



# 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 Amy Brendmoen*  
*Councilmember Dan Bostrom*  
*Councilmember Samantha Henningson*  
*Councilmember Rebecca Noecker*  
*Councilmember Jane L. Prince*  
*Councilmember Dai Thao*  
*Councilmember Chris Tolbert*

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Wednesday, April 18, 2018

3:30 PM

Council Chambers - 3rd Floor

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### Budget Amendment Public Hearings and Legislative Hearing Items at 3:30 p.m. Public Hearings at 5:30 p.m.

#### ROLL CALL

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

#### **Councilmember Thao excused**

**Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen,  
Councilmember Chris Tolbert, Councilmember Rebecca Noecker,  
Councilmember Jane L. Prince and Councilmember Samantha Henningson

**Absent** 1 - Councilmember Dai Thao

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 18-22](#) Letters from the Department of Safety and Inspections declaring 302-304 Como Avenue, 929 Conway Street, and 955 Woodbridge Street as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

**Received and filed**

**CONSENT AGENDA**

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

**Approval of the Consent Agenda (Items 2 - 10)**

*Item 8 was removed from the Consent Agenda for separate consideration.*

*Councilmember Henningson moved approval of the Consent Agenda as amended.*

**Consent Agenda adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 2**     [Min 18-12](#)     Approving the minutes of the January, February, and March 2018 City Council meetings.  
**Adopted**
- 3**     [RES 18-606](#)     Approving the City's cost of providing Property Clean Up services during January 26 to February 28, 2018, and setting date of Legislative Hearing for May 15, 2018 and City Council public hearing for June 27, 2018 to consider and levy the assessments against individual properties. (File No. J1810A, Assessment No. 188519)  
**Adopted**
- 4**     [RES 18-613](#)     Approving the Collective Bargaining Agreement (January 1, 2018 - December 31, 2020) and Memorandums of Agreement (2018 - 2020) between the City of Saint Paul and the Tri-Council: LIUNA City Employees, Local 363; Teamsters General Drivers, Local 120; and Operating Engineers, Local 49.  
**Laid over to April 25 for adoption**
- 5**     [RES 18-618](#)     Approving the Labor Agreement (January 1, 2018 - December 31, 2020) between the City of Saint Paul and District Lodge No. 77, International Association of Machinists and Aerospace Workers AFL-CIO.  
**Laid over to April 25 for adoption**

- 6     [RES 18-632](#)     Approving the Memorandum of Agreement for the 2018 Wage and Fringe Adjustment between the City of Saint Paul and the Operative Plasterers and Cement Masons International Association, Local 633.  
**Laid over to April 25 for adoption**
- 7     [RES 18-499](#)     Authorizing the Department of Planning and Economic Development to reimburse recipients of 2018 Innovation Fund grants for expenses related to providing refreshments and entertainment for community events.  
**Adopted**
- 9     [RES 18-631](#)     Approving the final plat for Hummingbird Hill Addition at 561 Burlington Road, southwest corner at Upland.  
**Adopted**
- 10    [RES 18-561](#)     Authorizing the Police Department to enter into an agreement with the Saint Paul Public Housing Agency for the "A Community Outreach Program" (ACOP).  
**Adopted**

**FOR DISCUSSION**

- 8     [RES 18-592](#)     Approving and allocating the 2018 funding recommendations for capital project investments from the annual sales tax revenue Pay-Go Economic Development Fund budgeted to the Commercial Vitality Zone Program in the amount of \$750,000.  
  
*Council President Brendmoen spoke briefly about each project; she moved approval of the resolution.*  
**Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
- Nay:** 0
- Absent:** 1 - Councilmember Thao

- 11     [RES 18-636](#)     Providing for the issuance of and accepting a proposal on the sale of General Obligation Street Improvement Special Assessment Refunding Bonds, Series 2018B; fixing the form and specifications of the Series 2018B Bonds; providing for the issuance of the Series 2018B Bonds; and levying a tax for the payment of the Series 2018B Bonds.

