



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

Wednesday, September 5, 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 3:33 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 Mitra Jalali
Absent 1 - Councilmember Dai Thao

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 1 - 30)

Councilmember Noecker moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 1 [RES 18-1436](#) Memorializing a City Council decision regarding an appeal of a Planning Commission decision to revoke a conditional use permit for a bed and breakfast residence at 241 George Street West.

Adopted

- 2 [RES 18-1460](#) Memorializing the City Council's decision upholding the Planning Commission's decision to grant a conditional use permit to allow certain heights on a new mixed use building at 246-258 Snelling Avenue South.
Adopted
- 3 [RES 18-1423](#) Approving the polling location change for Ward 3, Precinct 12 for the November 6, 2018 general election.
Adopted
- 4 [RES 18-1468](#) Approving the appointment of Hwa Jeong Kim as the Legislative Aide in Ward 5.
Adopted
- 5 [RES 18-1389](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Woodlawn/Jefferson area paving and lighting project constructed as part of the 2018 St. Paul Street Paving Program (SPS). (File No. 19208, Assessment No. 185200)
Adopted
- 6 [RES 18-1387](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Como Avenue from Commonwealth to Brompton paving and lighting project constructed as part of the 2018 St. Paul Street Paving Program (SPS). (File No. 19205, Assessment No. 185201)
Adopted
- 7 [RES 18-1388](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Wheelock Parkway from Danforth to Arlington paving and lighting project constructed as part of the 2018 St. Paul Street Paving Program (SPS). (File No. 19230, Assessment No. 185202)
Adopted
- 8 [RES 18-1370](#) Approving the City's cost of providing Replacement of Lead Water Service Line on Private Property during April to June 2018, and setting date of City Council public hearing for October 3, 2018 to consider and levy the assessments against individual properties. (File No. 1804LDSRP, Assessment No. 184003)
Adopted

- 9 [RES 18-1371](#) Approving the City's cost of providing Replacement of Sanitary Sewer Line on Private Property during April to June 2018, and setting date of City Council public hearing for October 3, 2018 to consider and levy the assessments against individual properties. (File No. SWRP1805, Assessment No. 183004)
Adopted
- 10 [RES 18-1407](#) Approving the City's cost of providing Boarding and/or Securing services during June 2018, and setting date of Legislative Hearing for October 2, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. J1901B, Assessment No. 198100)
Adopted
- 11 [RES 18-1408](#) Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during January 10 to June 21, 2018, and setting date of Legislative Hearing for October 2, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. VB1901, Assessment No. 198800)
Adopted
- 12 [RES 18-1409](#) Approving the City's cost of providing Collection of Vacant Building Registration Fee billed October 12, 2017 at 251 Dayton Avenue, and setting date of Legislative Hearing for October 2, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessment. (File No. VB1902, Assessment No. 198801)
Adopted
- 13 [RES 18-1410](#) Approving the City's cost of providing Demolition services from May to June 2018, and setting date of Legislative Hearing for October 2, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. J1901C, Assessment No. 192000)
Adopted
- 14 [RES 18-1411](#) Approving the City's cost of providing Demolition services from May to August 2018, and setting date of Legislative Hearing for October 2, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. J1902C, Assessment No. 192001)
Adopted

- 15 [RES 18-1412](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during April 10 to May 13, 2018, and setting date of Legislative Hearing for October 2, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. CRT1901, Assessment No. 198200)
Adopted
- 16 [RES 18-1413](#) Approving the City's cost of providing Trash Hauling services during June 6 to 26, 2018, and setting date of Legislative Hearing for October 2, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. J1901G, Assessment No. 198700)
Adopted
- 17 [RES 18-1414](#) Approving the City's cost of providing Excessive Use of Inspection or Abatement services during April 23 to May 21, 2018, and setting date of Legislative Hearing for October 2, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. J1901E, Assessment No. 198300)
Adopted
- 18 [RES 18-1416](#) Approving the City's cost of providing Graffiti Removal services during June 20 to July 17, 2018, and setting date of Legislative Hearing for October 2, 2018 and City Council public hearing for January 9, 2019 to consider and levy the assessments against individual properties. (File No. J1901P, Assessment No. 198400)
Adopted
- 19 [RES 18-1473](#) Approving the settlement agreement and release between the City of Saint Paul and Jessica Kingston and her attorney Adrianna Shannon.
Adopted
- 20 [RES 18-1393](#) Approving the Collective Bargaining Agreement (January 1, 2018 - December 31, 2020) between the City of Saint Paul and the Classified Confidential Employees Association.
Adopted
- 21 [RES 18-1397](#) Approving the Collective Bargaining Agreement (January 1, 2018 - December 31, 2020) between the City of Saint Paul and the International Association of Fire Fighters AFL-CIO Local 21.
Adopted

