



# City of Saint Paul

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

## Minutes - Final

### 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*

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Wednesday, September 16, 2020

3:30 PM

Council Chambers - 3rd Floor

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**Please see below for new meeting guidelines due to the COVID-19 health pandemic emergency.**

#### ROLL CALL

**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 20-61](#) Mayor's Executive Orders 20-24 and 20-25.  
**Received and Filed**
  
- 2 [CO 20-62](#) Letter from the Department of Safety and Inspections declaring 2531 Edgumbe Road a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
**Received and Filed**

#### CONSENT AGENDA

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

#### Approval of the Consent Agenda

##### Adopted Consent Agenda

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

**Nay:** 0

- 3 [RES 20-1006](#) Approving the City's cost of providing Securing and/or Emergency Boarding services during May 28 to 31, 2020, and setting date of Legislative Hearing for

October 20, 2020 and City Council Public Hearing for January 13, 2021 to consider and levy the assessments against individual properties. (File No. J2014B, Assessment No. 208115)

**Adopted**

- 4     [RES 20-1190](#)     Setting the date of Public Hearing for November 4, 2020 for 2021 Sanitary Sewer Rates and 2021 Storm Sewer System Charges.  
**Adopted**
- 5     [RES 20-1209](#)     Approving the City's cost of providing Property Clean Up services during July 1 to 14, 2020, and setting date of Legislative Hearing for October 20, 2020 and City Council public hearing for January 20, 2021 to consider and levy the assessments against individual properties. (File No. J2103A, Assessment No. 218502)  
**Adopted**
- 6     [RES 20-1210](#)     Approving the City's cost of providing Property Clean Up services during July 14 to 30, 2020, and setting date of Legislative Hearing for October 20, 2020 and City Council public hearing for January 20, 2021 to consider and levy the assessments against individual properties. (File No. J2104A, Assessment No. 218503)  
**Adopted**
- 7     [RES 20-1222](#)     Acknowledging receipt of District Energy St. Paul, Inc. notice of rate increase as of October 1, 2020, 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 20-1229](#)     Second rescheduling of the date of City Council public hearings to ratify the assessments for the 2019 Mill and Overlay projects under the Street Maintenance Service Program  
**Adopted**
- 9     [RES 20-1231](#)     Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2020, and setting date of legislative hearing for October 8, 2020 and City Council public hearing for November 18, 2020 to consider and levy the assessments against individual properties. (File No. CG2003A1, Assessment No. 200139)  
**Adopted**
- 10    [RES 20-1232](#)     Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2020, and setting date of legislative hearing for October 8, 2020 and City Council public hearing for November 18, 2020 to consider and levy the assessments against individual properties. (File No. CG2003A2, Assessment No. 200140)

**Adopted**

- 11     [RES 20-1233](#)     Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2020, and setting date of legislative hearing for October 8, 2020 and City Council public hearing for November 18, 2020 to consider and levy the assessments against individual properties. (File No. CG2003A3, Assessment No. 200141)

**Adopted**

- 12     [RES 20-1234](#)     Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2020, and setting date of legislative hearing for October 15, 2020 and City Council public hearing for November 18, 2020 to consider and levy the assessments against individual properties. (File No. CG2003A4, Assessment No. 200142)

**Adopted**

- 13     [RES 20-1235](#)     Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2020, and setting date of legislative hearing for October 15, 2020 and City Council public hearing for November 18, 2020 to consider and levy the assessments against individual properties. (File No. CG2003B1, Assessment No. 200143)

**Adopted**

- 14     [RES 20-1236](#)     Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2020, and setting date of legislative hearing for October 15, 2020 and City Council public hearing for November 18, 2020 to consider and levy the assessments against individual properties. (File No. CG2003B2, Assessment No. 200144)

**Adopted**

- 15     [RES 20-1237](#)     Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2020, and setting date of legislative hearing for October 22, 2020 and City Council public hearing for November 18, 2020 to consider and levy the assessments against individual properties. (File No. CG2003B3, Assessment No. 200145)

**Adopted**

- 16     [RES 20-1238](#)     Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2020, and setting date of legislative hearing for October 22, 2020 and City Council public hearing for November 18, 2020 to consider and levy the assessments against individual properties. (File No. CG2003B4, Assessment No. 200146)

**Adopted**

- 17     [RES 20-1239](#)     Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2020, and setting date of legislative hearing for October 22, 2020 and City Council public hearing for November 18, 2020 to consider and levy the assessments against individual properties. (File No. CG2003C1, Assessment No. 200147)

**Adopted**

## SUSPENSION ITEMS

### Rules Suspended

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

**Nay:** 0

### [SR 20-96](#)

Staff report from the Administration.

