



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, September 27, 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 [CO 23-53](#) Letter from the Department of Safety and Inspections declaring 195 Goodrich Avenue a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 2 [AO 23-89](#) Authorizing the Library to reallocate \$276,000 from salary savings in the 2023 adopted budget to the services budget item and provide the appropriate levels of spending authority.
Received and Filed
- 3 [AO 23-94](#) Accepting \$15 M PFA Infrastructure B64 grant/loan and establishing the 2023 spending and financing projects budget in the Water Utility Fund.
Received and Filed
- 4 [AO 23-95](#) Amending the 2023 spending budget in the Department of Public Works Sewers Utility Ford Stormwater Management District accounting unit.
Received and Filed
- 5 [AO 23-97](#) Amending CDBG Project Budgets: funding for 1676 White Bear Avenue (V&I Best Steak House) project.
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 Jalali moved approval.

Consent Agenda adopted

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

Nay: 0

- 6** [RES 23-1446](#) Approving the Liquor-Off Sale Micro Distillery, Liquor-Micro Distillery Cocktail Room, Liquor On Sale-Sunday, Entertainment (A) and Liquor-Outdoor Service Area (Patio) licenses for King Coil Spirits, Co. d/b/a King Coil Spirits (License ID 20230001516) for the premises located at 550 Vandalia Street, Suite #140.
- Adopted**
- 7** [RES 23-1452](#) Authorizing the City to enter into Agreement No.1054003 with the Minnesota Department of Transportation for federal participation in a force account for the West Side Signal Project.
- Adopted**
- 8** [RES 23-1460](#) Setting a public hearing date of November 1, 2023 for 2024 Water Charges.
- Adopted**
- 9** [RES 23-1466](#) Authorizing the Department of Public Works to ask for and accept donations of new and gently used mittens, hats, and scarves; non-perishable food items; and hygiene products to be donated to people in need through the Community Cupboard at 891 Dale Street.
- Adopted**
- 10** [Min 23-31](#) Approving the minutes of the Saint Paul City Council meetings of July 12, 19, and 26, 2023.
- Adopted**
- 11** [Min 23-34](#) Approving the minutes of the Saint Paul City Council meetings of August 2, 9, 16, and 23, 2023.
- Adopted**

FOR DISCUSSION

- 12 [RES 23-1384](#) Authorizing the Office of Neighborhood Safety and the Police ASPIRE unit to jointly apply for future federal and state public safety enhancement grants to further their common mission and without needing individual preapproval from City Council of each individual grant application when the grant applied for does not have city grant obligations of providing matching funds, spending requirements, or hiring or retention requirements beyond grant funding periods. (Laid over from September 13, 2023) (To be withdrawn)
- Withdrawn**

SUSPENSION ITEM

- [RES 23-1339](#) Authorizing the City to amend the HUD Section 3 Compliance (Collaborative) Program Joint Powers Agreement. (Laid over from September 6.)

Council President Brendmoen: This just arrived under suspension because a glitch caused it to not be published on our agenda last Thursday.

Councilmember Prince gave remarks and moved approval.

Adopted

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

Nay: 0

BUDGET ITEMS

The City Council will recess and convene as the Library Board to consider RES 23-1480 requesting that the City levy property taxes for the Saint Paul Public Library Agency.

The Library Board will adjourn and the City Council will reconvene.

RECESS

Meeting recessed at 3:35 PM

ROLL CALL

Meeting reconvened at 3:36 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

- 13 [RES 23-1471](#) Approving a 2024 maximum property tax levy for the Housing and Redevelopment Authority (HRA).

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 [RES 23-1481](#) Approving a 2024 maximum property tax levy for the City.

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

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 second reading.

Final Adoption

15 [Ord 23-40](#) Amending Title XXIII Public Health Safety and Welfare of the Legislative Code to add Chapter 222, titled Smoking in City Parks and Certain Building Entrances Prohibited.

Councilmember Jalali spoke in opposition.

Councilmember Yang spoke in opposition.

Councilmember Tolbert spoke in favor and moved approval.

Council President Brendmoen spoke in favor.

