



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 20, 2019

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 3:30 and 5:30 p.m.

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:32 p.m.

Present 7 - Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 19-6](#) Amending the 2019 General Fund budget to use contracted services instead of personnel for building benchmarking.
- 2 [AO 19-8](#) Designating Todd Axtell, Chief of Police, and Robert Thomasser, Assistant Chief of Police, as authorized signers for the City of Saint Paul Police Department pursuant of Sec. 86.01 of the City Charter.

Received and filed

Councilmember Busuri introduced Mohamed Salad, Somali Minister of Transport and Civil Aviation.

Mr. Salad made brief comments.

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 Tolbert moved approval of the Consent Agenda.

Consent Agenda adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

- 3 [Min 19-11](#) Approving the minutes of the February 6 and 13, 2019 City Council meetings.
Adopted
- 4 [RES 19-296](#) Allocating 2019 Community Engagement funding.
Adopted
- 5 [RES 19-305](#) Approving the use of grant funds through the Neighborhood STAR Year-Round Program for Yoerg Brewing.
Adopted
- 6 [RES 19-251](#) Approving the City's cost of providing Boarding and/or Securing services during December 2018, and setting date of Legislative Hearing for April 2, 2019 and City Council public hearing for May 15, 2019 to consider and levy the assessments against individual properties. (File No. J1907B, Assessment No. 198106)
Adopted
- 7 [RES 19-252](#) Approving the City's cost of providing Demolition services during December 2018, and setting date of Legislative Hearing for April 2, 2019 and City Council public hearing for May 15, 2019 to consider and levy the assessments against individual properties. (File No. J1906C, Assessment No. 192005)
Adopted

- 8 [RES 19-253](#) Approving the City's cost of providing Demolition service during January 2019 at 547 Stinson Street, and setting date of Legislative Hearing for April 2, 2019 and City Council public hearing for May 15, 2019 to consider and levy the assessments. (File No. J1907C, Assessment No. 192006)

Adopted

- 9 [RES 19-254](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during October 15 to November 12, 2018, and setting date of Legislative Hearing for April 2, 2019 and City Council public hearing for May 15, 2019 to consider and levy the assessments against individual properties. (File No. CRT1907, Assessment No. 198206)

Adopted

- 10 [RES 19-255](#) Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during October 22 to November 21, 2018, and setting date of Legislative Hearing for April 2, 2019 and City Council public hearing for May 15, 2019 to consider and levy the assessments against individual properties. (File No. J1907E, Assessment No. 198307)

Adopted

- 11 [RES 19-257](#) Approving the City's cost of providing Towing of Abandoned Vehicle services during June to December 2018, and setting date of Legislative Hearing for April 2, 2019 and City Council public hearing for May 15, 2019 to consider and levy the assessments against individual properties. (File No. J1901V, Assessment No. 198000)

Adopted

- 12 [RES 19-258](#) Approving the City's cost of providing Tree Removal services from October 2018 to January 2019, and setting date of Legislative Hearing for April 2, 2019 and City Council public hearing for May 15, 2019 to consider and levy the assessments against individual properties. (File No. 1902T, Assessment No. 199001)

Adopted

- 13 [RES 19-283](#) Approving the City's cost of providing Replacement of Lead Water Service Line on Private Property during October to December 2018, and setting date of City Council public hearing for April 3, 2019 to consider and levy the assessments against individual properties. (File No. 1902LDSRP, Assessment No. 194001)

Adopted

- 14 [RES 19-285](#) Approving the City's cost of providing Replacement of Sanitary Sewer Line on Private Property during October to December 2018, and setting date of City Council public hearing for April 3, 2019 to consider and levy the assessments against individual properties. (File No. SWRP1902, Assessment No. 193001)

Adopted

- 15 [RES 19-267](#) Authorizing the issuance and negotiated sale of Sales Tax Revenue Refunding Bonds and approving certain documents in connection with the issuance of such obligations.

