



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 Mitra Jalali
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert
Councilmember Nelsie Yang

Wednesday, September 15, 2021

3:30 PM

Council Chambers - 3rd Floor

Please see below for meeting guidelines due to the COVID-19 pandemic emergency

ROLL CALL

Meeting called to order at 3:32 p.m.

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 21-68](#) Letter from the Department of Safety and Inspections declaring 288 Avon Street North a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 2 [CO 21-69](#) Mayor's Emergency Executive Order 21-35.
Received and Filed
- 3 [AO 21-43](#) Authorizing the Department of Parks and Recreation to reallocate \$990,000 within its various accounting units in the 2021 adopted budget to most accurately reflect the projected actual spending in each accounting unit and provide the appropriate levels of spending authority.
Received and Filed
- 4 [AO 21-44](#) Amending ESG-CV project budgets: increased funding for Street Outreach and Emergency Shelter, reduced funding for Administration.
Received and Filed

CONSENT AGENDA**Adopted as amended**

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

Nay: 0

- 5 [RES 21-1182](#) Approving a lease agreement with the City to lease a portion of Board-owned property at 2115 Hoyt Avenue East for use by the City's Parks and Recreation Department.

Adopted

- 6 [RES 21-1185](#) Modifying Residential Permit Parking Area 8 time restrictions on the west side of Asbury Street from Iglehart Avenue to the alley south of Concordia Avenue.

Adopted

- 7 [RES 21-1270](#) Acknowledging receipt of District Energy St. Paul, Inc. notice of rate increase as of October 1, 2021, and directing the Office of Financial Services, the City Attorney's Office, and Council Operations to review and analyze the rate changes.

Adopted

- 8 [RES 21-1276](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2021, and setting date of Legislative hearing for October 7, 2021 and City Council public hearing for November 17, 2021 to consider and levy the assessments against individual properties. (File No. CG2103A2, Assessment No. 210111)

Adopted

- 9 [RES 21-1277](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2021, and setting date of Legislative hearing for October 14, 2021 and City Council public hearing for November 17, 2021 to consider and levy the assessments against individual properties. (File No. CG2103A3, Assessment No. 210112)

Adopted

- 10 [RES 21-1278](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2021, and setting date of legislative hearing for October 14, 2021 and City Council public hearing for November 17, 2021 to consider and levy the assessments against individual properties. (File No. CG2103A4, Assessment No. 210113)

Adopted

- 11 [RES 21-1297](#) Adopting the City of Saint Paul Continuity of Government Plan (hereinafter "COG Plan") as the official City plan for maintaining continuity of its government responsibilities and personnel, ensuring the uninterrupted response to emergency incidents, natural disasters, and act(s) of terrorism that threaten the lives and property of residents, critical City infrastructure and facilities, and the well-being of the of the City and its neighborhoods.

Adopted

- 12 [RES 21-1299](#) Approving the Settlement Agreement and Release between the City of Saint Paul and Raina St. Clair Williams and her attorney Alicia N. Sieben.

Adopted

- 13 [RES 21-1316](#) Authorizing the Department of Human Rights and Equal Economic Opportunity (HREEO) to expend \$6,000 for the purpose of purchasing promotional materials, community outreach communications, and other incentives for various activities, programs, and events throughout 2021.

Adopted

- 14 [RES 21-1337](#) Approving the use of grant funds through the Ward 5 neighborhood star year-round program for Urban Roots water installation at Rivoli Bluff.

Adopted

- 15 [RES 21-1339](#) Approving the use of grant funds through the Neighborhood Star Year-Round Program for 75 Market and Deli, Inc.

Adopted**FOR DISCUSSION**

- 16 [RES 21-1360](#) Recognizing the volunteers of the Friends of Upper Landing Park and Trail for their dedication and stewardship

Councilmember Noecker said she will bring a formal framed resolution in person. The City cannot do it alone. Our parks, open spaces, and community processes would not be as great without the time and talent of people in our community. Our community processes would not be as great without our volunteers. The Friends consist of 35 hardworking volunteers who contributed 750 hours in 2020 and 50 donors who contributed \$8,000 in flower baskets and upkeep of the park. She moved approval.

