



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

Wednesday, November 13, 2019

3:30 PM

Council Chambers - 3rd Floor

### ROLL CALL

*The meeting was called to order by Council President Brendmoen at 3:32 p.m.*

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

### COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 19-59** Approving a six-month extension of the lease for the Department of Human Rights and Equal Economic Opportunity RiverPrint space at 375 Jackson Street.  
**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

*Councilmember Thao moved approval of the Consent Agenda.*

#### Consent Agenda adopted

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

**Nay:** 0

- 2     **RES 19-1988**     Authorizing Ward 1 to spend money raised through Model Cities to pay for a Ward 1 Community Meal.  
**Adopted**
- 3     **RES 19-1917**     Authorizing the withholding of tax-forfeit parcels from public sale for six months.  
**Adopted**
- 4     **RES 19-1926**     Approving the Memorandum of Agreement for the December 2019 Wage and Fringe Adjustment between the City of Saint Paul and the United Association Pipefitters Local Union #455.  
**Adopted**
- 5     **RES 19-1956**     Approving the Maintenance Labor Agreement (May 1, 2019 - April 30, 2022) between the City of Saint Paul and the International Union of Painters and Allied Trades District Council 82/Local 61.  
**Laid over to November 20 for adoption**
- 6     **RES 19-1948**     Approving and ratifying the expenses incurred and donations received for the August 20, 2019 City of Saint Paul Employee Cookout.  
**Adopted**
- 7     **RES 19-1798**     Authorizing the Department of Parks and Recreation to apply for \$116,100 in funding through the Conservation Partners Legacy grant program to enhance 30 acres of forest and savanna habitat at Phalen Regional Park and, if successful, enter into an agreement providing indemnification for the MN Department of Natural Resources.  
**Adopted**
- 8     **RES 19-1954**     Authorizing carryforward of unused Private Activity Bond Volume Cap.  
**Adopted**
- 9     **RES 19-1892**     Authorizing Police Department to accept donated supplies and services from the St. Paul K-9 Foundation for the Canine Unit.  
**Adopted**
- 10    **RES 19-1893**     Authorizing the Police Department to donate equipment from the disbanded mounted unit to multiple organizations.  
**Adopted**

**FOR DISCUSSION**

- 11    **RES 19-1983**     Approving the appointment of Butch Inks as the Chief of the Saint Paul Fire Department.  
*Councilmember Jalali Nelson moved approval of the resolution.*

*Chief Inks was sworn in by City Clerk Shari Moore.*

*Chief Inks made brief comments. Council members commended and congratulated him.*

**Adopted**

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

**Nay:** 0

**12 RES 19-1972**

Canvassing the returns and declaring the results of the City General Election held November 5, 2019. (To be amended with the results of the reallocation of votes)

*Councilmember Jalali Nelson moved approval of Version 2 of the resolution, amended with the results of the vote reallocation.*

**Adopted as amended**

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

**Nay:** 0

**13 RES 19-1889**

Providing for the issuance of and accepting a proposal on the sale of General Obligation Refunding Bonds, Series 2019H; fixing the form and specifications of the Series 2019H Bonds; providing for the issuance of the Series 2019H Bonds; and levying a tax for the payment of the Series 2019H Bonds

*Michael Solomon, Office of Financial Services, gave a staff report on the bonds sales in Items 13 and 14, and on the results of Port Authority's bond sale which was previously approved by the Council.*

*Council President Brendmoen and Council member Prince and Tolbert thanked finance staff and consultants for their work.*

*Councilmember Tolbert moved approval of the resolution as amended with the results of the bond sale.*

**Adopted as amended**

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

**Nay:** 0

**14 RES 19-1967**

Providing for the issuance of and accepting a proposal on the sale of Taxable General Obligation Street Improvement Special Assessment Refunding Bonds, Series 2019I; fixing the form and specifications of the Series 2019I Bonds; providing for the issuance of the Series 2019I Bonds; and levying a tax for the payment of the Series 2019I Bonds.

*Councilmember Noecker moved approval of the resolution as amended with the results of the bond sale.*

**Adopted as amended**

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

**Nay:** 0

**15 ABZA 19-6**

Public hearing to consider Daniel Carlson's appeal of a decision by the Board of Zoning Appeals approving variances of the lot coverage and height requirements allowing construction of a two-story detached garage in the rear yard of an existing single-family dwelling at 1780 Goodrich Avenue.

*Councilmember Tolbert moved to deny the appeal, based on the fact that the appellants did not meet the burden to show an error in the findings, facts, and procedures of the BZA. He said his motion included adopting the findings in the BZA resolution.*

**Motion of Intent - Appeal denied**

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

**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**

**16 Ord 19-63**

Granting the application of Joseph and Nancy Schumacher to rezone property at 330 Prior Avenue North from OS Office Service to RT1 Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

*Councilmember Jalali Nelson moved final adoption of the ordinance.*

**Adopted**

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

**Nay:** 0

**17 Ord 19-68**

Amending Chapter 88 of the Legislative Code pertaining to water code meters by removing Section 88.10(g) in its entirety.

