



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

Wednesday, February 6, 2019

3:30 PM

Council Chambers - 3rd Floor

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

ROLL CALL

Councilmember Thao excused

Present 6 - Councilmember Amy Brendmoen, Councilmember Chris Tolbert,
Councilmember Rebecca Noecker, Councilmember Jane L. Prince,
Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

Absent 1 - Councilmember Dai Thao

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 19-5](#) Letter from the Department of Safety and Inspections declaring 530 Geranium Avenue East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and filed

- 2 [AO 19-3](#) Amending CDBG activities budgets.
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 3 - 27)

Councilmember Noecker moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 3** [RES 19-197](#) Approving the Settlement Agreement and Release between the City of Saint Paul and First Lutheran Church and its attorneys Thomas P. Kane and Evan Berquist.
Adopted
- 4** [Min 19-7](#) Approving the minutes of the January 16 and 23, 2019 City Council meetings.
Adopted
- 5** [RES 19-214](#) Authorizing the City of Saint Paul to accept a donation of artwork.
Adopted
- 6** [RES 19-132](#) Approving the City's cost of providing Property Clean Up services during December 3 to 14, 2018, and setting date of Legislative Hearing for March 19, 2019 and City Council public hearing for May 1, 2019 to consider and levy the assessments against individual properties. (File No. J1913A, Assessment No. 198512)
Adopted
- 7** [RES 19-133](#) Approving the City's cost of providing Property Clean Up services during December 17 to 28, 2018, and setting date of Legislative Hearing for March 19, 2019 and City Council public hearing for May 1, 2019 to consider and levy the assessments against individual properties. (File No. J1914A, Assessment No. 198513)
Adopted

- 8 [RES 19-140](#) Accepting a public sidewalk and city street light easement from the State of Minnesota for a widened and realigned sidewalk and new street lighting along the west side of Cedar Street within the State Capitol Grounds property.
- Adopted**
- 9 [RES 19-166](#) Granting preliminary approval to the issuance of sales tax revenue bonds by the City and authorizing City finance staff and advisors to take certain actions with respect to the issuance and sale of such bonds and related matters.
- Adopted**
- 10 [RES 19-167](#) Granting preliminary approval to the issuance of certain general obligation and revenue bonds as approved in the 2019 budget of the City of Saint Paul; expressing the intent of the City of Saint Paul to reimburse itself from the proceeds of such tax-exempt bonds; and authorizing City finance staff and advisors to take certain actions with respect to the sale of such bonds.
- Adopted**
- 11 [RES 19-151](#) Authorizing the Fire Department to apply for the 2018 Hazardous Materials Emergency Preparedness (HMEP) grant in the amount of \$21,000 from the State of Minnesota Department of Homeland Security and Emergency Management for training for firefighters.
- Adopted**
- 12 [RES 19-121](#) Establishing the rate of pay for the new classification of Communication Equipment Technician in Grade 037 of EG 02, AFSCME Technical.
- Adopted**
- 14 [RES 19-142](#) Approving the Mayor's appointment of Kristine Grill to the Planning Commission.
- Adopted**
- 15 [RES 19-153](#) Authorizing the Como Park Zoo and Conservatory to purchase food for educational programs.
- Adopted**
- 16 [RES 19-155](#) Authorizing the Department of Parks and Recreation, Como Park Zoo and Conservatory Volunteer Services, to purchase items in an amount not to exceed \$5,000 for Volunteer Recognition events.
- Adopted**

- 17 [RES 19-193](#) Authorizing the Department of Parks and Recreation to solicit and accept donations for the 2019 Citywide Spring Cleanup event.
Adopted
- 18 [RES 19-136](#) Authorizing the Department of Planning and Economic Development (PED) to accept a donation from PED staff for travel costs related to attending the 2018 Getting to Zero National Forum.
Adopted
- 19 [RES 19-170](#) Authorizing the Planning & Economic Department to accept the donation of airfare and hotel costs from Nexus Community Partners for Marcq Sung, Director of Business Development, to attend the 2019 Government Equity Summit: Business Retention through Employee Ownership.
Adopted
- 20 [RES 19-175](#) Authorizing the Police Department to apply for a grant from the Grotto Foundation for the Law Enforcement Career Path Academy (LECPA) program.
Adopted
- 21 [RES 19-177](#) Authorizing the Police Department to enter into an Income Contract with the State of Minnesota, Bureau of Criminal Apprehension, for Forensic Controlled Substance Scientist services.
Adopted
- 22 [RES 19-120](#) Authorizing not using a Project Labor Agreement (PLA) for the following projects: Sewer Cleaning and Televising Projects (Cleveland-Youngman, Montreal-Woodlawn, Snelling-Juno), MRB Sanitary Tunnel Cleaning, Tunnel Shafts, Flandrau-Case Stormwater Facility Improvements, 2019 Citywide Sewer Lining, and 2019 Citywide Sewer Repairs.
Adopted
- 23 [RES 19-187](#) Approving Liquor On Sale - 291 or More Seats, Liquor On Sale - Sunday, Liquor Catering (State Cater/City Liq), and Entertainment (B) licenses with conditions to Minnesota Soccer Sportservice, LLC, d/b/a Minnesota Soccer Sportservice, LLC (License ID #20180004243) at 400 Snelling Avenue North.
Adopted

