



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, May 15, 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 3:31 pm.

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 19-22](#) Letter from the Department of Safety and Inspections declaring 1146 Payne Avenue a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

 Received and filed

- 2 [AO 19-29](#) Amending the 2019 spending budget for the Office of Technology and Communications.

 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 - 12)

*Item 8 was removed from the Consent Agenda for separate consideration.
Councilmember Tolbert moved approval of the Consent Agenda as amended.*

Consent Agenda adopted as amended

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

Nay: 0

- 3** [RES 19-812](#) Requesting that Public Works conduct a study of implementing an overnight parking limitation one night a week on Summit Avenue under Section 152.09 of the Legislative Code.
Adopted
- 4** [RES 19-695](#) Approving the City's cost of providing Collection of Property Clean Up services during March 1 to 14, 2019, and setting date of Legislative Hearing for June 18, 2019 and City Council public hearing for August 7, 2019 to consider and levy the assessments against individual properties. (File No. J1920A, Assessment No. 198549)
Adopted
- 5** [RES 19-696](#) Approving the City's cost of providing Collection of Property Clean Up services during March 14 to 28, 2019, and setting date of Legislative Hearing for June 18, 2019 and City Council public hearing for August 7, 2019 to consider and levy the assessments against individual properties. (File No. J1921A, Assessment No. 198550)
Adopted
- 6** [RES 19-754](#) Approving the release of utility easements in that portion of vacated Prosperity Avenue referenced in RES PH 18-252.
Adopted
- 7** [RES 19-817](#) Authorizing the Fire Department to pay for costs incurred to hold a graduation ceremony for the new firefighters on June 28, 2019 at the O'Shaughnessy Educational Center Auditorium.
Adopted

- 9 [RES 19-767](#) Authorizing the Department of Planning and Economic Development to apply to the Metropolitan Council for Tax Base Revitalization Seeding Equitable Environmental Development Grants for 1433 University Avenue West and 685 Minnehaha Avenue East.
- Adopted**
- 10 [RES 19-760](#) Authorizing the Police Department to accept a donation of a canine from the St. Paul K-9 Foundation.
- Adopted**
- 11 [RES 19-821](#) Authorizing the proper City officials to enter into an agreement with Ramsey County to accept and maintain recycling containers for use in public spaces.
- Adopted**
- 12 [RES 19-788](#) Authorizing the City to enter into an agreement with Ramsey County for Right of Way acquisition related to construction of the Lexington Parkway realignment from Adrian Street to Albion Avenue.
- Adopted**

FOR DISCUSSION

- 8 [RES 19-799](#) Accepting a gift of 14 overstory trees, and installation of said trees, in Wacouta Commons from the Friends of Wacouta Commons, valued at approximately \$18,000.
- Councilmember Noecker made brief comments and moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0
- 13 [RES 19-727](#) A resolution awarding the sale of General Obligation Various Purpose Bonds, Series 2019D; fixing the form and specifications of the Series 2019D Bonds; directing the execution and delivery of the Series 2019D Bonds; and levying a tax for the Series 2019D Bonds
- Michael Solomon, Office of Financial Services, gave a report on the results of the three bond sales.*
- Councilmember Prince moved approval of the resolution as amended with the results of the bond sale.*
- Adopted as amended**

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

Nay: 0

14 [RES 19-729](#)

Providing for the issuance of and accepting a proposal on the sale of General Obligation Public Safety Refunding Bonds, Series 2019E; fixing the form and specifications of the Series 2019E Bonds; providing for the issuance of the Series 2019E Bonds; and levying a tax for the payment of the Series 2019E Bonds

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

Adopted as amended

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

Nay: 0

15 [RES 19-730](#)

Supplemental Resolution #19 Supplementing the General Resolution (CF 88-835) Relating to Sewer Revenue Bonds and Providing for the Issuance of Sewer Revenue Bonds, Series 2019F (Green Bonds) and taking other required actions

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

Adopted as amended

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

Nay: 0

16 [RLH TA 19-131](#)

Ratifying the Appealed Special Tax Assessment for property at 1667 AMES AVENUE. (File No. VB1907, Assessment No. 198806) (Public hearing held April 17)

Legislative Hearing Officer Marcia Moermond asked the Council to amend the resolution to reduce the assessment by half. The work was completed; the property spent 5 1/2 months of 12 in the vacant building program.