Adopted

- 16 [RES 19-289](#) Authorizing the Fire Department to pay for all travel expenses for the Minnesota State Patrol employees Craig Benz and James Englin to attend the 2019 Heli-Expo and APSA Rescue Summit being held in Atlanta, GA on March 4-6, 2019.

Adopted

- 17 [RES 19-290](#) Authorizing the Fire Department to accept the donation of 235 stuffed animals valued at \$1,175 from the Lakeville PetSmart.

Adopted

- 18 [RES 19-300](#) Approving the Mayor's appointment of Jazmin Glaser-Kelly to a three-year term on the Parks and Recreation Commission.

Adopted

- 19 [RES 19-321](#) Amending the City's State Legislative Agenda.

Adopted

- 20 [RES 19-306](#) Authorizing the Police Department to accept a subgrant in the amount of \$124,920 from Ramsey County for the Violent Crime Enforcement Task Force (VCET).

Adopted

- 21 [RES 19-308](#) Authorizing the Police Department expenditures for the Standardized Field Sobriety Testing training program.

Adopted

- 22 [RES 19-310](#) Authorizing the Police Department to purchase food and beverages for law enforcement trainings conducted in 2019.

Adopted

- 23 [RES 19-311](#) Authorizing the Police Department to purchase water and refreshments for witnesses, victims, and suspects during critical incident investigations and assistance programs.

Adopted

- 24 [RES 19-312](#) Authorizing the Police Department to purchase refreshments for employee recognition ceremonies and events in 2019.

Adopted

- 25 [RES 19-313](#) Authorizing the Police Department's expenditures relating to community meetings and events.

Adopted

- 26 [RES 19-291](#) Approving a waiver of the 45-day notice requirement to issue a Wine on Sale and a Malt On Sale (Strong) license with conditions to Thai Street Market, LLC, d/b/a Thai Street Market (License ID #20190000064) at 1665 Rice Street.

Adopted

- 27 [RES 19-228](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Mini Pac LLC (Lic # 20180004316), d/b/a Mini Pac, for Gas Station and Cigarette/Tobacco licenses at 1184 Maryland Avenue East.

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 said the item had been withdrawn.

Withdrawn

- 29 [RES 19-324](#) Recognizing Black History Month 2019.

Councilmember Jalali Nelson and Council President Brendmoen made brief comments. Councilmember Prince highlighted the upcoming event...

Councilmember Jalali Nelson moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

ORDINANCES

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

Final Adoption

30 [Ord 17-29](#)

Amending Chapter 236 of the Legislative Code regarding plastic packaging. (Public hearing held October 4, 2017; laid over from February 20, 2019 for public hearing on March 6)

Councilmember Jalali Nelson moved an amended version changing the implementation date to January 1, 2021 and giving the DSI director discretion in implementing standards in the absence of a citywide organics contract. Yeas - 7 Nays - 0

Councilmember Jalali Nelson thanked community members and City staff for their work on the ordinance. She said her office and Councilmember Prince's office had been working with Ramsey County and BizRecycling on financial supports already available to local businesses, with local product recyclers on the impacts on their supply stream, and with City and County partners on aligning implementation with future organics and composting in St. Paul. She said over 100 St. Paul restaurants had already made the change to sustainable packaging. She said the ordinance gave restaurants two years to comply, after years of engagement by City staff and community partners, and allowed for an exemption for products that could not feasibly be replaced in a sustainable way. She said the ordinance reflected all of the engagement, with an adjusted implementation date. She acknowledged that the path to the ordinance had involved different teams of people picking it up at different times; she moved to have a public hearing prior to the next week's final vote, to conclude the process but also give one more chance at public comment.

Councilmember Noecker said she appreciated the comments and supported the motion to have a new public hearing. She said the Council had voted down the ordinance over a year before, then recalled and laid it over for a year, and she hadn't heard much about it very until recently. She said a lot of people didn't know this was happening and the Council owed it to them to have a public hearing, given the circuitous process.