- 24 [RES 19-169](#) Approving a waiver of the 45-day notice requirement to issue Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Entertainment (A) licenses with conditions to Pimento Incorporated, d/b/a Pimento Jamaican Kitchen (License ID #20180004365) at 928 - 7th Street West, Suite #104.

Adopted

- 25 [RES 19-192](#) Approving a waiver of the 45-day notice requirement to issue Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, Liquor On Sale - 2AM Closing, Entertainment (B), and Gambling Location licenses with conditions to The Midway Entertainment Group, LLC, d/b/a Gibson's Booze Food and Fun (License ID #20190000177) at 1553 University Avenue West.

Adopted

- 26 [RES 19-29](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Lucas Autocare, LLC (License # 20180003362), d/b/a Metro Automotive, for an Auto Repair Garage license at 675 Snelling Avenue North.

Adopted

- 27 [RES 19-152](#) Approving adverse action against the Auto Repair Garage and Second Hand Dealer-Motor Vehicle licenses held by Discount Auto Service, Inc. d/b/a Discount Auto Sales and Service located at 1047 Raymond Avenue.

Adopted

FOR DISCUSSION

28 [RES 19-72](#)

Approving the issuance of conduit revenue obligations by the Port Authority for the benefit of Concordia University, St. Paul, or any of its affiliates. (Laid over from January 23 and February 6) (To be withdrawn)

Council President Brendmoen noted that Councilmember Thao wasn't present and she wondered whether the next step was for the Council to hear from the Port or representatives of Concordia, or if any her colleagues had anything to start the conversation. She said the matter was laid over two weeks ago and she had no further information, and she felt she needed more information.

Councilmember Noecker said there were people present who could answer questions. She said her questions included what the property tax implications of the sale would be for the school district and County, and clarification of what it meant for the sale to go to a non-profit owner with for-profit tenants that might not remain.

Council President Brendmoen asked whether Council members preferred to ask questions of those present of lay the matter over and have conversations over the coming week.

Councilmember Jalali Nelson requested additional information from those present.

Tom Ries, Concordia University President, came to the podium.

Council President Brendmoen said Council members were all supportive of Concordia but weren't clear about the urgency on the matter and why Concordia was choosing to purchase, and the potential impacts to the City. She said they needed a little bit of context. Mr. Ries said when a not-for-profit purchased a property, the portion occupied by the not-for-profit was tax exempt and the portion open for commercial rental remained taxable. He provided some background on Concordia: He said Concordia had been in the community for 125 years, had the smallest endowment of all four-year schools in the state and was tuition dependent. He said they worked hard at being affordable and targeted a diverse clientele. He said enrollment had grown by nearly 80% in the last decade, had maximized their facilities on campus. He said they had leased space from Central Midway Building for four years, starting with one floor and increasing to the current three and-a-half floors. He said the owners approached them a little over a year ago and asked if they were interested in purchasing the building. He said they had worked with their bank and decided that tax exempt financing would be a good option as a piece for the acquisition. He said they were expecting to purchase the building and to expand their occupancy to four and-a-half floors of the nine floors fairly soon after that. He said they may grow more but that would take some time, and circumstances might also cause them to move in the other direction. He said they had reached an agreement with the current ownership and completed their due diligence process, and the and last step was the financing package. He said they were extremely aware of the tax consequences and impact that this could have on City revenues. He said half will remain taxable, and the assessed value had gone up for the next year and they believed it would go up more after the sale. He said they anticipated tax revenue for the City could remain close to the same. He spoke about the benefits other than financial for Concordia to take ownership.

Council President Brendmoen said she appreciated the information and it had answered many of the questions. She said the problem was not with Concordia but with the approach the Port Authority used to bring it before the Council, without a briefing. She said her understanding now was that Concordia received an offer

off-market, which was relevant to the timing.

