



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor
651-266-8560

City Council Meeting Minutes - Final

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

Wednesday, August 5, 2020

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:32 p.m.

Councilmember Noecker excused

Present 6 - Councilmember Amy Brendmoen, Councilmember Dai Thao,
Councilmember Chris Tolbert, Councilmember Jane L. Prince,
Councilmember Mitra Jalali and Councilmember Nelsie Yang
Absent 1 - Councilmember Rebecca Noecker

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 20-45** Letter from the Department of Safety and Inspections declaring 535 Forest Street a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and filed
- 2 **AO 20-32** Establishing two new account codes for Neighborhood STAR Year-Round Program awards adopted via City Council Resolutions #20-1021 and #20-1023.
Received and filed

CONSENT AGENDA

Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda (Items 3 - 16)

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Noecker

- 4 **RES 20-1000** Approving the City's cost of providing Collection of Vacant Building Fees billed during September 24, 2019 to April 17, 2020, and setting date of Legislative Hearing for September 1, 2020 and City Council public hearing for October 14, 2020 to consider and levy the assessments against individual properties. (File No. VB2013, Assessment No. 208815)

Adopted

- 5 **RES 20-1001** Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during March 23 to April 17, 2020, and setting date of Legislative Hearing for September 1, 2020 and City Council public hearing for October 14, 2020 to consider and levy the assessments against individual properties. (File No. CRT2013, Assessment No. 208212)

Adopted

- 6 **RES 20-1002** Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during March 23 to April 21, 2020, and setting date of Legislative Hearing for September 1, 2020 and City Council public hearing for October 14, 2020 to consider and levy the assessments against individual properties. (File No. J2013E, Assessment No. 208319)

Adopted

- 7 **RES 20-1003** Approving the City's cost of providing Securing and/or Emergency Boarding services during May 2020, and setting date of Legislative Hearing for September 1, 2020 and City Council public hearing for July 7, 2021 to consider and levy the assessments against individual properties. (File No. J2013B, Assessment No. 208114)

Adopted

- 8 **RES 20-1004** Approving the City's cost of providing Graffiti Removal services during May 4 to 19, 2020, and setting date of Legislative Hearing for September 1, 2020 and City Council public hearing for July 7, 2021 to consider and levy the assessments against individual properties. (File No. J2008P, Assessment No. 208407)

Adopted

- 9 **RES 20-1005** Approving the City's cost of providing Removal of Diseased Elm Tree(s) during June 2020 at 1021 Montana Avenue West, and setting date of Legislative Hearing for September 1, 2020 and City Council public hearing for July 7, 2021 to consider and levy the assessments. (File No. 2008T, Assessment No. 209007)
Adopted
- 10 **RES 20-1053** Approving supplemental resolution #20 Supplementing the General Resolution (CF 88-835) for the issuance of the Ford Redevelopment Site Special Storm Sewer Charge and Subordinate Sewer System Revenue Bond (Green Infrastructure Financing), Series 2020E and taking other required actions.
Adopted
- 11 **RES 20-1031** Approving the Maintenance Labor Agreement (May 1, 2020 - April 30, 2021) between the City of Saint Paul and the International Association of Sheet Metal, Air, Rail and Transportation Workers, Local 10.
Laid over to August 12 for adoption
- 12 **RES 20-1066** Approving the Labor Agreements between the Independent School District 625 and the Bricklayers and Allied Craftworkers Local Union No 1 Minnesota/North Dakota (May 1, 2019 - April 30, 2022), the International Union of Painters and Allied Trades District Council 82/Local 1324 representing Glaziers (June 1, 2019 - May 31, 2022), the Twin City Glaziers, Architectural Metals and Glass Workers Local 1324 (June 1, 2018 - May 31, 2019) and the Memorandums of Agreements with the Twin City Glaziers, Architectural Metals and Glass Workers Local 1324 (June 1, 2017 - May 31, 2018 and June 1, 2016 - May 31, 2017).
Laid over to August 12 for adoption
- 13 **RES 20-1067** Approving the Revised Memorandum of Agreement for the 2020 Wage and Fringe Adjustment for the North Central States Regional Council of Carpenters.
Laid over to August 12 for adoption
- 14 **RES 20-1036** Approving the amendment to the Management Agreement between the City of Saint Paul and Saint Paul Urban Tennis in order to design and construct five new tennis courts at Eastview Park and extend the Agreement for five additional years.
Adopted

15 **RES 20-1062** Memorializing the City Council's decision to deny an appeal by the St. Anthony Park Community Council from an Administrative Decision of the Zoning Administrator granting conditional approval of a site plan application submitted by Rohn Industries to construct a parking facility at 2495 Kasota Avenue.