*Michael Solomon, Office of Financial Services (OFS), gave a staff report on the results of the bond sale. He thanked OFS staff and the consultants from Springsted, and Barnes and Thornburg. Councilmember Tolbert highlighted the importance of the continued AAA bond rating. Councilmember Prince confirmed that the negative outlook from Fitch was related to a State issue and was being addressed. Mr. Solomon said that was correct. Council President Brendmoen added her appreciation.*

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 12     [RES 18-635](#)     Awarding the sale of General Obligation Various Purpose Bonds, Series 2018A; fixing the form and specifications of the Series 2018A Bonds; directing the execution and delivery of the Series 2018A Bonds; and levying a tax for the Series 2018A Bonds.

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 13     [RES 18-637](#)     Awarding the sale of General Obligation Tax Increment Refunding Bonds, Series 2018C; fixing the form and terms of the Series 2018C Bonds and directing their execution and delivery; and pledging Tax Increments and certain Parking Revenues for the payment thereof.

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

**Adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**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.**

**No items**

**BUDGET AMENDMENT PUBLIC HEARINGS (3:30 p.m.)**

**No items**

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

- 23 [RLH TA 18-93](#) Ratifying the Appealed Special Tax Assessment for property at 908 JEFFERSON AVENUE. (File No. J1806A, Assessment No. 188506) (Amend to File No. J1806A2, Assessment No. 188527)

*Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of an assessment for a property clean-up. She said the two themes in legislative hearings were whether the items in and of themselves constituted a nuisance, and the administrative search warrant used to access the property, specifically concerns around due process. She said she had consulted extensively with the City Attorney's Office on the issue. She said nuisance abatement orders were appealable and that information was included in a paragraph within each of the orders, and that was the mechanism used to discuss exactly these kinds of things. She reviewed the summary abatement list and compliance date of October 12, and highlighted the information regarding the appeals process included on the notice.*

*Council President Brendmoen asked Ms. Moermond to confirm that the issue before the Council was the abatement and not the search warrant. Ms. Moermond said the issue before the Council was the cost of the abatement; she said the search warrant was not in front of the Council at all. She said the search warrant was the tool used by the Department of Safety and Inspections (DSI) to perform the nuisance abatement and gain access to the property. She said the question of whether the work should have been done - the venue to discuss that was when the summary abatement order was issued. She said the appellant had experience with previous summary abatement orders so this was not a new kind of an issue. She said the Council had approved an assessment for a clean-up in excess of \$5000 earlier in the year. She displayed photographs taken on November 2. She said staff described what they believed to be a scrapping operation, but that wasn't the question before the Council. A video was played of the clean-up performed by the City. Ms. Moermond said the cost of the clean-up was \$3584, including an administrative service charge. She noted that the City was paid for the scrap material brought into the yard, and that amount was deleted by Parks prior to processing as an assessment. She said in the legislative hearing she had offered to recommend to Council that the assessment be made payable over five years, and the offer was declined.*

*Council President Brendmoen said the video showed there was City property in the yard; she asked how that was inventoried. Ms. Moermond said she could find out. Council President Brendmoen noted that police were present during the cleanup; she asked whether items were inventoried against items reported missing from people's garages. She asked what was done with all of the snow blowers. Ms. Moermond said could follow up with Parks about how they processed those. She said police were present because it was a search warrant being executed. Council President Brendmoen said she wasn't making any accusations of stealing but wondered how the City reconnected people with their property.*

*Councilmember Noecker noted that the date of the orders was October 5, the compliance deadline was October 12, the re-check was October 25, and the clean-up was conducted on November 30. She asked Ms. Moermond to walk through how much time was actually given for compliance. Ms. Moermond said there was a lag time between the compliance deadline and the recheck date, and she thought that had to do with logistical difficulties getting to do the recheck, physically, at the property, and the clean-up work had to do with City staff and the court system processing the warrant. Councilmember Noecker said the property owner had a month and a half to do the work. Ms. Moermond said if the work had been done prior to the City coming to the*

site, there would have been an excessive consumption charge but not the cost of the entire clean-up.

Council President Brendmoen said the property owner would have 5 minutes to testify; she asked that he stay focused on the abatement order and not talk about the search warrant.

