



City of Saint Paul

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

Meeting Minutes - Action Only

City Council

Council President Amy Brendmoen
Councilmember Russel Balenger
Councilmember Mitra Jalali
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Chris Tolbert
Councilmember Nelsie Yang

Wednesday, January 18, 2023

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Meeting started at 3:31 PM

Present 7 - Councilmember Amy Brendmoen, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali, Councilmember Nelsie Yang and Councilmember Russel Balenger

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 23-2](#) Approving the 2023 Fund 200 - City Grants for the Department of Emergency Management to more accurately record expenditures.

Received and Filed

- 2 [CO 23-5](#) Letters from the Department of Safety and Inspections declaring 2120 Rose Avenue East and 1117 Jenks Avenue nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

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

Councilmember Prince moved approval.

Consent Agenda adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

- 3 [RES 23-78](#) Authorizing the Fire Department to accept a donation of \$1,000 from Saint Patrick's Association.
Adopted
- 4 [RES 23-80](#) Approving the request for removal of license condition #3 deleting the requirement of closing the establishment at 12:00 a.m. for the licenses held by The Essence Event Center Inc d/b/a The Essence Event Center (License ID #20200000193) for the premises located at 1217 Bandana Boulevard North.
Adopted
- 5 [RES 23-103](#) Approving the Settlement Agreement and Release between the City and Monique C. Cullars-Doty, Trustee, and O'Connor Law Firm, Ltd.
Adopted
- 6 [RES 23-49](#) Establishing the rate of pay for the new classification Utility Trainee, in Employee Group 71, Grade 028.
Adopted

ORDINANCES

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

Final Adoption

- 7 [Ord 23-3](#) Granting the application of Trellis Treehouse Acquisition LLC to rezone property at 0 Madison Street (north of 2319 West 7th Street, PIN 22.28.23.22.0080), from R1 one-family residential to RM2 medium density multiple-family residential and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
Councilmember Tolbert moved to lay over for one week.
Laid over to January 25, 2023 for Final Adoption
Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
Nay: 0
- 8 [Ord 23-11](#) Amending Chapter 33.04 of the Legislative Code pertaining to establishment of Permit Fees.
Councilmember Noecker moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

9 [Ord 23-10](#)

Amending Chapter 33.06 and 33.07 of the Legislative Code pertaining to Establishment of Fees for Certificate of Compliance and Fence Requirements.

Councilmember Jalali moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

10 [Ord 23-9](#)

Amending Chapter 34.24 of the Legislative Code pertaining to Excessive Consumption of City Services.

Councilmember Yang moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

11 [Ord 23-8](#)

Amending Chapter 40.10 of the Legislative Code pertaining to Fire Certificate of Occupancy as it relates to Fees.

Councilmember Prince moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

12 [Ord 23-7](#)

Amending Chapter 43.03 of the Legislative Code pertaining to Vacant Buildings as it relates to the Vacant Building Registration Fee.

Councilmember Balenger moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

13 [Ord 23-6](#)

Amending Chapter 55.04 of the Legislative Code pertaining to the Fire Code - permit fees for tents.

Councilmember Tolbert moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

14 [Ord 23-5](#)

Amending Chapters 55.09 and 55.10 of the Legislative Code pertaining to the Fire Code - permit fees for liquid petroleum & hazardous materials, storage tanks, and dispensing devices.

Councilmember Yang moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

15 [Ord 23-4](#)

Amending Chapter 161 of the Legislative Code pertaining to parking enforcement during Snow Emergencies.

Councilmember Tolbert moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

16 [Ord 23-2](#)

Amending Chapter 233 of the Legislative Code pertaining to Earned Sick and Safe Time.

Councilmember Tolbert moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

PUBLIC HEARINGS

Live testimony is limited to two minutes for each person. See below for optional ways to testify.