Adopted

Yea: 4 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 3 - Councilmember Jalali, Councilmember Yang and Councilmember Balenger

16 [Ord 23-42](#) Granting the application of York Avenue Land Development LLC to rezone property at 1500 and 1510 York Avenue from a combination of R4 one-family residential & RM2 multiple-family residential to all RM2, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Councilmember Yang spoke in opposition.

Councilmember Jalali asked for clarification.

Bill Dermody, City Planner, addressed Jalali's question.

Jalali asked for additional clarification.

Steven Katkov, owner and attorney for the applicant, addressed Jalali's question.

Councilmember Prince asked for clarification

Councilmember Jalali spoke in support of a layover and in support of a rezoning.

Council President Brendmoen acknowledged concerns.

Prince spoke in support of a layover.

Yang moved to lay over for two weeks.

Laid over to October 11, 2023 for Final Adoption

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

Nay: 0

First Reading

- 17 [Ord 23-43](#) Amending the Zoning Map and specific sections of the Legislative Code pertaining to zoning regulations to promote the production of 1-6 unit residential housing options as recommended in Phase 2 of the 1-4 Unit Housing Study and amending additional Legislative Code sections that regulate those aspects of property maintenance associated with 1-6 unit housing.

Luis Pereira, Emma Brown, and Tony Johnson from the Department of Planning and Economic Development gave a staff report and answered councilmember questions.

Laid over to October 4, 2023 for Second Reading

PUBLIC HEARINGS

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

- 18 [RES PH 23-245](#) Denying the application of Bigos Management/Kellogg Square for an exception to the general hours of skyway operation. (Public hearing continued from September 13, 2023)
- Dan Nziolk from the Department of Safety and Inspections gave a staff report.*
- Stephanie Simmons, Regional Manager for Bigos Management, spoke during the public hearing.*
- Stephanie Ecklund, Property Manager for Kellogg Square, spoke during the public hearing.*
- Councilmember Noecker spoke in favor of denial and moved approval of the denial.*
- Adopted**

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

- 19** [RES PH 23-275](#) Approving the petition of Sonia Carroll, on behalf of Open Arms Assembly of God, to vacate the alley rights in Block 16 and Block 19, Gurney Highland Park. (Public hearing continued from September 20, 2023)

Council President Brendmoen moved approval.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

- 20** [RES PH 23-224](#) Ratifying the assessment for the Curtice Street from Woodbury Street to Andrew Street paving and lighting project constructed as part of the 2022 St. Paul Street Paving Program (SPS). (File No. 19257, Assessment No. 225204)

Councilmember Noecker moved approval.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

- 21** [RES PH 23-225](#) Ratifying the assessment for the Edgcumbe Road from St. Paul Avenue to Fairview Avenue paving and lighting project constructed as part of the 2022 St. Paul Street Paving Program (SPS). (File No. 19234, Assessment No. 225202)

Councilmember Balenger moved approval.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

- 22** [RES PH 23-233](#) Ratifying the assessment for Wheelock Parkway from east of Edgerton Street to west of Arcade Street paving and lighting project constructed as part of the 2022 St. Paul Street Paving Program (SPS). (File No. 19210, Assessment No. 225203)
- Councilmember Prince moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
-
- 23** [RES PH 23-283](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Properties. (File No. 2302LDSRP, Assessment No. 234001)
- Councilmember Yang moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
-
- 24** [RES PH 23-284](#) Ratifying the assessments for Repair of Sanitary Sewer Line on Private Properties. (File No. SWRP2302, Assessment No. 233001)
- Councilmember Jalali moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
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- 25** [RES PH 23-285](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Properties. (File No. 2303LDSRP, Assessment No. 234002)
- Councilmember Noecker moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0