*Councilmember Noecker moved final adoption of the ordinance.*

**Adopted**

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

**Nay:** 0

**Second Reading**

- 18 **Ord 19-64** Granting the application of David Wetherill to rezone property at 600-602 Lawson Avenue West from RM2 Multiple Family Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

**Laid over to November 20 for third reading/public hearing**

**First Reading**

- 19 **Ord 19-71** Amending Chapter 24.03 of the Administrative Code related to financial disclosure requirements.

**Laid over to November 20 for second reading**

**PUBLIC HEARINGS**

- 20 **Ord 19-67** Amending section 220.05 of the Legislative Code to set rates for base level garbage service to be effective January 1, 2020.

*Council President Brendmoen asked for a quick update from the previous week to this week*

*Public Works Director Kathy Lantry said staff met with the haulers on Friday October 8 and Tuesday, November 12. She said the contract laid out a formula for calculating rates, and they were tasked with finding out where there was agreement and where there was not. There was agreement on the fuel portion, the non-fuel, and the no-fuel surcharge portions of the contract. They did not have agreement on adjustments due to a change in law. Citing Section 3.1.4.2, the Consortium proposed adding \$.38 per month per customer for attorney's fees and the Consortium rep costs, which they said was a permanent increase to their operating costs. There was agreement on the total tonnage but not on the calculation. Ms. Lantry reviewed the calculation made by the City using the total tonnage as reported by the Consortium; she said the Consortium calculated using the hauler with the highest tonnage routes. There was also disagreement on calculating vacant units, but the difference spread over 71,000 customers was not significant. The haulers did not respond to a request for proposals to consider reducing the every-other-week cart costs and cart sharing. Ms. Lantry said staff recommended that the Council pass the rates, as staff was confident they had followed the contract. She noted that the Council's action did not end the conversation with the haulers, and the contract could be amended by mutual agreement any time.*

*Councilmember Prince said nothing they had seen since July would suggest the contract could be re-opened by mutual agreement to get someplace good. Ms. Lantry said part of the issue was that they had been in crisis mode waiting for the Supreme Court, the referendum, and the election. She said it was important that the Council pass the rates today because that would lead to the next phase of this contract. The message had been sent by the Mayor and Council that they preferred to make*

*changes and would work towards that.*

*Councilmember Noecker said she shared that optimism based on conversations with haulers that occurred before July when everything got put on hold, and she hoped this vote didn't close the door to those negotiations.*

*Council President Brendmoen said she shared that optimism.*

*Testimony:*

*Sue Stewart, Highland Sanitation, said she understood the City's position but wanted to make the City aware of the small haulers' point of view. As a small hauler they had to look at individual routes and on a day to day basis. With these rates they were literally going to have routes that wouldn't make any money and even go backwards. Certain things that were an expense to them that weren't for others. They didn't have an IT staffs but contracted a company to make changes to forms. She agreed with some of the City's ideas, but for their budget and their money, the rate adjustment would be a difficult transition for them.*

*Councilmember Prince asked Ms. Stewart if this was something they hadn't been able to get the consortium to consider either. Ms. Swanson said there were some people that listened to it and some that didn't, but those people had a different budget than she did. Councilmember Prince asked whether this need would have been met if the City had accepted one of the Consortium's offers.*

*Ms. Swanson said everyone thought the haulers had a big windfall because of the tonnage, but removing all of their company's cans had cost remove all of our cans \$40,000, they had to hire a chief manager and an attorney. They had to swallow all of those expenses and now were looking at rates going down and dump going up, because the City was saying this was what the rates were going to be across the board.*

*Councilmember Prince said she had looked at a proposal sent by District 10 Executive Director Michael Kuchta which distributed the program income according to the size of the bin. She said getting the lowest-priced service to be really affordable for people who had always shared, etc. would be a mutual benefit, and perhaps this was an opportunity to re-open the contract after making this rate change.*

*Ms. Swanson said she agreed there was room for negotiation on both sides. She said one caution about allowing residential homes to share service was that haulers had noticed that alleys were cleaner. Sharing and opting out could be exploited by landlords or residents looking only to save money. It was a delicate subject if the idea was to keep the city clean.*

*Council President Brendmoen said they had also heard from another hauler that it was cleaner.*

*Tom Goldstein (1399 Sherburne) said allowing the haulers to eat up the allotted 15 minutes was unfair.*

*Dan Schleck, counsel for the Consortium, said they recognized that the Council had a difficult job, and City staff had done an outstanding job representing the City. He said, from the haulers perspective, they didn't agree with the rates being published by the City. The process used to develop and publish the rates did not follow the terms of the contract. The Consortium intended to follow the duties, terms, and obligations of the contract as written.*