*In opposition:*

The appellant introduced himself as "a man," and said he addressed the Council as men and women. He said he operated on a stricter code than the City, and that was common law in which you produce no harm to any man. He said he objected to any talk about stolen or City property being on his property. In response to a request from Council President Brendmoen he said his name was Christopher Conner. He referred to the summary abatement order dated October 5 and said the STAMP activity detail number on the letter didn't match the number on the work performed. He held up a paper and said it was not filed correctly and didn't have electronically stamped dates; he said the paperwork for the warrants was handed in to manipulate the date. He said this was an occupancy issue and an abatement all wrapped up into one, and the occupancy issue never had its own activity number. He cited separate Minnesota Supreme Court cases dealing with inspectors accessing someone's home and the process for obtaining a warrant, and with curtilage. He said the fence around 908 Jefferson was curtilage and treated just like the home.

Council President Brendmoen reminded Mr. Conner that time was still running, and she wanted to make sure he had time to talk about the abatement order.

Mr. Conner said this all had everything to do with the abatement - the illegal search of the property. He said the State of Minnesota provided greater protection than the federal constitution due to a semi-colon instead of a comma after the word "violated." He said the federal courts would respect the curtilage of the home, so the Minnesota should even more so respect it. He said the photos taken on November 2 were taken illegally within the curtilage of the property without a search warrant. He said his time was up and he hoped the Council had received the emails and videos he'd sent. He said the videos showed that they had torn down his fence and basically entered his home. Council President Brendmoen said the things Mr. Conner had sent were part of the public record and available for the Council members to access online.

Councilmember Noecker thanked Mr. Conner for coming to testify. She asked him whether, by saying that the activity numbers didn't match up, he was contesting that the work was actually done. Mr. Conner said he was definitely not contesting that.

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

Councilmember Noecker said she appreciated Mr. Conner coming down, and she understood that his bigger issue was whether the City had a right to be on his property. She said the issue before the Council was whether the work was done, and they had a responsibility to recoup the cost. She said she would move to approve the assessment but would be happy to talk to Mr. Conner to prevent this from continuing to happen.

Councilmember Brendmoen said in a close urban environment, a lot of issues had to do with balancing the rights of property owners and neighbors. She said it was a challenge to navigate how someone can have the items they wanted in their yard in a way that conformed to a shared living environment like an urban area. She encouraged

*Mr. Conner to take Councilmember Noecker up on her offer to figure out how to find that balance.*

*Mr. Conner said there were no neighbor complaints, and it was all coming from DSI.*

**Adopted as amended (assessment number amended)**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**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 14 - 41)**

**Legislative Hearing Consent Agenda adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 14**    [RLH SAO 18-19](#)    Appeal of Bobby Joe & Catherine King to a Summary Abatement Order at 386 AURORA AVENUE.  
**Adopted**
- 15**    [RLH RR 18-7](#)    Making finding on the appealed nuisance abatement ordered for 675 AURORA AVENUE in Council File No. RLH RR 17-18.  
**Adopted**
- 16**    [RLH TA 18-146](#)    Ratifying the Appealed Special Tax Assessment for property at 249 BATES AVENUE. (File No. VB1807, Assessment No. 188808)  
**Adopted**
- 17**    [RLH TA 18-117](#)    Ratifying the Appealed Special Tax Assessment for property at 351 BATES AVENUE. (File No. CRT1806, Assessment No. 188205; amended to File No. CRT1806A, Assessment No. 188213)  
**Referred to Legislative Hearings on May 1**