Absent: 1 - Councilmember Tolbert

- 26** [RES PH 23-286](#) Ratifying the assessments for Repair of Sanitary Sewer Line on Private Properties. (File No. SWRP2302, Assessment No. 233002)
- Councilmember Jalali moved approval, removing the address of someone who wished to speak during the public hearing and was unable to attend.*
- Adopted as amended (944 Cromwell Ave removed for separate consideration)**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
- 27** [RES PH 23-280](#) Approving the application of Twin Cities in Motion for eleven (11) sound level variances in order to present amplified sound for announcements, speakers and music on Saturday, September 30, 2023 and Sunday, October 1, 2023 during the Medtronic Twin Cities Marathon at the State Capitol Complex, 75 Rev Doctor Martin Luther King Jr Boulevard and ten (10) various other locations (from Mississippi River Boulevard Eustis St to Marshall Ave, Mississippi River Boulevard from Exeter Pl to Cretin and East along Summit Avenue to Selby Avenue and State Capitol).
- Councilmember Balenger moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
- 28** [RES PH 23-287](#) Approving the application of Derrick Diedrich for a sound level variance in order to present amplified sound on October 1, 2023 at 1509 Ashland Avenue.
- Councilmember Balenger moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
- 29** [RES PH 23-288](#) Approving the application of Anderson Race Management for the Walk for Water event sound level variance in order to present amplified sound on

October 7, 2023 at 180 Shepard Rd - Upper Landing Park.

Councilmember Noecker moved approval.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

- 30** [RES PH 23-291](#) Approving the application of Church of St. Mark for a sound level variance in order to present live amplified sound on October 7, 2023 at 1976 - 1983 Dayton Ave - parking lot and street.

Councilmember Jalali moved approval.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

- 31** [RES PH 23-293](#) Approving the application of Laura LeFebvre for a sound level variance in order to present live amplified sound on October 7, 2023 at 1227 Montreal Ave - Highland Park picnic shelter.

Councilmember Prince moved approval.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

LEGISLATIVE HEARING DISCUSSION ITEMS

- 32** [RLH RR 23-18](#) Fourth Making finding on the appealed substantial abatement ordered for 318 EDMUND AVENUE in Council File RLH RR 21-11. (Public hearing closed, laid over from August 16, 2023)

Marcia Moermond, Legislative Hearing Officer: I believe that Councilmember Balenger is making a motion to lay over to January 10, 2024.

Balenger: Yes, I will make that motion.

Laid over to January 10, 2024

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

33 [RLH VBR 23-52](#) Appeal of Yee Fang, Naocha Management, to a Vacant Building Registration Notice at 720 COOK AVENUE EAST.

Appeal denied. Building condemned and classified as a Category 2 vacant building. Vacant building fee is waived for 90-days.

Also in attendance: Yee Fang, appellant and property owner

Marcia Moermond, Legislative Hearing Officer: This is an appeal of a vacant building registration that resulted from the building having been condemned. There was a fire on the back porch/deck area in August of this year that resulted in the damage you can see in the photograph on screen. The damage was restricted largely to this area. However, when the inspector was asked to go out, they found that there were gross unsanitary conditions within the house and therefore wrote a condemnation based on those conditions. We can see the rooms are kind of full and in bad shape. My understanding from the landlord is that the tenants had just been required to vacate the property, and they were the ones who left the space in the condition that it was in. He suspects that they caused the fire, although I have no information on any investigation into that. He indicates that he is working with his insurance company to effect the repairs. The questions that I think are really in front of you today are: Should it be in the vacant building program? What category should it be? Should it be required to have a code compliance inspection report with the building trades walking through? Should there be any waiver of the fee for specific length of time in order to encourage its rapid rehabilitation? With respect to the first question, the building is condemned and it was already being secured by other than normal means because when the tenants left, the landlord did board. So, we have the interior conditions meriting condemnation and it being secured by other than normal means, so yes, a registered vacant building. Regarding the category, we are looking at a structure where clutter or unsanitary conditions within a building make it hard to know what is underneath. It could be that the building is cleaned out and it's just fine. You just don't know. Because of that, I would not recommend that the Council deviate from the legislative code that says: If the building's condemned, you have to do the code compliance inspection. Now, I hope that there aren't many code violations. If there are not, the inspection list should be quite short and doable in a relatively quick amount of time. Should the Council wish to allow the building to be reoccupied without a code compliance inspection report, this is still a fire certificate of occupancy property because it is a rental, so that would obviously be required before reoccupation. The concern would be if it's sold and an owner occupant would go in there and not know if things are fixed. The Council could take that direction, though. I am recommending a 90-day fee waiver, denial of the vacant building registration, and make it a Category 2 (requiring a code compliance inspection).

Yee Fang: I'm the owner of the building. My family has owned it for a while now.