#### *SUSPENSION ITEM*

*Councilmember Noecker moved suspension of the rules.*

*7 in favor, none opposed*

*Rules are suspended*

*Shari Moore, City Clerk, says there is an update from the Administration.*

*Council President Brendmoen said Ricardo Cervantes (Department of Safety and Inspections) and Jaime Tincher (Deputy Mayor) and Deputy Chief Murphy are on the line. This is a follow-up.*

*Jaime Tincher, Mayor's Office, said she has 7 slides. September 10, they closed the encampment. It is a challenging space to have individuals who are settling there. Well before COVID, that was not a location for that type of activity. Many City staff worked with the encampment. The numbers in March were 5 tents. By August, 80 individuals were sheltered there. They could go indoors if they chose. They notified people before and afterwards. All the partners were coordinating their resources. One of the examples is multiple days before the 10th, there were women ready to go indoors. Safe Space did not open until 10:00. Through MINDOT, they would ensure this site is patrolled and not become reoccupied. The biggest challenge is there were volunteers in the space that were not coordinating with the City. We were not able to track where individuals were. There are 243 tents across the City. Our counts are the number of individuals sheltering outdoors, under bridges, in caves. A week ago, it was at 362.*

*Councilmember Prince thanked Tincher. This is an extraordinary effort. Tents are popping up in Mounds Park. Tents in Upper Swede Hollow. She would like some direction.*

*Ricardo Cervantes said DSI (Department of Safety and Inspections) is the department that collects that information, 266-8989. It will be inserted in the daily work of staff.*

*Councilmember Jalali said it continues to be painful. She is grateful that they have some form of shelter. We desperately need help from Governor Walz' administration.*

*It should not be just moving from site to site. We need a level of public commitment. We are living through a time of society with unprecedented need. Would not surprise her if some individuals did not trust the government. She commits to helping facilitate in improving that.*

*Councilmember Yang said there should be portable potties and sanitation at Phalen.*

*Tincher said that location did not exist until they were moved to that location. The people who moved them there are demanding sanitation services. That was not the ideal location. She talked to the individuals. It was traumatic for the individuals to move them. The City of Saint Paul's approach is to move them indoors and to a path of housing, not from one location to another. There are about 18 tents there.*

*Yang said this will look differently in the wintertime.*

*Tincher said there are some who are outdoors in the cold weather. As it gets colder, we will have more individuals to accept the options to go indoors.*

**Received and Filed**

## **BUDGET ITEMS**

**The City Council will recess and convene as the Library Board to consider Res 20-1270 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.**

- 18**     [RES 20-1269](#)     Approving a 2021 maximum property tax levy for the City of Saint Paul.

*Brendmoen says we are looking at a zero % increase.*

*Yang said the resolution should be more friendly. That is the second version.*

*Brendmoen said we can vote on Version 2.*

*Councilmember Prince said she has some last-minute thoughts about whether to propose a 3% levy increase given the deep and wide needs of the community. She respects where her colleagues are on this. She will be voting on the zero increase. She posted it on social media last night and got feedback from the community. She continues to be uncomfortable that the levy increase is so widely misunderstood. The City levy is not the major determinate of the increase of your property taxes. If we had raised the levy today it would have given us some room to move. She appreciates the Mayor's austerity on this. She respects everyone's position. There is cutting of 10 inspectors. We are cutting money in DSI (Department of Safety and Inspections) that was earmarked for Ford. We need to figure out a way for the cuts in the Mayor's budget. We owe it to the law enforcement career academy students to get them in our police department when we have to be concerned about what attrition is doing to our streets. We have got to get our priorities straight as a City.*

*Councilmember Jalali said the average person reads about taxes and levy. People are concerned about budgets.*

*Councilmember Noecker said she wanted to add 2 thoughts. We haven't talked about*

capital budget yet. Not looking forward to this budget year. Restraints can lead to creativity. This is a good challenge for us as we move forward.