- 18     [RLH TA 18-121](#)     Ratifying the Appealed Special Tax Assessment for property at 485 BLAIR AVENUE. (File No. VB1807, Assessment No. 188808)  
**Adopted**
- 19     [RLH TA 18-115](#)     Ratifying the Appealed Special Tax Assessment for property at 808 EDMUND AVENUE. (File No. CRT1806, Assessment No. 188205)  
**Adopted**
- 20     [RLH TA 18-162](#)     Amending Council File RLH AR 18-8 to delete the assessment for Graffiti Removal services during September 23 to November 8, 2017 at 481 FRONT AVENUE. (File No. J1803P, Assessment No. 188402)  
**Adopted**
- 21     [RLH TA 18-106](#)     Ratifying the Appealed Special Tax Assessment for property at 38 GERANIUM AVENUE EAST. (File No. J1804V, Assessment No. 188004)  
**Adopted**
- 22     [RLH TA 18-131](#)     Ratifying the Appealed Special Tax Assessment for property at 1786 HAWTHORNE AVENUE EAST. (File No. VB1807, Assessment No. 188808; amended to File No. VB1807A, Assessment No. 188816)  
**Referred to Legislative Hearings on May 1**
- 24     [RLH TA 18-103](#)     Deleting the Appealed Special Tax Assessment for property at 852 JENKS AVENUE (File No. J1807G, Assessment No. 188706)  
**Adopted**
- 25     [RLH TA 18-105](#)     Ratifying the Appealed Special Tax Assessment for property at 1166 JENKS AVENUE. (File No. CRT1806, Assessment No. 188205)  
**Adopted**
- 26     [RLH TA 18-84](#)     Ratifying the Appealed Special Tax Assessment for property at 1080 LAWSON AVENUE EAST. (File No. VB1806, Assessment No. 188805; amended to File No. VB1806A, Assessment No. 188813) (Public hearing continued from May 16)  
**Public hearing continued to May 16**
- 27     [RLH SAO 18-15](#)     Appeal of Paul L. Belmonte to a Summary Abatement Order and a Vacant Building Registration Renewal Notice at 632-634 LEXINGTON PARKWAY NORTH.  
**Adopted**

- 28     [RLH TA 18-108](#)     Ratifying the Appealed Special Tax Assessment for property at 1697 MARGARET STREET. (File No. CRT1806, Assessment No. 188205)  
**Adopted**
- 29     [RLH VBR 18-3](#)     Appeal of Danielle Sobaski to a Vacant Building Registration Requirement at 1124 MATILDA STREET. (Public hearing continued from April 18)  
**Public hearing continued to May 2 (Legislative Hearing on May 1)**
- 30     [RLH TA 18-127](#)     Ratifying the Appealed Special Tax Assessment for property at 1681 MONTREAL AVENUE. (File No. VB1807, Assessment No. 188808; amended to File No. VB1807B, Assessment No. 188817)  
**Public hearing continued to June 6**
- 31     [RLH AR 18-19](#)     Ratifying the assessments for Demolition service from October 2017 at 602 ORANGE AVENUE EAST. (File No. J1805C, Assessment No. 182004)  
**Adopted**
- 32     [RLH TA 18-120](#)     Ratifying the Appealed Special Tax Assessment for property at 602 ORANGE AVENUE EAST. (File No. J1805C, Assessment No. 182004)  
**Adopted**
- 33     [RLH TA 18-83](#)     Ratifying the Appealed Special Tax Assessment for property at 1978 PALACE AVENUE. (File No. VB1807, Assessment No. 188808)  
**Adopted**
- 34     [RLH TA 18-109](#)     Ratifying the Appealed Special Tax Assessment for property at 280 STINSON STREET. (File No. J1807G, Assessment No. 188796)  
**Adopted as amended (assessment reduced)**
- 35     [RLH SAO 18-18](#)     Appeal of Ardis Hafdahl, Halverson and Blaiser Group, to Graffiti Abatement Orders at 2103 WABASH AVENUE and 2120 MYRTLE AVENUE.  
**Adopted**
- 36     [RLH AR 18-17](#)     Ratifying the assessments for Collection of Vacant Building Registration Fees billed during January 27 to November 20, 2017. (File No. VB1807, Assessment No. 188808)  
**Adopted**

- 37 [RLH AR 18-18](#) Ratifying the assessments for Boarding and/or Securing services during November 2017. (File No. J1806B, Assessment No. 188105)  
**Adopted**
- 38 [RLH AR 18-20](#) Ratifying the assessments for Demolition services from October to November 2017. (File No. J1806C, Assessment No. 182005)  
**Adopted**
- 39 [RLH AR 18-21](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during September 12 to October 5, 2017. (File No. CRT1806, Assessment No. 188205)  
**Adopted**
- 40 [RLH AR 18-22](#) Ratifying the assessments for Trash Hauling services during December 4 to 28, 2017. (File No. J1807G, Assessment No. 188706)  
**Adopted**
- 41 [RLH AR 18-23](#) Ratifying the assessments for Abandoned Vehicle services during September to November 2017. (File No. J1804V, Assessment No. 188004)  
**Adopted**