Council President Brendmoen: Can you tell us where you live?

Fang: I live in the area, but not this property. We have had it since 2008. When we took it over, it was already a Category 2 vacant building. We had all the work done that we were required to. Our first certificate of occupancy was in 2009. Our most

recent is from October 10, 2018. The building was in good condition prior to the recent tenant. They had problems paying rent for a few months. We asked them to move. They weren't willing. We called for an officer to escort them out. We don't know what happened. On August 9 at 1am, the same people, I assume, set fire to the property. It was confined to just the rear deck. That's why I filed an appeal on August 25. In the hearing on September 6 I asked the Department of Safety and Inspections (DSI) to remove the code compliance inspection requirement. Once it's in there, I cannot do my work accordingly. The inspector disagreed with me on the phone that I am free to do what I like to clean it up. It's perfect condition. We need to clean and we need to patch some minor thing and painting. I believe that the property can't go back to Category 2. This penalizes me and prevents me from working on the property. I am disappointed that DSI denied my appeal. I feel that this property doesn't have to go through the code compliance inspection because it already had it done back in 2009. It's just wasting money on something that we don't have to do.

Brendmoen: You're out of time.

Fang: Please reconsider my request. I need to have this taken care of as soon as possible.

Councilmember Yang: I just want to say thank you for coming to testify today. I know it's tough to come back from a fire. It's tragic event to happen. It sounds like you are determined to make sure your home is fixed up, which I think is really great. The ask from the Legislative Hearing Officer is to make sure that the home is up to code, that it's safe and livable for people who are there. You mentioned that you are still going to be fixing up the home, so do you have any thoughts on how much time you need for that?

Fang: One or two months at most. My contractor tried to pull the permit to complete the rear deck, but due to DSI requiring a code compliance inspection, he could not pull the permit without the inspection report. I should have been done weeks ago.

Yang: That seems to be in line with Moermond's recommendation. I fully support the Legislative Hearing Officer's recommendation. I felt it was really important to figure out how much time was needed, and this seems in line with that. I think it's a generous amount of time. They have until November 14th. Hopefully by that time, we'll be able to see the results that we want for this property. I will move to support the recommendation.

Councilmember Prince: Will he be able to have his contractor pull permits or does he need the code compliance inspection report first?

Moermond: If the Council determines that this should be a Category 2 registered vacant building requiring a code compliance inspection report, that report has to be completed before permits can be pulled to do the work.

Prince: So, that's the recommendation.

Moermond: Two things could trip somebody up pulling permits in this situation. One would be the code compliance inspection report, and two is the vacant building fee. Normally, that would have to be paid before you could apply for the permits and the code compliance inspection. This way, that second hurdle is out of the way.

Prince: He understands that?

Moermond: Yes.

Prince: Thank you. I support the motion.

Moermond: Before you vote, I was just handed a set of photos of the property and it is our practice to at least acknowledge and specify what the photos are. I am seeing what looks to be a broom-clean premise. That means that things have been removed for the rooms that I have photographs of. I always want to make note of that. I do see some wood debris that appears to be trim or flooring in place. I see that flooring has been removed. I see an open vent. I see open cupboards. I don't know what's inside the cupboards. I do see bathroom flooring. I see a couple tiles removed. It's hard to know because these are black and white photos. I also see a tub area that appears to have some substance around the caulked area. Finally, I'm looking at what I believe to be a water meter in the basement that has tiles, and the tiles are somewhat lifted. There's a post in the basement and I'm not in a position to determine anything about that. It's clearly is a supporting post. There's a picture of the back area post-fire without having the porch attached to the building. That's my summary of the photos that I can pass around, but that's what I see here.

Brendmoen: I think cleanliness isn't necessarily the answer to some of these code compliance issues. We can include those in the public record.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

- 34** [RLH RR 23-45](#) Ordering the razing and removal of the structures at 50 FILLMORE AVENUE EAST within fifteen (15) days after the September 27, 2023, City Council Public Hearing.

Building to be razed or removed within 15 days.