Council President Brendmoen thanked Noecker for pulling it off of the Consent agenda.

*7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

BUDGET ITEMS

The City Council will recess and convene as the Library Board to consider Res 21-1324 requesting that the City levy property taxes for the Saint Paul Public Library Agency.

The Library Board will adjourn and the City Council will convene as the Housing and Redevelopment Authority to consider Res 21-1312 approving a 2022 maximum property tax levy for the HRA.

The Housing and Redevelopment Authority will adjourn and the City Council will reconvene.

Council recessed at 3:38 p.m., and reconvened at 3:43 p.m.

- 18** [RES 21-1310](#) Approving a 2022 maximum property tax levy for the Housing and Redevelopment Authority (HRA).

Councilmember Tolbert moved approval.

7 in favor, none opposed

Resolution is adopted

Adopted

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

Nay: 0

- 19** [RES 21-1323](#) Approving a 2022 maximum property tax levy for the City of Saint Paul.

Council President Brendmoen said they are setting a levy limit. The Council will not be anywhere close to done with deliberations over the budget, but is agreeing to a 6.9% levy max, so that is what is in front of the council. 6.9 was presented by the Mayor.

Councilmember Noecker moved approval. She appreciates the explanation. This is not the vote on the levy, but the high-water mark. The 6.9 is too high. Lots of constituents are still struggling right now. They have only had a month to wrestle with it. She is committed to digging in and looking for ways to bring the number down.

Councilmember Prince shares Noecker's view of this. They are setting the maximum levy to begin deliberations. She has also heard from her constituents that 6.9 is too much. They could achieve a lower levy and that is certainly her goal. Also, in a year when the City is getting significant federal grant of \$166 Million, how can they be raising property taxes on the average home \$120 a year? To that point, she is committed to working with all of them on a sensible budget. She is encouraged by the

budget discussions so far. There is some consensus on where we can achieve some savings. She looks forward to working with everyone to achieve a good budget outcome.

Councilmember Thao said 6.9 is a good start. It is important for the Council and Mayor to go through the budget with a fine comb. They should be accountable to the taxpayers for their money. As they move forward, part of the budget discussion will hone in on public safety. Police should have the adequate help they need and work on community first public safety strategy. He looks forward to having that conversation with his colleagues and constituents.

Brendmoen reminded folks that the Council has been engaged in the budget process. To work with 7 people with different needs and wards puts the Council in a good spot. She thanked her colleagues for their work and Holly Huston (Council's Chief Budget Officer) for her wrangling.

7 in favor, none opposed

Resolution is adopted

Adopted

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

Nay: 0

32 [APC 21-2](#)

Public hearing to consider the appeal of Friends of A Better Way St. Paul LLC to a decision of the Planning Commission approving a conditional use permit for building height and variances for front setback, building footprint, total building size above-ground, including parking, and building height at 695 Grand Avenue.

Emma Siegworth, Planning and Economic Development, started with a staff report. Today, she is going to present a summary of an appeal from a Planning Commission decision. As a reminder, this is on the corner of Grand and St. Albans. It was previously zoned B-2. The Council approved the rezoning to T3 on August 18. The East Grand Avenue Overlay applies to new buildings in a certain area on Grand. The regulations of the district are strict. The maximum building footprint is 25,000 square feet. The total building size above ground is 75,000 square feet. The building height limits are 3 stories and 40 feet for residential or institutional buildings, 3 stores and 36 feet for mixed commercial and residential, 3 stories and 30 feet for commercial buildings. The proposed development is 4 ground floor commercial spaces, 80 market rate apartments, 80 secure bicycle parking spaces, 99 vehicular parking stalls. The proposed development has a footprint of 30,500 square feet. Because of the differences in the overlay, staff recommends approval of the CUP (conditional use permit) and variances, subject to rezoning of T3. The Planning Commission approves the CUP and variances. The appeal was filed by Friend of a Better Way St. Paul. As for the arguments that it does not satisfy the requirement for approval, the practical basis for the applicant's need for variances are solely economic considerations, and the project is not consistent or compliant with the Comprehensive Plan. They also argue that additional variances are required. The Planning Commission found the following to be met for the Conditional Use Permit: 1) extent, location, intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan, 2) the

use will provide adequate ingress and egress to minimize traffic congestion in the public streets, 3) the use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public safety, general health, safety, 4) the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, 5) the use shall conform to the applicable regulations of the district in which it is located.