- 17 [Ord 23-1](#) Granting the application of Keith Schroeder to rezone the property at 981 Fuller Avenue, from R4 one-family residential to T2 traditional neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Councilmember Balenger moved to close the public hearing.*
- Laid over to January 25, 2023 for Final Adoption**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 18 [RES PH 23-13](#) Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$89,244 to utilize Parkland Dedication funds for the Duluth and Case and Hazel Park Play Area projects.
- Councilmember Yang moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 19 [RES PH 23-14](#) Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$305,000 for the Hamline Avenue Trail project.
- Councilmember Tolbert moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 20 [RES PH 23-15](#) Authorizing the Department of Parks and Recreation to amend the financing and spending plan, in the amount of \$500,000, for the North End Community Center (NECC) project.
- Council President Brendmoen moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

- 22** [RES PH 23-5](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Property during July to September 2022. (File No. 2301LDSRP, Assessment No. 234000)

Councilmember Noecker moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

- 23** [RES PH 23-6](#) Ratifying the assessments for Repair of Sanitary Sewer Line on Private Property during July to September 2022. (File No. SWRP2301, Assessment No. 233000)

Councilmember Yang moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

- 24** [RES PH 23-9](#) Amending Public Works' FY2023 spending and financing budgets to reflect the final City Recycling Service rates as approved in RES PH 22-345 on December 14, 2022.

Councilmember Balenger moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

LEGISLATIVE HEARING DISCUSSION ITEM

- 25** [RLH TA 22-382](#) Ratifying the Appealed Special Tax Assessment for property at 1374 ARLINGTON AVENUE WEST/ 1437 SHELDON STREET. (File No. J2304A, Assessment No. 238503)

Assessment of \$322 is ratified to recoup costs related to abating a nuisance of tall grass and weeds.

Also in attendance: Alex McLane, appellant (remote attendance)

Marcia Moermond, Legislative Hearing Officer: This assessment is for costs related to abating a nuisance of tall grass and weeds at a property. The cost is \$160 along with a service fee of \$162 for a total of \$322. Orders went out on July 13, 2022 to have the grass cut. The inspector then followed up on July 17 to see if a work order needed to be issued. The inspector went out and showed the grass clearly being higher than his clipboard, which is about 12 inches long. The grass is tall and has gone to seed. Parks and Rec abated the nuisance on July 21. I will now show video they took both prior to the work being done and after the work was done. When they round the corner, you will notice a large mound of dirt in the backyard. It is not a hill, and they did not mow the grass growing out of that mound. When they go into the alley you will be able to see it from the back side. The alley is mowed but you can also see the back of that mound that is still tall and full of weeds. This is a very straightforward abatement. The appellant is contesting whether or not the grass was in violation of the code, which allows for height up to 8 inches. This height is above 12 inches. What he was looking for was whether individual blades of grass were measured and whether on average they exceeded what is allowed by City code. Looking at it, there is no question that the average height is at least a foot throughout. During the legislative hearing, the appellant also alleged that the city damaged the grass and should be compensating him for damage to the lawn. He wanted the assessment decreased because of that. This issue is not in front of you. I indicated that the proper venue for pursuing that would be to file a claim against the city, and that the special assessment process is focused on recouping costs due to the nuisance abatement. Another issue that was raised, which is also not in front of you, is related to the excavation work at the property relating to the mound of dirt being pulled away from the foundation. I am under the impression from the hearing that there is a difference of opinion between Code Enforcement and the owner on this. As I said, that is also not before you today and I do not have an order under appeal for that. All that is in front of you is the \$322 assessment for dealing with the tall grass and weeds.

McLane: The city code is unclear when it defines grass being over 8 inches. Is it talking about individual blades or the accumulation? I don't see anything during this meeting that better defines that. Also, buffalo grass is grown more than 8 inches with every grass blade. Why is that not enforced by code? Not seeing a reason why this was an abatement. This should never have been done and the grass should still be alive today. Because this happened during a drought and the grass was shaved to less than one inch, it then died. Now I'm being charged for an abatement that shouldn't have happened.

Council President Brendmoen: Is there any specific ask you're making?

McLane: I'm also working with the capitol region water district for the area that was cut near the boulevard to turn it into a rain garden, to direct storm water to a collection area where grass would be over 8 inches. This is something I am working on for next spring.

Councilmember Jalali: From my understanding, it is perceptible that the grass was in violation of code. The city did notice and ask for it to be cleared. That did not happen for quite some time and then the city did have to do work to bring it into compliance. That work had been performed and has a cost associated with it which need to be recovered. Understanding that the appellant is not satisfied with what he argues are damages, the best thing for him to do would be to follow Moermond's recommendation regarding a claim. That is a separate matter. I would also recommend that maintaining your lawn the way you would like within the code is the best way to prevent this happening in the future. I'm glad to hear about plans for a rain garden, and my office is happy to help with that if you would like. I move the recommendation of the Legislative Hearing Officer.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

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

Councilmember Noecker moved approval.

