

City of Saint Paul

City Hall and Court House 15 West Kellogg Boulevard Council Chambers - 3rd Floor 651-266-8560

Minutes - Final

City Council

Council President Russ Stark
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert

Wednesday, November 1, 2017

3:30 PM

Council Chambers - 3rd Floor

Budget Amendment Public Hearings at 3:30 p.m. Public Hearings at 5:30 p.m.

ROLL CALL

The meeting was called to order at 3:32 p.m.

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen,
Councilmember Dai Thao, Councilmember Russ Stark, Councilmember
Rebecca Noecker and Councilmember Jane L. Prince

Absent 1 - Councilmember Chris Tolbert

COMMUNICATIONS & RECEIVE/FILE

1 CO 17-58

Letters from the Department of Safety and Inspections declaring 1060
Avon Street North and 380 York Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and Filed

Authorizing the Department of Parks and Recreation to reallocate a total of \$161,375 within its various accounting units in the 2017 adopted budget, thereby adjusting the budget to most accurately reflect the projected actual spending in each accounting unit, while also providing the appropriate levels of spending authority.

Received and Filed

3 AO 17-81 Amending Activities Budgets to include the 2017 CDBG Federal Grant.

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

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Tolbert

4 RES 17-1681

Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during June 22 to July 21, 2017, and setting date of Legislative Hearing for December 5, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. J1803E, Assessment No. 188302)

Adopted

S RES 17-1682

Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during January 4 to July 21, 2017, and setting date of Legislative Hearing for December 5, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. VB1803, Assessment No. 188802)

Adopted

6 RES 17-1683

Approving the City's cost of providing Graffiti Removal during August 8 to September 22, 2017, and setting date of Legislative Hearing for December 5, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. J1802P, Assessment No. 188401)

Adopted

7 RES 17-1685

Approving the City's cost of providing Property Clean Up during September 1 to 29, 2017, and setting date of Legislative Hearing for December 5, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. J1804A, Assessment No. 188503)

Adopted

8	RES 17-1686	Approving the City's cost of providing Trash Hauling during September 1 to 28, 2017, and setting date of Legislative Hearing for December 5, 2017 and City Council public hearing for January 17, 2018 to consider and levy the assessments against individual properties. (File No. J1804G, Assessment No. 188703)
		Adopted
10	RES 17-1723	Authorizing the Department of Parks and Recreation to solicit and accept donations for the 2018 Citywide Spring Cleanup event.
		Adopted
11	RES 17-1725	Authorizing the Department of Parks and Recreation to apply for funding for environmental education programs and engagement with under-represented groups in regional parks and, if successful, enter into an agreement providing indemnification for Capitol Region Watershed District.
		Adopted
12	RES 17-1730	Approving a waiver of the 45-day notification waiting period in to approve a Wine On Sale and Malt On Sale (Strong) license with conditions to Krungthep Thai, LLC, d/b/a Krungthep Thai Restaurant Fusion & Grill (License ID #20170003477) at 1141 Rice Street.
		Adopted

Adopted

FOR DISCUSSION

RLH OA 17-21

13

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

Making recommendation to Ramsey County on the application of

Michele Keller for repurchase of tax forfeited property at 1300

ALBEMARLE STREET.

9 RES 17-1661

Amending City of Saint Paul Civil Service Rules: Rule 2 - Definitions; Rule 5D - Residence; Rule 7 - Eligible Lists; Rule 8 - Filling Vacancies, 8.A.1, 8.A.2, 8.A.3, 8.A.4, 8.B.1, 8.B.1.a, 8.C; Rule 9 - Reporting for or Waiving Employment; Rule 10 - Probation, 10.E; and Rule 14 - Promotion Requirements.

Councilmember Prince said she will vote against this. This is codifying something that should be limited to the civil service rules.

Council President Stark moved approval. 6 in favor, one opposed (Prince) Resolution is adopted

Adopted

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

Nay: 1 - Councilmember Prince

SUSPENSION ITEM

Rules are suspended

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

Nay: 0

RES 17-1757

Honoring Russell Klein and Desta Maree Klein on the 10th Anniversary of the opening of Meritage.

Adopted

Yea: 7 -

Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

ORDINANCES

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

Final Adoption

14 Ord 17-28

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

Adopted

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

Nay: 1 - Councilmember Bostrom

First Reading

15 Ord 17-55

Granting the application of Twin City Concrete Products Co. to rezone property at 1477-1485 Minnehaha Avenue East from VP Vehicular Parking to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to November 8 for second reading

16 Ord 17-56

Granting the application of Michael Mohrlant to rezone the property at 550 Smith Avenue South from RM2 multiple family to B2 community business, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to November 8 for second reading

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

17 RES PH 17-281

Accepting a grant from AARP in the amount of \$20,000 for the purpose of improving pedestrian safety along Marion Street between St. Anthony Avenue and University Avenue, and amending the financing and spending plans in the Department of Public Works capital budget.