Also in attendance: Daniel Hunt, representative of property owner

Marcia Moermond, Legislative Hearing Officer: This warehouse is just across the river from where we're at now, and is part of a huge parcel with other things on it. One story and is perhaps best recognizable by its graffiti, and there is a lot of it. Since this went into the vacant building program in 2008, there has not been a single graffiti abatement at the property. However, there have been 61 summary abatement orders, all of which have been for securing the structure. It is very commonly broken into, often by unsheltered people, other people who do not have legal right to be in the property. I would, based on my experience with problem properties, say that the graffiti is a visual signal in the same way a broken window is a visual signal, that this is a vulnerable property to break in. I also want to credit the owner for the 61 orders that were issued since it's been a vacant building. All but thirteen of them have been managed by the owner. So, it gets broken into, they seal it up, it gets broken into, it gets sealed up. The Department of Safety and Inspections has forwarded this to the City Council for an order to abate this by means of fixing the violations or by demolishing the structure. This was a no-show Legislative Hearing. I do not have any information on what the owner or ownership representatives are looking for. The owner in this particular case is Fillmore Avenue Apartments LLC. I understand we have a Mr. Dan Hunt here. There is no inspection report and no performance deposit.

These are indicators to me that perhaps it is not intended to be rehabilitated. Without testimony, without any of the basics, and knowing this has been a long term nuisance property, I would recommend its removal in 15 days.

Daniel Hunt: I'm a representative of the owner. They would like to continue to mothball the building until such time that they redevelop the site. They have no current plans. They purchased the property in 2015. They started to make plans to develop it, but economics changed and they would like to just keep everything in place until such time as they redevelop the property.

Councilmember Noecker: When do they plan to redevelop the property? As you mentioned, it's been sitting as a blight on the West Side for eight years now.

Hunt: They have no current plans to develop the property.

Noecker moved to close the public hearing. Approved 6-0.

Noecker: I move the recommendation to raise and remove in 15 days.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

40 [RLH RR 23-31](#)

Ordering the rehabilitation or razing and removal of the structures at 455 ROBERT STREET SOUTH within fifteen (15) days after the August 2, 2023, City Council Public Hearing. (Public hearing continued to September 27, 2023)

Also in attendance: Thomas Radio, property owner's attorney

Marcia Moermond, Legislative Hearing Officer: On screen, we have two images at different angles. This is again the Burger King building on South Robert Street, located just north of Robert and Caesar Chavez, so it's a kind of a trapezoidal property. It has been a significant nuisance property that the West Side has experienced. The ownership has taken significant steps to ameliorate the problems by way of fencing the property, and that has brought the police calls and the code enforcement calls way down. We have a performance deposit and a code compliance inspection report. Those are good signs. All of this is positive. This is the same kind of thing that you looked for in the case of the West 7th Burger King. Now the question is: Is this going to be a nuisance that's abated by way of demolition or by way of rehabilitation. The property is for sale. Some purchasers might want a rehabilitated building, and some might want a clean slate. The belief of the real estate folks would be that the building being present on the parcel will garner a better price and a higher use for the parcel. The issue then is: how much time would the Council want to give for that question to be answered? Is it fixed by way of rehab of the current building and a future use? Most likely a restaurant use. Demolition gives different options. Right now, I would ask that it be sent back to Legislative Hearing for any plans to be reviewed prior to the Council arriving at a conclusion, because at this point I haven't seen plans one way or the other to give you background or information. I understand Councilmember Noecker last week actually outlined what

she was looking for today, but I don't want to speak on her behalf.

Thomas Radio: I'm an attorney here on behalf of the owner. Since I became involved in this in July, we have undertaken significant and positive developments to secure the site by fencing, to provide lock box access to the City. We have also made required deposits. We've had the code compliance inspection. We fixed those matters that might present a threat to public health, safety or welfare. With that being in place, we retained a local broker, Jeffrey Houg, who's actually officed in this particular area in Saint Paul. He's very familiar with it. He's undertaken a very aggressive and positive marketing plan to sell this property, he posted his marketing materials on several websites within several days. It was downloaded by at least 250 interested participants. He's received numerous calls for this property. Within the past two weeks, all of them but for one were interested in the property with the building as a restaurant. Some potential tenants have called and said once it gets purchased and developed, they'd like to be notified or were interested in leasing it. We are in a positive position, relative to where we were. We have been meeting with the Legislative Hearing Officer almost every other week. We've made every hearing. We've made every effort to timely comply with every request and substantial investment, because we all have a common interest: Return this property to an active business operation. That's the interest of the City, the neighbors, and my client. It's really up to the market to determine when and at what price this property will be purchased, remediated, developed, and brought back into operation. We would urge to at this point not set a definitive date, but to keep us meeting with the Legislative Hearing Officer, so that she can keep you informed of our progress. We are hopeful that this recent marketing activity will produce a sale in the near term.