*Mr. Goldstein read a statement in opposition to the rate structure.*

*Bruce Clark (663 Oakdale Avenue) spoke in opposition to the referendum process and coordinated trash collection program.*

*Chris Holbrook (1302 Van Buren) asked that the Council honor commitments to change things for the better going forward.*

*Anna Botz (143 Baker Street W.) said her household was zero-waste, and she was concerned about how this would affect people who were trying to create less garbage.*

*Council President Brendmoen said the Council was voting on the rate reduction and not the contract itself, and were committed to continuing to move to incent zero waste and less waste.*

*Dave Brudevold (2208 Sargent Avenue) said he appreciated the efforts to reduce rates, especially on those with the smallest carts.*

*KC Cox (1501 Carroll Avenue) said opt out and sharing were needed., and she asked that the rate structure be reconsidered.*

*Alec Escoto (46 E. Elizabeth) said he was paying a ridiculous amount for garbage service, and a \$10 reduction was ridiculous.*

*Jose E. Banos (2085 Margaret Street) said his garbage wasn't being picked up.*

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

*Councilmember Tolbert moved to approve the rate changes.*

*Councilmember Noecker said she would be supporting he motion. She said she didn't feel this vote represented the realization of the promise to negotiation changes to the contract. The rate change was a process that would take place annually, and the contract clearly spelled out how rates should be negotiated. She said her commitment was to continue to try to negotiate further changes. She said she was sympathetic to the problems being faced by the small haulers, but couldn't make the contract malleable for the sake of haulers when she had been telling constituents it couldn't be changed.*

*Councilmember Prince displayed a map of referendum results, and said the equity problem hadn't been solved. She said the Council was setting rates and this was not the opportunity to renegotiate the things she felt needed to be addressed. She said she would support the rate change, but the Council couldn't claim to be doing everything they said they were doing through the lens of equity and feel good about what happened on Tuesday (in the referendum).*

*Councilmember Thao expressed frustration with the contract and said a lot of lessons learned in the process, but felt they were moving in the right direction for the city. He said the contract reflected the values established during the community process. Today they were going to vote to change the rates but would continue to work with the haulers. He asked that the haulers were genuine in coming to the table and working with the City. He said he would be in support of the rates.*

*Council President Brendmoen said a lot of attention was given to the flaws of the contract, but this piece was one of the strong parts of the contract. talk about the flaws. The Council had always anticipated that when there was data, the rates would come down. She said she remained committed and hopeful to sitting down with haulers and felt changes could be made that would benefit both sides. She said she was in support of the motion and looking forward to moving on and tackling some of the bigger issues.*

**Adopted as amended (amended November 6)**

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

**Nay:** 0

- 21 RES PH 19-375** Approving the application of Monster Series LLC for a sound level variance for use of a sound system during the Polar Dash Run 2020 on January 4, 2020 at Harriet Island.

*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 and Councilmember Busuri

**Nay:** 0

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

- 26 RLH TA 19-742** Ratifying the Appealed Special Tax Assessment for property at 143 BAKER STREET WEST. (File No. CG1903A3, Assessment No. 190123)

*Legislative Hearing Officer Marcia Moermond said the Council had heard from appellant Ms. Botz earlier in the meeting (regarding having a zero-waste household). Ms. Botz's comments in Legislative Hearings were targeted towards future negotiations of the contract. Ms. Moermond said her recommendation was to approve the assessment for \$66.86 for the second quarter of 2019 as the single-family home was included in the program.*

*Council President Brendmoen said she believed Ms. Botz had left.*

*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 and Councilmember Busuri

**Nay:** 0

- 39 RLH TA 19-787** Ratifying the Appealed Special Tax Assessment for property at 46 ELIZABETH STREET EAST (File No. CG1903A4, Assessment No. 190124)

*Legislative Hearing Officer Marcia Moermond said the Council had heard from the tenant of the property, Alex Escoto, earlier in the meeting. The bill in question was for the second quarter of 2019 in the amount of \$150.46 including charges for service during that time period and 23 additional bags. Ms. Moermond said one of the issues the appellant wanted to address was where the bills were sent. She said bills are sent*

to the owner of record with Ramsey County. In this case his father owned the property and was receiving the bills; he would like to not have his father involved. There didn't seem to be a question about whether there were extra bags, but rather about whether the contract allowing charges for extra bags was appropriate. Ms. Moermond said garbage truck drivers took photographs and provided documentation when there were extra bags. Another issue was when money was credited when it was paid. Mr. Escoto paid the bill after this had been forwarded to the City, and the payment was applied to the third quarter. Ms. Moermond said that was straightened out with the hauler. She said Mr. Escoto objected to the service and previously had been able to use the garbage service at his family's business. She recommended approval of the assessment for the second quarter, noting that the payment was applied to the third quarter, although Mr. Escoto felt that wasn't handled correctly.