Councilmember Busuri moved to adopt Ms. Moermond's recommendation.

Adopted as amended (assessment reduced)

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

- 17 [Ord 19-16](#) Amending Saint Paul City Charter Chapter 8.02 and 8.03 to clarify signature and petition requirements.
- Council President Brendmoen said the item was being withdrawn.*
- Withdrawn**
- 18 [Ord 19-29](#) Amending Chapter 81 of the Legislative Code pertaining to the City's stormwater sewer system by adding new language providing for the creation of green infrastructure stormwater management districts and authorizing the collection of charges for payment of the capital and annual maintenance and operational costs of green infrastructure stormwater management systems.
- Council President Brendmoen said staff worked with interested parties on a minor change to language in response to concerns about grandfathering of existing projects. She said the item would need to lay over for one week before final adoption.*
- Councilmember Thao moved the amended Version 2.*
- Amended; laid over to May 22 for final adoption**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Busuri
- Nay:** 0

First Reading

- 19 [Ord 19-31](#) Granting the application of Paula Lilly to rezone property at 321 Irvine Avenue from R2 One-Family Residential to RT-1 Two-Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Laid over to May 22 for second reading**
- 20 [Ord 19-33](#) Amending Ordinance No. 16740 establishing the Muskego Church Heritage Preservation Site, approved on October 28, 1978 under Council File No. 271887, to set new legal boundaries based upon the recommendation by the Saint Paul Heritage Preservation Commission.
- Laid over to May 22 for second reading**

PUBLIC HEARINGS (3:30 p.m.)

- 21** [RES PH 19-146](#) Authorizing the Fire Department to apply for and accept the 2019 Workplace Wellness grant funds in amount of \$400.
- No one was present to testify. Councilmember Jalali 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 and Councilmember Busuri
- Nay:** 0
-
- 22** [RES PH 19-130](#) Approving the application of CPR Foods LLC, Bay Street Grill and Pub for a sound level variance to present live amplified music in an enclosed tent Saturday, June 1, 2019 at 731 Randolph Avenue.
- Applicant Carlos Rohde spoke about the event.*
- 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 and Councilmember Busuri
- Nay:** 0
-
- 23** [RES PH 19-132](#) Approving the application of Listening House of St. Paul for a sound level variance for the use of a sound system at Upper Landing Park for the Next Steps 5K event on Sunday, May 19, 2019.
- 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 and Councilmember Busuri
- Nay:** 0
-
- 24** [RES PH 19-133](#) Approving the application of Jim Buron Productions, Inc. for a sound level variance to present announcements and amplified music on Saturday, May 18, 2019 at Harriet Island during the Twin Cities Burger Battle.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**

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

Nay: 0

- 25** [RES PH 19-136](#) Approving the application of Minnesota United FC & Allianz Field for a sound level variance to present a live and amplified musical performance on Saturday, May 18, 2019 at 400 Snelling Avenue North for the MN United FC vs Columbus Crew - MLS Game.

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 and Councilmember Busuri

Nay: 0

- 26** [RES PH 19-131](#) Approving the application of Special Olympics MN Summer Games for a sound level variance to present announcements and live music at O'Shaughnessy Stadium, 2115 Summit Avenue, June 20 through June 23, 2019.

No one was present to testify. Councilmember Jalali 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 and Councilmember Busuri

Nay: 0

- 27** [RES PH 19-140](#) Granting an interim use permit to Ramsey County for an emergency overnight shelter at 160 East Kellogg Boulevard.

Councilmember Noecker made brief comments.

Councilmember Prince and Council President Brendmoen thanked Councilmember Noecker for her leadership.

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 and Councilmember Busuri

Nay: 0

28 [RES PH 19-128](#) Adopting Saint Paul for All: 2040 Comprehensive Plan. (Public hearing held May 15)

Lucy Thompson, Planning and Economic Development, gave a staff report on the updated plan.

Councilmember Prince noted that the hope was for the Council to approve the plan this month, but they would have the opportunity to hear and respond to testimony given today. Ms. Thompson said if there were changes in response to the testimony, staff would be happy to work with the Council to craft them.