Councilmember Yang said she is in support of the resolution. Feels a deep appreciation. Cuts that effect our community: library and Parks & Rec. What are certain things in our budget that we are going to continue having? These are the things coming into mind for me.

Councilmember Thao said this is historic that we are not raising the levy this year. We ask our residents to tighten the belts. That is what we are doing here. For the years he has been here, there have been double digit levy increases. This is a baseline for the City. Prepping for 2022, the changes we made this year, how do we make it better, how do we become more efficient in 2022?

Councilmember Tolbert said he will be supporting this levy. It is important that we have zero percent levy increase. Businesses, restaurants, economic recession. Next year when property taxes are due, it could be an even more difficult position. Until we get the pandemic under control. He doesn't agree with the way things are divvied up.

Prince said the Mayor has achieved the lion's share of the savings by permitting vacated positions in departments. This is true with libraries. During the pandemic, the departments were leaving positions vacant that were necessary positions. By permanently vacating positions, in order to bring those positions back, it will require a levy increase in a subsequent year. This means achieving a zero levy this year is arguably not the best management solution when we need to fill some of these vital positions in the future.

Tolbert asked does that proposal mean we hire and have offsetting layoffs to make up the budget?

Prince said the proposed budget is made up of the positions. If we need to replace them, it will require us to raise the levy to bring those staff people back. The general fund cuts are from departments across the City. She is not sure how we deal with that.

Brendmoen said Yang has Version 2 in Legistar.

7 in favor, none opposed

Resolution is adopted as amended

**Adopted As Amended**

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

**Nay:** 0

## FOR DISCUSSION

- 19     [RES 20-1230](#)     Authorizing the City of Saint Paul to transfer \$3,546,442 of the Coronavirus Relief Fund aid to specific accounts for the guaranteed income pilot program and the Bridge Fund program.

Councilmember Thao said the letter was helpful. If we didn't move forward, what is the Plan B? Karcher-Ramos responded that it relates to the allocation. As we addressed in response to Congresswoman McCollum, in addition to the City's analysis, we have

conferred who oversees the CARES funding. We are above board on everything.

John McCarthy (Financial Services) said he agrees with internal review and external consultants. This is similar to what other cities are doing.

Thao asked about his participants who are on other public assistance. Can the City get the County or State to give them a waiver so that wouldn't count toward them?

Muneer Karcher-Ramos said they have been working with the State. They have been in conversation with Ramsey County as well. This is the income and asset exclusion. We are planning to pursue that waiver. You may have seen in that letter. McCollum is happy to support us in that waiver. Financial Empowerment has a grant, they are working with their contact on the specific language around the waivers and have our request written up.

Councilmember Tolbert said the CARES dollars are the first monies allocated to the 150 recipients. Karcher-Ramos responded yes.

Tolbert asked how much private/philanthropic dollars are leveraging? Karcher-Ramos responded \$1.3 Million.

Because of the emergency orders in effect, Tolbert said it won't be counted as income if they get that waiver. So, it shouldn't affect other public assistance. Karcher-Ramos responded generally all income is taxable except preempted by law. The City will offer it as disaster payments. The City is not in a position to give tax advice. We would advise anyone to get tax advice. We will be contacting an enrollment specialist.

Tolbert said the initial review is important. It is not his legal opinion, he is more confident that it will not be income. If an emergency money goes away, can we re-engage with recipients to make sure they are making educated choice? He wants to make sure we are helping families. The last thing they want is for someone to lose their public assistant grant. That's his concern. If this is considered income, we jeopardize these grants. I want to be confident we are doing our due diligence. The reapplication takes a month or two.

Karcher-Ramos said as mentioned last week, they have been working with people who have expertise in this space. They have a benefits tool. This is something they continue to lean on and rely on. They are doing this regardless of these being taxable. Families will have access to folks who are able to speak about benefits and other things.

Tolbert said we are planning to engage in families. He asked about the program.

Karcher-Ramos said we have sketched out the program, orientation, paperwork. We do have a number of these items sketched out already. The payment will be not taxable and will not impact the benefits. The benefits counseling should reveal any type of impacts.

Tolbert said the proposal has changed the policy on zip codes. Karcher-Ramos responded the Mayor has asked the City Attorney's Office so that any low-income resident will be eligible for the program.