- 22 [RES 18-1415](#) Establishing the rate of pay for the new classification of Library Technology Manager in Grade 020, EG 09, SPSO.
Laid over to September 12 for adoption
- 23 [RES 18-1455](#) Accepting the gift of \$500 for travel expenses related to the Prosperity Now Summit from Prosperity Now, for Kaohly Her, Mayor Carter's Policy Director, to speak as a panelist at the Summit.
Adopted
- 24 [RES 18-1431](#) Authorizing the Department of Parks and Recreation to apply for a Department of Natural Resources (MN DNR) Land and Water Conservation Fund FY 2018 Outdoor Recreation Legacy Partnership Program grant in the amount of \$250,000 for the Midway Peace Park project, and if approved, accept the grant, and enter into agreements with the MN DNR as are necessary to accept the funding, which may include an indemnification clause.
Adopted
- 25 [RES 18-1459](#) Approving the use of grant funds through the Neighborhood STAR Year-Round Program for the St. Paul Parks and Recreation partnering with the Summit Hill District Council for security cameras at Linwood Recreation Center.
Adopted
- 26 [RES 18-1435](#) Approving the use of funds through the Ward 3 Year-Round STAR Program for Highland Park Disc Golf Course Renovation and Expansion Project.
Adopted
- 27 [RES 18-1467](#) Authorizing the Police Department to travel with seven community members to visit the Smithsonian's Museum of African American History and Culture and the Law Enforcement Museum in Washington, D.C.
Adopted
- 28 [RES 18-1088](#) Authorizing the City to enter into Cooperative Agreement No.1031272 with the Minnesota Department of Transportation for improvements on Trunk Highway 51 (Snelling).
Adopted

- 29 [RES 18-1461](#) Approving a waiver of the 45-day notice requirement to issue Liquor On Sale 100 seats or less and Liquor On Sale-Sunday licenses with conditions to Gazta And Enhancements, LLC, d/b/a Gazta And Enhancements, LLC (License ID #20180002846) at 928 - 7th Street West, #106.

Adopted

- 30 [RES 18-1379](#) Authorizing the City to enter into an agreement with the City of Minneapolis that includes an indemnification clause.

Adopted

FOR DISCUSSION

- 31 [RES PH 18-204](#) Approving adverse action against the Auto Repair Garage and Second-Hand Dealer-Motor Vehicle licenses held by Bee Lee & Tou Yang, d/b/a MC Auto Repair & Tire Services at 1202 Dale Street North. (Public hearing held August 1; laid over from September 5)

Council President Brendmoen moved a two-moth layover to November 7 to continue to work with the business owner.

Laid over to November 7

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

Nay: 0

Absent: 1 - Councilmember Thao

SUSPENSION ITEMS

Councilmember Nelson moved suspension of the rules.

Rules suspended

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

Nay: 0

Absent: 1 - Councilmember Thao

[RES 18-1386](#)

Expressing the commitment of the Saint Paul City Council to raise awareness about the need to combat hunger in every part of our city.

Council President Brendmoen introduced Mark Schmidt from Second Harvest Heartland. Mr. Schmidt made brief comments.

Council members spoke. Councilmember Prince moved approval of the resolution.

Adopted

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

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.