Testimony:

Stephanie Stoessel (100 Yacht Club Road), ISAIAH, spoke in favor of the housing portion of the plan, specifically the "missing middle" which would allow homeowners and developers to remodel or build housing that allowed for multiple families and would provide modest density across the city.

Irene Markley (1905 Chelton Avenue), ISAIAH, spoke about expanding zoning so people aren't forced, in the future, to live in single family homes or high rises.

Myrna Nelson (334 Cherokee Avenue), ISAIAH, expressed concern about the lack of multifamily housing proposed.

Shirley Erstad (1660 Laurel Avenue, Executive Director of Friends of the Parks and Trails, St. Paul and Ramsey County, said as density increased it was imperative that residents had easy access to parks and open spaces.

John Slade (3 Linder Court), Metropolitan Interfaith Council on Affordable Housing, spoke about the need for affordable and fair housing.

Margaret Kaplan (382 Banfil Street), Housing Justice Center, said one of the biggest gaps in the housing section was meeting the need at 30% and below AML.

Russ Adams (Minneapolis), Alliance for Metropolitan Stability, said in terms of expanding affordable housing, density was not enough. He encouraged the City to be more creative.

Henry Parker (2001 Selby Avenue), Neighbors for more Neighbors, spoke in favor of increased density, and said too much land was devoted to parking.

Greg Struve (1756 Hartford Avenue) said he had reviewed the transportation section of the plan and found it general and lacking in direction.

Jay Severance (350 St. Peter Street) reviewed the comments he had submitted related to transportation in downtown St. Paul, and said the transportation chapter failed to include a vision of what downtown would look like with the implementation of the plan.

Bob Morrison (1649 Summit Avenue), Summit Avenue Residential Preservation Association, noted there was a regional trail on Summit Avenue in the 2030 plan but she didn't see it in 2040 plan.

Terri Thao (1492 Clarence Street) encouraged exploration of housing ownership options. She said she was also speaking on behalf of a coalition of Asian American leaders, and she asked for disaggregation of the data related to Asian communities,

the inclusion of policies around Asian business corridors.

Luke Hanson (1880 Grand Avenue), ISAIAH, and Neighbors for More Neighbors, spoke in favor of the plan and said he wished it was even bolder.

Council President Brendmoen made brief comments.

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

The resolution was laid over to June 12.

Public hearing held and closed; laid over to June 12

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

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

39 [RLH TA 19-155](#)

Ratifying the Appealed Special Tax Assessment for property at 1895 SAINT ANTHONY AVENUE. (File No. VB1907, Assessment No. 198806; amended to File No. VB1907B, Assessment No. 198819) (Public hearing held May 15)

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of an assessment for a vacant building fee. She said she heard an appeal last September on the vacant building registration itself. The registration was the result of a condemnation of one of the units in the duplex; the other unit had been vacant, per the owner, for about ten years. The owner had Fire inspections come last year and was hoping they would find that the unit was unfit for human habitation. The owner had concerns about the conditions in the unit, and within this period the electric was also shut off. The condemnation order specified a number of building items in addition to the electrical shut-off. Ms. Moermond said, given that the owner described a fractious relationship with the Fire inspectors, she felt it made sense that this get a Code Compliance inspection, and have it be a building-only inspection. Her recommendation at that time was a 90-day waiver of the vacant building fee. No inspection was conducted and no permitted repairs were done. The fee being considered was for the period August 2018 through August 2019. She recommended approval of the assessment in its entirety.

In opposition:

Roger Cheatham, property owner, said he was never given a reason for the condemnation. The inspector said it was due to the power was shut off, and told Mr. Cheatham to file the appeal. Mr. Cheatham said he was told there was a list of things wrong with the building, which he had ever received a copy of. He had only received bills for the vacant building fee. He asked that the Council drop this condemnation and if a decent, honest inspector would come and look at it, he'd be happy to let them see it. He said he thought this was retaliation for his complaint about another inspector going through a resident's bedroom closet. He said rather than having to sue for denial of due process, he would like to drop this now, and he would let somebody come back and inspect. He said he wasn't going to pay more money for another inspector to come and tell him the house needed a paint job; he knew it needed to be painted and he was going to paint it in the summer. He said he felt the inspector should be investigated.