*Council members shared news from their wards.*

*The Council recessed at 4:08 p.m.*

**PUBLIC HEARINGS (5:30 p.m.)****Councilmember Thao excused**

**Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince and Councilmember Samantha Henningson

**Absent** 1 - Councilmember Dai Thao

- 42**     [RES PH 18-102](#)     Approving the application of Anderson Race Management for a sound level variance in order to present outdoor music and announcements for the ALS Super Hero 10K/5K Run on Saturday, April 21, 2018 at Raspberry Island.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 43**     [RES PH 18-106](#)     Approving the application of Big River Pizza for a sound level variance in order to present live amplified music for block parties on Saturdays June 23, July 28, and September 1, 2018 at 280 5th Street East.

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

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 44     [RES PH 18-105](#)     Granting the application of Thomas Schroeder for a historic use variance at 445 Smith Avenue North to permit an outdoor patio accessory to a restaurant/tap room.

*Bill Dermody, Planning and Economic Development, gave a staff report on the historic use variance (HUV) application. He said the Heritage Preservation Commission (HPC) and Planning Commission both recommended approval of the request after a public hearing. He said they had heard testimony in opposition and in support. He said the key Planning Commission finding he wanted to focus on was that the proposed use was compatible with existing uses in the surrounding area and underlying zoning classifications. He said the Planning Commission determined the finding was met; he reviewed the details of that finding. He said the Planning Commission and HPC recommended approval of the HUV subject to three conditions.*

*Councilmember Noecker confirmed that the noise levels would be regulated by the zoning and not by the specific use. Mr. Dermody said that was correct. In response to an additional question from Councilmember Noecker, Mr. Dermody clarified that the signature requirement referred to in an email of opposition received was for licensing and not for the HUV, and the requirement had been met.*

*In support:*

*Tom Schroeder (445 Smith) thanked Council for the historic use variances already granted. He said two years ago the site was a Category 2 vacant structure with several nuisance abatement orders, and was now a vibrant hub of activity. He clarified that the signature requirement was for licensing and had been met. He said he was committed to being a good neighbor; he said he had lived four doors down from the site for 27 years and cared deeply about his neighbors. He said he was committed to remaining good neighbors and friends even with those few who had written and testified in opposition, and to addressing any concerns that arose. He said the outdoor seating was a critical element of their business plan and they felt it would be a neighborhood enhancer.*

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

*Councilmember Noecker and Council President Brendmoen spoke in support.*

*Councilmember Noecker moved approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 45**     [RES PH 18-96](#)     Approving adverse action against the Entertainment B, Liquor On Sale - 2AM Closing, Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday licenses, and Shared Parking Agreement held by Mee Lee Moua, d/b/a Malina's Sports Bar and Grill at 691 Dale Street North. (Public hearing continued from April 18)

*Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections, said it was her understanding that the matter was to be laid over for two weeks due to Councilmember Thao's absence.*

*No one was present to testify. Council President Brendmoen moved to continue the public hearing to May 2.*

**Public hearing continued to May 2**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 46     [RES PH 18-95](#)     Approving adverse action against the Auto Repair Garage, Second Hand Dealer, Second Hand Dealer-Motor Vehicle, Tow Truck/Wrecker (Operator), and Tow Truck/Wrecker (Vehicle) licenses held by Budget Towing Inc. of St. Paul at 560 Randolph Avenue. (Public hearing held April 18)

*Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the ongoing issues related to compliance with the 2013 site plan. She reviewed violations and noted that the violations had been going on for a long time. She said DSI was recommending a \$500 matrix penalty. She said the licensee had responded to the notice, admitting to the violations but requesting a public hearing to contest the penalty.*

*In opposition:*

*Licensee Roy Carlson said he'd had Budget Towing 46 years as of April 10, had had multiple contracts with the City, and had the longest standing license of any tow company in St. Paul. He said the problem with the property was that there were seven tenants, and some of the photographs were from the auto sales business next door. He said he had recently met at the business with (DSI staff) Larry Zangs, who said he didn't see a problem with the double parking. He said there was no car parked in the right-of-way in the photographs, and someone should go out and walk and look at again, and talk to someone to find out which tenant was where. He said he didn't feel they should have to pay \$500 fine because they technically didn't do anything. He said, as to striping the lot, the landlord said he was planning to pave this summer, and hopefully it would get done. He said half of theirs was already on pavement and just needed to be cleaned, and this was bad timing for someone to look at it.*