Councilmember Noecker: I appreciate the work that your client has done to come into compliance. We all want this property returned to an active use and want that to happen as soon as possible. This is currently a blighted vacant building on the most busy commercial corridor on the West Side, at the corner of Robert and Cesar Chavez. This is an extremely active area. This building's presence right now is a serious detriment to the vibrancy of that area. I hope that you and your client appreciate that, and therefore my sense of urgency. Have you reached out to the West Side Community Organization or to the Neighborhood Development Alliance, both of whom have a lot of interest in seeing this area developed?

Radio: We have not specifically reached out directly to them, but we plan to do that. I plan with Mr. Houg to meet with the District Council. There are also several contacts within the City that we are going to be approaching as well to really engage all the help we can get to get this property back in beneficial use.

Noecker moved to close the public hearing. Approved 6-0.

Noecker: I am going to move that we refer this matter back to Legislative Hearing on November 28th with a recommendation to come back to Council on December 6th. Mr. Radio, my expectation would be that on November 28th you're presenting a plan to the Legislative Hearing Officer that is concrete and urgent. So, within the next 90 to 180 days, not one to two years, for when this property will be sold and redeveloped. That's what I'll be looking for on December 6th, and expecting that you have reached out to those two groups in the meantime, as well as other community partners.

Referred to November 28, 2023 Legislative Hearing (to return to Council on December 6, 2023)

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

- 41 [RLH SAO 23-38](#) Making finding on the appealed nuisance abatement ordered for 34 SYCAMORE STREET in Council File RLH VBR 23-54. (Legislative Hearing on September 26, 2023)

Finding made that nuisance was not abated. DSI authorized to abate.

Also in attendance: Randall Radunz, property owner

Marcia Moermond, Legislative Hearing Officer: Last week the Council heard an appeal of three items related to this property: The vacant building registration, the condemnation as unfit for human habitation, and an order to remove 4 vehicles. The only thing in front of you today, because you decided all three matters, has to do with the 4 vehicles. This is the 110 foot by 120 foot residential parcel with between 65 and 70 vehicles on it. The summary abatement order from the Department of Safety and Inspections is asking for four vehicles to be removed. They are ones that were determined to be in the way of other vehicles being able to be shifted from the property. I received a report yesterday from the Department of Safety and Inspections that these vehicles have not been removed. That was affirmed by Mr. Radunz over the phone during yesterday's hearing. They indicated one of the vehicles got its license and tabs. That's one of four problems with the vehicles. All of them have issues with license tabs, not being drivable, missing major parts, and being parked on an unapproved surface, quite obviously. I am recommending that you make a finding that the nuisance condition has not been abated and authorize the Department of Safety and Inspections to abate by way of removal of the vehicles, if they're still there when the tow truck arrives.

Randall Radunz: The only issue that we had is the one vehicle they put on the list, the Acura, is not easily accessible. It's behind one of the larger trucks. Five vehicles have been removed. The Cadillacs, a different vehicle, they're gone. The last one is sitting on the trailer. When I leave tonight, the latter five vehicles have been removed. Like I said, again I have purchased a new property. I am now limited, because it is a boarded or vacant building, to the hours that I can be there. I'm spending resources moving vehicles to a temporary location. I would like to be spending those resources and continuing to pack and move the property. We should be closed sometime in the next week or so. We're waiting for bank funding. There's funding. It's just getting it and all the documents together. I'm asking for a 30 day hold on this, to give me time to be in the house and get stuff packed and boxed up, instead of spending my time and my workers' time moving vehicles to a temporary location. It makes no sense when I have purchased a new property. I will be moving out of Ramsey County. What's going to happen now? They're going to come up with 10 more to move. To where? I'm moving them 80 miles in the wrong direction. There's a tremendous value there. That was my business and it is now shut down. At the end of 30 days, if I haven't closed and I'm not moving them, then so be it. The City can do what they need to do. I am making my best efforts to leave Saint Paul.

