



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 Mitra Jalali
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert
Councilmember Nelsie Yang

Wednesday, January 15, 2020

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

Present 4 - Councilmember Amy Brendmoen, Councilmember Rebecca Noecker,
Councilmember Mitra Jalali and Councilmember Nelsie Yang
Absent 3 - Councilmember Dai Thao, Councilmember Chris Tolbert and
Councilmember Jane L. Prince

Council members Thao and Prince arrived after roll call.

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 20-6** Amending the CDBG activities budget.

 Received and filed
- 2 **AO 20-3** Amending CDBG and ESG activities budgets.

 Received and filed
- 3 **AO 20-4** Amending the CDBG activities budget for Wilkins Townhomes project.

 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 4 - 21)

Item 6 was removed from the Consent Agenda for separate consideration.

Councilmember Yang moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Tolbert

- | | | |
|----------|-------------------|--|
| 4 | RES 20-105 | Memorializing the City Council's decision to deny the appeal by Daniel Carlson and Barbara Pilling from a decision of the BZA to approve height and lot-coverage variances in order to construct a new garage at 1780 Goodrich.
Adopted |
| 5 | RES 20-64 | Authorizing the Department of Emergency Management to pay for all costs for Emergency Management training and/or costs associated with the operation of the Emergency Operations Center (EOC) during emergencies and declared disasters in 2020.
Adopted |
| 7 | RES 20-32 | Approving assessment costs and setting date of City Council public hearing to ratify the assessment for installation of a fire protection system as requested by Rebound Exchange LLC for 26 Exchange Street East. (File No. FP2019-01, Assessment No. 197100)
Adopted |
| 8 | RES 20-95 | Approving the City's cost of providing Replacement of Lead Water Service Line on Private Properties during July to September 2019, and setting date of City Council public hearing for February 19, 2020 to consider and levy the assessments against individual properties. (File No. 2001LDSRP, Assessment No. 204000)
Adopted |

- 9 **RES 20-96** Approving the City's cost of providing Replacement of Sanitary Sewer Line on Private Properties during July to September 2019, and setting date of City Council public hearing for February 19, 2020 to consider and levy the assessments against individual properties. (File No. SWRP2001, Assessment No. 203000)
Adopted
- 10 **RES 20-18** Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during July to September 2019, and setting date of Legislative Hearing for February 6, 2020 and City Council public hearing for March 25, 2020 to consider and levy the assessments against individual properties. (File No. CG1904E3, Assessment No. 190162)
Adopted
- 11 **RES 20-19** Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during July to September 2019, and setting date of Legislative Hearing for February 6, 2020 and City Council public hearing for March 25, 2020 to consider and levy the assessments against individual properties. (File No. CG1904E4, Assessment No. 190163)
Adopted
- 12 **RES 20-62** Granting preliminary approval to the issuance of certain general obligation and revenue bonds as approved in the 2020 budget of the City of Saint Paul; expressing the intent of the City of Saint Paul to reimburse itself from the proceeds of such tax-exempt bonds; and authorizing City finance staff and advisors to take certain actions with respect to the sale of such bonds.
Adopted
- 13 **RES 20-29** Approving the Memorandum of Agreement for the purpose of complying with the International Association of Machinists and Aerospace Workers National Pension Fund Rehabilitation Plan revision between the City of Saint Paul and the International Association of Machinists and Aerospace Workers. (Laid over from January 8 for adoption)
Adopted
- 14 **RES 20-81** Establishing the rate of pay for Contract Compliance Manager and Procurement Manager.
Laid over to January 22 for adoption
- 15 **RES 20-126** Approving the Mayor's appointments of Mohamad Liban and Antonio Montez to the Parks and Recreation Commission.
Adopted