Final Adoption**32**[Ord 18-39](#)

Creating Chapter 220 of the Saint Paul Legislative Code regulating coordinated collection of certain residential trash.

Council President Brendmoen moved final adoption of the ordinance.

Adopted as amended (amended August 1 and August 22)

Yea: 4 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker and Councilmember Jalali

Nay: 2 - Councilmember Bostrom and Councilmember Prince

Absent: 1 - Councilmember Thao

First Reading**33**[Ord 18-47](#)

Granting the application of the Housing and Redevelopment Authority to rezone the property at 623 and 629 Whittall Street from RT2 Townhouse to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to September 12 for second reading

- 34 [Ord 18-48](#) Granting the application of KBD Investments to rezone property at 877 White Bear Avenue North from OS Office Service to B2 Community Business, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to September 12 for second reading

- 35 [Ord 18-49](#) Amending the zoning map as recommended in the West Marshall Avenue Zoning Study.

Laid over to September 12 for second reading

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

- 36 [RES PH 18-253](#) Authorizing the Office of Financial Services to apply for and accept the Minnesota Pollution Control Agency grant.

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 Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 1 - Councilmember Thao

- 37 [RES PH 18-255](#) Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$91,000 to reflect additional 2018 funding expected from Como Friends.

No one was present to testify. Councilmember Nelson 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 Jalali

Nay: 0

Absent: 1 - Councilmember Thao

- 38 [RES PH 18-247](#) Authorizing the Police Department to accept the 2017 Edward Byrne Memorial Justice Assistance grant and amend the 2018 budget for these grant funds.

No one was present to testify. Councilmember Bostrom 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 Jalali

Nay: 0

Absent: 1 - Councilmember Thao

Council President Brendmoen said Legislative Hearing Officer Marcia Moermond had indicated a number of people were present for Legislative Hearing items and she might need a short recess to prepare.

Council members shared news from their wards.

Councilmember Noecker moved a brief recess at 3:50 p.m.

The Council reconvened at 3:58 p.m.

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 44** [RLH SAO 18-52](#) Appeal of Ken Hamblin to a Summary Abatement Order at 889 EUCLID STREET.

Legislative Hearing Officer Marcia Moermond gave a staff report on the summary abatement order, which she said was a continuation of a larger clean-up of property that had belonged to Mr. Hamblin's father. She said her recommendation was to deny the appeal, and it continued to be to deny the appeal. She reviewed the history. She said Mr. Hamblin had requested an additional 3 weeks, and her recommendation was to lay the matter over to September 26 at which time the Council's action would be denial, allowing the Department of Safety and Inspections to take action to abate the nuisance at that time if necessary.

Councilmember Brendmoen asked for clarification of the recommendation. Ms. Moermond clarified.

Councilmember Prince moved to lay the matter over to September 26.

Public hearing held and closed; laid over to September 26

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

Nay: 0

Absent: 1 - Councilmember Thao

45 [RLH SAO 18-39](#) Appeal of Elizabeth G. Burr to a Summary Abatement Order at 2025 FAIRMOUNT AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the summary abatement order for overgrown vegetation on the boulevard and in the yard. She said the appellant had community support and had trimmed the garden back and would continue to assist. She said the remaining point of contention was over a tall rose bush remaining on the boulevard. She said City code was clear that boulevard plantings couldn't exceed 36" in height. She recommended that the rose bush be moved, with a January 1 deadline. She said the appellant was going to request that it be able to remain, and recalled being told at one point that it could stay. She said there was no record of that. In response to a question from Councilmember Noecker, she said trimming the rose bush to 36" was also an option.

In opposition:

Elizabeth Burr said three years ago an inspector said they could leave the rose bush if it were trimmed. She said her plan was to trim it in place, and she asked for some flexibility in the height requirement.

Councilmember Nelson moved to close the public hearing.