Councilmember Busuri said he also appreciate the motion for a public hearing but didn't feel a week was long enough for people to get the notice and be able to come and voice their opinion. He suggested two or three weeks.

Councilmember Prince clarified that a public hearing next week would be at 3:30 p.m., and said she appreciate the public hearing

Councilmember Noecker asked about the notice requirement for a public hearing. Assistant City Attorney Virginia Palmer said the Council was choosing to have the public hearing but was not required to, and the requirement was for the ordinance to be laid over in its final form for a week. She said the Council was not holding a required public hearing but offering an opportunity for public comment, and there was no notification requirement. She clarified that if the intent was to consider comment and then take action to further amend, then they were treating it as more of a formal public hearing and she would recommend that they follow guidelines. She reiterated that the Council was not required to have a public hearing, so legally she could not tell the Council they were not following the rules.

Councilmember Busuri moved to hold a 5:30 public hearing in two weeks. Council President Brendmoen said there was a motion for a public hearing in one week; she asked Councilmember Jalali Nelson whether a two-week layover was acceptable as a friendly amendment. Councilmember Jalali Nelson said the intention behind offering a public hearing next week along with the vote was that they had received feedback

about the multiple competing interests of all the orders of business that were coming, and, while this ordinance had had stops and starts, there had been a very extensive process already. She said she needed to better understand what it would mean to take the timeline suggested by Councilmember Busuri. She asked for a vote on the one-week layover.

Councilmember Tolbert said he would vote against the motion for a one-week layover. He said he felt it should be put on a 5:30 public hearing day, because a 3:30 hearing would be hard for people to get to. He said the implementation was in two years and he felt they'd be okay with the additional week.

Council President Brendmoen said the uniqueness of this situation where they were introducing a public hearing after the public hearing was held and closed, with the intent to just close the loop, was complex. She said they were also looking at the March 6 and 20 public hearing agendas and trying to balance the items of business coming forward on those dates, which was one of the considerations raised by Councilmember Jalali Nelson. She said if the concern was that 5:30 was more accessible to the public, that was something to consider.

Councilmember Thao said he understood the amount of work put into it, and felt the support of the community was there, and thought a layover for a week made sense, but also felt giving a two-week layover made better sense for him. He said more community feedback would strengthen the policy decision.

Councilmember Jalali Nelson said this had been a long time coming and she cared about moving forward in a timely manner, but felt the point about a 5:30 hearing being more accessible was a valid one to consider. She said she would be willing to amend her motion to a 5:30 public hearing on two weeks, but noted that she was very ready to support the ordinance now and felt a lot of thought of effort had gone into it. She said she didn't mind creating the additional step but hoped this was creating more process in a way that clarified things and didn't create more uncertainty.

Councilmember Busuri thanked Councilmember Jalali Nelson and said his intention was to help bring the immigrant small business community to voice their opinion. He said the Council all supported this but at the same time wanted to be sure the community they were serving supported it as well.

Laid over for a public hearing on March 6

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

First Reading

31 [Ord 19-14](#)

Amending Chapter 409 of the Saint Paul Legislative Code establishing additional criteria for applicants to the charitable gambling eligible recipients list established under Section 409.235.

Laid over to February 27 for second reading

PUBLIC HEARINGS (3:30 p.m.)

- 32** [RES PH 19-32](#) Approving and authorizing acceptance of Contamination Cleanup and Investigation grants from the Department of Employment and Economic Development; Livable Communities Transit Oriented Development Grants, Livable Communities Demonstration Account Grants, and Livable Communities Tax Base Revitalization Account Grants, from the Metropolitan Council; and amending the 2019 Budget.

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

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

- 33** [RES PH 19-24](#) Approving the application of Visit Saint Paul for a sound level variance for live music and DJs on March 9, 2019 from 2:00 p.m. until 11:00 p.m. during Lucky Palooza on West 7th, between 174 and 258 7th Street West.