- 16 **RES 20-127** Approving the Mayor's appointments of Tony Lusiba and Rebecca Degendorfer to the Workforce Innovation Board.
Adopted
- 17 **RES 20-125** Accepting the report of a biannual audit of the Police Department's Body Worn Camera Program showing compliance with Minnesota Statutes.
Adopted
- 18 **RES 20-102** Authorizing the appropriate personnel to enter into MnDOT Detour Agreement No. 1035534 for the Trunk Highway 952A (Robert Street Bridge) project.
Adopted
- 19 **RES 20-78** Approving Liquor On Sale - 181-290 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Entertainment (A), Liquor Outdoor Service Area (Patio), and Gambling Location licenses with conditions to ABA Restaurant Group, d/b/a The Pillbox Tavern (License ID #20190002602) at 400 Wabasha Street North.
Adopted
- 20 **RES 20-66** Approving a waiver of the 45-day notice requirement to issue Wine On Sale, Malt On Sale (Strong), and Liquor Outdoor Service Area (Patio) licenses with conditions to Phi Chay Thai Cuisine of MN Corp, d/b/a Phi Chay Thai Cuisine (License ID #20190004091) at 967 7th Street West.
Adopted
- 21 **RES 20-86** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Lilla & La Femme LLC, d/b/a Café Lilla (License # 20190003166), for Wine On Sale, Malt On Sale Strong, and Entertainment (A) licenses at 1110 Payne Avenue.
Adopted

FOR DISCUSSION

Councilmember Tolbert joined the meeting.

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

- 6 **RES 20-82** Approving the Saint Paul All Hazard Mitigation Plan.
Councilmember Prince invited Emergency Management Director Rick Schute to speak about the plan.

Mr. Schute gave a brief presentation.

Councilmember Prince moved approval of the resolution.

Adopted

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

Nay: 0

SUSPENSION ITEMS

Council President Brendmoen said the next three items had been inadvertently left off the agenda.

Councilmember Noecker moved suspension of the rules.

Rules suspended

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

Nay: 0

RES 20-46

Changing the rate of pay for Assistant Fire Chief in EG 17, Non-Represented City Managers. (Laid over from January 8 for adoption)
check mover

Adopted

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

Nay: 0

Councilmember Noecker moved suspension of the rules.

Rules suspended

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

Nay: 0

RES 20-55

Approving the Labor Agreement (May 1, 2019 - April 30, 2022) between the City of Saint Paul and the North Central States Regional Council of Carpenters. (Laid over from January 8 for adoption)

Councilmember Tolbert moved approval of the resolution.

Adopted

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

Nay: 0

Councilmember Noecker moved suspension of the rules.

Rules suspended

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

Nay: 0

RES 20-56

Changing the rate of pay for Payroll Specialist in EG 01, AFSCME Clerical. (Laid over from January 8 for adoption)

Councilmember Thao moved approval of the resolution.

Adopted

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

Nay: 0

Reconsideration

RES 20-68

Approving adverse action against the Wine On Sale (Second Half) License held by Fasika Inc., d/b/a Fasika Ethiopian Restaurant (License ID #20010000419) at 510 Snelling Avenue.

Councilmember Jalali moved to reconsider RES 20-68. Yeas - 7 Nays - 0

City Clerk Shari Moore said the item could be withdrawn because the licensee had paid their fees.

Withdrawn

RES 20-36

Approving adverse action against the Massage Center-B (Home Location) License held by Kong Xiong, d/b/a Kay's Massage (License ID #20130003212) at 917 Barclay Street.

Councilmember Yang moved to reconsider RES 20-36. Yeas - 7 Nays - 0

City Clerk Shari Moore said the item could be withdrawn because the licensee had paid their fees.

Withdrawn

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.

Second Reading

- | | | |
|----|-----------------|---|
| 22 | Ord 20-3 | Amending Chapter 164 of the Legislative Code to prohibit the sale of parking permits issued for residential parking permit areas.
Laid over to February 5 for third reading/public hearing |
| 23 | Ord 20-1 | Amending Chapter 414 of the Legislative Code regarding Massage and Bodywork Centers to add a solo massage center to the Class A license category.
Laid over to February 5 for third reading/public hearing |
| 24 | Ord 20-2 | Amending Chapter 412 of the Legislative Code regarding Massage and Bodywork Centers to add a solo massage center to the Class A license category.
Laid over to February 5 for third reading/public hearing |
| 25 | Ord 20-5 | Amending Chapter 310 of the Legislative Code, License Fees, to add a solo massage center to the Class A license category, defined as a location that is operated by a solo massage practitioner outside of the home.
Laid over to February 5 for third reading/public hearing |

First Reading

- | | | |
|----|-----------------|--|
| 26 | Ord 20-4 | Granting the application of Bonfe Properties LLP to rezone property at 337 7th Street West, 366 Smith Avenue North, and 372 Smith Ave North from T2 to T3 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the Zoning Map.
Laid over to January 22 for second reading |
| 27 | Ord 20-6 | Granting the application of Brad Graves to rezone property at 1035 Arkwright Street from RT2 Townhouse Residential to RM2 Multiple Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
Laid over to January 22 for second reading |

PUBLIC HEARINGS (3:30 p.m.)