*Councilmember Noecker asked Ms. Skarda to clarify the inspection timeline. Ms. Skarda said this was an inspection based on ongoing issues and problems there. She said based on her understanding of the file, there's been ongoing dialog with the DSI about the lot. She noted that Budget Towing admitted the violations and asked for a hearing to dispute the penalty. She said they had the option of going before an ALJ (Administrative Law Judge) contesting the specific allegations. She read from the letter in which Budget Towing admitted the violations.*

*Councilmember Noecker said it sounded like they were now contesting the facts. She confirmed with Ms. Skarda that this was first level on the penalty matrix, and this was the first time a penalty was imposed although there may have been violations in the past. Ms. Skarda said that was correct.*

*Councilmember Noecker asked why the responsibility for striping the lot was falling on the tenants, given there was a landlord. Ms. Skarda said the site plan was approved as part of the licensing process, and if the licensee couldn't comply, that was the problem and the issue. She said this was the first she'd heard of a dispute with the landlord, and she was not aware that Mr. Carlson didn't own the property. She said DSI's issues have been ongoing with him in trying to get him to comply. Council President Brendmoen confirmed that the violation was against the business and not the property. Ms. Skarda said that was correct.*

*Councilmember Noecker said as to the question about different tenants and which vehicles are parked where, how does the City know. Ms. Skarda said they believed it to be true because Mr. Carlson admitted the facts and asked for a hearing to contest the penalty. She reiterated that if he had contested the facts he could have had an*

ALJ, and the ALJ recommendation would come before Council. She said that information was laid out in the letter to Mr. Carlson.

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

Councilmember Noecker said this was the first she was hearing about some of the appellant's issues and she would like a couple of weeks to figure out what was going on with this property. She moved a two-week layover.

**Public hearing held and closed; laid over to May 2 at 3:30 p.m.**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 47     [RES PH 18-103](#)     Approving adverse action against the Auto Repair Garage license held by Mary Fasching, d/b/a MF Automotive at 1728 Selby Avenue. (To be withdrawn)

**Withdrawn**

- 48     [RES PH 18-108](#)     Approving a Five-Year Street Reconstruction Plan for the Fiscal Years 2018 through 2022 and granting preliminary approval to the issuance of certain General Obligation Street Reconstruction Bonds by the City.

*In opposition:*

*Sherie Bosak (480 Wheelock Parkway W.) asked a question about the financing.*

*Michael Solomon, Office of Financial Services, clarified.*

*Councilmember Tolbert moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**49**     [RES PH 18-76](#)     Final Order approving the reconstruction of streets in the 2018 Saint Paul Streets Program (2018 SPS).

*In opposition:*

*Public Works Director Kathy Lantry gave a brief staff report on the three street reconstruction projects in the resolution.*

*In opposition:*

*Mary Jo and Steve Erickson (484 Wheelock Parkway W.)*

*Sherie Bosak and John Mischke (480 Wheelock Parkway W.)*

*Council President Brendmoen acknowledged the challenges related to the irregularly-shaped lots and said she empathized with concerns over the size of the assessments. She said 20% of the cost was assessed to the benefitting property owners and 80% to the rest of the tax base, which was a requirement of the state bond. She said the Council was working on stabilizing that percentage and identifying other funding sources. She said the Council was also working to reduce the cost of financing. She and Ms. Bosak further discussed the assessment and about financing options.*

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

*Council President Brendmoen and Council member Tolbert made additional comments.*

*Councilmember Henningson moved approval of the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

**Nay:** 0

**Absent:** 1 - Councilmember Thao

*Councilmember Tolbert introduced visiting Boy Scout Troop 67, present to work on their Citizenship in the Community merit badge.*

**ADJOURNMENT**

*Council President Brendmoen adjourned the meeting.*

**Meeting adjourned at 6:21 p.m.**

**Council Meeting Information**

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