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

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

- 34** [RES PH 19-31](#) Approving the application of Cossetta's for a sound level variance for amplified music during St. Patrick's Day events on Saturday, March 16 and Sunday, March 17, 2019 at 211-7th Street West.

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

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

- 35** [RES PH 19-34](#) Approving the application of Team Ortho Foundation for sound level variances for amplified sound at three locations along the 2019 Get Lucky Run race route on Saturday, March 16, 2019: CHS Field, 360 N. Broadway Street; Sibley Street and Shepard Road; and Upper Landing Park and Eagle Road.

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

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

- 36** [RES PH 19-25](#) Approving the application of Dubliner Pub for a sound level variance for an outdoor live music event on Friday, March 15, 2019 through Sunday, March 17, 2019, from 12:00 p.m. to midnight.

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

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

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

Legislative Hearing Officer Marcia Moermond said an interpreter was present for the item. She said the vehicle abatement order was issued for commercial vehicles in a residential area. She said she learned in Legislative Hearings that the vehicles were in need of repair and their business function was no longer happening. She displayed photographs, and said in the January 22 hearing she had granted an extension to March 1 to remove the vehicles. She said the public hearing had been continued from two weeks ago at the appellant's request, and they were looking for more time to repair the vehicles on site and sell them. She said relocation of the vehicles to another site for repair would be a better option. Council President Brendmoen asked how much additional time was being requested. Ms. Moermond said there was no specific ask.

Reyne Irazoque (425 Prior Avenue) testified via an interpreter. She said she was present to ask for more time, due to the inclement weather and her husband's illness. She said they'd had several people interested but they wanted the vehicles running and her husband had not been able to get them running. She said she understood that they were in violation, but would like a little more time so her husband could fix the truck. She said they were also looking for an alternate site where they could take them so they wouldn't be there for a long time.

Council President Brendmoen asked how much time Ms. Irazoque was asking for. Ms. Irazoque said her husband told her to ask for at the end of snow season, like at the end of April. She said it would be tough to move them now with all of the snow.

Council President Brendmoen moved to close the public hearing. Yeas - 7 Nays - 0

Council President Brendmoen moved to extend the deadline to May 1.

Adopted as amended (extension granted to May 1)

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

42 [RLH TA 19-10](#)

Ratifying the Appealed Special Tax Assessment for property at 647 CENTRAL AVENUE WEST. (File No. VB1905, Assessment No. 198804) (To be amended)

Legislative Hearing Officer Marcia Moermond said this was a vacant building fee covering the period from April 2018 through April 2019. She said waivers were given to allow more time, but had expired, and it was nine months into the year. She said she had checked the status of the permits, and all were still open. She said this far into the billable year her recommendation was to approve the assessment, and in this case she was also asking that payments be divisible over five years.

Property owner Jessica Connors said she attended the Legislative Hearing not knowing what was needed, but she gave her statement and the decision was that they would check with the closing company to verify payment of fees and closing costs. She said on January 16 she received a letter from the Legislative Hearing coordinator stating that Ms. Moermond would recommend approval of the assessment with payments spread over five years. She said she purchased the home and closed on September 28, 2018, and received this notice in early December. She said she was surprised to receive a bill for \$2284 for a fee that was dated to a timeline of August 2018. She said the home wasn't hers (at that time) and the fees were not disclosed to her. She said she sent a copy of the notice to her realtor, title company, and loan officer. She said no one was present at her closing; her realtor was out of state and her loan officer was at another closing, and it was her understanding that the title company would catch any outstanding fees. She said she learned at Legislative Hearing that the previous owner Fannie Mae was a federal program and did not have to comply with local and state law and did not have to disclose. She said she felt it was unfair that she should have to pay fees from before she owned the house, as she was now paying a mortgage and working to bring the house up to code. She asked that the Council reconsider fees. She said she took on the house to bring up the neighborhood and bring value to a home that was left unpaid.