Alex Escoto (16 E. Elizabeth Street) said this was a shambles of a mess with the garbage company he was working with; the cost for his garbage service had skyrocketed. The mail was being sent to his father's business address. He used to take the garbage to his family's restaurant. The garbage company told him the charge wouldn't go to assessment if he paid the bill, but it was applied to the next quarter. The garbage company charged for an extra bag, if a bag raised the lid over six inches. He said he was not asking not to pay the bill, but was asking for the time to keep it from the taxes so he could pay it himself. It was frivolous that he was assessed for bills he wasn't even getting.

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

Councilmember Noecker moved to adopt the recommendation of the Legislative Hearing Officer because service was provided. She said she would be happy to talk to Mr. Escoto about the billing issues and concerns with the contract.

#### **Adopted**

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

**Nay:** 0

**46 RLH TA 19-857**

Ratifying the Appealed Special Tax Assessment for property at 346 FULLER AVENUE. (File No. CG1903E4, Assessment No. 190140)

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of an assessment for garbage hauling services in the second quarter of 2019. The amount of the assessment was \$315.84. The property owner indicated in the Legislative Hearing that he had never used the garbage cans and didn't feel he should have to pay, and had provided photos of the cans in the same place consistently over time. Ms. Moermond said the bill was for the truck to go every week whether the cans had material in them or not, and the property was covered by the hauling program. There were two duplexes on parcel, which was why there were four containers. The property owner indicated he'd had dumpster service for 20 years and had continued to use and pay for dumpster service. The property owner stated that the hauler agreed to cancel service; that was not consistent with information provided from the hauler. Public Works staff Chris Swanson had provided a printout that the hauler had provided, indicating the property owner told the hauler it was commercial property with five units. New documents had come in that afternoon from the property owner, including a notarized statement from one of the occupants that they use the dumpster.

Councilmember Thao asked whether the record showed that the property owner responded to the City when they sent out a cart size request. Ms. Moermond said she didn't know if there was a communication from the owner; the containers were

medium-sized, which was default size provided when a property owner did not designate a size.

*In opposition:*

Appellant/property owner Tetra Constantino said the thing that wasn't really addressed was the fact that Advanced Disposal was part of the trash consortium and they had been billing him and accepting payment (for dumpster service). Ms. Moermond said there was a document in the packet showing that Mr. Constantino had been paying for service from Advanced Disposal during the same period he was being billed for citywide garbage collection. She said Mr. Swanson (Public Works staff) had contacted Advanced Disposal indicating they should not be providing service to a parcel with four units. Mr. Constantino said Advanced Disposal kept the contract and gave him another bill as of October 31. He said Mr. Swanson apologized for the City having 346 Fuller and 410 Virginia on the same parcel, and Mr. Swanson said notices were mailed to Mr. Constantino's name but to 346 Fuller, where he didn't reside. Mr. Constantino said Mr. Swanson and Ms. Moermond acknowledged that as well. He said the core problem was that he had a contract with a member of the trash consortium and he'd been paying them and they had been billing him. They had to cancel the contract of whatever was in place first in order to put in the new City contract. There couldn't be two contracts in place on the same property; that was the law. The trash consortium was hauling the trash, and they turned around and tried to charge him four times the amount. He said Ms. Moermond had stated the hauler was making a special trip to his property, but there is no extra cost for the truck to drive by when it is servicing the area. He asked that his charges be thrown out and invalidate charges from Republic Services for the year because they didn't do any work.

Councilmember Thao asked Mr. Constantino whether he received notification of the new trash program. Mr. Constantine said not to his knowledge, and the City acknowledged that in the Legislative Hearing.

Councilmember Thao asked whether it was accurate that Mr. Constantine preferred the dumpster service from Advanced Disposal. Mr. Constantino said Advanced Disposal did the work and he couldn't have a preference between work that was done and work that wasn't.

Councilmember Thao asked Mr. Constantino whether Mr. Swanson was responsible for cancelling the dumpster service with Advanced Disposal. Mr. Constantino said Mr. Swanson acknowledged that in the Legislative Hearing. Councilmember Thao said that didn't make sense.

Mr. Constantino said the very first notice he received was the late bill sent after the trash people updated their records. He said Advanced Disposal was in the trash consortium and knew all the rules and regulations, and they shouldn't be double-dipping.

Councilmember Thao moved to close the public hearing. Yeas - 6 Nays - 0  
(Councilmember Noecker absent)

Councilmember Thao moved a one-week layover so he could talk to Mr. Swanson.