Adopted

16 **RES 20-978** Authorizing the City to enter into an agreement with Ramsey County for Right of Way acquisition related to reconstruction of Cleveland Avenue from Como Avenue to Larpenteur Avenue.

Adopted

FOR DISCUSSION

3 **RES 20-1077** Supporting the Minnesota Health Plan and Medicare for All Act.

Councilmember Yang moved an amended version. Yeas - 6 Nays - 0

Councilmember Yang made brief comments and read the resolution.

Stella Obadiya and Dan Marshall gave testimony in support.

Council members Yang, Prince, Thao, Tolbert, Jalali, and Council President Brendmoen spoke in support.

Councilmember Yang moved approval of the resolution.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Noecker

17 **RES 20-1068** Approving the Mayor's appointment of Nicolle Goodman to serve as the Director of the Department of Planning and Economic Development, effective August 3, 2020.

Councilmember Tolbert moved approval of the resolution.

Ms. Goodman was sworn in by City Clerk Shari Moore.

Ms. Goodman made brief comments.

Council members Tolbert and Thao, and Council President Brendmoen made brief comments welcoming Ms. Goodman.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Noecker

- 18 **RES 20-962** Approving the Mayor's appointment of Matt Slaven to the Saint Paul Port Authority.
Withdrawn

ORDINANCES

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

No items

PUBLIC HEARINGS

- 19 **RES PH 20-167** Approving and authorizing the acceptance of a Contamination Cleanup and Investigation grant from the State of Minnesota's Department of Employment and Economic Development (DEED); a Livable Communities Tax Base Revitalization Account grant, a Livable Communities Demonstration Account Pre-Development grant, and a Livable Communities Transit-Oriented Pre-Development grant, all from the Metropolitan Council; and amending the 2020 Budget.
- No testimony was received. Councilmember Yang moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- Absent:** 1 - Councilmember Noecker

- 20 **RES PH 20-165** Supporting for the Rush Line Bus Rapid Transit Project 15 Percent Plans within the City of Saint Paul.
- Victoria Reinhardt, District 7 Ramsey County Commissioner, made introductory comments.*
- Frank Alarkon, Ramsey County Public Works, gave an update on the project and the 15 percent plans, and answered questions from Council members.*
- No testimony was received.*
- Councilmember Yang made brief comments in support of the project. She moved to*

close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Noecker

- 21 RES PH 20-162** Considering and adopting the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Law Judge, and request of the Department of Safety and Inspections for imposition of \$1,000 matrix penalty against the Liquor on sale 101-180 seats, Liquor on sale Sunday, 2AM closing, and Entertainment (B) licenses held by Kavin Choua Thao, d/b/a Pupraya Thai Restaurant at 945 Rice Street.

Therese Skarda, Assistant City Attorney representing the Department of Safety of Inspections (DSI), gave a staff report on the violation, and Administrative Law Judge (ALJ) hearing. The violations included failing to provide sales tax filings, failing to provide documentation that the establishment was of operating within the definition as a restaurant, and failing to provide copies of requested video. This was the second adverse action in 12 months; the previous violation was a lapse in liquor liability coverage. DSI was recommending the presumptive penalty of \$1000. The licensee appeared before Council on January 15 and some of the facts were disputed so the matter was laid over and then subsequently withdrawn to allow the licensee to dispute the facts. An ALJ hearing was held, and the both the licensee and DSI presented their cases; the materials were attached to the file before the Council, along with the ALJs findings. The ALJ found that the licensee violated the conditions when he failed to provide all of the requested surveillance video, and violated the Legislative Code when he failed to provide documentation showing compliance with license condition #1. The ALJ found no substantial and compelling reasons to deviate from the presumptive \$1000 penalty. Therefore it was the recommendation of DSI that the Council adopt the ALJs Findings of Fact, Conclusions and Law, and Recommendation, and order that the \$1000 matrix penalty be imposed.