Legislative Hearing Consent Agenda adopted as amended

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

- 26** [RLH VBR 23-3](#) Appeal of Bao Starr to a Vacant Building Registration Fee Warning Letter at 1239 BURR STREET.

Adopted

- 27** [RLH TA 22-377](#) Ratifying the Appealed Special Tax Assessment for property at 1437 CHARLES AVENUE. (File No. J2304A, Assessment No. 238503) (Public Hearing continued to April 19, 2023)

Public hearing continued to April 19, 2023

- 28** [RLH RR 22-57](#) Ordering the rehabilitation or razing and removal of the structures at 1501 CLARENCE STREET within fifteen (15) days after the November 9, 2022, City Council Public Hearing. (Amend to grant 180 days)

Adopted as amended (granted 180 days)

- 29** [RLH SAO 23-3](#) Appeal of Sonya Humes to a Summary Abatement Order at 643 EARL STREET.

Adopted

- 30** [RLH VBR 23-1](#) Appeal of Mike Mortimer to a Vacant Building Registration Renewal Notice and Summary Abatement Order at 1762 ENGLEWOOD AVENUE.

Adopted

- 31 [RLH TA 22-371](#) Deleting the Appealed Special Tax Assessment for property at 1043 KENT STREET. (File No. J2304A, Assessment No. 238503)
Adopted
- 32 [RLH FCO 23-8](#) Amending Council File RLH FCO 22-88, adopted September 28, 2022, to grant Arnold Kampa an additional extension for property at 1084 LARPENTEUR AVENUE WEST.
Adopted
- 33 [RLH TA 22-418](#) Ratifying the Appealed Special Tax Assessment for property at 802 MOUND STREET. (File No. J2304A, Assessment No. 238503)
Adopted
- 34 [RLH RR 22-39](#) Second Making finding on the appealed substantial abatement ordered for 575 PARK STREET in Council File RLH RR 21-71.
Referred to January 24, 2023 Legislative Hearing
- 35 [RLH TA 22-381](#) Ratifying the Appealed Special Tax Assessment for property at 1393 PROSPERITY AVENUE. (File No. J2304A, Assessment No. 238503)
Adopted
- 36 [RLH SAO 23-2](#) Appeal of Todd Harper to a Vehicle Abatement Order at 1384 REANEY AVENUE.
Adopted
- 37 [RLH AR 22-97](#) Ratifying the assessments for Property Clean up services during July 1 to 7, 2022. (File No. J2303A, Assessment No. 238502)
Adopted
- 38 [RLH AR 22-98](#) Ratifying the assessments for Property Clean up services during July 7 to 28, 2022. (File No. J2304A, Assessment No. 238503)
Adopted

PUBLIC HEARING

Live testimony is limited to two minutes for each person. See below for optional ways to testify.

- 21 [RES PH 23-10](#) Considering and adopting the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Law Judge concerning the cigarette/tobacco license held by Zakariya Abukhudeer, d/b/a The One Stop Market, LLC at 1541 Maryland Avenue East.
Therese Skarda, Assistant City Attorney, gave a staff report.
Mark Thompson, attorney for the license holder, spoke during the public hearing.
Councilmember Yang asked Skarda for clarification on the related resolution

previously passed by the City Council.

Skarda answered Yang's question.

Yang moved approval.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

ADJOURNMENT

Meeting ended at 4:19 PM

City Council meetings are open for in person attendance, but the public may also comment on public hearing items in writing or via voicemail. Any comments and materials submitted by 12:00 pm of the day before the meeting will be attached to the public record and available for review by the City Council. Comments may be submitted as follows:

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Written public comment on public hearing items can be submitted to Contact-Council@ci.stpaul.mn.us, CouncilHearing@ci.stpaul.mn.us, or by voicemail at 651-266-6805. Live testimony will be taken in person in the Council Chambers, and by telephone by registering to speak by noon on the day before the meeting. The registration link is located on the City Council website at www.stpaul.gov/council or <https://forms.office.com/g/TD3xN7WHy5>.

Council Meeting Information

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Web

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