Ms. Moermond said during the course of the Legislative Hearing they looked at the owner of record and address, and Ramsey County showed the owner of record address was 410 Virginia Street and not 346 Fuller. This bill displayed by Mr. Constantino was dated January 5, 2019 and preceded the quarter being discussed. She said the address on the bill was 410 Virginia. She said she was not clear about the conversation about there being two addresses on the parcel but Ramsey County record was clear and indicated Virginia Street was the address of record and also that

*there was a relative homestead at the Fuller property.*

*Council President Brendmoen spoke in support of the motion for a layover.*

**Public hearing held and closed; laid over to November 20**

**Yea:** 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

**Nay:** 0

**Absent:** 2 - Councilmember Noecker and Councilmember Busuri

**91 RLH TA 19-773** Ratifying the Appealed Special Tax Assessment for property at 1616 VICTORIA STREET NORTH. (File No. CG1903C2, Assessment No. 190130)

*Legislative Hearing Officer Marcia Moermond said the assessment was for \$12 for extra garbage bags assessed on second quarter bill of 2019. The way extra bags were billed was that they showed up the following quarter. Photographs taken by the hauler were reviewed in Legislative Hearings. Ms. Moermond said the hauler didn't provide adequate documentation of four bags, so she was recommending a reduction from \$12 to \$3. She said the appellant's concerns were more with the way extra bag billing occurred.*

*Richard Clem (1616 N. Victoria Street) said he accepted the hearing officer's recommendation because they did have an extra bag, and was speaking on behalf of other people with similar small charges but did not have the opportunity or ability to go through the appeal process. He respectfully submitted three recommendations: An investigation should be conducted into whether his was an isolated case or charges were being added arbitrarily; the question of small disputes should be addressed in contract negotiations going forward; the City should develop a simpler procedure for addressing small disputes.*

*Ms. Moermond said the Department of Public Works did try something different for these assessments and gave people the opportunity to do online dispute resolution at the time the bill was sent.*

*Council President Brendmoen moved to close the public hearing. Yeas - 6 Nays - 0*

*Council President Brendmoen moved to adopt Ms. Moermond's recommendation. She agreed there had to be an easier way to handle these disputes, and hoped that over time they could identify problems and iron out kinks. She encouraged Mr. Clem to contact her office for help navigating these new programs and new processes.*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

**94 RLH AR 19-118** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903A1, Assessment No. 190121)

*Eric Lein (366 Summit) said he had four properties in Wards 1 and 2 affected by the next two agenda items. He distributed written comments. He said he felt the entire*

*trash ordinance should have been suspended during the time pending the referendum, and didn't feel he and others should have been charged for that period. He said he could afford to pay for over-charges for unused trash carts and didn't have to be there but was speaking for little guy.*

*Council President Brendmoen moved to close the public hearing. Yeas - 6 Nays - 0*

*Council President Brendmoen thanked Mr. Lien for his persistent yet respectful advocacy. She said she wanted to push back and say she and her colleagues were all there for the little guy. She moved approval of the assessment roll.*

*Councilmember Prince asked Deputy City Attorney Rachel Tierney to address the issue of suspension of the ordinance pending referendum. Ms. Tierney said both the District Court and Minnesota Supreme Court considered whether the ordinance should be suspended, and both decided to let the ordinance continue in its operation pending the referendum.*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 95 RLH AR 19-119** Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903A2, Assessment No. 190122)

*(See minutes for item 94.) Council President Brendmoen moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

**LEGISLATIVE HEARING CONSENT AGENDA**

**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**

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

**Legislative Hearing Consent Agenda adopted as amended**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 22     **RLH TA 19-774**     Deleting the Appealed Special Tax Assessment for property at 1568 ARLINGTON AVENUE EAST. (File No. CG1903B4, Assessment No. 190128)  
**Adopted**
- 23     **RLH TA 19-771**     Ratifying the Appealed Special Tax Assessment for property at 984 ARMSTRONG AVE. (File No. CG1903B2, Assessment No. 190126)  
**Adopted**
- 24     **RLH TA 19-856**     Deleting the Appealed Special Tax Assessment for property at 468 AURORA AVENUE. (File No. CG1903E4, Assessment No. 190140)  
**Adopted**
- 25     **RLH TA 19-782**     Deleting the Appealed Special Tax Assessment for property at 165 AVON STREET NORTH (File No. CG1903A1, Assessment No. 190121)  
**Adopted**
- 27     **RLH TA 19-759**     Deleting the Appealed Special Tax Assessment for property at 2211 BENSON AVENUE. (File No. CG1903B2, Assessment No. 190126)  
**Adopted**
- 28     **RLH TA 19-766**     Ratifying the Appealed Special Tax Assessment for property at 1819 BERKELEY AVENUE. (File No. CG1903A4, Assessment No. 190124)  
**Adopted**
- 29     **RLH TA 19-757**     Deleting the Appealed Special Tax Assessment for property at 2137 BERKELEY AVENUE. (File No. CG1903A4, Assessment No. 190124)  
**Adopted**
- 30     **RLH TA 19-776**     Ratifying the Appealed Special Tax Assessment for property at 1079 BURGESS STREET. (File No. CG1903C4, Assessment No. 190132)  
**Adopted**
- 31     **RLH TA 19-836**     Deleting the Appealed Special Tax Assessment for property at 792 CARROLL AVENUE. (File No. CG1903E4, Assessment No. 190140)  
**Adopted**
- 32     **RLH TA 19-844**     Ratifying the Appealed Special Tax Assessment for property at 1159 CENTRAL AVENUE NORTH. (File No. CG1903E2, Assessment No. 190138)  
**Adopted**
- 33     **RLH TA 19-839**     Ratifying the Appealed Special Tax Assessment for property at 560 CHARLES AVENUE. (File No. CG1903E4, Assessment No. 190140)  
**Adopted**

