City of Saint Paul

Minutes - Final

City Council

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd Floor
651-266-8560

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, September 4, 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 p.m.

Present 5 - Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Rebecca Noecker, Councilmember Jane L. Prince and Councilmember Mitra Jalali Nelson

Absent 2 - Councilmember Chris Tolbert and Councilmember Kassim Busuri

Councilmember Tolbert arrived after roll call.

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

Absent 1 - Councilmember Kassim Busuri

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

Councilmember Prince moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

1 RES 19-1415 Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during November 27, 2018 to May 21, 2019, and setting date of Legislative Hearing for October 1, 2019 and City Council public hearing for January 15, 2020 to consider and levy the assessments against individual properties. (File No. VB2002, Assessment No. 208801)

Adopted

2 RES 19-1418 Approving the City's cost of providing Boarding and/or Securing services during June 2019, and setting date of Legislative Hearing for October 1, 2019 and City Council public hearing for January 15, 2020 to consider and levy the assessments against individual properties. (File No. J2002B, Assessment No. 208101)

Adopted

3 RES 19-1419 Approving the City's cost of providing Demolition services from June to July 2019, and setting date of Legislative Hearing for October 1, 2019 and City Council public hearing for January 15, 2020 to consider and levy the assessments against individual properties. (File No. J2001C, Assessment No. 202000)

Adopted

4 RES 19-1424 Approving the City's cost of providing Demolition services from May to June 2019 (C.D.B.G. Funds), and setting date of Legislative Hearing for October 1, 2019 and City Council public hearing for January 15, 2020 to consider and levy the assessments against individual properties. (File No. J2002C, Assessment No. 202001)

Adopted

5 RES 19-1426 Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during April 24 to May 17, 2019, and setting date of Legislative Hearing for October 1, 2019 and City Council public hearing for January 15, 2020 to consider and levy the assessments against individual properties. (File No. CRT2002, Assessment No. 208201)

Adopted

6 RES 19-1427 Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during April 22 to May 21, 2019, and setting date of Legislative Hearing for October 1, 2019 and City Council public hearing for January 15, 2020 to consider and levy the assessments against individual properties. (File No. J2002E, Assessment No. 208301)

Adopted

7 RES 19-1428 Approving the City's cost of providing Graffiti Removal services during January 21 to July 24, 2019, and setting date of Legislative Hearing for October 1, 2019 and City Council public hearing for January 15, 2020 to consider and levy the assessments against individual properties. (File No. J2002P, Assessment No. 208401)

Adopted

8 RES 19-1493 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 3, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903A1, Assessment No. 190121)

Adopted

9 RES 19-1494 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 3, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903A2, Assessment No. 190122)

Adopted

10 RES 19-1495 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 3, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903A3, Assessment No. 190123)

Adopted

11 RES 19-1496 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2019, and setting date of Legislative Hearing for October 3, 2019 and City Council public hearing for November 13, 2019 to consider and levy the assessments against individual properties. (File No. CG1903A4, Assessment No. 190124)

Adopted

12 RES 19-1361 Authorizing the City to renew a lease agreement with the Pointe of Saint Paul Condominium Association for the Police Department's use of interior and rooftop space for radio communication equipment.

Adopted

13 RES 19-1413 Establishing the rate of pay for the new classifications of Water Aerobics Instructor (Year Round) in Grade 054 of EG 02, AFSCME Technical, and Water Aerobics Instructor (Seasonal) in Grade 21H of EG 99, Special Employment.

Adopted

14 RES 19-1423 Approving the Labor Agreements between the Independent School District 625 and Minnesota Cement Masons, Plasterers and Shophands Local 633 (5/1/2019 - 4/30/2022); United Union of Roofers, Waterproofers and Allied Workers, Local Union No. 96 (5/1/2019 - 4/30/2022); Tri-Council, Locals 49, 120 and 363 (7/1/2018 - 6/30/2019); and the 2019 - 2020 Memorandum of Agreement for the United Association of Steamfitters-Pipefitters, Local Union No. 455 wage and fringe adjustment (5/1/2019 - 4/30/2022).

Adopted

15 RES 19-1466 Approving the Maintenance Labor Agreement (May 1, 2019 - April 30, 2022) between the City of Saint Paul and the Operative Plasterers and Cement Masons International Association, Local 633.