Licensee Kavin Choua Thao testified by phone. He said he sent a letter to Ms. Skarda saying he did not contest the facts and admitted to the violations, and Ms. Skarda failed to appear on the first public hearing which made it complicated and made everyone go through it a couple of times. He said Ms. Skarda withdrew the case when she appeared on the second time. He said he didn't believe Council President Brendmoen had not agreed with the decision leading to the case going to the ALJ. He said he heard Council President Brendmoen tell Ms. Skarda that this was not a good thing to do. He said Ms. Skarda told him to withdraw the case and tried to convince him to go to the ALJ, and was trying to get him out of the regular public hearing and to the ALJ, and to find proof and evidence to make him guilty. He said believed he was not guilty of operating anything, besides the insufficient surveillance video and the tax. He said they got the video and tax report. He said he sent them something but not what they requested. He said they went to the ALJ hearing for half a day, and the judge didn't come to a decision, just a recommendation, and there was nothing finding that he was wrong or guilty of anything. He said now was a bad time for him because his restaurant had been closed since March but he still had to pay the rent. He said he was out of business and out of income and he was Out of business and out of income, and he was supporting ten family members. He said he applied for the denied for Bridge fund and was denied, and had applied for support from Ramsey County but

hadn't received a response yet. This was not a good time for him to pay the \$1000. He said the decision should be based on what the Council members thought - that he should either pay in full or half or whatever. He was willing to do that and move forward.

Councilmember Thao moved to close the public hearing. Yeas - 6 Nays - 0

Councilmember Thao said when this came before the Council his concerns were language barrier and processes, and they'd come to the point where the business was

no longer operating because of COVID. He said the facts were not disputed, and asked if there was any way they could prolong the payment until the business was operating again. He asked for input from his colleagues. In response to a question from Council President Brendmoen, he said 12 months would be doable based on the economic forecast.

Council President Brendmoen said Ramsey County was still processing applications, and hopefully the licensee would receive some funds. She said she would support the motion to suspend payment of the penalty for 12 months.

Councilmember Prince said she distinctly remembered this case, and had been concerned about language issues and the license-holder's confusion about the process. She didn't feel being sent to ALJ was what he was seeking. She said given the hardship she would support reducing the penalty to \$500 and staying it until his business was reopened. She said she supported Mr. Thao's motion but would submit her suggested reduction as a friendly amendment.

MS. Skarda said the Council would have to look at the findings of the ALJ and decide if they were going to be adopted or amended. She said the licensee was offered an interpreter by the ALJ and did present a case before the ALJ. To deviate from the recommended penalty, the Council would need to find fault with the ALJ's findings.

City Council attorney Virginia Palmer said the license holder did appear at a hearing to dispute the penalty, but began to argue the facts. At that point the determination was made for an ALJ hearing and, as Ms. Skarda said, the license-holder was offered interpreter. In order to deviate from the recommended penalty, the Council would have to have written findings that there was substantial and compelling reason to lower the fine. She said staying the fine could be done without any written findings.

Councilmember Prince asked whether hardship could serve as a compelling reason. Ms. Palmer said they would have to change a finding of the ALJ. Councilmember Prince withdrew her friendly amendment.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Noecker

22 RES PH 20-160

Approving adverse action against the Auto Body Repair Garage and Second Hand Dealer License application held by A & M Auto Sales Inc., d/b/a A & M Auto Sales (License ID# 20110000794) at 845 Robert Street.

Council President Brendmoen moved to continue the public hearing to August 12 so

Councilmember Noecker could be present.

Public hearing continued to August 12

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

Nay: 0

Absent: 1 - Councilmember Noecker

23 RES PH 20-161 Approving adverse action against the Massage Practitioner License held by Mikayla Eldredge (License ID #20180003284).

Withdrawn

24 ABZA 20-4 Public hearing to consider the appeal of Justin Eilers for CommonBond Communities to a decision of the Board of Zoning Appeals to deny a variance request of the open space lot coverage requirement at 830 Cretin Avenue.

Tia Anderson, Department of Safety and Inspections Planner, gave a staff report on the application and appeal. She reviewed the Ford site redevelopment process so far, and described the project at 830 Cleveland Avenue. She said the Board of Zoning Appeals (BZA) denied the minimum open space variance. She said the requirement for open space on a private parcel was a new requirement and not found in other zoning districts, and the requirement was separate and distinct from the overall public park and open spaces. The BZA denied the variance based on Finding 3, indicating that there were no practical difficulties in complying with the open space lot coverage requirement. She said the appellant CommonBond said there were practical difficulties in complying with the requirement, and the use was reasonable use of the lot as proposed was reasonable. She said there was existing bedrock, and the slope of the site created practical difficulties in moving parking underground. Alternative site layouts would require another compromise and probably create the need for a variance of a different sort. Since the BZA appeal, through the site plan process, trees added to parking lot would add to green space on the property but wouldn't close the gap entirely. In response to a question from Councilmember Prince, she said the vote was 5 or 6 to 1 in opposition to the variance.