Councilmember Noecker said she appreciates the diligence. Not to be used from general fund dollars. Comfortable moving forward and it being Citywide. It's unfortunate we had to push back a week. Let's have these conversations earlier. Far

*in advance. I hope we can do that next time.*

*Councilmember Prince said she supports in principal. She wants to be clear on the staffing of this. We will be contracting with financial counselors. What will be the City staffing relationship to this? What City staff will be working on this? Your office will be really busy.*

*Karcher-Ramos said the Officer of Financial Empowerment, involved funding a research fellow Kacy Wejeck, who will be overseeing the program.*

*Councilmember Jalali said she feels that the City's role is to make every form of assistance available. Very glad to hear a partnership is around that goal. There are lots of family that could qualify for this. Appreciate the conversation and points made.*

*Councilmember Thao said he is excited about this endeavor. Helping the poorest has a positive impact.*

*Karcher-Ramos said they are fully committed to sharing the progress of the program.*

*Councilmember Noecker said the rest of the \$3.5 Million goes to replenishing the business assistance fund. Hopefully to provide more of that help. It will immediately move those dollars.*

*McCarthy responded that is correct.*

*Tolbert said thank you for the follow-up on the questions and will support this today. It will help people who are in desperate need. Regarding the public assistance, he didn't want the unintended consequences on families who are struggling. What changes will happen when the emergency order will be lifted? This is not necessarily a basic income, but a safety net. They are leveraging a lot of outside money. They are not the right level to do this. The Council needs some of the data on this. Hopefully it helps them out of a financial situation. He expects more answers on those changes.*

*Councilmember Yang said she is supportive. She would like a refresher on how families will be selected.*

*Karcher-Ramos said it will be from the executive order that will be issued.*

*Yang asked are they coming back to the Council. Karcher-Ramos responded they will be bringing back information on who is selected.*

*Jalali 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

**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.

See Public Hearing items

**PUBLIC HEARINGS**

- 20     [Ord 20-31](#)     Creating Chapter 142 of the Legislative Code (Title XII) pertaining to a Special Service District in Downtown. (Public hearing to be continued to September 16.)

*Item 20 and Item 21*

*Shari said there is an amendment on the ordinance.*

*Councilmember Noecker said she would like to move Version 2 amendment.*

*7 in favor, none opposed*

*Amendment is approved.*

*Chuck Repke, on behalf of Dave Brooks downtown, and there are multiple reasons to not improve the ordinance. The COVID crisis is not a time to do this. It is only for half of Downtown. Security and safety are only marginally addressed. Missing the intent of Chapter 428. Opportunity cost of locking in this district for 5 years. If the Downtown alliance would have a real proposal, we could put together a district. They can't tax his client for services outside the district.*

*Joe Spencer said the Downtown is thriving, but there are too many times where there is not quite the density. They need to grow. They have a vision. They focused their efforts and crafted a proposal. The focus all along was on a safe and clean program. Never been a more important time to create this tool. They will be getting back to the numbers Downtown. They need to have this additional layer of service. This will allow Downtown to grow.*

*Councilmember Noecker moved to close the public hearing.*

*7 in favor, none opposed*

*Public hearing is closed for Items 20 and 21*

*Noecker said she feels energized. This has been needed for decades. This was not initiated by City Hall; it was initiated by the property owners. That really says something about our corporate leaders and property owners. One of our greatest strengths is we have public speakers and property owners who spend hours on issues that are beyond their bottom line. People want to pay a higher rate for security. She thanked Joe and the Downtown Alliance. This is a new beginning for Downtown.*

*Councilmember Thao said he is also excited about this. Saint Paul is a City of neighborhoods. This is a great opportunity for us to help build Downtown. This is about bringing harmony to Saint Paul. This brings balance to our City. In order for our neighborhoods to do well, we have to have a strong Downtown.*

*Noecker moved a one-week layover for Item 20.*

*7 in favor, none opposed*

*Laid over to September 23 with comments still being taken on Item 20*

**Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption**

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

**Nay:** 0

- 21**     [RES PH 20-198](#)     Imposing a service charge in the Saint Paul Downtown Special Service District pursuant to Minnesota Statutes Chapter 428A.