Councilmember Jalali Nelson moved to close the public hearing. Yeas - 7 Nays - 0

Mr. Cheatham asked if there was a code of conduct for inspectors. Council President Brendmoen said that was something Mr. Cheatham's Council member would like to follow up on.

Councilmember Jalali Nelson asked Ms. Moermond if she had any information about the previous inspector and that situation so her office could follow up. Ms. Moermond said there had been several inspectors involved at this property; she said she could provide that information now or send copies of orders. She said she would like to note that Legislative Hearing staff did provide follow-up emails regarding to the email address provided, and provided paper copies of the applications for inspection and so on. The condemnation order was issued August 9, 2018 and was not appealed in a timely fashion, so all that was in front of her was the vacant building registration, which was appealed.

Councilmember Jalali Nelson requested a one-week layover to provide time for her to better understand the facts of the situation.

Public hearing held and closed; laid over to May 22

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

Nay: 0

42 [RLH TA 19-190](#)

Ratifying the Appealed Special Tax Assessment for property at 1533 WYNNE AVENUE. (File No. J1907B, Assessment No. 198106) (Public hearing held May 15)

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of a boarding assessment. The boarding occurred following a burglary. Police were called and were able to apprehend the perpetrator. Police contacted the contractor for boarding. The question was whether police made an effort to contact the property owner. The police and fire department are not inclined to leave a property unsecured from entry. The police indicated they made two attempts to contact the property owner. Both the police and the property owner stated that next door neighbor talked to the police and made an effort to contact the owners. Ms. Moermond said her understanding from the Legislative Hearing was that the owners were able to get home within a couple of hours. The boarding was a \$280 charge; \$250 of that was the emergency call out charge. There was a \$162 service charge attached for a total of \$442. Ms. Moermond said the question she found herself with was whether this was a public or private concern. She said she believed it was a private matter between the property owner and the person who caused the damage. The boarding contractor was called at 1:00 p.m., and police were there for more than another hour.

In opposition:

Jackie Gulbranson, home owner, said their house was broken into in December, and they received a letter in January that was confusing and cryptic. The letter was brief and referenced the break-in; it listed the assessment they would have to pay. They felt then and now that they got a bill for being victims of a crime. She said the window the burglar used to exit their home was left unsecured. She said they were asking the Council to review the mechanisms by which these types of assessments were applied, recognizing that some situations may warrant more explanation from the City up front.

Councilmember Jalali Nelson moved to close the public hearing. Yeas - 7 Nays - 0

In response to a question from Councilmember Jalali Nelson, Ms Moermond reviewed the breakdown of the charges.

Councilmember Jalali Nelson said she would like to look into whether there was a way to reduce the assessment, given that the point of exit was not secured. She said she would like time come up with a solution and come back to this.

Councilmember Noecker and Council President Brendmoen spoke in support.

Public hearing held and closed; laid over to May 22

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

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

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 29 - 49)

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 29** [RLH TA 19-195](#) Ratifying the Appealed Special Tax Assessment for property at 1431 BURR STREET. (File No. J1901V, Assessment No. 198000)
Adopted
- 30** [RLH TA 19-194](#) Ratifying the Appealed Special Tax Assessment for property at 612 COOK AVENUE EAST. (File No. J1901V, Assessment No. 198000; amend to File No. J1901V1, Assessment No. 198001)
Public hearing continued to June 5
- 31** [RLH TA 19-185](#) Ratifying the Appealed Special Tax Assessment for property at 382 FRY STREET. (File No. J1907E, Assessment No. 198307)
Adopted
- 32** [RLH TA 19-95](#) Ratifying the Appealed Special Tax Assessment for property at 1148 GERANIUM AVENUE EAST. (File No. VB1907, Assessment No. 198806; amended to File No. VB1907A, Assessment No. 198818)
(Public hearing continued from April 17)
Adopted as amended (assessment reduced)
- 33** [RLH TA 19-199](#) Ratifying the Appealed Special Tax Assessment for property at 797 IGLEHART AVENUE. (File No. J1907B, Assessment No. 198106; amend to File No. J1907B1, Assessment No. 198113) (Amend to delete the assessment)
Public hearing continued to June 5