Council President Brendmoen asked did part of this conversation take into consideration the parking requirements. There are no parking requirements. Siegworth responded this was prior to the amendment.

Councilmember Noecker said she thanked everyone who has weighed in on this issue. They received a lot of testimony. Given there has been a lot of conversation on this topic, it is important to ground it to the decision we need to make today. There are a lot of issues raised in this conversation, affordable vs. market rate housing, need to support business, etc. These are important issues. As policymakers they have different feelings about the importance of these issues. The question is did the Planning Commission err. After reviewing the testimony, watching the meetings, she feels the Planning Commission erred in some cases and not in other cases. She did not think the Planning Commission erred in granting the variances for the front setback and building footprint. She would deny on those parts of the appeal. Because the lot size is 4 times larger than the average Grand lot size, a greater footprint would not be in conflict of the goals of the overlay district.

Noecker continued: she would move they erred in granting the T3 height CUP and height variance. They did err in 4A. The height of the building adjacent are between 39 and 42 feet in height. The proposed building is nearly 60 feet height. In 4c, they found the height was compatible with the surrounding area. The height of the buildings are 20 feet shorter than the proposed building. Because the Planning Commission erred in 4a and 4c, the CUP failed to meet those 2 standards necessary to be granted, so the Commission erred. They also granted a variance for height, and they believe it also erred in granting the height variance. The finding in 5c places the burden on the applicant to show there are practical difficulties in complying. The applicant proposes to use it in a reasonable matter. If the overlay district restricts it to too great of a degree, then they should abolish the district. That district is the law of the land. It is the law right now. Reducing the height is a change to the building. There is nothing that requires a developer to get to a certain ratio or a certain floor area ratio. There is nothing unique about the property. The requested variance is based on the size of the building. She is moving to plot the appeal to the total building size. She is moving to grant the appeal to the total building size variance.

Brendmoen said they are passing the intent. They may come back to clarify without the support behind each.

Councilmember Jalali asked is she granting the appeal. Noecker responded the motion is to grant portions of the appeal but not the entire appeal. There were a lot of variances. To grant the height variance, height, CUP, and total building size above ground variance; not to grant and deny the rest of the appeal.

Jalali said she would like to deny the appeal in totality. Even a partial appeal the impact would be the project could not proceed. She is concerned about that. The criteria is that she recognizes this is a lot of points. She hopes her colleagues will bear with her. She does not want this to be more convoluted. Regarding the 4 things they were supposed to evaluate. The record shows that the Planning Commission has

correctly determined that the visible impact and height is in line with the existing neighborhood. The records show the district zoning standards have met. To claims it is out of character, it is in line of similar projects along the corridor. It is a distance of 17 feet and not 20. She has a different understanding. It is within scale of the transition under law. It is not in harmony with the overlay district and zoning code. The Planning Commission meets the goals set out with the Summit Hill Association to foster development and discourage big box stores. There will be 4 local tenants on the lower level. A partial appeal or any rolling back is 4 less local businesses in the area. The claim is that the developer has not demonstrated any difficulty other than economic hardship, staff has said this site is an outlier. The buildings in the lot fall within compliance. The overlay district does not take lots into account. This project will not alter the area. The building design is within scale for the area. She would vote against the variances being presented. It is her understanding that the decision needs to be based on the criteria. The decision making to this point is that the Planning Commission is sound. She will vote no on the motion, which would be to deny the appeal.

Councilmember Prince said she supports the motion before us for the reason Noecker provided. She legally addressed the criteria for CUPs and variances. She supports the notion that need for the variances is based on the financial concerns for the developer. In terms of the footprint, that is a portion of the appeal that Noecker is denying. It would have no impact on the commercial uses on the first floor. She will be supporting the motion.

Councilmember Noecker said she wanted to respond to Jalali's point. She mentioned that if one is granted the project could not move forward. They need to follow the law. They cannot ignore the law if that helps the project move forward because that is what they want to see happen. She is trying to be narrowly focused. She has asked and welcomes a different understanding than her. She has asked her attorneys. She cannot see a reason why this building needs to be this tall. The size of the lot does not effect that.