Councilmember Nelson moved to adopt Ms. Moermond's recommendation to order that the rose bush be moved by January 1.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

50 [RLH CO 18-30](#) Appeal of Rory Jones to a Correction Notice at 774 JENKS AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on a correction order to repair a retaining wall. She said the appellant discussed in the hearing that the wall was partially on the neighbor's property and that the neighbor had damaged it. Ms. Moermond showed photographs showing the deteriorated condition. She said she didn't think there was a question of neighbors damaging the wall or other things happening to affect the condition. She said the wall needed repair and appeared to be all on the appellant's property. She said they didn't have a survey to look at, but it was the best judgment of the inspector that the wall was connected to the appellant's property because it was on a couple different sides of the property. She recommended granting to December 1, 2018 for the wall to be repaired. She said the issues of responsibility for the damage and cost of repair were a private matter between the neighbors, and for this hearing the wall was associated with this property.

Council President Brendmoen asked whether the two properties were owner-occupied. Ms. Moermond said she believed one was a rental. She said the correct property address for the appellant was 774 Jenks, and the other property was 778. She said the appellant address was initially incorrect on the agenda but had been corrected.

In opposition:

Rory Jones (774 Jenks Avenue) he said there was an issue between the rental property at 778 Jenks and his property. He said sale information from a disclosure report for the neighbor's property indicated the retaining wall belonged to the neighbor. He said he had watched it be damaged over the years thinking it was not his. He said the two sides referred to by Ms. Moermond were not one continuous wall. He said he had rented a metal detector and, for seven properties, found pins two-feet beyond the standard forty foot property line. He said there was a driveway in front of his property that started two feet beyond his retaining wall, and records indicated the driveway used to be used by 778. He said he had photographs. Council President Brendmoen suggested that Mr. Jones show the photographs. He showed a photo of the driveway asphalt in front of the retaining wall. He displayed additional photos which he said demonstrated that the wall was not on his property. In summary, he said he had measured as well as he could, there was the disclosure form, and the owner of 778 hadn't argued when Mr. Jones had talked about the damage done by the tenants.

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

Councilmember Bostrom said this seemed to be a civil case regarding who owned the wall, and the only resolution was to get a surveyor there, and then it would be for their attorneys to figure it out. He said in the meantime he would move approval of Ms. Moermond's recommendation.

Council President Brendmoen asked why the correction notice was sent to only one property in cases where there was ambiguity over the property line. Ms. Moermond said it was the opinion of the Department of Safety and Inspections that the wall belonged to this property. They also considered whose soils were being retained by the wall, and Mr. Jones' were being retained. If there were a survey the City would revisit the orders if it was justified.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

52 [RLH SAO 18-53](#) Appeal of Kenneth Rowe to a Summary Abatement Order at 1094 MARION STREET.

Legislative Hearing Officer Marcia Moermond gave a staff report on the summary abatement order to remove a temporary awning structure. She said there was discussion in the Legislative Hearing about which codes applied. She said the building official made the determination it was the kind of structure that could only be up for 180 days; she noted the email from the building official was attached to the file. She said the appellant stated it wasn't up for 180 days; she said she saw cases a lot where staff didn't know how long a temporary structure had been in place. She said the recommended extension through November would take it out to six months, and the question for Mr. Rowe was how it would be handled in the future. Council President Brendmoen said the City had discovered the structure on July 19, so 180 days would be February. Ms. Moermond said Mr. Rowe had planned to take the structure down in November, but if the Council could allow it to be up until February.

In opposition:

Kenneth Rowe said he would like the summary abatement vacated. He said the orders were issued under Chapter 45 having to do with refuse and falling down buildings, and this did not apply. He said he questioned the inspector, who said that didn't pertain, but the City was just concerned about the canopy in the back yard. Mr. Rowe said he was basically blind-sided at the Legislative Hearing when the Legislative Hearing Officer said there was an email from another inspector stating it was a violation of the state building code. He said the building code didn't apply because the structure was so small, and it fell under fire code. The fire code said since it was so small there were no requirements for snow load or anything like that. He said he had a zoning plan stating this would be up no longer than six months, and that it would be taken down by November 1, and this was done well before the hearing was made. He said he was told that if he put it up next year, Ms. Moermond would order that it be removed immediately.