- 28 **RES PH 20-15** Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$25,000 for funds granted from the National Recreation and Park Association for the Western Sculpture Park play area improvement project.
- No one was present to testify. Councilmember Thao 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 and Councilmember Yang
- Nay:** 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 33 **RLH TA 19-828** Ratifying the Appealed Special Tax Assessment for property at 779 CARROLL AVENUE. (File No. VB2002, Assessment No. 208801)
- Legislative Hearing Officer Marcia Moermond vacant building fee for the period January 11, 2019 - January 10, 2020, so the period had passed. A 90-day waiver was granted at the time the Council considered an appeal of the order to vacate and vacant building registration the past spring. The new owner had gotten a code compliance inspection and indicated in hearing that she was in selling the property but didn't want to have to pay a large assessment. Ms. Moermond recommended approval of the assessment; the Council could consider making it payable over 5 years. The question now was how quickly it could come out of the vacant building program so the 2020-2021 fee could possibly be prorated.*
- Council President Brendmoen asked whether the City ever made the payable upon sale. Ms. Moermond said there was only one situation where the City would trigger that, and that would be a deferment of the assessment because of disability status. She said she didn't know whether Real Estate was doing those deferrals any more. Normally assessments were paid at the time of real estate transactions, at the closing.*
- Councilmember Thao asked the amount of the assessment. Ms. Moermond said it was \$2284 including a service charge of \$157. In response to an additional question from Councilmember Thao, Ms. Moermond said extending payments over five years might be of assistance if the owner was going to be holding it over an extended period and wanted to pay part now rather than letting it roll onto 2021 property taxes. She said in most cases when someone wanted to sell the property, it didn't matter because it would transact before any arrangement would take effect.*
- In opposition:*
- Gaynelle Webb Buckland said it was her aunt who lived at that address until she had to be transported out by ambulance. Everything was triggered when the City saw structural problems with the house. The house was about to be sold within the next couple of weeks, so the vacant building fee wouldn't be coming up again. There was a signed purchase agreement. She said she wanted to speak to not paying the \$442 fee for boarding, because they had someone else do that.*
- Council President Brendmoen clarified that the vacant building fee was for the previous*

12 months. Ms. Webb Buckland said she had just received a letter that day related to that; she read from the vacant building fee warning letter dated January 13.

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

Councilmember Thao confirmed with Ms. Webb Buckland that purchase agreement was signed and the vacant building fee disclosed. He asked Ms. Webb Buckland to clarify whether she was asking to have the fee waived. Ms. Buckland said that would be nice. Councilmember Thao said he couldn't do that. Ms. Webb Buckland said she had written a check and the City may already have been paid.

Councilmember Thao moved to adopt Ms. Moermond's recommendation. He said he felt this was a transaction that was typically between the property owner and buyer.

Council President Brendmoen said it sounded like there was a Certificate of Occupancy and it would be inhabited soon, so it wouldn't get a vacant building fee for next year. She said she would support the motion.

Councilmember Prince asked about the boarding fee mentioned.

Ms. Moermond said there was no assessment for a boarding expense in front of the Council. She said with regards to the vacant building fee for 2020-2021, it depended on when the buyer completed the rehabilitation.

Adopted

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

Nay: 0

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 29 - 72)

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 29 RLH TA 19-825** Deleting the Appealed Special Tax Assessment for property at 804 AGATE STREET. (File No. J2002E, Assessment No. 208301)