Councilmember Brendmoen said this is already installed. It is a wonderful improvement.

Adopted

Yea:

 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

18 RES PH 17-309

Authorizing the acceptance of \$25,000 in United States Department of the Interior Certified Local Government Grant funds from the Minnesota Historical Society to complete a Cultural Resources Reconnaissance Survey of the Hamline-Midway Neighborhood, and amending the 2017 budget.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember

Noecker and Councilmember Prince

Nay: 0

19 RES PH 17-311 Amending the 2017 River Print budget to provide additional spending and financing for new billing and ordering software.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember

Noecker and Councilmember Prince

Nay: 0

PUBLIC HEARINGS (Public hearings will begin at 5:30 p.m.)

20 Ord 17-51 Amending Chapter 198 of the Legislative Code pertaining to the keeping of chickens.

(See notes on Item 22)

Public hearing continued to November 8 at 3:30 p.m.

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

Nay: 0

21 Ord 17-52 Amending Chapter 357 of the Legislative Code to allow composting of fowl fecal waste or fowl litter.

(See notes on Item 22)

Brendmoen moved a one week layover.

7 in favor, none opposed

Public Hearing is continued to November 8 at 3:30

Public hearing continued to November 8 at 3:30 p.m.

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

Nay: 0

22 Ord 17-53

Amending Chapter 310 of the Legislative Code to add permit fees for Tier 1 Permits and Tier 2 Permits relating to the keeping of chickens.

Items 20, 21, 22

Councilmember Brendmoen stated her intention is to hold over public hearings for a week. Food Commission wanted an opportunity to look at this.

Travis Bistodeau, Deputy Director for Department of Safety and Inspections, gave a staff report. These were drafted at the request of Councilmember Brendmoen. The proposed ordinance would have 3 significant impacts. Treats a tiered structure. He explained. Large flocks would still be required to meet the requirements. Limits the ordinance to 15 chickens. Also, allows them to compost to be used by property owners only. DSI is supportive of these amendments.

Tolbert said he likes that there is a cap amount. This takes away signoff from neighbors. What is the justification for that?

Bistodeau said in their experience is that they get few complaints from owners and applicants of small flocks. Chickens don't generate a lot of complaints. It is similar to Minneapolis.

Councilmember Tolbert said there is a good reason to have neighbors sign off. Brendmoen said 6 and under is what Minneapolis has updated and also more of a threshold when there are problems with more than 6 chickens. With 6 or more, there are issues with noise, maintenance, chickens getting loose and smell.

Councilmember Bostrom said if I want 5 or 6 chickens, people next door have no say. If someone cannot get their next door neighbors to sign off, this is a problem. He has an amendment, they must notify and obtain written consent and applicants must provide proof of notification and consent. That is a courtesy that we extend to neighbors. "Or" is taken out.

Brendmoen moved that motion. She said she would like that information for a dog, too. Said the amendment should be open before voting on the amendment.

Council President Stark said it is not obvious that chickens are less than dogs. It may be true. We don't require a special permit for up to 3 dogs. That is an important point.

Councilmember Prince said the issue of consent, it has come to her attention, that a lot of her ward—Highwood Hills—their property backs up to public land. It is hard to get consent. On the consent part of it, if you are backed up to a public park, you don't need to get consent. Is there an exception like that?

Tolbert said he does not know what the right consent is. It would make sense to add an ability for people to appeal. We do live in the City. There is farmland in a 15 minute drive. Some of this stuff is bringing farming in the City. I go back and forth on this stuff. Consent is important. A fair consent would be good.

Thao said she has some good recipes for chicken. It would be helpful to hear from both sides. Both have their merits. We are extending the public hearing. In opposition:

(no one in opposition)

In support:

Audrey Matson, 1654 Englewood Avenue, lived there for 20 years. (Read letter that she sent to Council) They are backyard chicken keepers. They have a chicken keeping business. Chickens are pets with benefits. Chickens are no noisier than other pets. They have personally had more than 5. Four chickens provide plenty of eggs for a family.

(No one else in support)

Brendmoen recognized egg business and said it is more than chickens. They have cheese making, plant sampling. This is something that people want and have. Ed Jirak, 390 Goodrich Avenue. He has had 5 to 8 chickens for six years now. He would like to add that all his neighbors like that he has chickens. He gives them eggs

which keeps the peace. He keeps it clean. He does not get complaints. Everyone likes the idea.

Bostrom reiterated his amendment. It is really a courtesy to the people who live next door. It is unfair to not be courteous enough. The amendment is before them. Brendmoen is open to making changes. This is just streamlining the process. We have more time and there is a better way to communicate what he is trying to accomplish. She would speak against it.