Brendmoen said in their quasi-judicial role, we have the obligation to interpret the law and make our vote.

Councilmember Yang says that what is important is about affordability. As they have this discussion here, she envisions into the future. With the proposal that is in front of them today, that is more aligned and has much more abundance in the community. She would not support Noecker's motion. She is in support of Jalali's motion that she intends to put on the table.

2 in favor, 5 opposed (Thao, Tolbert, Yang, Jalali, Brendmoen)
Motion fails

Jalali has a motion to deny the appeal. Ultimately she moves to deny all the matters. Planning Commission did not err in its facts, findings, or procedures. The appellants failed to show that the commission committed any of these errors when they approved the variance and CUP.

Brendmoen said she appreciates both comments. These are always complicated.

Councilmember Thao said he wants to speak more toward letting the neighbors know. He hears them. Anytime almost always when there is a development in a neighborhood, there are folks for and against it. There are still times for the developer

to be at the table. The City needs help. We may not always agree, but he hopes that folks will think about the long term growth of the City and how we manage that.

Councilmember Tolbert said this is a tough issue and complex. Reading over the case he did not see any errors in the Planning Commission. He will be supporting the motion.

*5 in favor, 2 opposed (Prince, Noecker)
Motion of intent, appeal denied*

Motion of intent - Appeal denied

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Jalali and Councilmember Yang

Nay: 2 - Councilmember Noecker and Councilmember Prince

SUSPENSION ITEMS

*Councilmember Tolbert moved suspension of the rules.
7 in favor, none opposed
Rules are suspended*

Rules suspended

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

Nay: 0

[RES 21-1222](#)

Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Griggs/Scheffer area paving and lighting project constructed as part of the 2020 St. Paul Street Paving Program (SPS). (File No. 19232, Assessment No. 205200)

Councilmember Tolbert said it is just setting the date for the assessment role. It is rather unique. This project was supposed to be completed by summer/fall. Parts had to be redone. It will be unique to get a bill while things are being mediated. He appreciates that Public Works is not accepting substandard work. He wants to put that out there. This is setting the public hearing for that bill. He will ask his colleagues to support putting this on for public hearing.

*7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

SUSPENSION ITEM

7 in favor, none opposed

Rules are suspended

Rules suspended

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

Nay: 0

RES 21-1358

Authorizing the City to transfer a total of \$2,000,000 in CDBG and CDBG-CV funds to a specific account for the Saint Paul Homeowner Stability Mortgage Assistance Program, a COVID-related activity.

To avoid any potential opportunity to lose funding, they were bringing it under suspension, said Council President Brendmoen.

Zong Vang is here on the housing team. She will present a summary of the program. While they are presenting this program, the moratorium ended at the end of July. The lenders can proceed with foreclosures. There are about 60,000 homeowners behind on their loan payments. They are proposing to use existing money for a total of \$2 Million. 1½ would be direct assistance to homeowners due to the pandemic. As far as capacity, they do not have the capacity on their team. They are hoping to coordinate with Minnesota Homeownership System. They will partner with them. They are working with City of Minneapolis and Hennepin County. They would be in full management of the program. They would do the centralized reporting, processing, invoicing, paying directly to the vendors. Minnesota Homeownership has a wide network of members. They are hoping to get urgent support for this program. There is more assistance needed than is available.

Councilmember Thao said the program will provide support or subsidies. Does it go to the tenant or landlord? Vang responded they would pay to the vendors, like mortgage lenders, utility companies, etc.

Councilmember Prince said she read through the material. Based on Vang's report, this is important work. She appreciates that they don't have the staff capacity at PED. Ownership Center has been a good partnership in the past. This has earned her support.

Council President Brendmoen said expanding their work is better than getting something off the ground.

Councilmember Tolbert concurred. Housing has been doing a lot of different stuff. He is in support of this. It is going to help people and families. That is the purpose of it. He is happy to make a motion.