Ms. Moermond said this was a purchase from Fannie Mae, and the City Council had seen many circumstances like this in the past, where Fannie Mae, being a branch of the federal government, was not required to disclose almost anything to prospective buyers. She said there was an argument to be made that this should be taken into account when a purchase was made in an auction setting. She said the City did incur the costs. She said it was normally incumbent on the sellers to make these disclosures.

Council President Brendmoen said under other circumstances the buyer would be able to pursue the seller. She asked for clarification of the dates of the notices. Ms. Moermond said this became a vacant building in April 2017 and that's when fees began to accrue on the building. She said there was a record of the 2017-2018 fee having been paid, and now they were looking at the 2018-2019 fee. She said in the normal course of events in a private transaction that would be dealt with a discounted price or escrowing the money, for example.

Council President Brendmoen said somewhere in the middle of that period, in August, the home was purchased. Ms. Moermond said that was correct.

In response to a question from Councilmember Thao, Ms. Moermond confirmed that the vacant building fee, including the service charge, was \$2284. She noted that the federal government hadn't been that good at maintaining the property, and there had

been four summary abatement orders in 2017 and another four in 2018.

Councilmember Noecker confirmed with Ms. Moermond that with a Fannie Mae property there was no Truth In Sale of Housing report, and no way for a purchaser to know about any of these fees. Ms. Moermond said they'd have to be pretty good at looking at the City's web site.

Council President Brendmoen asked whether the property was sold in an auction, and sold "as-is"? Ms. Moermond said that was typically how Fannie Mae worked. Ms. Connors said she worked with a realtor, and when she went back to get information about it, the title company noted that it was "as-is." She said she was told at the closing that her fees were used to pay the prior year. She said she had taken out a hefty loan to repair the house, and all the work was done and they were waiting for inspections.

Councilmember Noecker asked what the fee would be for the period of time Ms. Connors had owned the property. Ms. Moermond said September 28, 2018 through April 2019 was seven months and would still be substantial. She said the Council could choose lay the matter over and reduce the assessment by half if Ms. Connors got the permits signed off within a number of weeks, and spread payments over five years. She said it was not a great situation and the City didn't have a lot of control over it.

Councilmember Jalali Nelson asked whether the City had any other recourse to mitigate the burden, beyond spreading payment over 5 years and reducing the assessment by half.

Ms. Moermond said she could look at it further. She said this type of assessment could only be spread over five or fewer years. She said the Council could introduce considerations other than those she'd provided, including reducing the assessment. She said they could refer the matter back into hearing for her to assess further.

Council President Brendmoen asked Councilmember Thao if he would be comfortable with a week layover.

Councilmember Thao said that was his plan. He moved to close the public hearing and lay the matter over for a week.

Council President Brendmoen said they would take some time to look at alternatives. She said the challenge was that the work was done and had to be paid for by somebody. Ms. Connors asked whether there was interest when payments were extended. Council President Brendmoen said whatever the Council worked out would be made clear to Ms. Connors.

Councilmember Thao asked Ms. Connors if she could wait until the end of the meeting so he could speak to her.

Public hearing held and closed; laid over to February 27

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

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 37 - 67)

