



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

Wednesday, May 16, 2018

3:30 PM

Council Chambers - 3rd Floor

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 3:32 p.m.

Councilmember Henningson excused

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

Absent 1 - Councilmember Samantha Henningson

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 18-28](#) Letters from the Department of Safety and Inspections declaring 737 Orange Avenue East and 522-524 Otis Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and filed
- 2 [AO 18-31](#) Amending HOME activities budget for Thomas Ave Flat project.
Received and filed
- 3 [EO 18-1](#) Appointing Ikram Koliso to serve on behalf of Mayor Melvin Carter as a member of the Metropolitan Airports Commission during the Mayor's term of office as Mayor of the City of Saint Paul, effective May 17, 2018.
Received and filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 4 - 24)

Item 4 was removed from the Consent Agenda for separate consideration.

Councilmember Noecker moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Henningson

- 5** [RES 18-781](#) Approving a petition from Rebound Exchange, LLC for specially assessing the costs of a fire protection system at 26 Exchange St E. (Project No. FP20196-01, Assessment No. 197100)
Adopted
- 6** [RES 18-757](#) Approving the execution of the third amendment to the second agreement with the Saint Paul RiverCentre & Convention Authority.
Adopted
- 7** [RES 18-693](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Selby Avenue. (File No. MO1708, Assessment No. 175507)
Adopted
- 8** [RES 18-691](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Smith Avenue. (File No. MO1707, Assessment No. 175506)
Adopted

- 9 [RES 18-721](#) Approving the City's cost of providing Property Clean Up services during March 1 to 30, 2018, and setting date of Legislative Hearing for June 19, 2018 and City Council public hearing for August 1, 2018 to consider and levy the assessments against individual properties. (File No. J1811A, Assessment No. 188525)
Adopted
- 10 [RES 18-724](#) Approving the City's cost of providing Replacement of Lead Water Service Line on Private Property during January to March 2018, and setting date of City Council public hearing for June 20, 2018 to consider and levy the assessments against individual properties. (File No. 1803LDSRP, Assessment No. 184002)
Adopted
- 11 [RES 18-725](#) Approving the City's cost of providing Replacement of Sanitary Sewer Line on Private Property during January to March 2018, and setting date of City Council public hearing for June 20, 2018 to consider and levy the assessments against individual properties. (File No. SWRP1803, Assessment No. 183002)
Adopted
- 12 [RES 18-735](#) Authorizing the Fire Department to accept the donation of \$75.00 from Ron and Wanda Frykberg to purchase pet oxygen masks.
Adopted
- 13 [RES 18-464](#) Establishing the rate of pay for the new classification of Data Release Coordinator in EG 09, SPSO, Grade 010.
Laid over to May 23 for adoption
- 14 [RES 18-738](#) Establishing the rate of pay for the new classification of Data Release Specialist in EG 02, AFSCME Technical, Grade 037.
Laid over to May 23 for adoption
- 15 [RES 18-753](#) Approving the Memorandum of Agreement for the 2018 Wage and Fringe Adjustment between the City of Saint Paul and the Pipefitters Local Union #455.
Laid over to May 23 for adoption

- 16 [RES 18-787](#) Approving the Memorandum of Agreement for the 2018 Wage and Fringe Adjustment between the City of Saint Paul and the International Association of Sheet Metal, Air, Rail and Transportation Workers, Local 10.

 Laid over to May 23 for adoption
- 17 [RES 18-699](#) Approving the Memorandum of Agreement for the 2018 Wage and Fringe Adjustment between the City of Saint Paul and the North Central States Regional Council of Carpenters.

 Adopted
- 18 [RES 18-761](#) Acknowledging a public purpose for the Annual City Employee Cookout and granting permission to the City Employee Cookout Committee to spend city funds and to solicit for and accept donations on behalf of the City to defray the costs of the cookout to be held on Tuesday, August 14, 2018.

 Adopted
- 19 [RES 18-756](#) Authorizing the Department of Parks and Recreation to accept a gift in the amount of \$1,500 from the St. Anthony Park Community Foundation for Historical Significance Review of the Langford Park Bandstand.

 Adopted
- 20 [RES 18-745](#) Approving the updated rules and regulations for the Department of Parks and Recreation.

 Adopted
- 21 [RES 18-763](#) Authorizing application for the Tax Base Revitalization Account for the Stryker Avenue Site.

 Adopted
- 22 [RES 18-702](#) Authorizing the Police Department to submit a request for small arms from the State of Minnesota as part of the U.S. Department of Justice Firearm Transfer Program.

 Adopted
- 23 [RES 18-751](#) Authorizing the Police Department to purchase upgrade equipment and licenses from Cellebrite, Inc. which will included an indemnification in the sales and service terms and conditions.