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

Council President Brendmoen said she had spoken with Mr. Rowe prior to the public hearing and said she would work with him looking forward at the structure. What was currently in front of the Council was an order to remove a temporary structure, and she would move to adopt Ms. Moermond's recommendation with the commitment to work with the constituent on a future carport.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 60 [RLH FCO 18-130](#) Appeal of Vicki Karr, Property Manager, to a Fire Inspection Correction Notice at 2610 UNIVERSITY AVENUE WEST.

Ms. Moermond gave a staff report elevator lobby on the second floor of an office use. The stairwell was not available from the elevator lobby except by way of an office space accessible by a card reader, and that was in violation of the fire code. She said her recommendation was to grant an extension to September 7 to rectify the situation, and it had looked like they had come to a solution where they would make the elevator key-operated rather than having a card reader for the office space. She said the property manager was present, and had contracted with an architect to do a build-out of the lobby area to make it code-compliant. Ms. Moermond said she thought that was a good solution. She said the property manager had asked for an additional two months; she said she was in support of that request and recommended that the Council amend the resolution and grant to November 15.

No one was present to testify. Councilmember Nelson moved to close the public hearing and adopt Ms. Moermond's recommendation.

Adopted as amended (additional extension granted for compliance)

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

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 39 - 61)

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

Nay: 0

Absent: 1 - Councilmember Thao

- 39 [RLH VO 18-42](#) Appeal of Angelina Reese to a Correction Notice - Re-Inspection Complaint, including Condemnation of Unit 203 at 1365 ARKWRIGHT STREET.

Adopted

- 40 [RLH VBR 18-49](#) Appeal of Scott Endres to a Vacant Building Registration Fee Warning Letter at 287 AVON STREET NORTH.
Adopted
- 41 [RLH FCO 18-139](#) Appeal of Andy Jadoo to a Correction Notice - Re-Inspection Complaint at 330 BURGESS STREET.
Adopted
- 42 [RLH VBR 18-53](#) Appeal of Kaxiong Moua to a Vacant Building Registration Notice at 733 CASE AVENUE.
Adopted
- 43 [RLH FCO 18-131](#) Appeal of Joe Fine/Bob Fine to a Correction Notice - Re-Inspection Complaint at 690 CLEVELAND AVENUE SOUTH.
Adopted
- 46 [RLH VO 18-35](#) Appeal of Jacob Laliberte to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 701 GERANIUM AVENUE EAST.
Referred to Legislative Hearings on September 11
- 47 [RLH RR 17-19](#) Ordering the rehabilitation or razing and removal of the structures at 412 GOODRICH AVENUE within fifteen (15) days after the July 19, 2017 City Council public hearing. (Amend to grant 180 days) (Public hearing continued from September 5, 2018)
Referred to Legislative Hearings on October 23
- 48 [RLH SAO 18-51](#) Appeal of Michael/Lily Schultz to a Summary Abatement Order at 652 HALL AVENUE.
Adopted
- 49 [RLH VO 18-34](#) Appeal of Daryl Smoliak to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 408 HAZELWOOD STREET.
Adopted
- 51 [RLH VBR 18-48](#) Appeal of Peng Sue Yang to a Vacant Building Registration Fee Warning Letter at 64 JESSAMINE AVENUE EAST.
Adopted
- 53 [RLH VO 18-33](#) Appeal of Shelly Bakken, Premier Management, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 947 MINNEHAHA AVENUE EAST.
Adopted