Brendmoen said the need is there. She asked staff if they could give her some information as to who they are targeting, who are they willing to service, where are the funds going to go. There is an equity note in this and she wants to lift up that this work is targeted and in alignment with our goals. This should become part of it.

Councilmember Yang echoed the things Brendmoen said. If there is information they can share to the constituents, it should be shared with the councilmembers.

*7 in favor, none opposed
Resolution adopted*

Adopted

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

Nay: 0

17 [SR 21-150](#)

Staff report on immigrant, refugee initiatives and Gateways for Growth of the Report on New Americans in Saint Paul.

A presentation was given by Aama Easa, Senior Policy Fellow, State and Local Initiatives; and Nan Wu, Deputy Director of Research. Both are from New American Economy.

Received and Filed

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 Legal Ledger. Public hearings on ordinances are held at the second reading.

First Reading

20 [Ord 21-33](#)

Amending Chapters 65 and 66 of the Legislative Code pertaining to homeless services facilities. (Public hearing closed October 6, 2021.)

Bill Dermody, Planning and Economic Development, gave a PowerPoint on Homeless Services Zoning Amendments. These proposed amendments would create a definition and standards for a "homeless services facility." This would be permitted in certain district by-right. It would require a conditional use permit over 7,000 square feet in certain zoning districts. There are some zoning districts that will allow the use by any size. Some will allow use if they are small. The definition is a facility that provides services targeted to person experiencing homelessness, such as meals, counseling, education, and practical assistance. Standards and conditions: 1) the facility may provide up to 10 beds for use on an emergency basis, 2) except in B3-B5 business and I1 and I1 industrial district, a conditional use permit is required for a facility of more than 7,000 square feet.

Councilmember Noecker asked why this is coming in front of us now. What is the difference between homeless services facility and emergency shelter? Dermody responded the impetus is the facility called Freedom House. That facility is allowed through an emergency ordinance. For that to continue long term, several things need to happen, including this zoning code. The Freedom House is the use that spurs the need to this zoning code amendment. An overnight shelter is for overnight. They have seen the services combined with shelters, but this would be separate.

Councilmember Prince said they first came to the realization that they had a need when Listening House opened in the Suede Hollow residential neighborhood. That was in 2016. She is pleased to see that they are making this a formal part of the code. She has some concerns about some things he said: these are considered day

shelters. There are overnight shelters. Her concern is that if they are not calling these day spaces and they are allowing up to 10 beds, she does not understand how they are not falling under the category of overnight emergency shelter. If there are 10 beds, the facility could be open any time of the day or night. This turns it into 24/7 facilities. This is not contemplated by our emergency shelter. They are ending up doing too much in this category. The day shelter is what they don't have to augment the emergency shelters. How are these not emergency shelters. It is appropriate to have beds in the day shelter. People are coming in with needs. Having a place for someone to sleep and rest are perfectly reasonable.

Dermody said the idea of limiting it to 10 beds is it would be limited use and emergency purposes only. Freedom House has a small number of beds. He thinks 7. It was used over the winter when it was very cold. It is minor part of their operation and they are mostly focused on services.

Prince said it is critical that there be some sort of definition about emergency use only. By adding the beds, it kept staff from having to decide on the hours of such a facility. Listen House is running Freedom House. They are one provider providing this really needed facility. Now they we have a use, another organization could come along and open these. There needs to some clarification on what emergency bed means. Is it below a certain temperature? If it is predominately a daytime facility with overnight beds, it is going to draw people to this site when they are closed, when the beds are occupied. There needs to be some greater clarity for the use, the hours. Maybe the intention is to make it 24/7 facilities. They do not have many 24/7 facilities in Saint Paul. Distance requirements are missing. They have distance requirements on adult foster care, liquor stores, etc. The impact on the surrounding issues is the reason they create some distance requirements. If it is implied that it is a 24/7 facility, they need to have that conversation. Does it make sense to allow the concentration of these facilities in any area? That is in no way to disparage the uses. The issue is what is the impact of the use. What are we thinking in terms of hours and how are we defining the use of these beds so we are not just creating another emergency overnight shelter?