Adopted

- 30 **RLH TA 19-778** Ratifying the Appealed Special Tax Assessment for property at 1880 BERKELEY AVENUE. (File No. VB2002, Assessment No. 208801)
Adopted
- 31 **RLH TA 19-750** Ratifying the Appealed Special Tax Assessment for property at 1489 BIRMINGHAM STREET. (File No. J2003A, Assessment No. 208502)
(Public hearing to be continued to April 8)
Public hearing continued to April 8
- 32 **RLH TA 19-795** Ratifying the Appealed Special Tax Assessment for property at 564 BLAIR AVENUE. (File No. J2004A, Assessment No. 208503)
Adopted
- 34 **RLH TA 19-775** Ratifying the Appealed Special Tax Assessment for property at 560 CHARLES AVENUE. (File No. VB2002, Assessment No. 208801)
Adopted
- 35 **RLH TA 19-858** Ratifying the Appealed Special Tax Assessment for property at 560 CHARLES AVENUE. (File No. J2002E, Assessment No. 208301)
Adopted
- 36 **RLH TA 19-815** Deleting the Appealed Special Tax Assessment for property at 682 CLEAR AVENUE. (File No. J2004A, Assessment No. 208503)
Adopted
- 37 **RLH TA 19-822** Ratifying the Appealed Special Tax Assessment for property at 476 CURTICE STREET EAST. (File No. J2003A, Assessment No. 208502)
Adopted
- 38 **RLH VO 19-58** Appeal of Anthony Alina Cruz to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1818 FIFTH STREET EAST.
Adopted
- 39 **RLH TA 19-751** Deleting the Appealed Special Tax Assessment for property at 55 FRONT AVENUE. (File No. VB2002, Assessment No. 208801)
Adopted
- 40 **RLH FCO
19-131** Appeal of Isaac Aboagye/Rhodaine Arthur to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1029 GALTIER STREET.
Adopted

- 41 **RLH TA 19-818** Ratifying the Appealed Special Tax Assessment for property at 483 HATCH AVENUE. (File No. J2003A, Assessment No. 208502)
Adopted
- 42 **RLH TA 19-797** Ratifying the Appealed Special Tax Assessment for Property at 823 JUNO AVENUE. (File No. J2004A, Assessment No. 208503) (Public hearing to be continued to April 15)
Public hearing continued to April 15
- 43 **RLH TA 19-821** Ratifying the Appealed Special Tax Assessment for property at 120 MAGNOLIA AVENUE WEST. (File No. J2004A, Assessment No. 208503) (Public hearing to be continued to April 15)
Public hearing continued to April 15
- 44 **RLH TA 19-769** Ratifying the Appealed Special Tax Assessment for property at 1180 MARION STREET. (File No. J2002E, Assessment No. 208301) (Public hearing to be continued to April 8)
Public hearing continued to April 8
- 45 **RLH TA 19-755** Ratifying the Appealed Special Tax Assessment for property at 1079 MARYLAND AVENUE EAST. (File No. VB2002, Assessment No. 208801)
Adopted
- 46 **RLH TA 19-754** Ratifying the Appealed Special Tax Assessment for property at 1015 MCLEAN AVENUE. (File No. J2004A, Assessment No. 208503) (Public hearing to be continued to April 15)
Public hearing continued to April 15
- 47 **RLH TA 19-794** Ratifying the Appealed Special Tax Assessment for property at 457 PASCAL STREET SOUTH. (File No. J2004A, Assessment No. 208503) (Public hearing to be continued to April 15)
Public hearing continued to April 15
- 48 **RLH TA 19-761** Ratifying the Appealed Special Tax Assessment for property at 1106 PAYNE AVENUE. (File No. VB2002, Assessment No. 208801)
Adopted as amended (assessment ratified with payments spread over 5 years)
- 49 **RLH VO 19-50** Appeal of Jon Taylor to a Fire Certificate of Occupancy Deficiency List, including Condemnation, at 1333 RANDOLPH AVENUE
Adopted