Councilmember Prince said her understanding was that the City's portion of property taxes on the parcel was about \$39,000 and for with all other taxing districts was about \$200,000; she asked Mr. Ries whether he was saying that based on the purchase price, this would continue to pay that amount. Mr. Ries said, according to the 2018 tax statement, the allocation from the taxable portion was \$153,000, and had moved to \$202,000 for the current tax year. He said that was based on an assessed value of \$5.62 million and they were paying approximately \$9.6 million for it, which he assumed would cause the assessed value to go up. He said it was not going to be a total wash-out in terms of City revenues.

Council President Brendmoen said because St. Paul was the County Seat and State Capital there were many properties that were non-profit, and while those entities were what made St. Paul great, somehow the City had to pay the bills and the Council felt it was their responsibility to do this due diligence when properties changed from taxable to tax-exempt.

Councilmember Noecker thanked Mr. Ries for his comments. She said, looking at the big picture, she didn't want to use the Council's power as a public entity to do something that was going to eventually deplete public reserves, not just for the City but for the schools and Ramsey County. She said neither entity was consulted about these decisions, which and she felt that was a topic for future discussion around the table. She said she was struggling with the uncertainty going forward.

Council President Brendmoen said if Concordia expanded an additional four and-a-half floors that would represent jobs an addition of jobs in St. Paul, so it wasn't completely a zero-sum.

Councilmember Tolbert thanked Mr. Ries for the information, which clarify the questions he had. He said Concordia was a great college, and the city's colleges were one of the special parts of St. Paul. He said he preferred to have local ownership of an important building, and if they were expanding at least they were expanding up and not necessarily expanding out. He said he was supportive of the kind of bonds that had no bearing on the City's finances. He said he thought the Council was caught off guard that the Port Authority, which had made not taking industrial property off the tax rolls their PR campaign for the last seven years, come and ask to take an industrial property off the tax rolls. He said he was supportive of the resolution.

Councilmember Jalali Nelson asked Mr. Ries about Concordia's vision for the mix of renters over time, and what discussions they'd had with tenants. Mr. Ries said they didn't have a single tenant problem and hope the tenants stayed with them. He said they won't move into a space where they had a relationship, but would work with them so they could either stay or find another adequate place to go. He said one of the fastest growing areas of the academic program was in health care, and they did have some strategic notions of trying to attract more health care providers back into the building.

Councilmember Prince said she appreciated that Mr. Ries was present and that no one expected this would become an issue, but this was a huge issue for her. She said she represented some of the lowest-income neighborhoods, and the City didn't have enough revenue to provide the needed level of services. She asked Mr. Reese what it would mean financially for Concordia to continue to rent. She said the reason they were doing it was to expand their campus, which required a conditional use permit, and

Concordia should be talking to PED (Planning and Economic Development) and Zoning. She said what they were talking about was expanding the campus boundary and taking a very valuable, increasingly valuable parcel out of the City. She said they needed to get real that this was a campus expansion and a long-term removal of a parcel off the tax rolls in an area where the City had made a lot of investments and the promise to expand the tax base. She said when the City did tax increment financing and conduit revenue bonds they were not checking with our other taxing districts, which also had significant unmet needs. She noted that St. Paul had approved a tax levy for the schools, at great expense to people in her community. She stresses that she felt Concordia was a great school and she appreciated Mr. Ries's presence and his candor. She said Council members had heard from (Port CFO) Todd Hurley that the purchase would go through with or without the conduit bond financing, and the interest savings with the conduit bond financing would be around \$60,000 a year. She said she felt some portion of that should be coming to the City as a PILOT (payment in lieu of taxes) payment. She said it would be a voluntary payment but over time should be tied to the amount of taxes the City eventually ended up losing. She said her vote in support would be contingent on a symbolic commitment to some kind of a PILOT payment that expanded over time as the City lost tax base.

Councilmember Noecker echoed Councilmember Prince's point that this was not about Concordia, but was an issue the Council needed to be scrutinizing this carefully. She said she didn't like doing it on a case by case basis but preferred to make these decisions based on recommendations from staff. She said the Council we needed that study of taxable to non-taxable conversions to make these decisions in a systemic way. She said as an alternative to a PILOT payment, would be to potentially have an agreement not to displace commercial property from the four-and-a-half floors over the life of the bond. She said without out some sense of that, the Council's support without the County or the school district having any say in the matter didn't seem like something they should be doing.

