 1850 7th Street East. (File No. FP2019-02, Assessment No. 197101)

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

Adopted

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

Nay: 0

51 RES PH 19-330 Approving adverse action against the Cigarette/Tobacco License held by Moundsview Retail Inc., d/b/a Mounds Park Market (License ID #20170000776) at 241 Earl Street.

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on violations of the tobacco flavor ordinance. She said the Licensing office recommended the first time \$500 matrix penalty, and the licensee had asked for the opportunity to address the penalty.

Councilmember Prince said the Council had seen this issue before; she asked whether the wholesalers were ignorant about St. Paul's laws, and whether the products were regulated differently in Minneapolis. Ms. Skarda said she didn't have a good answer as to whether the wholesalers knew. She said in this instance the wholesaler took the products back. She said the state was all over the board in terms of what was regulated in one spot versus another.

Licensee Akil Jahed (Moundsview) said he asked the wholesaler if the products were okay to sell in St. Paul and he said yes, so he had it in his store and didn't know. He said after he learned from the inspector that it wasn't allowed, he returned the product to the wholesaler who took it back and issued a refund. He said this was his first time owning a business and he'd only had it two or three years, and he didn't want any violations on his record because he didn't intend to break any rules.

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

Councilmember Prince said this seemed to be a case of genuine confusion. The licensee returned the product and the wholesaler admitted he misled the licensee. She said she would like to suspend the \$500 matrix penalty for 12 months if there were no same or similars.

Adopted as amended

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

Nay: 0

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 5:49 p.m.

Council Meeting Information

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