- 50 **RLH TA 19-816** Ratifying the Appealed Special Tax Assessment for property at 1480 REANEY AVENUE. (File No. J2004A, Assessment No. 208503) (Public hearing to be continued to April 15)
Public hearing continued to April 15
- 51 **RLH TA 19-817** Ratifying the Appealed Special Tax Assessment for property at 1648 RICE STREET. (File No. J2003A, Assessment No. 208502)
Adopted
- 52 **RLH VO 19-59** Appeal of Jeffrey Jenkins to a Revocation of the Fire Certificate of Occupancy at 504 SELBY AVENUE, UNIT 10.
Adopted
- 53 **RLH TA 19-793** Ratifying the Appealed Special Tax Assessment for Property at 1297 SEVENTH STREET WEST. (File No. J2003A, Assessment No. 208502)
Adopted
- 54 **RLH TA 19-730** Deleting the Appealed Special Tax Assessment for property at 286 SNELLING AVENUE SOUTH. (File No. J2002P, Assessment No. 208401)
Adopted
- 55 **RLH RR 19-11** Ordering the rehabilitation or razing and removal of the structures at 489 SHERBURNE AVENUE within fifteen (15) days after the March 27, 2019 City Council public hearing. (Amend to remove or repair within 180 days)
Adopted as amended (180 days to remove or repair)
- 56 **RLH TA 19-753** Ratifying the Appealed Special Tax Assessment for property at 677 THOMAS AVENUE (DEMO OF 610 SAINT ALBANS STREET NORTH). (File No. J2002C, Assessment No. 202001)
Adopted
- 57 **RLH TA 19-808** Deleting the Appealed Special Tax Assessment for Property at 389 UNIVERSITY AVENUE WEST. (File No. J2004A, Assessment No. 208503)
Adopted
- 58 **RLH TA 19-727** Deleting the Appealed Special Tax Assessment for property at 575-579 UNIVERSITY AVENUE WEST. (File No. J2002P, Assessment No. 208401)
Adopted

- 59 **RLH TA 19-756** Ratifying the Appealed Special Tax Assessment for property at 837 (839) UNIVERSITY AVENUE WEST. (File No. J2002B, Assessment No. 208101)
Adopted
- 60 **RLH TA 19-770** Deleting the Appealed Special Tax Assessment for property at 1058 UNIVERSITY AVENUE WEST. (File No. J2002P, Assessment No. 208401)
Adopted
- 61 **RLH TA 19-819** Deleting the Appealed Special Tax Assessment for property at 984 WAKEFIELD AVENUE. (File No. J2003A, Assessment No. 208502)
Adopted
- 62 **RLH TA 19-726** Deleting the Appealed Special Tax Assessment for property at 1622 WHITE BEAR AVENUE NORTH. (File No. J2002P, Assessment No. 208401)
Adopted
- 63 **RLH TA 19-752** Ratifying the Appealed Special Tax Assessment for property at 1195 WOODBRIDGE STREET. (File No. J2002E, Assessment No. 208301)
Adopted
- 64 **RLH AR 19-111** Ratifying the assessments for Collection of Vacant Building Registration Fees billed during November 27, 2018 to May 21, 2019. (File No. VB2002, Assessment No. 208801)
Adopted
- 65 **RLH AR 19-112** Ratifying the assessments for Boarding and/or Securing services during June 2019. (File No. J2002B, Assessment No. 208101)
Adopted
- 66 **RLH AR 19-113** Ratifying the assessments for Demolition services during June to July 2019. (File No. J2001C, Assessment No. 202000)
Adopted
- 67 **RLH AR 19-114** Ratifying the assessments for Demolition services during May to June 2019 (C.D.B.G. Funds). (File No. J2002C, Assessment No. 202001)
Adopted

- 68 **RLH AR 19-115** Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during April 24 to May 17, 2019. (File No. CRT2002, Assessment No. 208201)
Adopted
- 69 **RLH AR 19-116** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during April 22 to May 21, 2019. (File No. J2002E, Assessment No. 208301)
Adopted
- 70 **RLH AR 19-117** Ratifying the assessments for Graffiti Removal services during January 21 to July 24, 2019. (File No. J2002P, Assessment No. 208401)
Adopted
- 71 **RLH AR 19-126** Ratifying the assessments for Property Clean Up services during July 2 to 11, 2019. (File No. J2003A, Assessment No. 208502)
Adopted
- 72 **RLH AR 19-127** Ratifying the assessments for Property Clean Up services during July 12 to 31, 2019. (File No. J2004A, Assessment No. 208503)
Adopted

Council President Brendmoen acknowledged students visiting from Cretin Derham Hall and from Washington Technology Magnet School.

Council members shared news about events in their wards.

The Council recessed at 4:00 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:31.

Council President Brendmoen welcomed everyone and reviewed Public Hearing procedures.

Councilmember Prince arrived after roll call.