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

Legislative Hearing Consent Agenda adopted as amended

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

- 38** [RLH TA 18-623](#) Ratifying the Appealed Special Tax Assessment for property at 575 BRAINERD AVENUE. (File No. J1901G, Assessment No. 198700; amend to File No. J1901G2, Assessment No. 198707) (Public hearing continued from January 9)
Adopted as amended (assessment reduced and payments spread over 2 years)
- 39** [RLH TA 18-624](#) Ratifying the Appealed Special Tax Assessment for property at 575 BRAINERD AVENUE. (File No. J1902G, Assessment No. 198701; amend to File No. J1902G1, Assessment No. 198705) (Public hearing continued from January 2)
Adopted as amended (assessment reduced)
- 40** [RLH TA 18-665](#) Ratifying the Appealed Special Tax Assessment for property at 575 BRAINERD AVENUE. (File No. J1903G, Assessment No. 198702; amend to File No. J1903G1, Assessment No. 198708)
Adopted as amended (assessment ratified and payments spread over 2 years)
- 41** [RLH TA 19-5](#) Ratifying the Appealed Special Tax Assessment for property at 575 BRAINERD AVENUE. (File No. J1904G, Assessment No. 198703)
Adopted
- 43** [RLH TA 19-9](#) Ratifying the Appealed Special Tax Assessment for property at 915 CENTRAL AVENUE WEST. (File No. VB1905, Assessment No. 198804; amend to File No. VB1905A, Assessment No. 199813) (Public hearing to be continued to April 24, 2019)
Public hearing continued to April 24

- 44 [RLH TA 18-663](#) Ratifying the Appealed Special Tax Assessment for property at 1141 DALE STREET NORTH. (File No. J1903E, Assessment No. 198302; amend to File No. J1903E2, Assessment No. 198311) (Public hearing continued from January 16)

 Adopted as amended (assessment ratified)
- 45 [RLH TA 19-16](#) Ratifying the Appealed Special Tax Assessment for property at 1141 DALE STREET NORTH. (File No. J1904E, Assessment No. 198303; amend to File No. J1904E1, Assessment No. 198312) (Public hearing to be continued to August 7, 2019)

 Public hearing continued to August 7
- 46 [RLH TA 19-3](#) Ratifying the Appealed Special Tax Assessment for property at 158 FAIRVIEW AVENUE SOUTH. (File No. J1904E, Assessment No. 198303)

 Adopted
- 47 [RLH TA 19-11](#) Ratifying the Appealed Special Tax Assessment for property at 865 LAWSON AVENUE EAST. (File No. J1904E, Assessment No. 198303; amended to File No. J1904E1, Assessment No. 198312) (Public hearing to be continued to August 7, 2019)

 Public hearing continued to August 7
- 48 [RLH TA 19-2](#) Ratifying the Appealed Special Tax Assessment for property at 1152 MARION STREET. (File No. J1904E, Assessment No. 198303)

 Adopted
- 49 [RLH TA 19-8](#) Deleting the Appealed Special Tax Assessment for property at 418 MARYLAND AVENUE WEST. (File No. J1904B, Assessment No. 198103)

 Adopted
- 50 [RLH TA 19-24](#) Ratifying the Appealed Special Tax Assessment for property at 1079 MARYLAND AVENUE EAST. (File No. VB1905, Assessment No. 198804)

 Adopted
- 51 [RLH SAO 19-5](#) Appeal of Eileen Ciuraru to a Summary Abatement Order at 1616 MINNEHAHA AVENUE EAST.

 Adopted

- 52 [RLH TA 19-13](#) Deleting the Appealed Special Tax Assessment for property at 852 OTTAWA AVENUE. (File No. VB1905, Assessment No. 198804)
Adopted
- 54 [RLH TA 19-25](#) Ratifying the Appealed Special Tax Assessment for property at 1475 PACIFIC STREET. (File No. J1904B, Assessment No. 198103)
Adopted
- 55 [RLH TA 19-21](#) Deleting the Appealed Special Tax Assessment for property at 719 PREBLE STREET. (File No. VB1905, Assessment No. 198804)
Adopted
- 56 [RLH TA 19-56](#) Deleting the Appealed Special Tax Assessment for property at 2079 RANDOLPH AVENUE. (File No. VB1905, Assessment No. 198804)
Adopted
- 57 [RLH TA 19-1](#) Ratifying the Appealed Special Tax Assessment for property at 1271 SEMINARY AVENUE. (File No. J1904E, Assessment No. 198303)
Adopted
- 58 [RLH TA 19-18](#) Ratifying the Appealed Special Tax Assessment for property at 399 THOMAS AVENUE. (File No. VB1905, Assessment No. 198804)
Adopted
- 59 [RLH TA 19-6](#) Deleting the Appealed Special Tax Assessment for property at 2121 UNIVERSITY AVENUE WEST. (File No. J1904P, Assessment No. 198403)
Adopted
- 60 [RLH TA 19-23](#) Ratifying the Appealed Special Tax Assessment for property at 631 WESTERN AVENUE NORTH. (File No. VB1905, Assessment No. 198804)
Adopted
- 61 [RLH TA 19-31](#) Deleting the Appealed Special Tax Assessment for property at 894 WESTMINSTER STREET. (File No. VB1905, Assessment No. 198804)
Adopted
- 62 [RLH AR 19-6](#) Ratifying the assessments for Boarding and/or Securing services during September 2018. (File No. J1904B, Assessment No. 198103)
Adopted