Council President Brendmoen said this was getting pretty far astray. She said this discussion was needed but not at the table.

Councilmember Jalali Nelson said she appreciated the discussion but would like to lay the matter over to give more time. She said she felt there was an openness, but they wanted to be sure there was a public benefit for some of the public resources being given up. She moved one-week layover to allow for a thoughtful decision about the City's involvement.

Council President Brendmoen asked whether one week was long enough. Councilmember Jalali Nelson said she felt that was enough time.

Councilmember Noecker asked Mr. Ries if any of this was palatable, or would his preference be that the Council just vote.

Mr. Ries said they didn't have a closing scheduled but were at that juncture. He said there was a jumble of issues being raised, and he understood that. He said they would have to talk to the sellers, but he felt two weeks might be a workable thing.

Council President Brendmoen said they didn't want to lay it over if there was no reason to continue the conversation. Mr. Ries said, on the matter of the PILOT, there had to be something that happened eventually. He said they were not unhappy with the previous arrangement whereby street improvements were done and they got an assessment. He said he recognized that the change had left a hole for the City

government and the residents of St. Paul, but what to do about that couldn't be answered in a couple of weeks. He said they were conscious of it and trying to figure out what to do, with their peer institutions. He said he thought the conversation should continue to go on.

Councilmember Jalali Nelson moved a two-week layover.

Laid over to February 20

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

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.

First Reading

- 29** [Ord 19-4](#) Granting the application of Marshall Group LLC to rezone property at 1819 Marshall Avenue from T1 traditional neighborhood to T2 traditional neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to February 13 for second reading

- 30** [Ord 19-5](#) Changing one block of Roy Street between Shields Avenue and Spruce Tree Avenue from a one way street northbound to a two way street in accordance with Chapter 147 of the Legislative Code.

Laid over to February 13 for second reading

PUBLIC HEARINGS (3:30 p.m.)

- 31** [RES PH 19-19](#) Amending the financing and spending plans in the Fire Department in the amount of \$1,400 for a donation received from Coulee Bank.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 32** [RES PH 19-16](#) Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$125,000 to utilize available CIB Contingency Funds for the Jimmy Lee Play Area project.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 33** [RES PH 19-21](#) Authorizing Police Department to accept a grant in the amount of \$225,000 from the Otto Bremer Trust through the St. Paul Police Foundation.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

- 34** [RES PH 19-27](#) Accepting the gift of \$2,000 from the Saint Paul and Minnesota Foundation and \$2,000 from the Saint Paul Fire Foundation, and amending the Department of Safety Inspections budget to provide emergency lodging to certain individuals until other resources can be identified.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

36 [RLH CO 19-1](#)

Appeal of David Johnson, Jr. to a Correction Notice at 1038 BLAIR AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the correction notice issued for two vehicles parked in the city's right-of-way. She displayed a photograph of the vehicles parked in the boulevard area/driveway apron, and blocking a portion of the sidewalk. She said the city's right-of-way extended from the side of the sidewalk closest to the property owner, to the curb. She said one of the vehicles remained when fresh photos were taken prior to the Legislative Hearing, and that vehicle was off the sidewalk but protruding into the street. She said the appellant believed he was not blocking the sidewalk, that it wasn't a violation if it didn't occur for at least 48 hours, and also noted he was out of town. She said the key issue how driveway and driveway apron were defined in this situation. She said the right-of-way was clearly defined in the Legislative Code, and the vehicle was clearly parked within the city's right-of-way. She said the question in the appeal was whether the orders were correctly issued given the conditions that existed. She said on two occasions the conditions did exist, and, specifically, orders were issued correctly on December 20. She recommended that the Council deny the appeal.

In response to a question from Councilmember Noecker, Ms. Moermond said the initial correction order for the two cars was dated December 20 with compliance deadline of January 7, and an appeal was filed prior to deadline. She said inspectors went back prior to the hearing to take fresh photos, but probably didn't need to issue a second set of orders with a new deadline at that time. She said the parking in the street was not in front of the Council, and would be a matter for police enforcement. Council President Brendmoen confirmed with Ms. Moermond that the Council was not looking at the second set of orders. Ms. Moermond said that was correct; she said the deadline would be the same and her recommendation was to deny the appeal. Council President Brendmoen confirmed with Moermond that the appellant's options were to appeal or park the cars in any legal area.

Council President Brendmoen stated that for Legislative Hearing items, five minutes was allowed for testimony.