*(See minutes on Item 20.)*

*Councilmember Noecker moved one-week layover for Item 21.*

*7 in favor, none opposed*

*Laid over to September 23 with comments still being taken*

**Laid Over**

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

**Nay:** 0

- 22**     [RES PH 20-194](#)     Approving the application of Kim O'Brien, Rice and Larpenteur Alliance, for a sound level variance in order to present amplified sound on Saturday, September 26, 2020 for the Rice & Larpen Tour Event at 1675 Rice St. in the strip mall parking lot.

*Council President Brendmoen moved this item and said this is an innovative way to celebrate, socially distanced.*

*7 in favor, none opposed*

*Adopted*

**Adopted**

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

**Nay:** 0

- 23**     [RES PH 20-193](#)     Authorizing the Department of Parks and Recreation to accept a donation in the amount of \$15,000 from the Minnesota Vikings to support the Saint Paul Parks and Recreation certified youth NFL Flag Football League and to amend the Department of Parks and Recreation Grant Fund Budget in the amount of \$15,000 to reflect said donation.

*Councilmember Prince moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and the resolution is adopted*

**Adopted**

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

**Nay:** 0

- 24**     [RES PH 20-196](#)     Approving the 1st addition Highland Bridge Rowhome Preliminary Plat.

*Councilmember Tolbert moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and the resolution is adopted*

**Adopted**

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

**Nay:** 0

- 25**     [RES PH 20-197](#)     Approving modifications to Neighborhood STAR Program funding for Taste of Rondo, LLC

*Councilmember Thao moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and the resolution is adopted*

**Adopted**

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

**Nay:** 0

- 26**     [Ord 20-30](#)     Amending Chapter 66 of the Legislative Code pertaining to residential standards in planning districts 14 and 15.

*Councilmember Tolbert said staff is here. He thanked Mr. Richardson.*

*Tolbert moved to close the public hearing and lay over.*

*7 in favor, none opposed*

*Public hearing is closed and the ordinance is laid over to September 23*

**Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption**

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

**Nay:** 0

- 27**     [APC 20-6](#)     Public hearing to consider the appeal of the Hamline Midway Coalition of a Planning Commission decision approving a conditional use permit for restaurant drive-through reconstruction with building replacement. (Zoning Committee public hearing held on July 16, 2020)

Josh Williams, Planning and Economic Development, gave a staff report. This is a high level overview. He will call your attention to two items that were included in the public record as attachment in Legistar. The item is an appeal. Border Foods, which operates Taco Bell at 565 Snelling, is seeking to rebuild the restaurant with a drive-through. Per the zoning code, it requires a new CUP (conditional use permit). The Planning Commission has approved. Hamline Midway approved that appeal. The biggest issue raised by those in opposition is around the noise associated late at night. There is a document entitled staff report packet, call your attention to Pages 9 and 16. You can see the site plan as proposed in 2020 for the Taco Bell. Page 16 is an aerial view. It is important to understand that a restaurant was constructed in 1973. There was no condition attached to the CUP. Minutes suggest the restaurants operated differently from they operated today. They stated they were going to close at 10:00 p.m. That is different from what is happening today. At some point, a drive-through was added. City records don't show any sort of zoning approval. At minimum it would have required an electrical permit. Electrical permits are only held for 7 years. At some point, the City adopted standards for drive-through uses. We believe in 2004, drive-through's were made their own use and required a separate use permit. There is a little bit of history preceding the current application. In 2015 Border Foods made a similar application. The Planning Commission approved that CUP with a large number of conditions. Border Foods appealed that approval to contest the conditions and withdrew their appeal. They came back in 2019 for another application. Zoning Staff recommended denial: it didn't meet the City's location requirement. Staff found that the proposal was inconsistent with the comprehensive plan. This year, Border Foods applied again. Staff recommended approval in 2020 finding that it met all the requirements for approval of the CUP, limiting the drive-through hours to 2:00 a.m. on weeknights and 3:00 a.m. on weekdays, closing earlier than their plan. The Zoning Committee held a public hearing on July 16 and voted 3 to 1 to deny the application for inconsistency with the comprehensive plan and detrimental to the pedestrian friendly character of the neighborhood, and the use would inhibit the normal development of uses. On August 7, the Planning Commission voted 10 to 2 to approve the CUP. The Hamline Midway Coalition appeal stated the Planning Commission erred in 3 findings of the CUP. The HMC noted all the comments opposed the application.