 Adopted

- 24 [RES 18-776](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Double Black Diamond Inc. (License ID #20180000245), d/b/a Red Rabbit, for Liquor On Sale - 101-180 seats, Liquor On Sale - Sunday, Liquor Outdoor Service Area (Patio), and Liquor Outdoor Service Area (Sidewalk) licenses at 788 Grand Avenue.
- Adopted**

FOR DISCUSSION

- 25 [SR 18-76](#) Update on citywide garbage services.
- Kris Hageman introduced Leigh Behrens, the new Public Works Solid Waste Program Supervisor.*
- Ms. Behrens gave an overview of the Coordinated Collection program and process so far, and next steps. She highlighted the priorities and benefits of the program. She answered Council members' questions.*

Received and filed

- 4 [RES 18-663](#) Declaring Tuesday, May 22, 2018 as VocalEssence Cantare! Day in the City of Saint Paul.
- Council President Brendmoen welcomed Phillip Schoultz from VocalEssence Cantare; she read the resolution.*

Mr. Schoultz made brief comments.

Council President Brendmoen moved approval of the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Henningson

- 26 [RLH VO 18-11](#) Appeal of Prenesse C. Hamilton to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 686 IGLEHART AVENUE. (Public hearing held May 2)

Legislative Hearing Officer Marcia reviewed the question left open at the end of the public hearing. follow up on public hearing. She said a follow-up inspection took place, and the inspectors' opinion was that the property should be condemned and continue to be considered uninhabitable. From the City's perspective, the sale could move forward without additional requirements, because the purchase agreement was signed prior to this being condemned and becoming a registered vacant building. The building could not be occupied without a code compliance certificate. Ms. Moermond recommended denial of the appeal of the order to vacate.

Councilmember Thao made brief comments and moved to deny the appeal. The vote on the motion was taken following additional discussion between Council President Brendmoen and Ms. Moermond.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Henningson

ORDINANCES

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

First Reading

- 27 [Ord 18-18](#) Granting the application of LB 842 Ray LLC to rezone property at 2330 Long Avenue from T2 Traditional Neighborhood to T3 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
Laid over to May 23 for second reading
- 28 [Ord 18-20](#) Amending Chapter 164 of the Legislative Code pertaining to residential permit parking.
Laid over to June 13 for second reading
- 29 [Ord 18-21](#) Amending Chapter 44 of the Administrative Code on Employee Authority in Immigration Matters pertaining to law enforcement certifications for victims of crimes.
Laid over to May 23 for second reading

- 30 [Ord 18-22](#) Amending Chapter 409 of the Legislative Code to allow the City Council to waive the distance restriction for certain off-sale liquor establishments which existed prior to January 15, 2003.

Laid over to May 23 for second reading.

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

- 31 [RES PH 18-127](#) Amending the financing and spending plans in the Fire Department for the Minnesota Task Force One team reimbursement from the City of Edina in the amount of \$8,781.16.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Henningson

- 32 [RES PH 18-128](#) Amending the financing and spending plans in the Fire Department in the amount of \$46,525.50 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for training for firefighters.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Henningson

- 33 [RES PH 18-124](#) Authorizing an increase in the Parks and Recreation Grant Fund Budget in the amount of \$437,360 to reflect various grant funding awarded in 2018 from the State of Minnesota DNR, Metropolitan Council, and Capital Region Watershed District.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Henningson

- 34** [RES PH 18-123](#) Authorizing the Police Department to amend the Joint Powers Agreement with the State of Minnesota, Bureau of Criminal Apprehension, and amend the 2018 Special Fund Budget for this amendment.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Henningson

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 46 [RLH TA 18-160](#) Ratifying the Appealed Special Tax Assessment for property at 1816 MINNEHAHA AVENUE EAST. (File No. VB1808, Assessment No. 188810)

Ms. Moermond: This is a special assessment for a vacant building fee. The vacant building registration itself was appealed to you in the fall, I heard the appeal in mid -October and it was in front of you in November. The appeal was denied. The building was found to be vacant, it had been a Fire Certificate of Occupancy property and through the course of inspections an appointment letter was sent to do another inspection and the owner let the inspector know that the property was being renovated and they had – I believe – both water and power service but certainly water had been cut from the property and things were being taken down to the studs basically and redone. This made it qualify under the cities vacant building definition as a vacant building and my recommendation to the council was that it be in the registered a vacant building program. The council received no additional testimony to that recommendation and as to follow up to that appeal vacant building fee bill went out and it did go to assessment. My colleague Nhia Vang heard the appeal of the vacant building assessment and her recommendation is its approval that this building should be in the vacant building program and the fee applies. In this case the owners indicated he would be taking a while to do the rehabilitation originally in the letter to the fire inspector, it was a period of a year. Subsequently in conversations and in hearings it's over a number of years that he believes that the rehabilitation will take. Given that, it makes little sense for there to be a wavier for part of the year to have there be an incentive put in place to get done and perhaps waivers for part of the year could be something that applies in the next billable year. But for this particular one this bill is for September of 2017 thru September of 2018 so you are pretty much past the midway point in this particular billable year so I would recommend ratification of the entire assessment.

President Brendmoen: And that would mean that if the project were completed three months into the next year that there's an opportunity to consider proration. In subsequent years.