- 63 [RLH AR 19-5](#) Ratifying the assessments for Collection of Vacant Building Registration Fees billed during March 12 to September 21, 2018. (File No. VB1905, Assessment No. 198804)
Adopted
- 64 [RLH AR 19-4](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during June 26 to August 6, 2018. (File No. CRT1904, Assessment No. 198203)
Adopted
- 65 [RLH AR 19-3](#) Ratifying the assessments for Trash Hauling services during September 5 to 28, 2018. (File No. J1904G, Assessment No. 198703)
Adopted
- 66 [RLH AR 19-2](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during July 23 to August 21, 2018. (File No. J1904E, Assessment No. 198303)
Adopted
- 67 [RLH AR 19-1](#) Ratifying the assessments for Graffiti Removal services during September 24 to October 16, 2018. (File No. J1904P, Assessment No. 198403)
Adopted

Council members shared news from the wards.

The Council recessed at 4:22 p.m.

PUBLIC HEARINGS (5:30 p.m.)

- 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

Councilmember Thao arrived after roll call.

- Present** 7 - Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

68 [RES PH 19-48](#)

Approving adverse action against the Peddler license held by James E. Carroll (License ID# 20150002699).

Therese Skarda, Assistant City Attorney representing the Department of Safety of Inspections (DSI), gave a staff report on the ordinance violations observed and photographed by inspectors during compliance checks conducted around State Fair time. She said the licensee received a warning prior to the adverse action. She said the alleged behavior was observed about 50 minutes after the warning was issued, and that the licensee continued to sell his products while the inspectors were trying to speak to him. She said the licensee admitted to the facts but requested the hearing. She said she didn't believe he was present.

Michael Kuchta, District 10, spoke in support of City enforcement of license conditions, and asked the Council to uphold the City code.

No one was present to testify in opposition.

Councilmember Jalali Nelson moved to close the public hearing and adopt DSI's recommendation.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

69 [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.

Kady Dadlez, Planning and Economic Development (PED), gave a brief staff report. She said the Planning Commission recommended approval, finding the proposed rezoning was consistent with the way the area was developed, with the intent of the T2 zoning district, the Comprehensive Plan, and was compatible with surrounding uses and transit corridor. She said the district council voted to support the rezoning on a divided vote of 9 to 8, and four letters of opposition were received.

Councilmember Prince said one neighbor was concerned about commercial uses being added to the building; she asked whether that was currently allowed. Ms. Dadlez said the use was currently all residential. She said under the current T1 zoning, some more low-impact office-type uses were allowed; under T2 some more intense commercial uses would be allowed. She noted that the owner had just made \$500,000 in improvements and intended to rent it out as apartments.