Councilmember Prince said this address was the sources of much unhappiness. I'm not surprised about the opposition. In their appeal, Hamline did say if the appeal was denied they would like conditions added to the hours. They are open until 3:00 a.m.? She thought 12:00 to 1:00 a.m. was reasonable. Williams responded those conditions were requested by Hamline Midway Coalition. They limit the hours to 3:00 a.m. and 2:00 a.m.

Prince asked could we ask to impose the conditions of the hours the neighborhood requested? Williams responded that is within their purview.

Council President Brendmoen said there was a significant amount of comments online. The attorney for the establishment submitted comments recently.

Councilmember Jalali moved to close the public hearing.

7 in favor, none opposed

Public hearing is closed

Jalali says she appreciates the exhaustive staff report and the community input. Decision like these can get discussed whether we like certain places to eat or certain types of development. This judgment is based on the applicant meeting all 5 standards. Reviewing all the information, there are 2 standards not met by the proposal. The first is the use will be in compliance with the comprehensive plan. As a

*proposal for a drive-throughs, it doesn't meet the standard of prioritizing transit and automobile access. Pedestrians and cyclists cannot go through the drive-through. For compact commercial development, this is not the compact commercial development the comp. plan calls for. We talked about parking minimums and we also have parking maximum. It would include parking that will exceed our parking maximum. They are not met by the proposal. The second finding is that the use would not be detrimental of the development of the neighborhood. As Hamline points out, the Snelling station states that drive-through facilities do not enhance the pedestrian nature of the area. I would lift up the proposal for a drive-through off of a location that is a state highway. We cannot regulate the traffic speed. It is important that this sets the stage. This proposal does not address the standards. It is important that we remember to hold the vision and promise of the 20/20 plan. She is moving to support the appeal and deny the CUP.*

*Councilmember Jalali said she supports the Hamline Midway's appeal.*

*Prince said she supports the motion. It is sound.*

*7 in favor, none opposed*

*The motion of intent is the appeal is granted.*

**Granted**

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

**Nay:** 0

- 28**     [RES PH 20-176](#)     Approving the petition of Rick Cavanaugh on behalf of SC OZ Waterford Bay LLC to vacate a portion of Western Avenue (fka Blair Street) in Stinson, Brown & Ramsey's Addition, in St. Paul, Ramsey County, MN

*Councilmember Noecker*

*7 in favor, none opposed*

*Public hearing is closed and the resolution is adopted*

**Adopted**

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

**Nay:** 0

- 29**     [RES PH 20-185](#)     Approving an amendment to the spending and financing budget for the Ford Site Redevelopment Capital project to reflect a grant from the Capitol Region Watershed District (CRWD), and acceptance of the CRWD grant, for stormwater management and enhancements including the Hidden Falls Headwater connection

*Melanie McMahon, Mayor's Office, shared her screen and said this is an amendment to the Ford Site and amending the spending and financing budget for the Ford Site Redevelopment Capital project to accept a grant from the Capital Regional Watershed District. This resolution does two things: 1) Accepts Capitol Region Watershed District grant of \$1.7 Million, 2) Amends the Ford Site Redevelopment project budget.*

The grant has two parts: 1) \$795,000 for Ford Parkway baseflow ground water capture and southern storm water enhancement, 2) \$926,063, Hidden Falls Regional Park and Ford site connection via Mississippi River boulevard stream crossing project. (McMahon went over the sources and uses.)

Wes Sounders Pierce stated why and how this opportunity emerged. The relationship of the Ford Site to the Mississippi River was part of the Great River Passage Plan, which calls for a bridge to aid the connection. Today, the development program shows the water feature corridor. The Mississippi River Boulevard enhancing crossing was off site and out of scope. About 6 months ago, Ryan discovered some engineering challenges. Staff approached Ryan to capitalize on the planning to leverage the new need to excavate Mississippi River Boulevard, which would be cost prohibitive in the future. They did a rapid feasibility study. The concept was the preferred alternative to achieve the vision. It features the bridge under Mississippi River Boulevard. It also allows for connecting the Ford Site, regional park, and the Mississippi River. Significant environmental benefits, mobility, and a win-win for the community, City, development partner. Several entities have reviewed this.

Council President Brendmoen said this is exciting.