Ms. Moermond: Indeed, if the property registration bill which would come in the end of August/beginning of September were appealed it would be a matter of course that I would recommend a 90 day wavier and if the work was not done within those 90 days we also consistently look at pro-rating the bill in the following 3 months to get it down to again provide incentive to get the building occupied and rehabilitated more quickly than less.

President Brendmoen: And in other words, the most effective way to get off the vacant building list is to reoccupy the building?

Ms. Moermond: To get the code compliance certificate issued.

President Brendmoen: Right

Ms. Moermond: And once that happens, we're out of your hair.

President Brendmoen: Got it. Alright, are there any questions for Ms. Moermond?

No questions...

Ms. Moermond: Thank you.

President Brendmoen: This is a public hearing. Is there anyone here who would like to be heard on this item?

Mr. Drexler: I would.

President Brendmoen: Please join us.

Mr. Drexler: Good afternoon. My name is Mark Drexler and I am the owner of this building and I wanted to address the council today. My basic problem is that I don't think this building should be listed as a vacant building because it's undergoing renovation and because of the low value of the home I have to do the whole work myself. I can't hire a contractor so this is going to take quite a bit of time in order to get it done. It seems like the vacant building ordinances are designed for a certain purpose, that doesn't match up with what I'm doing. I wanted to renovate this home for a number of years. I lived there and I've owned this for almost 25 years and I've lived there myself for 18-19 years and I always wanted to do a complete renovation of the property and I wasn't able to do that because I got married and we moved in and the kind of renovations we were planning on doing, you just can't live there because we would have to remove the entire top of the house, rebuild the walls, put a whole new roof on it. So, it's very extensive work that has to be done. So, in my mind the vacant building ordinances are for like deadbeat landlords who refuse to fix up their properties and they become derelict and they get worse and worse, so the city needs some way to address that problem. My house, this situation does not meet that criteria at all. What I wanted to do is renovate this home and I started doing that. I went to the city, and hired a mechanical-structural engineer, drew up plans, got a building permit to do the work then started to do that. And then I was contacted by the city to do a fire safety inspection. And I wrote a letter to the fire safety inspector stating, I don't think you need to come do a fire and safety inspection because the home is being renovated. And you know, it's impossible for it to meet any, be compliant with the fire and safety rules. But that fire inspector then contacted the vacant building inspectors and then they sent me a letter that your going to have to register your building as a vacant building. So, I don't see why it's necessary to have this additional control on my project because I'm already following what the city has. And the city has a very robust process for building new buildings and renovating buildings where you draw up plans, you get them approved, get a permit, have inspections done. And all that process exists and that's the one I'm following and had been following long before the vacant building inspectors got involved. This additional oversight is, and in this particular case is just not needed. If there was something wrong with the building as I go ahead and renovate it all the other inspectors would come in and say, well, that's not right, you have to do it differently. And so, this additional burden on top of me, on top of the project is quite burdensome because they want to charge \$2300 a year in order to have it listed as a vacant building. Well, this could literally double the cost of the project for me. I'm planning on taking several years, let's say if takes three years to do this it would be almost several thousand dollar's worth of additional fees and I have bought almost half the supplies to renovate the second floor already and that's about \$4000 worth. So that's about half the supplies, I'm planning on spending \$8000 of cash for supplies with several thousand dollars of fees. Almost doubling the cost of the project for me. So I've talked to Councilmember Prince about this and it seems like the ordinances are the ordinances and there's no way around them so I doubt that I would be able to convince you to somehow go against the ordinance that this building needs to be listed as a vacant building however, I would ask the council to consider modifying the rules for the ordinance itself coming up here in September it's going to

be in the second year of this vacant building thing and you're going to charge me another \$2300. So it would be nice if there would be some way that you could modify the ordinances to make some space for people like me who have low value homes, this will take me a long time to renovate, make some space in the ordinance so that we wouldn't be charged a lot of money. I mean, \$2300 doesn't sound like much to real estate but with a low value home it makes a big difference. Thank you for your time this afternoon and for listening to me.

President Brendmoen: I really appreciate your testimony and I have to say that you were like exactly 5 minutes. I almost want to give you some applause. It was amazing, thank you. Thanks for your thoughts. Ms. Prince wants to close the public hearing. All in favor say "I". Any oppose, motion prevails. Ms. Prince.

Ms. Prince: Well I in being aware of the situation I received a letter from Mr. Drexler about this but also every now and then when we look at our vacant building program I share that perception that when somebody's working with inspections to achieve a code compliance and they're working along and getting the inspectors in and it's actively under way it troubles me that we need to collect vacant building fees which I would rather see going to the rehab of the property but as Mr. Drexler stated we are definitely subject to the ordinance as it's written and I don't see any exception that we can make in this case. I do want to work with him, there is a code compliance inspection and it is my hope that we can figure out some way to get to rehab ability before another year of vacant building fees kick in. The one thing that I would like to do is to move the legislative hearing officer's recommendation but adding a provision that it be spread out over five years, to let the payment be spread over five years rather than payable in one installment. So that's the one thing that I would like to do.