- 34 [RLH TA 19-323](#) Amending the previously ratified assessment to reduce the assessment for Collection of Vacant Building Registration fees billed during August 14 to November 20, 2018 at 721 JACKSON STREET. (File No. VB1907, Assessment No. 198806)
Adopted
- 35 [RLH TA 19-211](#) Ratifying the Appealed Special Tax Assessment for property at 1152 MARYLAND AVENUE EAST. (File No. J1907E, Assessment No. 198307)
Adopted
- 36 [RLH TA 19-324](#) Ratifying the Appealed Special Tax Assessment for property at 1124 MATILDA STREET. (File No. J1907E, Assessment No. 198307)
Adopted
- 37 [RLH TA 19-184](#) Ratifying the Appealed Special Tax Assessment for property at 326 MORNINGSIDE CIRCLE. (File No. CRT1907, Assessment No. 198206)
Adopted
- 38 [RLH TA 19-192](#) Ratifying the Appealed Special Tax Assessment for property at 827 PEDERSEN STREET. (File No. J1901V, Assessment No. 198000)
Adopted
- 40 [RLH TA 19-197](#) Deleting the Appealed Special Tax Assessment for property at 1084 SIMS AVENUE. (File No. J1901V, Assessment No. 198000)
Adopted
- 41 [RLH AR 19-26](#) Ratifying the assessments for Demolition services from January 2019 at 547 STINSON STREET. (File No. J1907C, Assessment No. 192006)
Adopted
- 43 [RLH TA 19-193](#) Ratifying the Appealed Special Tax Assessment for property at 1101 YORK AVENUE. (File No. J1901V, Assessment No. 198000)
Adopted
- 44 [RLH AR 19-24](#) Ratifying the assessments for Boarding and/or Securing services during December 2018. (File No. J1907B, Assessment No. 198106)
Adopted
- 45 [RLH AR 19-25](#) Ratifying the assessments for Demolition services from December 2018. (File No. J1906C, Assessment No. 192005)
Adopted
-

- 46 [RLH AR 19-27](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during October 15 to November 12, 2018. (File No. CRT1907, Assessment No. 198206)

 Adopted as amended (337 McKnight Road South removed from the assessment roll for separate consideration)
- 47 [RLH AR 19-28](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during October 22 to November 21, 2018. (File No. J1907E, Assessment No. 198307)

 Adopted as amended (740 Waseca Street removed from the assessment roll for separate consideration)
- 48 [RLH AR 19-29](#) Ratifying the assessments for Towing of Abandoned Vehicle services during June to December 2018. (File No. J1901V, Assessment No. 198000)

 Adopted
- 49 [RLH AR 19-30](#) Ratifying the assessments for Tree Removal services from October 2018 to January 2019. (File No. 1902T, Assessment No. 199001)

 Adopted

Council members shared information about events in their wards.

The Council recessed at 4:51 p.m.

PUBLIC HEARINGS (5:30 p.m.)

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

Council President Brendmoen welcomed those present and spoke about the process for public testimony.

She asked if anyone was present for the Rice Street Flats project. No one was present. She said a public hearing would be noticed and held on a future date, but there had been some errant noticing.

50 [RES PH 19-144](#)

Recommending that Ramsey County implement pedestrian refuge medians and bicycling facilities on Payne Avenue from Woodward Avenue to Edgerton Street. (Public hearing held May 15)

Faye Simer, Public Works, gave a staff report on installation of pedestrian and bicycle facilities as part of the Ramsey County mill and overlay project on Payne Avenue.

In opposition:

Jim Morelli (535 Tedesco Street)

In support:

Ian R. Buck (514 Thomas Avenue W.)

Laura Lyons (Maplewood)

Andrew Singer (2103 Berkeley Avenue)

Councilmember Prince close 7-0

Councilmember Prince said she was concerned that Mr. Morelli felt like he just heard about this. She moved a one-week layover.

Council President Brendmoen confirmed with Ms. Simer that a one-week layover could be done.

Public hearing held and closed; laid over to May 22

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

Nay: 0

51 [RES PH 19-138](#)

Recommending that Ramsey County implement bicycle lanes on Larpenteur Avenue from Hazel Street to McKnight Road.