- 54 [RLH RR 18-31](#) Ordering the razing and removal of the structures at 737 ORANGE AVENUE EAST within fifteen (15) days after the September 5, 2018 City Council public hearing.
Adopted
- 55 [RLH VBR 18-47](#) Appeal of Laura Narayan to a Vacant Building Registration Renewal Notice at 945 OSCEOLA AVENUE.
Adopted
- 56 [RLH RR 18-32](#) Ordering the rehabilitation or razing and removal of the structures at 522-524 OTIS AVENUE within fifteen (15) days after the September 5, 2018 City Council public hearing. (Amend to grant 180 days)
Public hearing continued to September 26 (Legislative hearing September 25)
- 57 [RLH SAO 18-41](#) Appeal of Juliana Winner and Sei Ko to a Summary Abatement Order at 386 ROSE AVENUE EAST.
Adopted as amended (appeal denied; extension granted for compliance)
- 58 [RLH RR 18-33](#) Ordering the rehabilitation or razing and removal of the structures at 1757 SHERIDAN AVENUE within fifteen (15) days after the September 5, 2018, City Council public hearing.
Adopted
- 59 [RLH VO 18-40](#) Appeal of Jason Martinetto to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 559 SMITH AVENUE SOUTH.
Adopted
- 61 [RLH VO 18-39](#) Appeal of Robert F. Bauman, on behalf of Brenndon R. Lebert, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 953 WESTMINSTER STREET.
Adopted

The Council recessed 4:38 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:31 p.m.

Council President Brendmoen welcomed those present and explained public testimony procedure.

- 62 [Ord 18-45](#) Granting the application of City of Saint Paul to rezone property at 2239 Como Avenue from T1 Traditional Neighborhood to RT2 Townhouse Residential, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

Anton Jerve, Planning and Economic Development, gave a brief staff report.

Brian Alton, representing the property owners, spoke in support.

Councilmember Nelson moved to close the public hearing.

Public hearing held and closed; laid over to September 12 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Thao

- 63 [Ord 18-43](#) Granting the application of The Salvation Army to rezone the property at 618-626 Lawson Avenue East from RT1 Two-Family Residential to B2 Community Business, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Bill Dermody, Planning and Economic Development, gave a brief staff report.

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

Public hearing held and closed; laid over to September 12 for final adoption

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

Nay: 0

Absent: 1 - Councilmember Thao

- 64 [RES PH 18-252](#) Approving the petition of the Housing and Redevelopment Authority (HRA) to vacate a portion of Prosperity Avenue adjacent to HRA-owned property in Phalen Village.

No one was present to testify. Councilmember Bostrom 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 Jalali

Nay: 0

Absent: 1 - Councilmember Thao

- 65** [RES PH 18-264](#) Approving the application of B Horst Productions for a sound level variance to present amplified music for the Beats in Boyd concert series on Fridays, September 7, September 14 and September 21, 2018 in Boyd Park. (Note: modified time schedule from original variance request granted by Council on August 15, 2018)

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 Jalali

Nay: 0

Absent: 1 - Councilmember Thao

- 66** [RES PH 18-257](#) Approving the application of Flannel Athletics for a sound level variance to present amplified music and announcements for the Minnesota Wild Breakaway Run at 199 Kellogg Boulevard West on Saturday, September 15, 2018.

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 Jalali

Nay: 0

Absent: 1 - Councilmember Thao

- 67** [RES PH 18-262](#) Approving the application of Tom Schroeder, Waldmann, for a sound level variance to present amplified music on Friday, September 28 through Sunday, September 30, 2018 during the Waldmann Oktoberfest.

*In support:
Richard Miller (242 Goodrich Avenue)*

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 Jalali

Nay: 0

Absent: 1 - Councilmember Thao

- 68** [RES PH 18-258](#) Approving the application of Dual Citizen Brewery for a sound level variance to present live, amplified music on Saturday, September 29, 2018 in the parking lot south of 725 Raymond Avenue for the Dual Citizen Block Party.

In support:

Bob M (illegible) (2410 University Avenue)

Dustin Koch (2410 University Avenue)

Councilmember Nelson 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 Jalali

Nay: 0

Absent: 1 - Councilmember Thao

- 69** [RES PH 18-256](#) Approving the application of the American Foundation for Suicide Prevention for a sound level variance to present announcements and amplified music on Sunday, September 16, 2018 at Como Park Pavilion for the Out of the Darkness Walk.

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 Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 1 - Councilmember Thao

- 70** [RES PH 18-263](#) Approving the application of Insituform for a sound level variance to allow for a cure-in-place sewer liner project on Orange Avenue West between Virginia Street and Farrington Street for a single overnight process between October 1 and December 31, 2018.