President Brendmoen: Ms. Noecker

Ms. Noecker: Thank you and I would support the motion and just wanted to say that I agree with you Councilmember Prince and I'm also glad that Mr. Drexler brought this up. We have interestingly at this very table just last week had a report from some Humphrey Capstone Students talking about ways to reduce commercial vacancies in our city and one of the things that they talked about was a need to actually have vacant building fees and other sorts of fees increase over time to disincentivize people from just leaving their spaces vacant because to them its more cost effective not to see their rents reduced and their property value reduced in multi unit buildings for example. So clearly there is tension between trying to re-incentivize redevelopment and then having a fine enough instrument where we can tell that actually something is under way so we're not worried about that so I would support efforts to look at that ordinance and see if there's a finer tuned way to do it. But I will support the motion as it stands.

President Brendmoen: I will too but I also agree that because the vacant building fee is assessed annually there is a year in between, it's not something that you have to pay every month for a vacant building so I think it gives you a real timeline and I know that there have been plenty of incidents where we passed a vacant building and the property was then able to pass code compliance and was able to be reoccupied and we were able to prorate for that year so I do agree that there is something to the incentive piece of it but I also do, it is a conundrum when precious resources to put into the house do end up going into a vacant building. I feel like we need to pull a page from the Amish barn raising and go help fix the second floor and get this thing occupied as soon as possible. So, I would support your motion as well. Are there any other thoughts on this item? Alright, seeing none, Ms. Prince moves the recommendation of the legislative hearing officer with payments spread over five years.

Adopted as amended (assessment approved and payments spread over five years)

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

Nay: 0

Absent: 1 - Councilmember Henningson

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

No one was present to testify. Councilmember Noecker 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 Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Henningson

- 35** [RLH VO 18-18](#) Appeal of Tom Ellermann to a Correction Notice-Reinspection Complaint (which includes condemnation) at 358 ARBOR STREET.
Adopted
- 36** [RLH TA 18-207](#) Deleting the Appealed Special Tax Assessment for property at 924 BEECH STREET. (File No. VB1808, Assessment No. 188810)
Adopted
- 37** [RLH TA 18-186](#) Deleting the Appealed Special Tax Assessment for property at 308 CLARENCE STREET. (File No. VB1808, Assessment No. 188810)
Adopted
- 38** [RLH FCO 18-45](#) Appeal of Joseph Simmonds to a Fire Inspection Correction Notice at 949 CONWAY STREET.
Adopted
- 39** [RLH TA 18-195](#) Ratifying the Appealed Special Tax Assessment for property at 940 EDGERTON STREET. (File No. J1808G, Assessment No. 188708)
Adopted
- 40** [RLH TA 18-231](#) Ratifying the Appealed Special Tax Assessment for property at 2153 FREMONT AVENUE. (File No. J1808G, Assessment No. 188708)
Adopted

- 41 [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 June 6
- 42 [RLH TA 18-161](#) Ratifying the Appealed Special Tax Assessment for property at 95 LITCHFIELD STREET. (File No. J1807B, Assessment No. 188108; amended to File No. J1807B1, Assessment No. 188113) (Amended to delete the assessment)
Referred to Legislative Hearings on July 10
- 43 [RLH AR 18-31](#) Ratifying the assessments for Towing of Abandoned Vehicle service during March 2017 at 682 MAGNOLIA AVENUE EAST. (File No. J1805V, Assessment No. 188007)
Adopted
- 44 [RLH TA 18-181](#) Deleting the Appealed Special Tax Assessment for property at 358 MARIA AVENUE. (File No. VB1808, Assessment No. 188810)
Adopted
- 45 [RLH TA 18-134](#) Deleting the Appealed Special Tax Assessment for property at 995 MILTON STREET NORTH. (File No. VB1808, Assessment No. 188810)
Adopted
- 47 [RLH VO 18-14](#) Appeal of Jon Guerra or Gonzo Guerra to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1056 REANEY AVENUE.
Adopted
- 48 [RLH TA 18-147](#) Deleting the Appealed Special Tax Assessment for property at 164 STEVENS STREET WEST. (File No. VB1808, Assessment No. 188810)
Adopted
- 49 [RLH TA 18-200](#) Deleting the Appealed Special Tax Assessment for property at 280 STINSON STREET. (File No. J1808G, Assessment No. 188708)
Adopted

- 50 [RLH RR 17-47](#) Ordering the rehabilitation or razing and removal of the structures at 380 YORK AVENUE within fifteen (15) days after the January 3, 2018, City Council public hearing. (Public hearing continued from April 11) (Amend to remove within 15 days)
Adopted as amended (15 days to remove the structure)
- 51 [RLH AR 18-28](#) Ratifying the assessments for Collection of Vacant Building Registration Fees billed during May 17 to November 22, 2017. (File No. VB1808, Assessment No. 188810)
Adopted
- 52 [RLH AR 18-29](#) Ratifying the assessments for Boarding and/or Securing services during December 2017. (File No. J1807B, Assessment No. 188108)
Adopted
- 53 [RLH AR 18-30](#) Ratifying the assessments for Trash Hauling services during January 2 to 31, 2018. (File No. J1808G, Assessment No. 188708)
Adopted

Council members shared news about events in their wards.