Council President Brendmoen: So your request is for a 30-day extension.

Councilmember Balenger moved to close the public hearing. Approved 6-0.

Balenger: Have the 4 vehicles been moved?

Radunz: On the list there was one black Cadillac, 2 white Cadillacs, and an Acura.

The black Cadillac is moved. The white Cadillac is moved. The other white Cadillac is sitting on the trailer. When I get home, that will be moved. The Acura is still there, but we did move two other vehicles off the property: a Thunderbird and a pickup truck.

Brendmoen: The question was, have you moved the four cars? And it sounds like you've moved three, but not very much. I do not want to hear the make, the model, any of that.

Radunz: They're moved.

Moermond: The testimony yesterday from the owner and the inspector was that one vehicle had been removed, one was on a truck. It could be that additional vehicle have been removed since then. I do not know. The question is whether the nuisance has been abated. It was to have been abated prior to the Legislative Hearing. All parties agreed during the hearing that it was not. I would suggest that the Department of Safety and Inspections (DSI), working with parking enforcement, could make a determination on if these vehicles still exist on the parcel. It is 4 of many, many vehicles. Radunz committed during the initial Legislative Hearing that he would have them gone in 3 days. I do hesitate that this is the way things are.

Brendmoen: If the abatement crew shows up and the cars are gone?

Moermond: Then there's nothing to tow.

Balenger: I move the recommendation of the Legislative Hearing Officer.

Brendmoen: If the cars are moved, there shouldn't be a problem.

Adopted as amended (nuisance not abated, DSI authorized to abate)

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Tolbert

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 Balenger moved approval.

Legislative Hearing Consent Agenda adopted as amended

Yea: 6 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Abstain: 1 - Councilmember Tolbert

- 35 [RLH SAO 23-35](#) Appeal of Joseph Dalbec to a Summary Abatement Order plus Notice to Cut Tall Grass And/Or Weeds at 913 JOHNSON PARKWAY.
Adopted
- 36 [RLH TA 23-301](#) Ratifying the Appealed Special Tax Assessment for property at 110 MANITOBA AVENUE. (File No. J2326A, Assessment No. 238534) (Public hearing continued to March 13, 2024)
Public hearing continued to March 13, 2024
- 37 [RLH RR 23-43](#) Fourth Making finding on the appealed substantial abatement ordered for 595 PARK STREET in Council File RLH RR 23-12. (Public hearing continued to September 27, 2023)
Public hearing continued to October 4, 2023
- 38 [RLH VBR 23-53](#) Appeal of Rob Clapp to a Vacant Building Registration Renewal Notice at 949 PAYNE AVENUE.
Adopted
- 39 [RLH TA 23-303](#) Deleting the Appealed Special Tax Assessment for property at 879 RICE STREET. (File No. J2326A, Assessment No. 238534)
Adopted
- 42 [RLH VBR 23-57](#) Amending Council File No. RLH VBR 23-51 to waive the vacant building fee for 120-day at 575 UNIVERSITY AVENUE WEST.
Adopted
- 43 [RLH VBR 23-55](#) Appeal of Chris McCalla, PBH Real Estate, to a Vacant Building Registration Requirement at 1630 UNIVERSITY AVENUE WEST.
Adopted
- 44 [RLH AR 23-54](#) Ratifying the assessments for Graffiti Removal services during January 3 to 12, 2023. (File No. J2305P, Assessment No. 238404)
Adopted
- 45 [RLH AR 23-68](#) Ratifying the assessments for Property Clean Up services during May 12 to 30, 2023. (File No. J2326A, Assessment No. 238534)
Adopted
- 46 [RLH AR 23-69](#) Ratifying the assessments for Equipment and Labor for Clean Up services during January to May 2023. (File No. J2328A, Assessment No. 238537)
Adopted
- 47 [RLH AR 23-70](#) Ratifying the assessments for Tree Removal service from January 2023. (File No. J2329A, Assessment No. 238538)
Adopted

ADJOURNMENT

Meeting ended at 6:03 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>.

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