Luke Hanson, Public Works, gave a staff report on installation of bicycle lanes as part of the Ramsey County resurfacing of Larpenteur Avenue.

In support:

Laura Lyons (Maplewood)

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

Councilmember Busuri made brief comments and moved approval of the resolution.

Adopted

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

Nay: 0

- 52** [RES PH 19-139](#) Recommending that Ramsey County implement bicycling facilities on White Bear Avenue from Upper Afton Road to Suburban Avenue.

Reuben Collins, Public Works, gave a staff report on the installation of bike lanes on White Bear Avenue as part of a Ramsey County mill and overlay project.

In support:

Andrew Singer (2103 Berkeley Avenue)

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

Councilmember Prince moved approval of the resolution.

Adopted

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

Nay: 0

53 [Ord 19-1](#)

Amending Chapter 74 of the Legislative Code by enacting a new section designating St. Andrew's Church as a Saint Paul Heritage Preservation Site.

Council President Brendmoen reviewed the process for passing ordinances. She said the issue before the Council was the historic designation and asked those testifying to stick to that issue. She reviewed the time limits for testimony.

Christine Boulware, Heritage Preservation staff for the Department of Planning and Economic Development (PED), gave a staff report. She said the Heritage Preservation Commission (HPC) reviewed the application and voted 8-1 to forward it to the Planning Commission and to the State Historic Preservation offices as outlined in the Legislative Code. The HPC determined that the building met criteria 1, 4, 5 and 7. The Planning Commission found that designation was consistent with portions of the Comprehensive Plan and the Como Community Plan but inconsistent with a specific Land Use policy. They voted 12-1-1 to recommend against the proposed designation. The State response concurred that St. Andrew's was an ideal candidate for local designation. It came back to the HPC, which voted 6-2 to recommend to the City Council that St. Andrew's Church be designated a Heritage Preservation Site.

In opposition to designation:

Kelly Lauden (Arden Hills), member of the board of directors for the Twin Cities German Immersion School (TCGIS). She said she recognized the Council was being asked to grapple with difficult issues. They were the same issues and questions the TCGIS board had grappled with in coming to the decision that meeting the school community's educational needs necessitated removing the church structure. The school's vision aligned with the City's for livability. They were opposed to the historic designation because the school had an educational purpose, and a mandate that publicly funded education dollars be spent to preserve a former Catholic structure did not align with the City's vision to be the most livable city in America. Teachers and students needed a livable space to grow, learn and play, and a portion of the current school building didn't serve that purpose. Their top priority as a school were the needs of the children and teachers. Putting people first was a value held by the City of St. Paul and should drive the Council's decision. The children weren't asking for anything special - they needed a gym, classrooms, a cafeteria, and smaller learning spaces, which the historic designation would preclude school from providing. Students came from every ward and beyond, and St. Paul resident recently passed a referendum for educational spending. TCGIS had brought students and teachers from many parts of the world, bringing a new vibrancy to the Como neighborhood. Throughout the process of deciding on a building solution, the board had been cognizant of fiduciary duties to the students as well as the taxpayers. The school wanted to continue to invest in the neighborhood rather than leaving behind the investment they'd already made. The school had been transparent and engaged the community from the beginning of the process. The current situation with people opposed to the project came from the fact that those in opposition would not accept any outcome that didn't involve complete preservation of the former church structure. Due to basic dimensional and financial math, the school could not construct the needed space while preserving the structure. Preservation of the church was costly, and every dollar available for education, needed to be used for improving education. Fundraising could not fill the gap, and, since it was put up for sale, no re-use plans had been presented except using the site as a school. The church which sold the structure mandated that the site be used as a school. She referred to a written materials submitted related to the historic context, and legal and equitable considerations associated with saddling them as a property owner with

considerable historic preservation costs years after the property was acquired and over their objections. preservation would result in an unfunded mandate to preserve a building whose special purpose was no longer needed. TCGIS asked that the Council vote no.