The Council recessed at 4:29 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:30 p.m.

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

54 [Ord 18-17](#)

Granting the application of Baker East Partners to rezone property at 821 Raymond Avenue and 2421 Territorial Road from B2 Community Business and VP Vehicular Parking to T3 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

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

Public hearing held and closed; laid over to May 23 for final adoption

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

Nay: 0

- 55 [RES PH 18-140](#) Approving adverse action against the Cigarette/Tobacco license held by Dollar Plus, Inc., d/b/a Dollar Plus (License ID #20080000589) at 560 University Avenue West.

Therese Skarda (Assistant City Attorney representing the Department of Safety and Inspections): Council President Brendmoen, members of council, I believe that the licensee is present and that there's also an interpreter for this case. And I understand that the interpreter will be interpreting what I say at this point, is that correct?

Yes (from audience)

Ms. Skarda: Ok, with that I will start.

Ms. Skarda: OK, Council President Brendmoen, members of council, Theresa Skarda representing the Department of Safety and Inspections in this matter. On April 17 of 2018 the department sent a notice of violation to Dollars Plus at 560 University Ave. West in St. Paul notifying the licensee that the department was seeking to upwardly depart one box on the matrix penalty to revocation of their cigarette tobacco license. St. Paul legislative code section 310 05M contains the matrix with presumptive penalties for certain violations. The presumptive penalty under this relates to commission of a felony on the premises, so the matrix is shorter. I just wanted to point that out for the record, that this goes from 2000 for the first offense to revocation for the second. The notice of violations stated that on Sept. 20th of 2017...

Audience: Could you slow down please.

Ms. Skarda: Sure

President Brendmoen: I think it would be helpful also if its possible...I realize that you're reading and you're trying to get the facts on the record, but I think also if there is any way to simplify the use of citations. I don't know how they can interpret what you are saying? I don't know if it's possible.

Ms. Skarda: Well, hopefully, all of this information was included in the notice of violation.

President Brendmoen: OK, how about if you just do a chunk, give him a second to catch up, do a chunk, give him a second to catch up.

Ms. Skarda: Perfect. Alright, so I'll just do it a paragraph by paragraph, then I'll stop, and if you could nod to let me know to move on, I will do so. So, the notice of violation stated that on Sept. 20th of 2017 officers from the St. Paul Police Department began investigating citizen complaints that the Dollars Plus was selling synthetic marijuana. Complainants had reported multiple overdoses and medical problems attributed to these illegal sales. This investigation included enough undercover attempts to buy synthetic marijuana from the licensee on November 17, 2017. During this attempt the undercover officer in the store spoke with the licensee and asked him for "K". "K" is a term for synthetic marijuana. The licensee told the undercover officer, "That's the other dude" informing him that the individual who he identified as Jay was not in the store that day and to check back in the morning because the other individual was in the store every morning except weekends. The licensee further volunteered that the other individual doesn't even know that I know. I didn't even know that he does that. I heard from a customer, that's his own privacy. Additional attempts at controlled buys

were made by a confidential reliable informant inside Dollars Plus. Officers and the confidential reliable informer were able to purchase substances that they tested and identified as synthetic marijuana on Sept. 20, 2017, Sept. 25, 2017, Oct. 3, 2017 and Nov. 6, 2017. After the controlled buys officers executed a search warrant at the Dollars Plus. They did this on Nov. 21st of 2017 and they found and photographed a 9 millimeter handgun, full magazine of ammunition, a black gun case for the hand gun, a ballistics vest, bullet proof vest inserts, 3 black empty ammo magazines, 2 full ammo magazines, 2 live ammo rounds, an AK 47, 37 boxes of live "Tulammo" ammo rounds, a large knife, a magazine full of live 9 mm rounds and the rifle case for the AK 47. The licensee's clerk was charged and has a pending felony case in Ramsey County related to the sales that were made during the undercover buys, that case is still pending. Due to the serious nature of the illegal activity the licensee allowed to continue at the licensed premises' and the serious nature of the items recovered from the Dollars Plus store. The notice sent to the licensee by the department recommended an upward departure to revocation of the cigarette tobacco license. It's really the only license we are dealing with here. The licensee responded to the notice of intent to revoke the license with a request for a public hearing. We've had multiple e-mail conversations back and forth, my legal assistance has, one of them being the request for the interpreter, the other clarifying that we're here to admit the facts but to contest the penalty.

President Brendmoen: Thank you. Are there any questions for Ms. Skarda?

None

President Brendmoen: Alright, thank you. This is a public hearing; would you like to be heard on this item?