Councilmember Prince said it is beautiful and she is supportive. She asked is it all City money. Parkland Dedication money was money we can spend in that area. Where does the rest of the money come from? McMahon responded the existing legacy Parks funding, parkland dedication is existing funds. CIB bonds and general fund transfer, Mike can speak to. They are specific to bike and pedestrian funds. Part was looking at this new off-street connection. These are sources Public Works looks at.

Mike Solomon said those are all the sources.

Prince asked was the General Fund the bike money. McMahon said it is from the bike fund.

Solomon stated it is the same program, but it is Public Works 2019 use, but we can check on that and get back to you.

Prince said the CIB funding is Public Works funding they had left over. Solomon responded they were existing programs in Public Works.

Councilmember Thao asked what type of vegetation, material will be used along the water. He is curious about what is in place. Are we creating vegetation to capture the contamination? Some preliminary designs were done. Those final design elements are being designed right now.

Pierce said all the storm water from the site is collected and treated before it is released. There is no need for vegetation to reduce contamination. We are looking into the design and the aesthetics will have a continuous and consistent look. Five, 10, 15-year outlook, Parks has completed a Hidden Falls master plan.

Councilmember Noecker said she is in support of the project. She is concerned about the financing. From Public Works standpoint, what is the tradeoff here if we use the \$100,000 here? McMahon said she asked the same thing. This is the opportunity we will not have again. They looked at what funds were applicable. The bike funds were remaining for this year. This is a shovel ready project to get going. The money had

*not been identified for another project.*

*Councilmember Tolbert said the connections will be fantastic. Hidden Falls is misnamed now because people have found it. People can barbecue and fish, concerts have been down there. This is an exciting development.*

*Tolbert moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and resolution is adopted*

**Adopted**

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

**Nay:** 0

- 30**     [RES PH 20-186](#)     Amending the City's Operating Budget to reflect the final details resulting from the issuance of the Ford Redevelopment Site Special Storm Sewer Charge and Subordinate Sewer System Revenue Bond, Series 2020E.

*Councilmember Tolbert moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and resolution is adopted*

**Adopted**

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

**Nay:** 0

- 31**     [RES PH 20-191](#)     Amending the CDBG general ledger budget to reflect the actual 2020 grant award of \$6,892,568; amending the CDBG project budget to include 2020 CDBG spending plan of \$7,400,000; and allocating the 2019 CDBG carryover spending to various projects.

*Councilmember Noecker moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and resolution is adopted*

**Adopted**

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

**Nay:** 0

- 32**     [RES PH 20-192](#)     Amending the HOME general ledger budget to reflect the actual 2020 grant award of \$1,895,972, program income reported to HUD of \$1,100,758 and amending HOME projects budgets to include the 2020 spending plan.

*Councilmember Tolbert moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and resolution is adopted*

**Adopted**

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

**Nay:** 0

**33**     [RES PH 20-88](#)

Ratifying the assessment for the 2019 Street Maintenance Service Program-Mill and Overlay: Downtown Streets (Phase I). (Project No. 195500, Assessment No. 195500) (Public hearing to be continued to May 19.)

*Shari Moore, City Clerk, said these items are continued to May 5 per Councilmember Prince.*

*7 in favor, none opposed*

*Public hearing is continued to May 5, 2021*

**Continue Public Hearing**

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

**Nay:** 0

**34**     [RES PH 20-89](#)

Ratifying the assessment for the 2019 Street Maintenance Service Program-Mill and Overlay: St. Clair Avenue from Fairview to Snelling (2019). (Project No. MO1905, Assessment No. 195505) (Public hearing to be continued to May 19.)

*Councilmember Yang moves to continue to May 5.*

*7 in favor, none opposed*

*Public hearing is continued to May 5, 2021*

**Continue Public Hearing**

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

**Nay:** 0

**35**     [RES PH 20-90](#)

Ratifying the assessment for the 2019 Street Maintenance Service Program-Mill and Overlay: Cleveland Avenue from Yorkshire to Mississippi River Blvd. (2019). (Project No. MO1901, Assessment No. 195502) (Public hearing to be continued to May 19.)

*Councilmember Thao moved to continue to May 5.*

*7 in favor, none opposed*

*Public hearing is continued to May 5, 2021*

**Continue Public Hearing**

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

**Nay:** 0

- 36**     [RES PH 20-91](#)     Ratifying the assessment for the 2019 Street Maintenance Service Program-Mill and Overlay: Pascal Street from University to St. Anthony (2019). (Project No. MO1903, Assessment No. 195503) (Public hearing to be continued to May 19.)