Laid over to September 11 for adoption

16 RES 19-1460 Approving the Mayor’s appointment of Nathaniel Hood to the Planning Commission.

Adopted

17 RES 19-1525 Accepting the gift of the cost of travel expenses from The Workers Lab for Mayor Melvin Carter and Senior Policy Advisor Daniel Yang to attend the Ideas to Action: Advancing Cooperative Economies Locally session to be held in Boston, MA, September 21-22, 2019.

Adopted

18 RES 19-1488 Approving indemnification for a Utility Occupancy License from the Soo Line Railroad to install, maintain, and operate a sanitary sewer line underneath railroad tracks as part of the Victoria Park project.

Adopted

19 RES 19-1473 Authorizing execution of lease amendments to the Lease / Use Agreement between the City of Saint Paul, as Lessor, and the Science Museum of Minnesota, as Lessee, pertaining to an underlying GO Bond Grant in the amount of $13,000,000 for the renovation of the Science Museum of Minnesota.

Adopted

20 RES 19-1326 Adopting the Highland Park District 15 Plan as an Addendum to the Saint Paul Comprehensive Plan.

Adopted

21 RES 19-1458 Accepting the gift of travel expenses, lodging, and conference costs, not to exceed $1000, from the Knight Foundation and the National Association of City Transportation Officials (NACTO) for City staff to attend the 2019 NACTO Designing Cities Conference.

Adopted

22 RES 19-1483 Authorizing the Department of Public Works to host an Open House Event on September 12, 2019 at the Public Works Dale Street Complex Grounds, and to pay for related expenses, not to exceed $8,000, from existing budgets.

Adopted

23 RES 19-1472 Approving a waiver of the 45-day notice requirement to issue Malt On Sale (Strong) and Wine On Sale licenses with conditions to Ophelia LLC, d/b/a Rose Street Café/Rose Street Patisserie (License ID #20190002638) at 882 7th Street West Unit 2.

Adopted

24 RES 19-1502 Approving adverse action against the Cigarette/Tobacco License held by Northern Tier Retail LLC, d/b/a Speedway #4032 (License ID #2010004269) at 1734 7th Street West.

Adopted

25 RES 19-1481 Approving adverse action against the Cigarette/Tobacco License held by Northern Tier Retail LLC, d/b/a Speedway #4413 (License ID #20100004251) at 2051 Grand Avenue.

Adopted

26 RES 19-1475 Approving adverse action against the Cigarette/Tobacco License held by Northern Tier Retail LLC, d/b/a Speedway #4038 (License ID #20100004245) at 390 Maryland Avenue.

Adopted

27 RES 19-1490 Approving adverse action against the Cigarette/Tobacco License held by Northern Tier Retail LLC, d/b/a Speedway #4430 (License ID #20100004268) at 846 Johnson Parkway.

Adopted

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.

No items

PUBLIC HEARINGS (3:30 p.m.)

29 RES PH 19-315 Amending the financing and spending plans in the Department of Emergency Management in the amount of $2,500 for the 2018 State Homeland Security Program.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

30 RES PH 19-308 Amending the financing and spending plans in the Fire Department in the amount of $250,000 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for training and equipment for the Minnesota Aviation Rescue Team and helicopter training with the Minnesota State Patrol.

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 Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

Absent: 1 - Councilmember Busuri

31 RES PH 19-300 Approving and authorizing acceptance of Metropolitan Livable Communities Act Grants from the Metropolitan Council, and amending the 2019 Budget.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

32 RES PH 19-285 Authorizing Police Department to accept a grant in the amount of $132,840.98 from the State of Minnesota, Department of Public Safety for the 2020 DWI Officer grant.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

33 RES PH 19-290 Authorizing the Police Department to accept a grant in the amount of $558,437 from the State of Minnesota, Department of Commerce for the Auto Theft Grant.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

34 RES PH 19-282 Approving the application of Keg and Case Park LLC for a sound level variance for amplified sound for Oktoberfest Olympics on September 13 and 14, 2019, at 928 7th Street West.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

35 RES PH 19-295 Approving the application of Anderson Race Management for a sound level variance for outdoor music and announcements for the Twin Cities Walk for Water Event on September 28, 2019 at Upper Landing Park.