Audience: yes, yes.

President Brendmoen: OK, come join us. I think we will do it the same way...just pieces.

Interpreter: First I would like to say that at no time was I aware that, what you call it "synthetic marijuana" that they were selling synthetic marijuana in the store. During my work there people who were customers there they would come to me and ask me do you have this kind of stuff, are you selling? So I didn't want to discourage people, or frighten or make them angry at me so I say, listen I don't know anything about that but you can come back in the morning and ask the other guy this kind of stuff, I don't know what it is. So, the weapons that were described here, the other worker he bought that stuff himself and it was legal, he owned those weapons legally. Mr. Jay, the other individual he said he has young children at home and so he told me that he could not keep those weapons at home because it would be too dangerous for them and so he asked me if he could keep them in the store for safety. So, I didn't see that as a problem because he said that he bought them legally. I never thought this would be a problem because they were kept in a safe place. In order for him to make sure that all these weapons were licensed properly he used to go to training and make sure that he knew how to use them for legal purposes. When I started to see these kinds of activities I myself wanted to get to own the store for myself so I started paying him off his share and I was hoping by the end of December he would get his share. He was supposed to get all of his money by December and leave, not to come back there at all. I was trying to take his share and I was able to pay him off. My plan was that by December of last year of 2017 that I would be the sole owner of the place because also all of these young people were coming there asking me these questions. I

became very suspicious and I wanted to end this relationship with the individual "Jay". As the lady before me (Ms. Skarda) told you and the police made several raids there they could not find anything, the stuff they found was stuff he was carrying himself and the weapons that were there were legal. They couldn't find anything in the store that was illegal. The store has cameras and I have never seen him selling these drugs or synthetic marijuana in the store because of the cameras. When I became suspicious, I contacted the police. I told them that there were people coming here and asking me these questions about these drugs and I asked the police to look around and see if there is anything I can do to help. So, the officer (I can't remember his name) he worked at another store called "Sanfood"? So, when these kids come to the store asking me about these drugs, I will call this officer so he can scare them off and ask them to leave the store. There were street guys that were selling drugs by Wendy's in the parking lot, so if there were drugs, they were in the parking lot not inside. So, since he was the co-owner, I couldn't just say, let me search you to see what you are holding in your pocket. For the past few years I have been trying to get rid of him and I used to give him a small amount of money every month so I could buy the whole store and be the sole owner.

President Brendmoen: Could I interrupt you for a second. I have a question for Ms. Skarda. What I'm hearing is someone who is contesting this and I know that they have signed an uncontested license matter form but it seems that the proper venue for this conversation isn't here at the table and I wonder if you can weigh in on that and Councilmember Henningson. I feel that this conversation should have possibly happened in front of the ALJ, and that was waived so I am asking for some advice from our attorney.

Ms. Skarda: President Brendmoen and members of council I fully agree with you. I believe, despite the information in the file that we are hearing is allegations contesting the facts and this matter should be moved in front of an ALJ where the city and the department has the opportunity to present their case and the video evidence that we have to back that claim. The ALJ will then issue the recommendation.

President Brendmoen: OK, so we think that we should move this back to the ALJ.

Interpreter: What is the ALJ?

President Brendmoen: The reason is so he has the opportunity to make his case and for the city to make their case in front of a judge. What's in front of us right now is that he said I don't contest it, it all happened and we're just trying to decide what the penalty is and what he's presenting is that he's saying it didn't happen so he needs to take a step backwards.

Interpreter: This has been a nightmare for me so if there is some kind of decision that you have to make go ahead. Other than the things that Ms. Skarda has presented.

President Brendmoen: That's the problem, because our decision today is to revoke the cigarette license because he's admitted the facts. If you'd like to take a step backwards and make the case. And since you have an interpreter today, we can continue this conversation with our staff in the hallway so that you clearly understand what's happening.

Ms. Skarda: President Brendmoen, members of council, I would assure council that because there was so much on the table and because there was the allegations before you that there was multiple attempts at carefully battling this before it got to

council and there was no intent to waste your time. I apologize.

President Brendmoen: So, I want to be clear, are you comfortable if we take a vote to send it back to the alternative.

Interpreter: Well, ok, then the case is in your hands.

President Brendmoen: We are throwing you a lifeline; I think what your saying is if you want to try and have your opportunity to present this in front of a judge, the facts, then we will send it backwards one step.

Interpreter: Well, this is something very new to me as well so I would like my case decided in front of a judge.

President Brendmoen: OK, I think that is a good decision, but I just wanted to make sure that we were clear. And after that process you may come back here for the penalty piece. You may be in a better position when you come back.

Interpreter: Thank you.

President Brendmoen: OK, don't go away for a second. Mr. Thao.

Councilmember Thao: Councilmember President maybe we could explain that process. They're admitting that this is new to them. I think there is a cost associated with that and then explain the timeline. We don't have to do it here, but I think they should at least get a general sense.