Councilmember Jalali said these changes are welcome. She got the chance to visit Freedom House, which is a low barrier day shelter. It provides snacks, job support, food, water, showers, beds. A lot of people have jobs and they work overnight and they need to sleep. Also, it is exhausting being homeless. They have trusted staff and folks on staff that were unhoused. It was striking to go there and see how little of it exists outside a space like that. She hopes they can advance these changes. What is needed is for them to get transit passes, basic needs. This is a stretch in that direction. A lot of kids, children need someplace to go during the day. They go to the library. She would love to figure out how to create more day spaces. This is important. Day spaces are often overlooked in the homelessness response. She appreciates the chance to have this conversation. People are struggling with substance abuse. Some cannot be allowed in spaces. We do have to help everyone every way that we can. Lowering barriers to shelters. Changes like this will help them respond the amount where they can help people. That is really important. She would love to see this move forward.

Noecker said she agrees with Prince's and Jalali's comments. This is a use that is needed in the City. She is acquainted with how Freedom House is going. She had this presentation at the first reading of an ordinance. While freedom House has gotten a lot of attention, this is a change city-wide and having more space throughout the City.

Prince said that Listening House opened in her ward in 2016. Freedom House is not the only space in Saint Paul for daytime use. The organization made a \$250,000 investment in creating that space in the Suede Hollow neighborhood. Freedom House is not new and it is not the only one.

Brendmoen said it is 6:00. They are going to lay this over until October 6 for a public hearing.

Laid over to October 6 for second reading public hearing

21 [Ord 21-36](#)

Establishing a Community Advisory Committee for the position of Director of Human Rights and Equal Economic Opportunity pursuant to the provisions Section 11.01 of the Administrative Code.

Shari Moore, City Clerk, said Director Newborn is not here.

Council President Brendmoen said it will be laid over for one week.

Laid over to September 22 for second reading public hearing

PUBLIC HEARINGS

22 [RES PH 21-242](#)

Approving the application of University of St. Thomas, Erin Whipkey, Campus Life for a sound level variance in order to present live amplified sound on October 9, 2021 at 2115 Summit Avenue, University of Saint Thomas, Lower Quad.

Councilmember Jalali moved to close the public hearing and approve.

6 in favor, none oppose (Yang absent)

Public hearing closed and resolution is adopted

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

23 [RES PH 21-249](#)

Approving the application of Twin Cities in Motion for nine sound level variances in order to present amplified sound for announcements, speakers and music on October 2 and 3, 2021 during the Medtronic Twin Cities Marathon at the State Capitol Complex, and on Sunday October 3, 2021 for eight locations from Mississippi River Boulevard and Marshall east along Summit Avenue to Selby Avenue and State Capitol.

Councilmember Noecker moved to close the public hearing and approve

6 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 24** [RES PH 21-250](#) Approving the application of University of St. Thomas for a sound level variance in order to present live amplified sound on October 9, 2021 at 2115 Summit Avenue.

Councilmember Jalali moved to close the public hearing and approve.

5 in favor, none opposed (Noecker and Yang absent)

Public hearing closed and resolution adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

- 25** [RES PH 21-246](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Properties during April to June 2021. (File No. 2103LDSRP, Assessment No. 214003)

Councilmember Tolbert moved to close the public hearing and approve.

5 in favor, none opposed

Public hearing closed and resolution adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

- 26** [RES PH 21-247](#) Ratifying the assessments for Repair of Sanitary Sewer Line on Private Properties during April to June 2021. (File No. SWRP2103, Assessment No. 213003)

Councilmember Tolbert moved to close the public hearing and approve.

5 in favor, none opposed

Public hearing closed and resolution adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

- 27** [RES PH 21-254](#) Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$239,937 to reflect additional 2021 funding from Como Friends.

Council President Brendmoen said the public hearing was held virtually.

Councilmember Jalali moved to close the public hearing and approve.

5 in favor, none opposed

Public hearing closed and resolution adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

- 28** [RES PH 21-255](#) Authorizing an increase in the Parks and Recreation Grant Fund Budgets in the amount of \$2,910,000 to reflect the multi-year Legacy Grant received from the State of Minnesota for arts and cultural heritage at the Como Park Zoo and Conservatory.

Council President Brendmoen said the public hearing was held virtually.

Councilmember Jalali moved to close the public hearing and approve.