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 Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

Absent: 1 - Councilmember Busuri

36 RES PH 19-291 Approving the application of Minnesota United FC & Allianz Field for two sound level variances for amplified music on September 15 and 29, 2019 at 400 Snelling Avenue North.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

37 RES PH 19-284 Approving the application of the American Foundation for Suicide Prevention for a sound level variance for announcements and amplified music on September 15, 2019 at Como Park Pavilion for the Out of the Darkness Walk.

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 Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

Absent: 1 - Councilmember Busuri

FOR DISCUSSION

Councilmember Busuri joined the meeting.

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

28 SR 19-63 Welcoming University of Minnesota President Joan Gabel.

University of Minnesota President Gabel made brief comments, and responded to Council members' comments and questions.

Received and filed

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

56 RLH TA 19-527 Ratifying the Appealed Special Tax Assessment for property at 1137 JESSIE STREET. (File No. J1923A, Assessment No. 198556)

Legislative Hearing Officer Marcia Moermond gave a staff report on the assessment for a clean-up of a Bagster in the driveway apron on the Geranium side of property. She said Parks crews initially went to the Jessie side of the property and didn't see the Bagster, closed it out as abated. Neighbors continued to complain, and a crew went back out and removed it. The total assessment was $534, including the service charge. Ms. Moermond said the property owner stated the Bagster was placed there by the neighbor, and he was not checking mail regularly to know he should be talking care of it. She recommended that the assessment be approved. Although the item was dumped, there were ample opportunities for it to be addressed and it was there for a matter of months.

In opposition:
Steve Getz (641 Huntington Court, Maplewood) said he lived at the house until 3-4 years ago and was taking his time getting it ready to sell. He said he didn't check on the property as much as he should, and when he did, he went in the front door. He said the neighbor on Geranium often had squatters, and garbage got dumped. He said he called and was told it had been taken care of already, and when he prior to that, City staff couldn't find the orders. He said he went to the property to check when he got the second notice, and there was nothing there. It was most likely the day after they picked it up. He said he was at fault, and all he would have had to do was call Waste Management to pick it up. He said the inspector was hard to get a hold of. He said he saw the video of the clean-up, and the charge seemed excessive for the work done. He said $534 was a very big deal for him, and he would try to stay on top of it and not take it lightly. He said he would like the Council to at least chop the fee in half.

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

Council President Brendmoen said there was a cost associated with these clean-ups, and she didn't hear anything that made her believe they should pass the cost along to other rate-payers in the city. She moved Ms. Moermond's recommendation.

Adopted

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

Nay: 0

52 RLH VO 19-29 Appeal of Gail Koslowski and Cornelius E. Brown Jr. to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1692-1694 EDMUND AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of the revocation and order to vacate. She said this was a long-term problem property; she described the violations. She recommended that the property be ordered vacated or the work completed by September 10, with a three-week grace period to October 1 to allow the Certificate of Occupancy to be reinstated or the building referred to the vacant buildings program. She said the owners indicated they had discussed eviction with the tenants and given them letters. She said she had heard this property in the past for clean-ups, and there were similar conversations months ago. She said there hadn't been a proper legal process executed on the part of the owner, and the work continued to not be done, and therefore she was ordering that the property be vacated. She said the owner was present to ask for an extension. In response to a question from Councilmember Jalali Nelson, she reviewed the deadlines and the corrections that needed to be made.

In opposition:
Property owner Cornelius E. Brown asked for a three-week extension.

Councilmember Jalali Nelson reviewed the items to be completed, and said they looked like a number of small but doable things. Mr. Brown said the drug dealers had agreed to move out by Friday; he said the plumbers and electricians hadn't been able to get in.

Councilmember asked Mr. Brown if he had the resources and time to do everything in six days. Mr. Brown said if he could have a three-week extension he'd make sure everything was done.

Council President Brendmoen asked Mr. Brown if he was the landlord. Mr. Brown said he was the landlord and co-owner. He said everyone would be out by Friday, and workers could start.

Councilmember Jalali Nelson asked who lived there now. Mr. Brown said no one lived there. He said they had moved out and the place would be empty as of Friday.

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

Council President Brendmoen reviewed the situation.

Ms. Moermond said the concern was that in spite of multiple attempts and letters asking the tenants to leave, they had not actually left. They might not be physically there but their possessions were and there was no legal means in place to force them to vacate, in terms of the landlord following legal procedures; the City's order to vacate was the only tool. She said Mr. Brown had a de facto extension built into the recommendation.