President Brendmoen: Yes, and I think Ms. Skarda can go through that whole process and the steps with the licensee in the hall. And I think that because there is an interpreter here right now it's a great opportunity to have the conversation and make sure everyone understands. So, if you comfortable with that...

Councilmember Thao: I am.

President Brendmoen: Ms. Henningson...

Councilmember Henningson: Is there a way to expedite getting this before an ALJ because while we're waiting there's still an active license and they're operating correctly, correct?

Ms. Skarda: President Brendmoen, Councilmember Henningson you are correct. They are operating. This happened quickly and it got here quickly because the department felt this was serious. Obviously, we will move it along as quickly as we can.

President Brendmoen: So, Mr. Thao moved to close the public hearing. All in favor say "Aye".

Everyone: "Aye"

President Brendmoen: Any opposed?

None

President Brendmoen: Motion prevails. Mr. Thao.

Councilmember Thao: I need some recommendation on how long this would take and how we would lay this over.

President Brendmoen: We would refer this back to ALJ, DSI to schedule, we don't have to put a date on it. We're just sending it back. The recommendation is to withdraw this action.

Councilmember Thao: Motion to withdraw this item and send to DSI.

President Brendmoen: Is there any discussion on that?

None

President Brendmoen: OK, we withdraw.

Ms. Skarda: I will take some time out in the hall to go over the Notice of Intent to Revoke that was sent, to make sure that the options are clear.

President Brendmoen: Thank you, I appreciate that. Obviously, it's confusing for anybody but with this language barrier its more complicated so thanks for taking time for that time.

Withdrawn

- 56** [RES PH 18-122](#) Approving the application of Brock Obee for a sound level variance in order to present outdoor amplified live music on Saturday, June 2, 2018 for the Obee/Rupp Wedding at 924 Hague Avenue.

*Councilmember Thao moved an amendment to change the ending time from 10:00 to 11:00 p.m. He said the event was a wedding and neighbors were supportive. Yeas - 7
Nays - 0*

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

Adopted as amended

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

Nay: 0

- 57** [RES PH 18-135](#) Approving the application of the Asian Economic Development Association for a sound level variance for amplified music and performances located in the parking lots at 422 University Avenue West and Western near Sherburne Avenues on Saturday, July 7 and Sunday, July 8, 2018 for the Little Mekong Night Market.

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

Adopted

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

Nay: 0

- 58** [RES PH 18-129](#) Approving the application of Jim Buron Productions, Inc. for a sound level variance in order to present announcements and amplified music on Saturday, May 19, 2018 at Harriet Island during the Twin Cities Burger Battle.

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

Adopted

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

Nay: 0

- 59** [RES PH 18-131](#) Approving the application of Flint Hills Family Festival for a sound level variance in order to present live music at 4th & Washington Streets and at Landmark Plaza from May 29 through June 2, 2018.

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

Adopted

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

Nay: 0

- 60** [RES PH 18-130](#) Approving the application of Protect Minnesota for a sound level variance for the Sensible Gun Laws NOW! Rally on Saturday, May 19, 2018 on the south steps of the State Capitol.

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

Adopted

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

Nay: 0

- 61 [RES PH 18-134](#) Approving the application of OSP Events LLC for a sound level variance in order to present amplified music for Music in Mears concert series on twelve Thursdays from June 7 through August 30, 2018 in Mears Park.

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

Adopted

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

Nay: 0

- 62 [RES PH 18-137](#) Approving the temporary installation of artwork in the public right-of-way on the Robert Street Skyway windows between 6th Street and 7th Place (Skyway Bridge #12).

Councilmember Noecker made brief comments.

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

Adopted

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

Nay: 0

63 [RES PH 18-85](#)

Final Order approving the reconstruction of new sidewalk on the west side of Wheeler Street North between University Avenue and Thomas Avenue. (Project No. S1802, Assessment No. 185302)

Reuben Collins (Department of Public Works): President Brendmoen, Council members, the resolution in front of us approves the installation of the construction of a new sidewalk on the west side of Wheeler St. between University Ave. and Thomas. The need for a sidewalk in this location is clear. You don't have to stand out there very long before you see a lot of people walking in the street. We've gotten a number of complaints from residents of the neighborhood about the lack of sidewalk connectivity in this area and last fall we started to work with the Hamline Midway coalition to discuss options. What's challenging about Wheeler is there are sidewalk gaps on both sides of the street, so this is a section of street where the grid is discontinuous in the area. It's not a standard city block grid network. And this block doesn't have sidewalks on either side. We are proposing to close this gap by constructing a sidewalk on the left side of the street. There are a number of pedestrian generators in the area, this is a primary route for people to get to and from the Green Line along University Ave. and also the YMCA is located on this block and that generates a significant amount of pedestrian traffic from people walking from the neighborhood to the YMCA. Many times, the YMCA parking lot fills up, so people end up parking on the street on Wheeler and then walking from their cars to the YMCA are doing so in the street. Additionally, the YMCA operates a day care center along this segment of Wheeler so there are a number of very small children in the area daily. On the east side of Wheeler the YMCA also operates a before school and after school day care facility as well so there are a number of students who are dropped off by school buses at the intersection of Wheeler and Thomas and have to walk the length of Wheeler to get to their after-school program and their doing so in the street today. So it's not a good situation. There are three property owners that are affected by these large parcels, so there are three property owners that are receiving the assessment for this project. For a typical department policy this project is paid for 100% through assessments. Thank you.