Property owner David Johnson said he thought the problem was that he was on the sidewalk so he moved the cars back. He said they parked the cars there because they were out of town and wanted them off the street in case of a snow emergency, and he didn't think he was doing anything wrong. He said he thought they corrected the problem, but now they were saying he couldn't even park on the pavement in front of his garage. He said they appealed to get clarity, to understand why they couldn't park there. He said he'd lived there for 25 years and never been harassed like this. He said for someone to come through the neighborhood and pick on people for this offense was uncalled for.

Council President Brendmoen reviewed that Ms. Moermond had stated there was a violation and Mr. Johnson appealed it. She said the picture showing the car protruding into the street was not part of what was being considered, but it sounded like Mr. Johnson had been parking in his driveway and over the sidewalk for a long time and it wasn't a problem. Mr. Johnson said they normally hadn't been parked on the sidewalk because he told his children to back up. He said the car that was furthest on the sidewalk had been parked there by the person who drove them to the airport, and he would not normally pull that far forward.

Council President Brendmoen said City staff didn't normally go out to find these

parking violations, and it usually came up when somebody reported it. She said there had been a spate of these reports lately, but it did appear that Mr. Johnson used the driveway apron for parking. Mr. Johnson said they owned a business as well, and there was a school bus stop on the corner and they thought it would be better to be parked off the street. He said he'd never experienced anything like this and thought it was harassment. He said they didn't think they were breaking the law, and that's why he was trying to get clarity.

Councilmember Noecker said she appreciated that Mr. Johnson had come to talk about it rather than just feeling harassed and not saying anything. She said there were many city laws that people didn't know about. She confirmed with Ms. Moermond that there were no fees associated with the order and Mr. Johnson just had to move the vehicles. She asked Mr. Johnson whether he appealed because he didn't want to move them or was just looking for clarification. Mr. Johnson said he wanted to make clear that this was something that should be worked out with the citizens. He said if citizens had an apron they spent money on, they should be able to park there as long as they were not blocking anything, otherwise there was no reason to have the apron. He said if someone has a driveway they should be able to park there, and if they're in the street a little bit it shouldn't make any difference because there was parking on the street anyway.

Councilmember Prince asked whether this was an ordinance violation. Ms. Moermond said it was; she referred to Legislative Code Section 106.01 having to do with obstructing portions of the right of way. She said the parking into the street, which wasn't in front of the Council, was covered in Chapter 157.06. Councilmember Prince said to Mr. Johnson that if the Council were to look at it long-term for him, it would require a law change. Ms. Moermond said it was part of a family of laws having to do with the use public right-of way, covering things like the height of boulevard plantings and when a dumpster could be placed there.

Mr. Johnson asked how the apron was part of the right-of-way. Council President Brendmoen said the City Attorney had just been talking to her about the ADA requirement that a wheelchair be able to get through on the sidewalk. She said the area from the edge of the sidewalk to the street was considered the public right-of-way, and it was clearly spelled out in City ordinance that parking was not allowed there. She said the matter being considered was whether Mr. Johnson was parking there, and he had stated that he was. She said changing the ordinance would be a longer process with a larger set of things to consider within a larger context. She noted that Mr. Johnson had said he felt picked on; she said the City didn't have staff to go out and pick on people. She said the way to resolve this was to not park there.

Mr. Johnson asked about the process for getting ordinance lifted. Council President Brendmoen said Mr. Johnson could work with Councilmember Thao on that, but for now the ordinance was clear.

Councilmember Prince said she appreciated the confusion, and that it did seem like the driveway apron was an extension of the driveway that belonged to Mr. Johnson, but it was within the part of the street including the grass boulevard that was part of the public right-of-way. Mr. Johnson asked whether the City was then responsible for it. Councilmember Brendmoen said the driveway had an easement to go over the city's right-of-way. Ms. Prince said property owners were responsible for the care of the right-of-way; she asked for assistance in explaining the policy. She said when the street was reconstructed, the City would put in the curb cut and driveway apron, as well as re-sodding the boulevard and putting in boulevard trees that belonged to the City,

even though they were on property maintained by the property owner.

Ms. Moermond said the right-of-way was an easement that the City had over private property, and the responsibility of the private property owner was from the center of the alley (in back?) through to the curb. She said the alley, sidewalk, and boulevard were right-of-way.

Council President Brendmoen encouraged Mr. Johnson to reach out to Councilmember Thao; she said an ordinance change was not likely but was worth looking at.

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

Councilmember Tolbert moved to deny the appeal.