Councilmember Noecker said it seemed like the recommendation was already granting what was being requested.

Councilmember Jalali Nelson asked whether the recommended deadlines were formalized somewhere. Ms. Moermond said it was in the resolution before the Council.

Councilmember Jalali Nelson said her concern was displacing the tenants, but it sounded like they were making their way out and the needed repairs were going to happen. She moved to adopt Ms. Moermond's recommendation.

Adopted

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 38 - 67)

No one was present to testify. Councilmember Thao 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 VBR 19-49 Appeal of Mark Lentsch to a Vacant Building Registration Notice at 1011 ARGYLE STREET.

Adopted

39 RLH TA 19-578 Ratifying the Appealed Special Tax Assessment for property at 870 ARKWRIGHT STREET. (File No. J1922A, Assessment No. 198555)

Adopted

40 RLH TA 19-562 Ratifying the Appealed Special Tax Assessment for property at 517 ASBURY STREET. (File No. J1922A, Assessment No. 198555)

Adopted

41 RLH RR 19-24 Making finding on the appealed nuisance abatement ordered for 650 AURORA AVENUE in Council File RLH RR 19-2.

Adopted as amended (nuisance conditions abated)

42 RLH TA 19-670 Ratifying the Appealed Special Tax Assessment for property at 964 AVON STREET NORTH. (File No. J1922A, Assessment No. 198555)

Adopted

43 RLH TA 19-550 Ratifying the Appealed Special Tax Assessment for property at 300 BAKER STREET EAST. (File No. J1922A, Assessment No. 198555)

Adopted

44 RLH TA 19-528 Deleting the Appealed Special Tax Assessment for property at 757 BRADLEY STREET. (File No. J1923A, Assessment No. 198556)

Adopted

45 RLH TA 19-560 Ratifying the Appealed Special Tax Assessment for property at 140 CASE AVENUE. (File No. J1922A, Assessment No. 198555)

Adopted

46 RLH TA 19-529 Ratifying the Appealed Special Tax Assessment for property at 690 CENTRAL AVENUE. (File No. J1923A, Assessment No. 198556)

Adopted

47 RLH TA 19-540 Deleting the Appealed Special Tax Assessment for property at 503 CLEVELAND AVENUE SOUTH. (File No J1922A, Assessment No. 198555)

Adopted

48 RLH TA 19-530 Ratifying the Appealed Special Tax Assessment for property at 378 COMO AVENUE. (File No. J1922A, Assessment No. 198555)

Adopted

49 RLH TA 19-532 Ratifying the Appealed Special Tax Assessment for property at 58 COOK AVENUE WEST. (File No. J1923A, Assessment No. 198556)

Adopted

50 RLH VBR 19-45 Appeal of Alan Tschida (Selby-Dale, LLC) to a Vacant Building Registration Notice at 156 DALE STREET NORTH.

Adopted

51 RLH TA 19-526 Ratifying the Appealed Special Tax Assessment for property at 1122 EARL STREET. (File No. J1922A, Assessment No. 198555)

Adopted

53 RLH TA 19-549 Ratifying the Appealed Special Tax Assessment for property at 1751 HOYT AVENUE. (File No. J1922A, Assessment No. 198555)

Adopted

54 RLH VBR 19-48 Appeal of Shirzad Raimi, Venture Capital, to a Vacant Building Registration Renewal Notice at 1918 IVY AVENUE EAST.

Adopted

55 RLH TA 19-531 Ratifying the Appealed Special Tax Assessment for property at 551 JENKS AVENUE. (File No. J1923A2, Assessment No. 198576) (Public hearing to be continued to February 19, 2020)

Public hearing continued to February 19, 2020

57 RLH TA 19-558 Ratifying the Appealed Special Tax Assessment for property at 671 LAFOND AVENUE. (File No. J1922A, Assessment No. 198555)

Adopted

58 RLH VBR 19-46 Appeal of Laura Jelinek, Southern Minnesota Regional Legal Services, on behalf of Tomeka Miller, to a Vacant Building Registration Notice at 1235 MARGARET STREET. (Public hearing continued from August 7)

Adopted as amended (appeal granted on vacant building registration; extension granted for repairs and vacate date)

59 RLH TA 19-554 Ratifying the Appealed Special Tax Assessment for property at 1793 MARYLAND AVENUE EAST. (File No. J1923A, Assessment No. 198556)