*President Brendmoen: Are there any questions for Mr. Collins
None*

President Brendmoen: Thank you very much. This is a public hearing. Is there anyone here who would like to be heard on this item? Welcome.

Craig Mater: Good evening, I represent Hard Cross Chemical one of the property owners being assessed. The street does not have any curbing its just a simple asphalt road, it's not heavily traveled so we don't see any advantage or need for putting a sidewalk in there for at least our own purposes. The city will have to determine what's best for the city, the pedestrians that are currently using the street but certainly as a corporation handling and distributing products throughout the city its just not a need.

President Brendmoen: What's the address?

Mr. Mater: 584 Fairview, but the back of my property runs up against Wheeler.

President Brendmoen: And you have about 230 feet.

Mr. Mater: Correct.

President Brendmoen: Thank you.

John Bailey: President Brendmoen, I live on the 1700 block of Blair Ave. about a 5-minute walk from Wheeler and Thomas. We travel there all the time walking and biking, we're active users of the YMCA. As it is right now, that block of Wheeler is extremely dangerous for children, for elderly for everybody walking on there and a ton of children walk on there every day. It's especially bad in the summer and the winter. I'll just mention in the summertime of course the people use the daycare but it's also where the YMCA buses leave from there to go to Camp St. Croix. That's when cars are always zipping through there to drop their kids off for camp. Kids have nowhere to go except in the street, it's just an accident waiting to happen. In wintertime with the snowbanks it leaves not much room at all for walking as well. It makes it extremely dangerous for all these activities...the YMCA, Dickerman Park, the Green Line and Junior Achievement which is opening their regional headquarters on the other side of the YMCA on Wheeler and University, that opens this summer. So additionally, more kids coming as well. I speak strongly in support of this and want to quickly mention Councilmember Henningson was a champion of this. It wouldn't be happening if it wasn't for her. Thank you.

President Brendmoen: OK, thank you so much.

Mark Nicholson: Hello, I live on the 1700 block of Lafond and travel to the YMCA regularly on a daily basis down this segment of the street, a lot of times with my kids and many times we are trying to navigate that section without a sidewalk. Generally, we are forced to walk in the street. When there is traffic moving about, as noted from all of the potholes in the street, there is quite a bit of traffic in that area (although they were recently filled, so that is good). We do try to navigate and being in the street is a real danger and for a long time myself and a lot of my neighbors have looked at this a tried to look for a solution so I'm glad to see this here and glad to see this as an option and glad to see this presented before an accident happens. Thank you.

President Brendmoen: Thank you. Anyone else to be heard on this item? Ms. Henningson moves to close the public hearing. All in favor say "Aye".

All "Aye's"

President Brendmoen: No one opposed, motion prevails. Ms. Henningson.

Ms. Henningson: Thanks everyone for coming down to talk about this and thanks Mr. Collins for your work on this project as well. I understand that it's a big price tag and I did want to mention that it can be paid over time. That's an important thing to note. This is just such a heavily-trafficked corridor as the neighbors have attested. Our office first started talking about this in 2014 when my son was born and I looked at the city wide map and this area would be scheduled for a new sidewalk when my son was 16 and now its 2018 so this is something that can't wait that long or the kids that are on the street so I'm really pleased that we can move forward with this and provide facilities for our current and future students on the street.

President Brendmoen: I just want to speak to your leadership on this. As a member of the "Y", as a person who put their kids on the bus to go to camp St. Croix and I think about the complexity of the traffic in the area. I saw the German School shirt and that's where the German School was too at one point. So, lots of complicated traffic movements and weird parking. I think of the business owner who's questioning the benefits to the business and recognizing that even though your employees come

into work and come and go into the area, the one thing that is great about a completed sidewalk network is that people are walking on the sidewalks where they are supposed to be and cars are in the road where they are supposed to be. I double down on considering paying over time. It's a big bill, and it's less of a bite. We do have staff here if you'd like to talk about that if you are interested. Thank you for your leadership. Any other conversation on this item? Seeing none, Ms. Henningson moves for approval.

Adopted

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

Nay: 0

64 [RES PH 18-86](#)

Final Order approving the completion of the city sidewalk on the south side of Energy Lane at 1300 Energy Lane. (Project No. S1803, Assessment No. 185303)

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

Adopted

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

Nay: 0

65 [RES PH 18-87](#)

Final Order approving the completion of the city sidewalk on the west side of Energy Lane at 1400 Energy Park Drive. (Project No. S1804, Assessment No. 185304)

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

Adopted

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

Nay: 0

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 6:13 p.m.

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