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 Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 1 - Councilmember Thao

- 71** [RES PH 18-259](#) Considering and adopting adverse licensing action against the Cigarette/Tobacco license held by Dollar Plus Inc., d/b/a Dollar Plus at 560 University Avenue West. (Public hearing continued from September 5)

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report. She said the matter had been before the Council previously and the licensee had appeared with an interpreter. The Council had referred the matter for a hearing with an Administrative Law Judge. Ms. Skarda said the licensee was present but she didn't see that an interpreter was present.

Council President Brendmoen moved to lay the matter over for two weeks.

Public hearing continued to September 19

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

Nay: 0

Absent: 1 - Councilmember Thao

- 72** [ABZA 18-5](#) Public hearing to consider the appeal of Jean Schroepfer to a decision by the Board of Zoning Appeals denying variances to allow the conversion of a single family dwelling into a duplex at 1185 Dayton Avenue. (Public hearing continued from September 5)

Council President Brendmoen said the intent was to continue the public hearing to September 19 so Councilmember Thao could be present.

No one was present to testify. Councilmember Nelson moved to continue the public hearing to September 19.

Public hearing continued to September 19

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

Nay: 0

Absent: 1 - Councilmember Thao

- 73 [RES PH 18-246](#) Granting the application of Summit Center for Arts and Innovation for a historic use variance at 1524 Summit Avenue. (Public hearing held September 5)

Bill Dermody, Planning and Economic Development, gave a staff report on the request to add certain uses within the existing structure at the old church at 1524 Summit Avenue. The most significant new uses were wedding receptions and concerts not associated with the music school use which had recently been approved. He said the parking lot, which he believed would be the subject of testimony, had 12 spaces. The church use required 20 spaces, so it was currently a legal non-conforming parking situation. He said the Heritage Preservation Commission (HPC) and Planning Commission found that all findings were met, and recommended approval subject to four conditions. He reviewed the conditions, including the condition stating that the Macalester Groveland Community Council could request a parking study if they determined that parking was a problem. He said the most debated finding in the testimony and Zoning Committee and HPC was finding 2a in the Planning Commission resolution, stating that the proposed use was compatible with existing uses in the surrounding area. He said the Mac-Groveland Community Council weighed in before the conditions had been added, with support for the application but concerns about hours of operation and parking. The Planning Commission addressed those and other concerns with their conditions.

For the applicant:

Developer John Rupp spoke in support of preservation of the church building. He said the proposed uses didn't vary significantly from what was going on with the Episcopal Church while it was there. He said unanimous support, as was required, was received in the petition from the neighbors, and nearly unanimous support at Macalester Groveland, from the Board of Zoning Appeals (BZA), and the Planning Commission.

Councilmember Prince asked about responses to neighbor concerns about additional shared parking and hours of operation. Mr. Rupp said hours of operation varied by the day. He said additional parking had been arranged with adjacent properties. Councilmember Prince said she appreciated the responsiveness to neighbor concerns.

Cléa Galhano, Executive Director of the St. Paul Conservatory of Music, spoke about the positive impact of the program on the community.

Harry Challmiers (487 Portland Avenue) spoke in support. He said this would be a sustainable business model for this valuable work of art, and would return the space to its historic mode of operation as a place of worship, cultural opportunities, public discourse and education. He said this was one of the finest acoustic environments in the Upper Midwest. He said they did the best they could to secure additional parking and to revise the hours of closing, and noise ordinances would certainly be followed.

In opposition:

Phil Martineau (1474 Summit Avenue) said the issue was when the music stopped, and not the hours of operation. He said basically they could have 300-400 cars leaving a deeply residential area at 1:00 a.m. weekends and 11:00 p.m. on school nights. He said they had done well, but could do better. He said Mr. Rupp was a developer, and the City should retain a right of review over any new owner for when, not if, he sold the property.