Adopted

60 RLH TA 19-557 Deleting the Appealed Special Tax Assessment for property at 362 MINNEHAHA AVENUE WEST. (File No. J1923A, Assessment No. 198556)

Adopted

61 RLH TA 19-15 Ratifying the Appealed Special Tax Assessment for property at 507 MINNEHAHA AVENUE EAST. (File No. J1907A1, Assessment No. 198536) (Public hearing continued from February 13)

Adopted as amended (assessment deleted)

62 RLH TA 19-556 Ratifying the Appealed Special Tax Assessment for property at 1179 SEVENTH STREET EAST. (File No. J1923A, Assessment No. 198556)

Adopted

63 RLH TA 19-671 Deleting the Appealed Special Tax Assessment for property at 237 SIDNEY STREET EAST. (File No. J1923A, Assessment No. 198556)

Adopted

64 RLH TA 19-663 Amending the previously ratified assessment to reduce the assessment for Collection of Delinquent Garbage Bills for services during October to December 2018 at 1064 STINSON STREET. (File No. CG1901E3, Assessment No. 190069)

Adopted

65 RLH TA 19-553 Ratifying the Appealed Special Tax Assessment for property at 389 UNIVERSITY AVENUE WEST. (File No. J1923A, Assessment No. 198556; amended to File No. J1923A1, Assessment No. 198575 and to delete the assessment) (Public hearing continued from September 4)

Referred to Legislative Hearings on September 17

66 RLH AR 19-82 Ratifying the assessments for Property Clean Up services during March 20 to April 12, 2019. (File No. J1922A, Assessment No. 198555)

Adopted as amended (740 Capitol Heights removed from assessment roll for separate consideration)

67 RLH AR 19-83 Ratifying the assessments for Property Clean Up services during April 12 to 29, 2019. (File No. J1923A, Assessment No. 198556)

Adopted as amended (1124 Matilda Street removed from assessment roll for separate consideration)

Council members shared news from their Wards.

The meeting was recessed at 4:18 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:32 p.m.

68 Ord 19-55 Granting the application of the Housing and Redevelopment Authority to rezone property at 659 Otsego Street from RT1 Two-Family Residential to R4 One-Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

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

Public hearing held and closed; laid over to September 11 for final adoption

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

Nay: 0

69 RES PH 19-309 Approving the establishment of the Tax Increment Financing District (West Side Flats Phase III Apartments Project) (a housing district) in the Saint Paul Riverfront Redevelopment Project Area, and approving a Tax Increment Financing Plan therefor, District 3, Ward 2.

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

70 Ord 19-54 Amending Chapters 60, 61, 64, and 66 of the Legislative Code pertaining to establish Ford zoning districts, site plan review for Ford zoning districts, sign regulations for Ford zoning districts, references to the Ford Site Zoning and Public Realm Master Plan, and minor and major amendments to the Ford Site Zoning and Public Realm Master Plan.

Mike Richardson, Planning and Economic Development (PED), gave a staff report on both items. He answered questions from Council members.

Council members Tolbert, Jalali Nelson, and Noecker made brief comments.

Tony Barranco, Senior Vice President of Ryan Companies, spoke in support of the design standards.

Councilmember Tolbert moved to close the public hearing.

Public hearing held and closed; laid over to September 11 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 19-256 Amending the Ford Site Zoning and Public Realm Master Plan with design standards for use with the Ford zoning districts. (Public hearing held September 4)

No one was present to testify. Councilmember Tolbert moved to close the public hearing and lay the matter over to September 11.

Public hearing held and closed; laid over to September 11

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

Nay: 0

72 Ord 19-56 Amending Chapter 409 of the Legislative Code to raise the age of persons allowed to enter liquor stores from age eighteen (18) to twenty-one (21).

Council President Brendmoen said there would be a combined public hearing.

Councilmember Noecker confirmed that what was before the Council was Version 1 of Ord 19-56. Council President Brendmoen said that was correct; there had been no changes.