- 34     **RLH TA 19-855**     Ratifying the Appealed Special Tax Assessment for property at 788 CHARLES AVENUE. (File No. CG1903E3, Assessment No. 190139)  
**Adopted**
- 35     **RLH TA 19-748**     Deleting the Appealed Special Tax Assessment for property at 1062 COLBY STREET. (File No. CG1903B3, Assessment No. 190127)  
**Adopted**
- 36     **RLH TA 19-834**     Deleting the Appealed Special Tax Assessment for property at 1434 COMO AVENUE. (File No. CG1903D1, Assessment No. 190133)  
**Adopted**
- 37     **RLH TA 19-765**     Deleting the Appealed Special Tax Assessment for property at 61 DELOS STREET WEST. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**
- 38     **RLH TA 19-806**     Ratifying the Appealed Special Tax Assessment for property at 679 DESOTO STREET. (File No. CG1903D4, Assessment No. 190136)  
**Adopted**
- 40     **RLH TA 19-705**     Ratifying the Appealed Special Tax Assessment for property at 889 EUCLID STREET. (File No. CG1902B4-1, Assessment No. 190142)  
**Adopted**
- 41     **RLH TA 19-788**     Ratifying the Appealed Special Tax Assessment for property at 889 EUCLID STREET (File No. CG1903E1, Assessment No. 190137)  
**Adopted**
- 42     **RLH TA 19-814**     Deleting the Appealed Special Tax Assessment for property at 1841 FAIRMOUNT AVENUE. (File No. CG1903A2, Assessment No. 190122)  
**Adopted**
- 43     **RLH TA 19-633**     Ratifying the Appealed Special Tax Assessment for property at 949 FOREST STREET. (File No. CG1902B1, Assessment No. 190105; amend to File No. CG1902B1-1, Assessment No. 190141) (Public hearing continued from September 11)  
**Adopted as amended (assessment reduced)**
- 44     **RLH TA 19-831**     Deleting the Appealed Special Tax Assessment for property at 805 FOURTH STREET EAST. (File No. CG1903D4, Assessment No. 190136)  
**Adopted**

- 45    **RLH TA 19-810**    Ratifying the Appealed Special Tax Assessment for property at 561 FRONT AVENUE. (File No. CG1903C3, Assessment No. 190131)  
**Adopted**
- 47    **RLH TA 19-749**    Ratifying the Appealed Special Tax Assessment for property at 434 GOODRICH AVENUE. (File No. CG1903A1, Assessment No. 190121)  
**Adopted**
- 48    **RLH TA 19-737**    Ratifying the Appealed Special Tax Assessment for property at 1562 GOODRICH AVENUE. (File No. CG1903A2, Assessment No. 190122)  
**Adopted**
- 49    **RLH TA 19-772**    Deleting the Appealed Special Tax Assessment for property at 1456 HARTFORD AVENUE. (File No. CG1903B1, Assessment No. 190125)  
**Adopted**
- 50    **RLH TA 19-832**    Ratifying the Appealed Special Tax Assessment for property at 37 HATCH AVENUE WEST. (File No. CG1903D3, Assessment No. 190135)  
**Adopted**
- 51    **RLH TA 19-811**    Ratifying the Appealed Special Tax Assessment for property at 2071 HAWTHORNE AVENUE EAST. (File No. CG1903C2, Assessment No. 190130)  
**Adopted**
- 52    **RLH TA 19-842**    Deleting the Appealed Special Tax Assessment for property at 695 HAZEL STREET NORTH. (File No. CG1903E3, Assessment No. 190139)  
**Adopted**
- 53    **RLH TA 19-802**    Ratifying the Appealed Special Tax Assessment for property at 2124 HIGHWOOD AVENUE. (File No. CG1903B2, Assessment No. 190126)  
**Adopted**
- 54    **RLH TA 19-741**    Ratifying the Appealed Special Tax Assessment for property at 640 HOLLY AVENUE. (File No. CG1903A1, Assessment No. 190121)  
**Adopted**
- 55    **RLH TA 19-826**    Ratifying the Appealed Special Tax Assessment for property at 2008 IVY AVENUE EAST. (File No. CG1903C1, Assessment No. 190129)  
**Adopted**