Adopted

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

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 35 - 50)

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Thao

- 35** [RLH VBR 18-97](#) Appeal of Joseph Oredola to a Vacant Building Registration Notice at 87 ACKER STREET EAST.

Adopted

- 37** [RLH SAO 19-4](#) Appeal of Reyna Irazoque to a Vehicle Abatement Order at 425 BRAINERD AVENUE.

Public hearing continued to February 20

- 38 [RLH CO 18-45](#) Appeal of Francis Garcia to a Correction Notice at 312 BRIMHALL STREET.
Adopted
- 39 [RLH SAO 19-2](#) Appeal of John Lesch to a Vehicle Abatement Order at 1211 COMO BOULEVARD WEST.
Adopted
- 40 [RLH VBR 18-99](#) Appeal of Hai Truong to a Vacant Building Registration Renewal Notice at 711 FULLER AVENUE.
Adopted
- 41 [RLH SAO 19-3](#) Appeal of Paul Stefanyshyn to a Summary Abatement Order and Vehicle Abatement Order at 98 GARFIELD STREET.
Adopted
- 42 [RLH RR 19-1](#) Making finding on the appealed nuisance abatement ordered for 735 MARGARET STREET in Council File RLH RR 18-3.
Adopted
- 43 [RLH VBR 18-100](#) Appeal of Michael Buelow to a Vacant Building Registration Notice at 947 MINNEHAHA AVENUE EAST.
Adopted
- 44 [RLH TA 18-622](#) Ratifying the Appealed Special Tax Assessment for property at 1113 PLEASANT AVENUE. (File No. VB1903, Assessment No. 198802; amend to File No. VB1903C, Assessment No. 198811)
Adopted as amended (assessment reduced)
- 45 [RLH VBR 18-98](#) Appeal of Lynn Fagerness to a Vacant Building Registration Notice at 1127 RAYMOND AVENUE.
Adopted
- 46 [RLH CO 19-3](#) Appeal of Curtis Zitzman to a Correction Notice at 1026 REANEY AVENUE.
Adopted
- 47 [RLH FCO 19-3](#) Appeal of Terry McDonough to a Fire Inspection Correction Notice at 1211 REANEY AVENUE.
Adopted

- 48 [RLH FCO 18-204](#) Appeal of Andrew and Diane McFarland to a Fire Inspection Correction Notice at 211 STEVENS STREET WEST.
Adopted
- 49 [RLH FCO 18-206](#) Appeal of William Rolf to a Correction Notice-Complaint Inspection at 476 SUMMIT AVENUE.
Adopted
- 50 [RLH RR 18-53](#) Making finding on the appealed nuisance abatement ordered for 830 UNIVERSITY AVENUE WEST in Council File RLH RR 18-22.
Adopted as amended (extension granted)

Council members shared news from the wards.

The Council recessed at 4:34 p.m.

PUBLIC HEARINGS (5:30 p.m.)

- 51 [Ord 19-2](#) Granting the application of James Jarman and Sarah Jarman to rezone the property at 541 Selby Avenue from RM2 Multi-Family Residential to BC Community Business (Converted), and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing.
Public hearing held and closed; laid over to February 13 for final adoption
- Yea:** 6 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Thao

- 52** [Ord 19-3](#) Granting the application of Peggy Dahl to rezone property at 1375 Cleveland Avenue North from RM1 Low-Density Multi-Family Residential to RM2 Medium-Density Multi-Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Councilmember Jalali Nelson requested a staff report.*
- Anton Jerve, Planning and Economic Development, gave a staff report.*
- No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing.*
- Public hearing held and closed; laid over to February 13 for final adoption**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Thao
- 53** [RES PH 19-1](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Property during July to September 2018. (File No. 1901LDSRP, Assessment No. 194000)
- No one was present to testify. Councilmember Prince moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Thao
- 54** [RES PH 19-2](#) Ratifying the assessments for Replacement of Sanitary Sewer Line on Private Property during July to September 2018. (File No. SWRP1901, Assessment No. 193000)
- Dianna Randle (1129 Norton Street) asked to have her assessment spread over 20 years. Council President Brendmoen noted that there was no Real Estate staff present; she referred Ms. Randle to Council staff for the paperwork to be filled out.*
- Kay Paw (712 Parkway Drive) asked to have her assessment spread over 20 years. Councilmember Busuri said his office would reach out to Ms. Paw.*
- Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**

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

Nay: 0

Absent: 1 - Councilmember Thao

ADJOURNMENT

The meeting was adjourned at 5:42 p.m.

Meeting adjourned

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