Counhcilmember Noecker said she would prefer to have a week to think about it. She would vote no for today.

Bostrom said he will withdraw it for now. It is an issue of courtesy for the neighbors. It is important to consider the people next door.

Brendmoen moved to continue for one week.

7 in favor, none opposed

Public hearing is continued to November 8 at 3:30

Public hearing continued to November 8 at 3:30 p.m.

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

Nay: 0

23 RES PH 17-310

Approving the application of Anderson Race Management for a sound level variance in order to present announcements and music on Sunday, November 5, 2017 for the Chocoholic Frolic 5K/10K Run and Walk at Harriet Island.

(No one wished to speak.)

Councilmember Noecker moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember

Noecker and Councilmember Prince

Nay: 0

24 APC 17-1

Public hearing to consider the appeal of the Dayton's Bluff Community Council to a decision of the Planning Commission approving a change of nonconforming use from bar to tobacco shop at 937-3rd Street East. (Public hearing held November 1)

Bill Dermody, Planning and Economic Development, is here for a staff report. This is about 937 Third Street East. He showed a photo. The subject site in the photo is the Beehive Bar. For a tobacco shop, 90% of gross revenue comes from tobacco sales. Tobacco shop use would replace the bar use. Beehive Bar has been there for over a century. You can change from one legally nonconforming use to another nonconforming use if you get approval from the Planning Commission. They said the requirements have been met. Dayton's Bluff appealed after the Planning Commission meeting. The findings most at issue are 2a and 2c. The proposed use is appropriate to the neighborhood. Tobacco shops are separated by a certain distance in the zoning code. The Planning Commission approved this use.

Councilmember Bostrom asked about the use. Dermody responded if this was zoned T2, it could go in without permission.

The following spoke in support of the appeal: Quintin Koger Kidd, 1064 Pacific Street; Deanna Abbott-Foster, 804 Margaret Street.

(No one else wanted to be heard in support.)

The following spoke in opposition:

Brian Sherrick, 1837 Third Street, son-in-law of owner, Beehive Bar

Councilmember Prince asked did he consider meeting with the community council. Mahmoud said he has no idea where they work.

(No one else wanted to be heard.)

Prince moved to close the public hearing and the motion carried.

Prince said there is an opportunity based on Foster's testimony and to lay over to have Mahmoud meet with the community council and talk to them about his plans. With District 4 there is an additional benefit. He would like to give the 2 sides the opportunity to meet. She would like to lay this over to December 6.

Council President Stark asked is that in the time clock. Dermody responded that September 23 is the deadline to take action.

Councilmember Noecker said she will support it. There is not enough justification that there are errors made by the Planning Commission. While she is sympathetic to the community claims, that would apply to any neighborhood and any tobacco stores.

Councilmember Thao said he will speak in favor of the motion to ensure each other's values are heard.

7 in favor none opposed Item is laid over to December 6 at 3:30

Public hearing closed; laid over to December 6

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

Nay: 0

25 RES PH 17-294

Establishing the Water Charges for 2018. (Public hearing held November 1)

(No one wanted to be heard.)

Councilmember Noecker moved to close the public hearing and lay over to December 13

7 in favor, none opposed

Public hearing is closed and resolution is laid over to December 13

Public hearing closed, laid over to December 13

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember

Noecker and Councilmember Prince

Nay: 0

26 RES PH 17-298

Setting the recycling service fee for 2018, and authorizing Public Works to request \$745,493 in SCORE grant funds from Ramsey County to support the curbside recycling program. (Public hearing held November 1)

(No one wanted to be heard.)

Councilmember Tolbert moved to lay over to December 13

7 in favor, none opposed

Public hearing is closed and resolution is laid over to December 13

Pubilc hearing closed; laid over to December 13

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember

Noecker and Councilmember Prince

Nay: 0

27 RES PH 17-312

Setting the 2018 Sanitary Sewer and Storm Sewer rates. (Public hearing held November 1)

(No one wanted to be heard.)

Councilmember Thao moved to close the public hearing and lay over.

7 in favor, none opposed

Public hearing is closed and resolution is laid over to December 13

Public hearing closed; laid over to December 13

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember

Noecker and Councilmember Prince

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

37 <u>RLH FCO</u> 17-169

Appeal of Brett Ripley to a Correction Notice-Reinspection Complaint at 1685 TAYLOR AVENUE. (Public hearing held November 1)

Marcia Moermond, Legislative Hearing Officer, said this is an appeal of an enforcement action for zoning purposes. The building was constructed as a fourplex. The previous owner used it as a threeplex and owner occupied two of the units as one and sold it to the current owner who was one of the leases of the building. It was used as a fourplex in the R4 District and downzoned as a threeplex. It is built as a fourplex. The owner would like to use it that way. He has been using it as an Airbnb and parents in town, etc. He appealed to the Board of Zoning Appeals and was denied. This led to the enforcement action which is to stop the illegal occupancy of the fourth unit, remove the kitchen, and the sleeping/living materials from that unit. Because of the intermittent occupancy, her recommendation is for denial of the appeal.