Present 6 - Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali and Councilmember Nelsie Yang

Absent 1 - Councilmember Chris Tolbert

- 73 **RES PH 20-4** Ratifying the assessment for installation of a fire protection system, as requested by Francesco O’Ryan, for 786 University Avenue West. (File No. FP2019-04, Assessment No. 197103)

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

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

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

Nay: 0

Absent: 1 - Councilmember Tolbert

74 RES PH 20-9 Approving the Final (combined) Plat for the Southport Barge Terminal.

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

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

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

Nay: 0

Absent: 1 - Councilmember Tolbert

75 RES PH 20-14 Authorizing the vacation and disposal of a portion of City land located at the Public Safety Garage and Fire Training Center site at 1675 Energy Park Drive to the Housing and Redevelopment Authority for subsequent redevelopment as a parking lot by an adjacent commercial property owner.

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

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

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

Nay: 0

Absent: 1 - Councilmember Tolbert

Councilmember Tolbert joined the meeting.

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

Approving adverse action against the Liquor On Sale - Sunday, Entertainment (B), Liquor On Sale - 100 seats or less, and Liquor On Sale - 2 AM Closing licenses held by Kavin Choua Thao, d/b/a Pupraya Thai Restaurant (License ID #20140001202) at 945 Rice Street. (Public hearing held January 15)

Virginia Palmer, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the adverse action for violations of two license conditions. She said the violations had been admitted, and the licensee was present to speak about the penalty. She said this was a second violation in a year's time. The two violations were of conditions related to providing video surveillance to police, and providing necessary documentation to prove the establishment was operating as a restaurant. DSI was recommending a matrix penalty of \$1000, which was presumed to be a valid penalty unless the Council made findings to depart from it. The license-holder was before the Council in July 2018 on a lapse in liquor liability insurance. Ms. Palmer reiterated that the licensee didn't contest the violations but wanted to speak about the penalty.

Licensee Kavin Shua Thao said the previous violation of lapse in liquor liability insurance was the underwriter's fault. He said the he provided video recording of the incident but not the full period of time requested due to a misunderstanding. He said he provided only three quarters of records because he couldn't find the records for the fourth quarter in the system. He called the Minnesota Department of Revenue and they helped him print out those records, but it was too late. He said the record stated that he had provided only three months but he had provided three quarters. He said he was asking that the fee be reconsidered or waived.

Council President Brendmoen said it sounded like this may have been worth going before an administrative law judge, because the only thing the Council was considering was the \$1000 penalty. She said it sounded like the facts were in dispute. Mr. Thao said he was not disputing the facts.

Ms. Palmer said it did sound like the facts were in dispute, and she felt it would be more appropriate to refer it to an administrative law judge, or alternatively, to lay the matter over to discuss further. She said she was not prepared at this point to argue the facts.

Mr. Thao reiterated that he was not disputing the facts.

Councilmember Thao confirmed that Mr. Thao had chosen not to go before an administrative law judge. Council President Brendmoen said that was correct.

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

Councilmember Thao asked Mr. Thao how long he had been operating the business. Mr. Thao said this was his sixth year. Councilmember Thao asked whether DSI ever sat down with Mr. Thao and talked about the license conditions when he bought the business. Mr. Thao said no. Councilmember Thao asked Mr. Thao whether he'd ever run a business like this before. Mr. Thao said no, but it had run smoothly for six years.

Councilmember Thao said the concerns related to interactions with the police officer were a separate conversation and Mr. Thao could work with the Civilian Review Board on that incident. He said, regardless, Mr. Thao needed to provide footage that was requested. He said it made sense for Mr. Thao to go back and work with DSI to fully understand his obligations. Councilmember Thao said he was willing to reduce the

penalty to \$500 given no other violations for 12 months, and that Mr. Thao work with DSI on the conditions and any training needed for his staff and himself.

Council President Brendmoen confirmed that Councilmember Thao was imposing the \$1000 penalty but staying \$500 for 12 months. Councilmember Thao said that was correct, but Mr. Thao had to agree to have proper training with his staff and sit down with DSI to fully understand his obligations and responsibilities.

Council President Brendmoen asked Deputy City Attorney Rachel Tierney whether this met the requirement for deviating from the matrix penalty. Ms. Tierney the Council needed to state their reasons for deviating downward. Councilmember Thao said the reason was that Mr. Thao never met with DSI, and had been open for six years with no problems in a tough area. He said it was a separate matter that the police officer wanted to inspect his business.