- 56     **RLH TA 19-632**     Ratifying the Appealed Special Tax Assessment for property at 2015 IVY AVENUE EAST. (File No. CG1902B1, Assessment No. 190105) (Public hearing continued from September 11)  
**Adopted as amended (assessment ratified)**
- 57     **RLH TA 19-679**     Ratifying the Appealed Special Tax Assessment for property at 842 LAFOND AVENUE. (File No. CG1903E3, Assessment No. 190139)  
**Adopted**
- 58     **RLH TA 19-744**     Deleting the Appealed Special Tax Assessment for property at 923 LINCOLN AVENUE. (File No. CG1903A2, Assessment No. 190122)  
**Adopted**
- 59     **RLH TA 19-680**     Ratifying the Appealed Special Tax Assessment for property at 442 LIVINGSTON AVENUE. (File No. CG1903A4, Assessment No. 190124)  
**Adopted**
- 60     **RLH TA 19-764**     Ratifying the Appealed Special Tax Assessment for property at 395 MCKNIGHT ROAD SOUTH. (File No. CG1903B1, Assessment No. 190125)  
**Adopted**
- 61     **RLH TA 19-829**     Ratifying the Appealed Special Tax Assessment for property at 559 MCKNIGHT ROAD SOUTH. (File No. CG1903B1, Assessment No. 190125) (To be referred back to Legislative Hearing on January 16, 2020; City Council public hearing to be continued to March 11, 2020)  
**Referred to Legislative Hearings on January 16, 2020; Council public hearing continued to March 11, 2020**
- 62     **RLH TA 19-812**     Ratifying the Appealed Special Tax Assessment for property at 240 MILFORD STREET. (File No. CG1903C3, Assessment No. 190131)  
**Adopted**
- 63     **RLH TA 19-854**     Deleting the Appealed Special Tax Assessment for property at 754 MINNEHAHA AVENUE WEST. (File No. CG1903E3, Assessment No. 190139)  
**Adopted**
- 64     **RLH TA 19-763**     Deleting the Appealed Special Tax Assessment for property at 158 MORTON STREET WEST. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**

- 65    **RLH TA 19-743**    Deleting the Appealed Special Tax Assessment for property at 245 MORTON STREET WEST. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**
- 66    **RLH TA 19-801**    Ratifying the Appealed Special Tax Assessment for property at 2067 ORANGE AVENUE EAST. (File No. CG1903C1, Assessment No. 190129)  
**Adopted**
- 67    **RLH TA 19-760**    Deleting the Appealed Special Tax Assessment for property at 1370 OSCEOLA AVENUE. (File No. CG1903A2, Assessment No. 190122)  
**Adopted**
- 68    **RLH TA 19-777**    Deleting the Appealed Special Tax Assessment for property at 2185 PRINCETON AVENUE. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**
- 69    **RLH TA 19-747**    Deleting the Appealed Special Tax Assessment for property at 58 PROSPECT BOULEVARD. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**
- 70    **RLH TA 19-762**    Deleting the Appealed Special Tax Assessment for property at 82 PROSPECT BOULEVARD. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**
- 71    **RLH TA 19-616**    Ratifying the Appealed Special Tax Assessment for property at 1242 RANDOLPH AVENUE. (File No. CG1902D1, Assessment No. 190113)  
**Adopted as amended (assessment ratified)**
- 72    **RLH FCO  
19-101**    Appeal of Michelle & Joel Lemanski to a Fire Inspection Correction Notice at 1279 RANDOLPH AVENUE.  
**Adopted**
- 73    **RLH TA 19-786**    Ratifying the Appealed Special Tax Assessment for property at 197 ROBIE STREET WEST. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**
- 74    **RLH TA 19-785**    Ratifying the Appealed Special Tax Assessment for property at 1656 SAINT CLAIR AVENUE. (File No. CG1903A4, Assessment No. 190124)  
**Adopted**