Brett Ripley, 1679 Hubbard Avenue, said he and his wife live in the Midway with two boys. As he was waiting for the Legislative Hearing, he looked at the Star Tribune and there was a cover story about affordable housing. It is a big deal in the Twin Cities. His is a nice, safe apartment. It has been inspected several times. It is up to code. Despite all those things, they house the family when they come into town. He works in software and cannot open up the laptop and use it as an office space. He tried to apply for the re-establishment of a nonconforming use. Even though there is an opportunity to add affordable apartments to Saint Paul, allow them to make end meets, and add tax revenue, it was denied. The way the zoning laws are laid out, and the re-establishment of nonconforming use, the way it is written, is getting in the way of affordable housing in the Twin Cities. It stifles affordable housing. It is difficult for small time landlords who do not have time to work themselves through the bureaucracy. They run the risk of people scoflawing at the law. It is hard to see the rationality of things like this. It seems like people try to do it the right way and they are paying for it right now. They should look at the application for establishment and re-establishment for nonconforming use.

There is a motion to close the public hearing and motion carried.

Council President Stark said from the technical effort, the orders are appropriate. Ripley makes a lot of good points about whether they are getting the outcomes they want. Stark wonders about the required removal of the kitchen. Moermond responded going to the Board of Zoning Appeals is the first stop. Whatever they say is appealable to the Council. Enforcement-wise, a decision was made that this is not a legal fourplex. It is a threeplex. It requires the removal of the kitchen because it is a repeat problem and continued to be used as a fourplex. That is why they require removal of the kitchen, sleeping materials, etc. It sounds like the appeal was a couple of years ago.

Councilmember Prince asked can he get a variance on that. If it is just a block outside, it is a potential variance.

Stark moved a 5 week layover to get some time to talk through other options. He does not know if there was neighborhood opposition. His guess is that there was not. There might even be some support. The outcome seems absurd. He is wondering if there is a different way to support this. Noecker concurs. Another constituent said that the density requirement and fire certiciate of occupancy issues may be from an earlier era. Some of these rules may be unrepresenting housing.

Stark moved to lay over for 5 weeks

Motion carried

7 in favor, none opposed

Resolution is laid over to December 6 at 3:30

Public hearing closed; laid over to December 6

Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

36 **RLH SAO 17-85**

Appeal of Mike Seeber to a Notice to Cut Tall Grass and/or Weeds at 1011 SELBY AVENUE.

Marcia Moermond, Legislative Hearing Officer, is asking for an amendment to be made. She originally recommended a deadline of October 23. That does not make sense anymore. She would like an amendment to November 6.

Adopted as amended (deadline of November 6)

Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

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 wished to be heard.)

Councilmember Thao moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and Legislative Hearing Consent Agenda is adopted as

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

RLH SAO 17-88 28

Appeal of Frankie Adams to a Vehicle Abatement Order at 898 ALBEMARLE STREET.

Adopted

29	RLH FCO 17-164	Appeal of Greg Ryan to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 505 AVON STREET NORTH. Adopted
30	RLH FCO 17-170	Appeal of Francis W. Crowley to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2001 BREWSTER STREET. Adopted
31	RLH VO 17-46	Appeal of Ronda Isakson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 581 COMO AVENUE. Adopted
32	RLH CO 17-34	Appeal of Eric Eddy to a Fire Certificate of Occupancy Correction Order at 838 EDMUND AVENUE. Adopted
33	RLH CO 17-36	Appeal of Paula M. Schilling to a Correction Notice at 824 FREMONT AVENUE EAST. Adopted
34	RLH VBR 17-66	Appeal of Margaret Bierbach, Magwood Properties, to a Vacant Building Registration and Revocation of Fire Certificate of Occupancy and Order to Vacate at 934 HAWTHORNE AVENUE. Adopted
35	RLH SAO 17-87	Appeal of Frankie Adams to a Summary Abatement Order and Vehicle Abatement Order at 917 RICE STREET. Adopted
38	RLH VO 17-43	Appeal of Eric Eddy, E & K Real Estate Investments, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 658-660 THOMAS AVENUE. Adopted
	ADJOURNMENT	The meeting was adjacened at 6220 p.m. (see meeting was de)

The meeting was adjourned at 6:38 p.m. (no motion made)

Yea: 0

Nay: 0

Council Meeting Information

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