Council President Brendmoen suggested laying the matter over for a week to get the facts before moving a recommendation.

Councilmember Noecker said she would prefer to get a little more clarity on the facts, either through referring to an administrative law judge or a layover.

Councilmember Thao said he had made a motion but would agree to one-week layover.

Councilmember Prince said she supported Councilmember Thao's motion and would also support a layover. She said the rules and process were dense and difficult, especially for a business owner whose first language was not English. She said going to an administrative law judge was an expensive process and it was her understanding that you paid the costs if you did not prevail. She said she wanted to make sure the license holder had all of the information to make these decisions. She said if he was admitting to the facts, the Council was just dealing with the penalty.

Councilmember Noecker said the licensee was admitting to the facts but adding facts and nuance. She said based just on the staff report it was clear this was a second violation and the Council should go by the matrix, but there may be additional facts to consider.

Council President Brendmoen said when there was a lapse in liquor liability insurance there was a meeting to review the conditions, and she would like to understand whether that had taken place. She said she also thought the district council had submitted a recommendation but she was not seeing it in the record.

Councilmember Thao moved a one-week layover.

Public hearing held and closed; laid over to January 22 at 3:30 p.m.

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

Nay: 0

77 Ord 19-76

Amending Chapter 199 of the Saint Paul Legislative Code pertaining to rabies control.

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

Public hearing held and closed; laid over to January 22 for final adoption

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

Nay: 0

78 Ord 19-77

Amending Chapter 200 of the Legislative Code updating and adding definitions, making owners of impounded animals responsible for veterinary, rabies, and microchipping fees required before release, and prohibiting the release of impounded animals without appropriate restraint.

Dan Niziolek, Department of Safety and Inspections (DSI), gave a staff report. This was in support of the license fee increase ordinance and to address a budget shortfall and allow continuation and expansion of Animal Control services. He described the new policies related to rabies vaccinations and microchipping provided at Animal Control.

In response to a question from Councilmember Noecker, Mr Niziolek said microchipping was a new service being offered by Animal Control. Declared animals would be microchipped before leaving Animal Control; for others it was optional.

Councilmember Prince said they had gotten feedback from people with concerns about the financial impact on low-income owners. Mr. Niziolek said the ordinance before the Council included reduced license fees based on income, which was not offered before. He said impound fees were not increasing; he reviewed the fees. He said they were conscious that pets were part of people's families but had to ensure public health and safety as well as financial impacts to the City.

Councilmember Prince said the existing ordinance language stated that animal control officer could enter an enclosed yard, and people were concerned about that. She asked Mr. Niziolek to clarify the policy. Mr. Niziolek said that section needed a re-write, and amendments to the animal control code were being worked on. He said the department operated on the 4th amendment related to illegal search and seizure, and were not going to go in unless it was not a violation of the 4th amendment.

Council President Brendmoen said she appreciated the streamlining in the processes in Ordinance 19-77 and felt it was overdue.

Councilmember Prince said in the future it would be helpful to have a background memo explaining the rationale and timing. She questioned whether this was this urgent enough that it should go ahead of the re-write. Mr. Niziolek said these changes were necessary and some were well overdue, and the re-write would take time.

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

Public hearing held and closed; laid over to January 22 for final adoption

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

Nay: 0

- 79 Ord 19-79** Amending Chapter 409 of the Legislative Code to create and define boundaries for an Entertainment District named Great Lawn Entertainment District.
- No one was present to testify. Councilmember Thao moved to close the public hearing.*
- Public hearing held and closed; laid over to January 22 for final adoption**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 80 Ord 19-80** Amending Chapter 246 of the Legislative Code to allow the possession or consumption of nonintoxicating malt liquor, strong beer, or wine purchased and consumed during a block party, festival or community event, within the Great Lawn Entertainment District.
- No one was present to testify. Councilmember Thao moved to close the public hearing.*
- Public hearing held and closed; laid over to January 22 for final adoption**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 81 Ord 19-81** Creating Title XXXI to be entitled City Sustainability and Resiliency, and Chapter 440 of the Legislative Code relating to the regulation of building energy consumption through the establishment of regulations.
- Russ Stark, Chief Resilience Officer, gave a staff report and answered Council members questions.*
- In support:*
Shannon Watson (1180 Van Buren), St. Paul Area Chamber of Commerce, Business Review Council
Ben Rabe (1123 Lafond Avenue), Fresh Energy
Chelsea DeArmond (667 North Street), St. Paul 350
Jim Doyle (1403 Laurel Avenue)
Tim Wulling (Ward 4)
Jean Comstock (729 6th Street E.)
Clint Blaiser, BOMA and MMHA
- Councilmember Tolbert moved to close the public hearing.*
- Council members Prince, Jalali, Noecker, and Yang spoke in support.*
- Public hearing held and closed; laid over to January 22 for final adoption**