Sonja Mason (21 St. Albans Street) appeared representing Marshall Group LLC and the owner. She said they received recommendations of approval from the district council, the Zoning Committee, the full Planning Commission, and City staff. She said she would like to address the concerns expressed in the four letters; she noted that all of the letters were in support of their intent to make the ten units legal, but expressed concerns about process. In response to the concern expressed about increased building height allowed in T2, she said they were not proposing to add on to the building in any way, and that T1 and T2 had the same height limit. Regarding the question of whether rezoning was the appropriate method to achieve their intent, she said they were not proposing to change the building exterior, and all of the improvements had been internal. She said the purpose of the rezoning was to make the existing tenth unit legal; she noted tremendous support for the tenth unit even from those opposed to the zoning change. She said the building had reached a pivotal point in its life cycle and needed significant investment to return to vitality, which her client had undertaken. She said the upgrades included aesthetic improvements and necessary modernization of mechanicals and electrical. She said the building represented the "missing middle," a type of building in the middle that wasn't being built anymore. In response to the question of "why a not a zoning variance?" she said they felt the existing building should be given a zoning code that matched it rather than having non-conforming status. She said some things had happened to the property over time to increase the non-conformance, including losing some of the lot to the right-of way in the 80s which created a smaller lot size, and the recent rezoning from RM2 to T1. She said staff recommended that the findings for a zoning variance were harder to meet than the rezoning. She said the key difference between T1 and T2 is was the switch from the "square foot per unit" computation to the "floor area ratio" standard which allowed for more flexibility in terms of unit design within the allowed building size. She said in the student overlay district, having more and smaller units was an appropriate use. She said they felt T2 was appropriate because it would create legal conforming status for all ten units. She said it was a great project, providing housing and investment in a traditional historic building.

No one was present to testify in opposition. Councilmember Jalali Nelson moved to close the public hearing.

Councilmember Jalali Nelson thanked Ms. Mason for coming in and taking the time to testify. She made brief remarks in support.

Public hearing held and closed; laid over to February 27 for final adoption

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

70 [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.

Elizabeth Stiffler, Department of Safety and Inspections (DSI), gave a staff report. She said the change was the result of the removal of the traffic signal at Snelling and Spruce Tree, and the installation of the new traffic signal at Snelling and Shields. She displayed a map and said the change only affected one block. She said she had met with the district council in December or January, and didn't hear any opposition but there were concerns expressed about loss of parking. She said there was no proposal to change parking; there was adequate street width for both-side parking.

Jason Sklar, representing 1600 Spruce Tree, spoke in support.

Pastor Scott Simmons, Bethlehem Lutheran (436 Roy Street N.), said they had just found out about this a couple of days ago. He questioned whether two-sided parking was feasible, especially in the winter. He said an organization called Open Hands-Midway served a meal at the church on Mondays, and people line up outside. He said he had concerns about it being a hazard to those they served, many of whom were disabled. He said they was asking the Council to reconsider whether two-sided parking was a good idea. He said another issue this raised was cut-through traffic on the alley, which would become more of an issue with the new development just approved by the district council. He asked that the City consider speed mitigation on the alleyway.

Council President Brendmoen said projects like this were a work in progress, and if Pastor Simmons found it was just too tight or they needed No Parking zones in front of the church, they could be done moving forward.

Pastor Simmons reiterated that the concerns were related to parking and not the two-way.

Councilmember Jalali Nelson moved to close the public hearing. She thanked the neighbors for coming and sharing their perspectives, and the businesses involved in the process. She said she would like to separate the two-way and the parking, and move forward with two-way with the understanding that they should continue discussing how they can keep meeting people's needs.

Pastor Simmons said he didn't recall receiving any information about this at the church. Councilmember Jalali Nelson said she would offer her staff as a point of contact to facilitate communication and to figure out what went wrong.

Public hearing held and closed; laid over to February 27 for final adoption

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

71 [RES PH 19-35](#) Adopting amendments to the Gold Line Station Area Plans.

Bill Dermody, Planning and Economic Development, gave a staff report on the Planning Commission recommendation to amend the Station Area Plan to move the White Bear Station location to the east, approximately in line with Hazel. He said he was not aware of any opposition.

Councilmember Prince thanked Mr. Dermody for great staff work.

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

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

ADJOURNMENT

The meeting was adjourned at 6:07 p.m.

Meeting adjourned

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