In support:
Damon Presley (544 Payne Avenue), Director of Aurora St. Anthony Youth and Vision In Living Life - Change is Possible) spoke in support.
Brianna Vang, Johnson High School, read a statement in support of raising the tobacco age to 21.
Lucius Giusti-Brownell read a statement supporting T21
Kailin Giusti-Brownell read a statement supporting T21
Hayat Fathi, Central High School, read a statement supporting T21
Mr. Presley spoke again in support of T21 and in opposition to penalties for purchase, use, and possession by minors.
Dr. Ritesh Patel, Open Cities Health Center, read a statement in support or T21 and in opposition to penalties for purchase, use and possession by minors.

In opposition:
Jacob Bernstein (1601 Sherburne Avenue), Imperial Vapor, said there were massive differences between traditional tobacco and vaping products; vapor products were not made by big tobacco. He said there needed to be lenience; asking them to completely adapt and change within 30 days was unreasonable. He said tobacco tax dollars paid for tobacco control and education programs. He said the ordinance would disproportionately impact vulnerable communities, especially the minor possession pieces of the ordinance, and it would do nothing to address online sale. He said no teenagers were getting their products from Imperial Vapor, and the ordinance would eliminate responsible retailers as a source of products for 18+ year olds.

Dan Bernstein (6200 Westedge Boulevard, Mound), Imperial Vapor, said they opposed the ordinance overall, they supported any amendment that would remove penalties on minors.

Robert Dwyer (6101 Cedar Lake Road, St. Louis Park), Imperial Vapor, said based on his experience, blanket T21 laws didn't work.

Sid Weik (1765 Carroll Avenue) said he opposed blanket T21 laws, support removing penalties on minors

Troy DeCorsey, Vape Pros, said he agreed with the previous testimony. He said most people didn't understand that vaping wasn't bad, vaping was not the problem. He asked that the COuncil do their research. He said big tobacco owned Juul, and Juul was the problem.

Council President Brendmoen asked what percent of her customers were between 18 and 21. Mr. DeCorsey estimated 30 to 35%.

Council President Brendmoen asked the same question of Imperial. Mr. Jacob

Bernstein said 28 to 30%.

Mike Weis (1239 7th Avenue S., S. St. Paul), Vape Pros, said St. Paul compliance checks had shown that sales at the store level were not the problem. He asked that the Council look at the scientific data, and he suggested rewriting a grandfather clause for people already of age. He said people already using products as a harm-reduction, especially in sober programs, represented a large proportion of their customers, and would be negatively impacted. He said he supported removing penalties for minor purchase and possession, as long as the City also got rid of online sales.

Council President Brendmoen clarified that the first item was to raise the age to enter a liquor store.

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

Public hearing held and closed; laid over to September 11 for final adoption

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

Nay: 0

73 Ord 19-57 Amending Chapter 324 of the Legislative Code to raise the age of persons allowed to purchase tobacco and tobacco related devices and products from eighteen (18) to twenty-one (21).

(See minutes for item 72)

Councilmember Thao moved version 2. He reviewed the changes.

Council President Brendmoen said the removal of Section 4 removing penalties, would require re-notification. She asked Deputy City Attorney Rachel Tierney to clarify.

Ms. Tierney said state statute required notification to all license holders any time there was a substantive change to one of the tobacco ordinances.

Council President Brendmoen said the state required that they re-notice, wait 30 days, and then hear the item again. She said even though there seemed to be support, it would be prudent, and although it would delay the passage, it would be cleaner and less likely to be contested.

Councilmember Jalali Nelson confirmed that would mean the vote would not be taken for 30 days. Councilmember Thao said they would continue the public hearing, and vote. Councilmember Jalali Nelson asked when the effective date would be in that case. City Clerk Shari Moore said it would go into effect 30 days after publication.

Councilmember Noecker said another option would be to continue with passage of the ordinance without that amendment, and introduce the amendment separately after a 30-day notice.

Councilmember Brendmoen said there was a motion for VErsion 2, and she was looking for support or opposition to that motion.

Councilmember Tolbert spoke in support.

Councilmember Noecker said she supported the content but didn't like that it meant they had to wait another month.

Vote on the amendment. Yeas - 7 Nays - 0

Councilmember Busuri asked whether online sales were affected by the ordinance. Ms. Tierney said she didn't believe so. Council President Brendmoen said she wasn't sure if the City had the authority, but it would be a separate action.

Council members Noecker and Thao made brief statements in support.

Councilmember Thao moved to continue the public hearing to October 16.

Public hearing continued to October 16

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

Nay: 0

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 6:45 p.m.

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