5 in favor, none opposed

Public hearing closed and resolution adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

- 29** [RES PH 21-258](#) Authorizing an increase in the Department of Human Rights and Equal Economic Opportunity (HREEO) special fund budget in the amount of \$33,000 to reflect a new revenue stream from the Section 3 Collaborative Program.

Councilmember Brendmoen said the public hearing was held virtually.

Councilmember Tolbert moved to close the public hearing and approve.

5 in favor, none opposed

Public hearing closed and resolution adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

30 [RES PH 21-251](#) Approving the Final (combined) Plat for Exeter Territorial Addition (2424 Territorial Road).

Council President Brendmoen said the public hearing was held virtually.

Councilmember Jalali moved to close the public hearing and approve.

5 in favor, none opposed

Public hearing closed and resolution adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

31 [Ord 21-34](#) Creating Chapter 441 of the Legislative Code (Title XXI) pertaining to electric vehicle charging rates at city-owned charging stations.

Council President Brendmoen said the public hearing was held virtually.

Councilmember Thao moved to close the public hearing and lay it over.

5 in favor, none opposed

Public hearing closed and ordinance laid over to September 22 for final adoption

Public hearing closed. Laid over to September 22 for final adoption

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

LEGISLATIVE HEARING ITEMS:

Items 34, 37, 40, 44, 45, 46, 48, 49, and 50

Councilmember Prince moved to close the public hearing and adopt these items.

5 in favor, none opposed

Public hearings are closed and resolutions are adopted

The Legislative Hearing Officer recommends adoption of the following resolutions, as no objections to these recommendations were received:

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

- 34** [RLH TA 21-357](#) Ratifying the Appealed Special Tax Assessment for property at 1735 CALIFORNIA AVENUE EAST. (File No. CRT2111, Assessment No. 218211)
Adopted
- 37** [RLH TA 21-354](#) Ratifying the Appealed Special Tax Assessment for property at 818 EDMUND AVENUE. (File No. J2111E, Assessment No. 218316)
Adopted
- 40** [RLH TA 21-348](#) Ratifying the Appealed Special Tax Assessment for property at 1054 PAYNE AVENUE. (File No. J2111B, Assessment No. 218113)
Adopted
- 44** [RLH AR 21-74](#) Ratifying the assessments for Collection of Vacant Building Registration fees billed during August 28, 2020 to March 17, 2021. (File No. VB2111, Assessment No. 218817)
Adopted
- 45** [RLH AR 21-75](#) Ratifying the assessments for Securing and/or Emergency Boarding services during April 2021. (File No. J2111B, Assessment No. 218113)
Adopted
- 46** [RLH AR 21-76](#) Ratifying the assessments for Demolition service from March 2021 at 750 Chatsworth St S. (File No. J2105C, Assessment No. 212004)
Adopted
- 48** [RLH AR 21-78](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during February 22 to March 19, 2021. (File No. J2111E, Assessment No. 218316)
Adopted
- 49** [RLH AR 21-79](#) Ratifying the assessments for Graffiti services during April 15 to May 11, 2021. (File No. J2108P, Assessment No. 218410)
Adopted
- 50** [RLH AR 21-80](#) Ratifying the assessments for Dangerous Tree(s) Removal services during April to May 2021. (File No. 2105T, Assessment No. 219004)
Adopted

*Councilmember Jalali moved to amend and adopt these items.
5 in favor, none opposed
Public hearings closed and resolutions adopted as amended*

For the following items, no objection to the Legislative Hearing Officer's amended recommendation was received, and therefore, she recommends amendment and adoption:

- 36** [RLH TA 21-162](#) Ratifying the Appealed Special Tax Assessment for property at 859 DESOTO STREET. (File No. J2019A1, Assessment No. 208550) (Continue public hearing to September 15, 2021)
- Adopted as amended (reduce assessment)**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- Absent:** 2 - Councilmember Noecker and Councilmember Yang
-
- 38** [RLH TA 21-159](#) Ratifying the Appealed Special Tax Assessment for property at 50 HATCH AVENUE. (File No. J2114A, Assessment No. 218513) (continue public hearing to September 15, 2021)
- Adopted as amended (reduce assessment)**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- Absent:** 2 - Councilmember Noecker and Councilmember Yang
-
- 41** [RLH TA 21-197](#) Amending Council File RLH AR 20-73 for a Property Clean Up services during January 16 to 31, 2020, adopted February 17, 2021, for 382 PIERCE STREET. (File No. J2016A, Assessment No. 208524) (Continue Public Hearing to September 15, 2021)
- Adopted as amended (reduce assessment)**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali
- Nay:** 0
- Absent:** 2 - Councilmember Noecker and Councilmember Yang
-
- 42** [RLH SAO 21-61](#) Making finding on the appealed nuisance abatement ordered for 1372 VICTORIA STREET NORTH in Council File RLH SAO 21-55.
- Adopted as amended**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali
- Nay:** 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

- 47** [RLH AR 21-77](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during March 23 to April 11, 2021. (File No. CRT2111, Assessment No. 218211)

Adopted as amended (Refer 375 Hawthorne Avenue East to Legislative Hearing on October 5, 2021 at 10:00 am)

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

Councilmember Tolbert moved to continue public hearing to September 22.

5 in favor, none opposed

Public hearings are continued to September 22

For the following items, the Legislative Hearing Officer's recommendation is to continue the Public Hearing to the September 22, 2021:

- 33** [RLH TA 21-356](#) Ratifying the Appealed Special Tax Assessment for property at 1285 BEECHWOOD PLACE. (File No. VB2111, Assessment No. 218817)

Continue Public hearing to September 22

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

- 35** [RLH SAO 21-65](#) Making finding on the appealed nuisance abatement ordered for 1450 DALE STREET NORTH in Council File RLH SAO 21-57.

Continue Public hearing to September 22

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

For the following item, the Legislative Hearing Officer's recommendation is to refer to Legislative Hearing to September 28, 2021:

- 43** [RLH RR 21-57](#) Making finding on the appealed substantial abatement ordered for 901 YORK AVENUE in Council File RLH RR 20-32. (Public Hearing continued to

September 15, 2021; Legislative Hearing on September 14, 2021)

Councilmember Thao moved to refer to Legislative hearing on September 28.

5 in favor, none opposed

Resolution referred to September 28 Legislative Hearing

Referred to Legislative hearing on September 28

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert,
Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

For the following item, the Legislative Hearing Officer's recommendation is contested and additional testimony from the appellant is in the record:

39 [RLH RR 21-24](#)

Ordering the rehabilitation or razing and removal of the structures at 975 HUDSON ROAD within fifteen (15) days after the May 26, 2021, City Council Public Hearing. (Amend to remove within 15 days)

Marcia Moermond, Legislative Hearing, gave a staff report. The recommendation is to amend the resolution to remove the building within 15 days because she has seen no progress. There is a performance deposit posted. No code compliance conducted. It has been clear since March that one is necessary. She had a conversation immediately prior to the meeting with the owner's attorney and herself. This is the first conversation with them. He had a commitment with a code compliance inspection so she is asking for a one week layover.

Councilmember Prince is grateful for Moermond's seizing the moment on this. A one-week layover giving them a chance to perform is a good idea. She moved approval.

5 in favor, none opposed

Public hearing closed and resolution adopted as amended

Laid over to September 22

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert,
Councilmember Prince and Councilmember Jalali

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Yang

ADJOURNMENT

Meeting adjourned at 6:13 p.m.

In-person meetings, or meetings conducted under Minn. Stat. § 13D.02 of the City Council, are not practical or prudent because of the COVID-19 health pandemic emergency declared under Minn. Stat. Chapter 12 by Saint Paul Mayor Melvin Carter. In light of the COVID-19 health pandemic, members of the City Council will participate in City Council meetings by telephone or other electronic means.

Public attendance at the City Council's regular meeting location is not feasible due to the COVID-19 health pandemic. Members of the public may view City Council meetings online at stpaul.legistar.com/Calendar.aspx or on local cable Channel 18.

The public may 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:

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.

While the Council will make best efforts to decide all issues before them, the Council may delay decisions on certain matters where the members believe meeting in-person is necessary. More information is available at www.stpaul.gov/departments/city-council

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