Councilmember Tolbert thanked Ms. Anderson for the presentation.

Council President Brendmoen noted the public testimony attached to the file.

Councilmember Tolbert moved to close the public hearing. Yeas - 6 Nays - 0

Councilmember Tolbert thanked the neighbors and BZA for the thought put in. He said he found the BZA erred, because the appellant had met Finding 3 in agreement with the reasonable basis that was established in the BZA staff report of June 18, 2020 which recommended approval of the variance applications. He said practical difficulties included but were not limited to existing bedrock under the site, multiple layers of density requirements in the Ford Master Plan, and it should be noted that the site plan complied with FAR requirement and met the maximum building lot coverage requirements, and that changing the access point to increase the open space would result in needing new and additional variances. He moved to grant the appeal for the reasons stated as well as the reasons set forth under Finding 3 in the BZA staff report, and to incorporate them into the BZA resolution.

Councilmember Tolbert said he had a couple of additional comments. He said he thought there had been some confusion with the term open space, and this was regarding landscaping and open space outside of this building. He noted that the City was on the cusp of delivering on their first affordable housing project.

Councilmember Prince said she was in support, but was concerned about variance after variance after variance coming forward at this site. She said If changes were necessary to the Master Plan, they should make them.

Council President Brendmoen said in a 122-acre site with so much construction they would probably continue to see variances. She agreed it would be good to have an efficient system to address them.

Motion of Intent - Appeal Granted

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

Nay: 0

Absent: 1 - Councilmember Noecker

LEGISLATIVE HEARING ITEMS

Approval of the Consent Agenda

For the following cases, no objections to the Legislative Hearing Officer's recommendations were received; therefore, the recommendation is to adopt the items.

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

Nay: 0

Absent: 1 - Councilmember Noecker

26 RLH RR 20-25 Making finding on the appealed nuisance abatement ordered for 412 GOODRICH AVENUE in Council Files RLH RR 17-19 and RLH RR 19-35.

Adopted

27 RLH TA 20-524 Amending Council File No. RLH AR 20-82 to delete the assessment for Collection of Vacant Building Registration Fees billed during February 18 to December 20, 2019 at 412 GOODRICH AVENUE. (File No. VB2009, Assessment No. 208810)

Adopted

28 RLH SAO 20-9 Appeal of Patrick M. Hill to a Vehicle Abatement Order at 873 HAWTHORNE AVENUE EAST.

Adopted

29 **RLH VO 20-26** Appeal of Noah Rector to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1007 HAWTHORNE AVENUE EAST.

Adopted

30 **RLH RR 20-8** Making finding on the appealed substantial abatement ordered for 412 HOLLY AVENUE in Council File RLH RR 19-31.

Adopted

31 **RLH FCO 20-66** Appeal of Ken & Kathleen Schoenfelder to a Fire Certificate Correction Notice at 1814 MARSHALL AVENUE.

Adopted

32 **RLH VO 20-27** Appeal of Noah Rector to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1011 MINNEHAHA AVENUE EAST.

Adopted

33 **RLH CO 20-9** Appeal of Colleen Mulcahy to a Correction Notice at 272 RICHMOND STREET.

Adopted

34 **RLH VO 20-28** Appeal of Noah Rector to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 390 SIMS AVENUE.

Adopted

For the following case, no objections to the Legislative Hearing Officer's amended recommendation were received; therefore, the recommendation is to amend and adopt the item.

25 **RLH TA 19-932** Ratifying the Appealed Special Tax Assessment for property at 1418 GALTIER STREET. (File No. J2007A, Assessment No. 208506) (Public hearing continued from February 5)

Adopted as amended (assessment reduced)

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

Nay: 0

Absent: 1 - Councilmember Noecker

Council members shared information about events in their wards.

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 5:34 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 the Minnesota Governor Tim Walz and 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. All City Council public hearings will be held at 3:30 p.m. and there will be no separate 5:30 p.m. public hearings. More information is available at www.stpaul.gov/departments/city-council

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