- 75     **RLH TA 19-746**     Ratifying the Appealed Special Tax Assessment for property at 1768 SAINT CLAIR AVENUE. (File No. CG1903A4, Assessment No. 190124)  
**Adopted**
- 76     **RLH TA 19-740**     Deleting the Appealed Special Tax Assessment for property at 2189 SARGENT AVENUE. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**
- 77     **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)  
**Referred to Legislative Hearings on January 14, 2020**
- 78     **RLH TA 19-838**     Ratifying the Appealed Special Tax Assessment for property at 558 SHERBURNE AVENUE. (File No. CG1903E4, Assessment No. 190140)  
**Adopted**
- 79     **RLH TA 19-804**     Deleting the Appealed Special Tax Assessment for property at 1839 SHERWOOD AVENUE. (File No. CG1903C1, Assessment No. 190129)  
**Adopted**
- 80     **RLH TA 19-861**     Ratifying the Appealed Special Tax Assessment for property at 649 SIMON AVENUE (File No. CG1903C4, Assessment No. 190132)  
**Adopted**
- 81     **RLH TA 19-867**     Deleting the Appealed Special Tax Assessment for property at 736 SIMS AVENUE (File No. CG1903D3, Assessment No. 190135)  
**Adopted**
- 82     **RLH TA 19-758**     Deleting the Appealed Special Tax Assessment for property at 837 SMITH AVENUE SOUTH. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**
- 83     **RLH TA 19-667**     Ratifying the Appealed Special Tax Assessment for property at 2182 STANFORD AVENUE. (File No. CG1902D1-1, Assessment No. 190143)  
**Adopted**
- 84     **RLH TA 19-784**     Deleting the Appealed Special Tax Assessment for property at 185 STEVENS STREET WEST. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**

- 85     **RLH TA 19-780**     Deleting the Appealed Special Tax Assessment for property at 761 STRYKER AVENUE. (File No. CG1903A3, Assessment No. 190123)  
**Adopted**
- 86     **RLH TA 19-864**     Deleting the Appealed Special Tax Assessment for property at 573 SUMMIT AVENUE (File No. CG1903E4, Assessment No. 190140)  
**Adopted**
- 87     **RLH TA 19-868**     Amending the previously ratified assessment to reduce the assessment for Boarding and/or Securing services during June 2018 at 1981 THIRD STREET EAST. (File No. J1901B, Assessment No. 198100)  
**Adopted**
- 88     **RLH TA 19-827**     Ratifying the Appealed Special Tax Assessment for property at 1036 TOPPING ST. (File No. CG1903C4, Assessment No. 190132)  
**Adopted**
- 89     **RLH TA 19-745**     Ratifying the Appealed Special Tax Assessment for property at 1480 UPPER AFTON ROAD. (File No. CG1903A2, Assessment No. 190122)  
**Adopted**
- 90     **RLH TA 19-853**     Ratifying the Appealed Special Tax Assessment for property at 1374 VAN BUREN AVENUE (File No. CG1903E2, Assessment No. 190138)  
**Adopted**
- 92     **RLH TA 19-779**     Ratifying the Appealed Special Tax Assessment for property at 225 WESTERN AVENUE NORTH. (File No. CG1903A1, Assessment No. 190121)  
**Adopted**
- 93     **RLH TA 19-835**     Deleting the Appealed Special Tax Assessment for property at 908 YORK AVENUE. (File No. CG1903D2, Assessment No. 190134)  
**Adopted**
- 96     **RLH AR 19-120**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903A3, Assessment No. 190123)  
**Adopted as amended (25 Delos Street West removed from the assessment roll for separate consideration)**
- 97     **RLH AR 19-121**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903A4, Assessment No. 190124)  
**Adopted**

- 98     **RLH AR 19-122**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903B1, Assessment No. 190125)  
**Adopted**
- 99     **RLH AR 19-123**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903B2, Assessment No. 190126)  
**Adopted**
- 100    **RLH AR 19-124**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903B3, Assessment No. 190127)  
**Adopted**
- 101    **RLH AR 19-125**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903B4, Assessment No. 190128)  
**Adopted as amended (1252 Earl Street removed from the assessment roll for separate consideration)**
- 102    **RLH AR 19-128**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903C1, Assessment No. 190129)  
**Adopted**
- 103    **RLH AR 19-129**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903C2, Assessment No. 190130)  
**Adopted**
- 104    **RLH AR 19-130**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903C3, Assessment No. 190131)  
**Adopted**
- 105    **RLH AR 19-131**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903C4, Assessment No. 190132)  
**Adopted**
- 106    **RLH AR 19-132**     Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903D1, Assessment No. 190133)  
**Adopted**

- 107    **RLH AR 19-133**    Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903D2, Assessment No. 190134)  
**Adopted**
- 108    **RLH AR 19-134**    Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903D3, Assessment No. 190135)  
**Adopted**
- 109    **RLH AR 19-135**    Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903D4, Assessment No. 190136)  
**Adopted**
- 110    **RLH AR 19-136**    Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903E1, Assessment No. 190137)  
**Adopted**
- 111    **RLH AR 19-137**    Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903E2, Assessment No. 190138)  
**Adopted as amended (2054 Fourth Street East removed from the assessment roll for separate consideration)**
- 112    **RLH AR 19-138**    Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903E3, Assessment No. 190139)  
**Adopted**
- 113    **RLH AR 19-139**    Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2019. (File No. CG1903E4, Assessment No. 190140)  
**Adopted**

*Council members shared news about events in their wards.*

**ADJOURNMENT**

*Council President Brendmoen adjourned the meeting.*

**Meeting adjourned at 5:24 p.m.**

### **Council Meeting Information**

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