Tom Darling (445 Summit Avenue) member of the Summit Avenue Residential

Preservation Association (SARPA) board of directors, said the reality was that the building was not being saved, but was bought by a developer and now couldn't work without this intensive use. He said it could be used again as a church, and he attacked that fundamental assumption that this was a savior they were dealing with. He said Summit Avenue was a unique resource for all of St. Paul because it was a living breathing street with homes. Starting to attack the nature by converting the residential to a very intensive commercial use was attacking Summit Avenue, and from a legal perspective of this must be considered. People would be tempted to do more of this, and he asked when did you reach a tipping point. This Historic Use Variance was very new and should be approached with very much caution. He said he felt the Council should deny it until the full ramifications were known. They hadn't seen any no written agreements regarding parking, and didn't know how frequent the events would be. Summit Avenue would be turned into Park Avenue unless they were vigilant.

Bob Morrison (1649 Summit Avenue), member of SARPA board, asked that the Council consider delaying the decision until they knew more about the intended use. He said he commended the City and Mr. Rupp for reaching out to the community and attempting to mitigate the concerns. He said he had counted vehicles attending church on four Sundays, and spoke with church officials who said they were directing people to park on Summit and Saratoga. The net effect he found was over 200 cars for the church services which was consistent with the church capacity. The concern was they didn't know the frequency and attendance. He asked that the Council delay until they found out exactly what the intended use was going to be.

Chip Michel (1731 Summit Avenue) said people leaving wedding receptions or stag parties were not the same clientele that left music concerts put on by a school. This was going to be an event center, and granting the variance for this would be a slippery slope; there were a lot of churches on this street. They'd worked all their lives to preserve Summit Avenue as a residential street. A music school was fine, but not an event center. He asked that the Council hold the vote until they knew exactly what the intent was.

Rachel Westermeyer (1935 Summit Avenue), SARPA and West Summit Neighborhood Advisory Committee (WSNAC), said she was very concerned about parking. She said parking around St. Thomas had gotten ridiculous at this point, and 450 seats in this church was going to bring a large group wanting parking. She said Mr. Rupp said he had verbal commitments for around 100 spaces that were not available at all times. She said she was also concerned about the events themselves, and the noise. People could complain but that was a low priority for police. They didn't have a clear idea of what was going to take place at this innovation center, and she asked that the Council lay it over until there was more information.

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

Councilmember Tolbert said he appreciated everyone's testimony. He said it was a beautiful church designed for music, and he appreciated that someone was willing to invest and make the expensive capital improvements. He said he felt the use had been well laid out and would be a great benefit for the neighborhood. He said he believed conditions had been met, but he would like edit the second condition with the hours to make them more clear. He moved to lay the matter over one week to edit the hours, then would move to approve.

Council President Brendmoen and Councilmember Prince spoke in support of the motion.

Public hearing held and closed; laid over to September 12 at 3:30 p.m.

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

Nay: 0

Absent: 1 - Councilmember Thao

74 [RES PH 18-261](#) Approving safety improvements to the bicycle lanes on Prior Avenue between University Avenue and Minnehaha Avenue.

Reuben Collins, Public Works, gave a staff report and answered Council member questions.

In opposition:

Josh Arvold (622 Prior Avenue), said four to six cars parked in front of their building every weekday, and they didn't have off-street parking. Customers would have to walk a block from side streets. He said he liked the bike safety aspects but was afraid of what would happen if they lost parking for their business. He said he had talked to Menards, and they used the street for employee parking when employee parking was full.

In response to a question from Council President Brendmoen, Mr. Arvold said they had a parking lot, but heavy machinery movements and storage made it unsafe to park.

In support:

*Rob Clapp, Can Can Wonderland (755 Prior Avenue)
Erin Parrish (1656 Minnehaha Avenue) and Hamline Midway Coalition
Jake Rueter (1347 Blair Avenue)
Andy Singer (2103 Berkeley Avenue) St. Paul Bike Coalition*

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

Council President Brendmoen noted that it would connect to Pierce Butler, a potential east west route.

Councilmember Nelson spoke in support and moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 6:46 p.m.

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