Others in opposition:

Teacher Kim Kulhanek (757 Scheffer Avenue)

Students Aubrey Lauden, Malik Alkatout, Spencer Eidman

In support of designation:

Bonnie Youngquist (1170 Churchill Street) said Save Historic St. Andrew's was formed when neighbors learned the school intended to tear down the former church. They were stunned that a school relatively new to the neighborhood seek to demolish a landmark that had stood for over a century. Last summer they got over 600 petition signatures asking the school to delay its plans for a year, and the schools board voted no. Save Historic St. Andrew's brought together highly-skilled architects to explore alternatives to demolition but the school declined to participate. They set up a fundraising campaign to hire a team of experts to research St. Andrew's eligibility for historic designation. The school accused them of caring more about building than bricks. They verified that Charles Hauser designed St. Andrew's and the school disputed that as well. They were asking that the City Council designate St. Andrew's as a Heritage Preservation Site if for no other reason than that it would encourage the school to collaborate on a solution that might ease the acrimony that currently existed.

Roy Neal (1231 Minnehaha Avenue W.) spoke about the importance of people taking action to preserve the places that made St. Paul. He said historic preservation was not about putting buildings before people but about recognizing that places mattered. He said this was not an either/or decision. They recognized that historic designation went against the wishes of TCGIS, but this was not a case of private property rights vs. the historic good, especially since TCGIS was a public school supported by tax dollars. Any citizen could nominate any structure at any time. He said the school had many options other than demolition. Emails recently made public provided evidence that the TCGIS board acted with a bias towards demolition. The emails provided evidence that TCGIS tried to stop historic designation by damaging the bell tower of the property, indicating they were not working with the neighborhood in good faith. Mr. Neal displayed images of design possibilities to accommodate the school's needs in the existing structure.

Carol Carey (635 Bates Avenue), Executive Director Historic St. Paul, spoke in support of the designation of St. Andrew's.

Rolf Anderson (Minneapolis) spoke on behalf of the team of consultants that studied the building and prepared the local designation form. He said it represented a very distinct example of the Romanesque Revival style, and the State felt it was eligible for National Register of Historic Places.

Bob Roscoe (Minneapolis) said the high degree of architectural articulation set St. Andrew's apart and gave it iconic value. He said places mattered.

Jennie Marie Hausler (Florida), youngest granddaughter of architect, spoke on support of preservation of St. Andrew's

Roy Neal (1231 Minnehaha Avenue W.) said they'd always said they wanted a win-win,

but that required good-faith collaboration and a better process that involved the community.

Gayle Middlekamp (1077 Barrett Street) noted the variances and waivers needed, and said the site was too small for the school's plans.

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

In response to a question from Councilmember Tolbert, Ms. Boulware clarified what the local, state and national designations meant. Councilmember Tolbert asked if local designation came with funding. Ms. Boulware said no.

Council President Brendmoen asked Ms. Boulware to elaborate a little more on regulation associated with local designation, modification, demolition. Ms. Boulware described the process for exterior modifications of designated property.

Councilmember Tolbert asked what exactly was the issue the Council was deciding. Deputy City Attorney Rachel Tierney said the role here was to determine whether the Council wanted to make this designation. The language on the ordinance was that the Council "may," following a recommendation by the HPC.

Councilmember Prince noted that STAR funding could be used for non-profit and public buildings, and the City had the conduit bond program that had been used for charter schools, hospitals, care centers. Council President Brendmoen clarified that STAR funding was for economic development.

Council President Brendmoen asked Ms. Boulware if it was true that anyone could nominate any building at any time. Ms. Boulware said it was. Council President Brendmoen asked that happened regularly in the City. Ms. Boulware said they had had other entities than the owner bring forward designation. It was often reactionary to save a building rather than to develop it.

There was further discussion among the Council members about instances of historic designation that was against the wishes of the property owner. Councilmember Thao asked about the property rights of the owner, and whether the City could be liable in the case of a lawsuit.

Ms. Boulware said there was no owner objection clause locally, but there was relevant case law. Ms. Tierney said it was a legally complicated question and she would be happy to meet with Councilmember Thao to discuss it. In response to further questions from Councilmember Thao, Ms. Boulware they looked at this as similar to zoning, where certain restrictions might exist on a property.

There was further discussion among the Council members.

Public hearing held and closed; laid over to May 22 for final adoption

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

Nay: 0

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 7:28 p.m.

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