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

Nay: 0

82 ABZA 20-1

Public hearing to consider Chue Vang's appeal of a decision by the Board of Zoning Appeals denying variances of the off-street parking requirement and driveway width requirement.

Matthew Graybar, Department of Safety and Inspections, gave a staff report on the application and appeal. He said the applicant stated the BZA erred in Finding 3, in not taking into consideration the unique family and the location of the uncontrolled T-intersection, and in Finding 6, as there were others in the neighborhood with similar front yard parking and widened driveways.

Appellant Chue Vang (35 Winthrop Street) said he believed the BZA was mistaken because they didn't consider all of the facts. Some information was submitted after the public hearing, including support from the district council. His was a multi-generational family with five cars, and the intersection in front of the house made street parking unsafe. In terms of Finding 3 about practical difficulties, it was not difficult to park in the street but was not practical to park in that specific spot. Other homes in the area did not have the unique circumstance of the T-intersection. The intersection was also used for school bus stops, and parents used the area for stopping and picking up children. In terms of Finding 6, there were four other homes in the neighborhood where this type of variance had already been granted, so he would not be altering the characteristics of the neighborhood. He asked that the Council approve the variance request so he could keep his cars off the street.

John Slade (3 Linder Court), District 1 Land Use Committee, said the T-intersection and its use for bus stops could and should have been taken into consideration. As to Finding 6, the neighborhood was changing and the essential character of the East Side was multi-generational families.

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

Councilmember Prince said she believed the BZA erred in Finding 3, in terms of this not being a hardship for the household. The T-intersection made parking problematic due to the City's parking restrictions for T-intersections. The BZA erred in determining that this altered the essential character of the neighborhood. Battle Creek was suburban-style street layout and mid-century housing stock, with large garages and a lot of hardscape. She referred to the aerial view and found the four homes Mr. Vang pointed out but several others in that vicinity with wider driveways. Councilmember Prince said with the support of the district council and the fact that Mr. Vang's neighbors supported the variance, but primarily because she believed the BZA erred in Findings 3 and 6, she moved to grant the appeal.

Councilmember Thao spoke in support of the motion.

Councilmember Noecker asked Mr. Graybar whether the BZA had considered and rejected the issue of the T-intersection or just not considered it. Mr. Graybar said he believed the BZA members looked at the location of the house in relation to the T-intersection but didn't go in depth into the associated parking restrictions.

Council President Brendmoen said she was torn. She said she understood the points

about the BZA and was sympathetic to changing needs and differing uses, but felt this was a policy question to tackle. She said she was concerned that granting the appeal could open a Pandora's box in terms of these front yard parking pads. She said she felt this did alter the appearance of that house. The other examples had wider driveways but this was another 20 feet of parking pad. She said this was a policy questions, and the Council had been inconsistent in how they voted on front yard parking pads. She said she would vote against this but respected the concerns and questions brought up.

Councilmember Yang said demographics around family size was going to be changing and the Council should be ready for it as they made policy changes policy changes. She said she would support the motion.

Councilmember Jalali said she would support the motion but would not like to see the Council grant expanding pads piecemeal. She said it was important to find a balance for growing families and also to figure out how to design our city not so heavily around vehicles.

Councilmember Noecker said she was also felt torn but would support the motion because she felt there was a compelling case that there were certain omissions in consideration. She said she felt a policy discussion could lead to moral conundrums about individual choices and when it was okay to have multiple vehicles.

Councilmember Yang asked what would happen if the Council were to not support the appeal. Council President Brendmoen said they would get an order to remove it. She said the Council recognized it was expensive to put in and expensive to take out. If the permit would have been applied for in the first place, those things would have been navigated.

Motion of intent - appeal granted

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

Nay: 1 - Councilmember Brendmoen

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 7:02 p.m.

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