*Councilmember Jalali moved to continue to May 5.*

*7 in favor, none opposed*

*Public hearing is continued to May 5, 2021*

**Continue Public Hearing**

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

**Nay:** 0

- 37**     [RES PH 20-92](#)     Ratifying the assessment for the 2019 Street Maintenance Service Program-Mill and Overlay: Prior Avenue from Summit to I94 (2019). (Project No. MO1904, Assessment No. 195504) (Public hearing to be continued to May 19.)

*Councilmember Thao moved to continue to May 5.*

*7 in favor, none opposed*

*Public hearing is continued to May 5, 2021*

**Continue Public Hearing**

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

**Nay:** 0

- 38**     [RES PH 20-38](#)     Ratifying the assessment for replacement of sanitary sewer services within the right-of-way as part of the Fairview Avenue paving and lighting project. (File No. 19231C, Assessment No. 206001) (Public hearing to be continued to September 16)

*Councilmember Jalali moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and the resolution is adopted*

**Adopted**

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

**Nay:** 0

- 39**     [RES PH 20-46](#)     Ratifying the assessment for a sanitary sewer connection at 1199 Winthrop Street South. (File No. 18938A1, Assessment No. 206045) (Public hearing to

be continued to September 16)

*Councilmember Prince moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and the resolution is adopted*

**Adopted**

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

**Nay:** 0

- 40**     [RES PH 20-47](#)     Ratifying the assessment for a sanitary sewer connection at 2161 Hadley Street. (File No. 18985A2, Assessment No. 206047) (Public hearing to be continued to September 16)

*Councilmember Prince moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and the resolution is adopted*

**Adopted**

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

**Nay:** 0

- 41**     [RES PH 20-48](#)     Ratifying the assessment for advance sewer connection charges by properties connecting to a sanitary sewer line. (File No. 19174, Assessment No. 156003) (Public hearing to be continued to September 16)

*Councilmember Tolbert moved to close the public hearing and approve.*

*7 in favor, none opposed*

*Public hearing is closed and the resolution is adopted*

**Adopted**

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

**Nay:** 0

- 42**     [RES PH 20-60](#)     Ratifying the assessment for the 2019 Street Maintenance Service Program-Sealcoating Street and/or Alley. (File No. 195600, Assessment No. 195600) (To be withdrawn, as this is a duplicate of item #23 RES PH 21-58.)

*Council President Brendmoen moved to continue to May 5.*

*7 in favor, none opposed*

*Public hearing is continued to May 5, 2021*

**Continue Public Hearing**

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

**Nay:** 0

#### **LEGISLATIVE HEARING CONSENT AGENDA**

**Items listed under the Consent Agenda will receive a combined public hearing and be enacted by one motion with no separate discussion. Items may be removed from the Consent Agenda for a separate public hearing and discussion if desired.**

#### **Approval of the Consent Agenda**

*Councilmember Prince moved to adopt.*

*Public Hearings are closed and resolutions are adopted*

#### **Adopted Consent Agenda**

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

**Nay:** 0

- 43**    [RLH VO 20-39](#)    Appeal of Francis X. Viggiano to a Final Notice Revocation of Fire Certificate of Occupancy and Order to Vacate and Summary Abatement Order at 125 COMO AVENUE.  
**Adopted**
- 44**    [RLH TA 20-483](#)    Deleting the Appealed Special Tax Assessment for property at 756 FULLER AVENUE. (File No. VB2012, Assessment No. 208814)  
**Adopted**
- 47**    [RLH TA 20-458](#)    Ratifying the Appealed Special Tax Assessment for property at 625 HAWTHORNE AVENUE EAST. (File No. CRT2012, Assessment No. 208211)  
**Adopted**
- 48**    [RLH TA 20-553](#)    Amending Council File RLH AR 20-108 to reduce the assessment for Collection of Delinquent Garbage Bills for services during January to March 2020 at 679 HOYT AVENUE WEST. (File No. CG2002C1, Assessment No. 200128)  
**Adopted**
- 49**    [RLH VBR 20-59](#)    Appeal of Carrie Motarjemi to a Vacant Building Registration Requirement at 847 HUDSON ROAD.  
**Adopted**
- 52**    [RLH TA 20-482](#)    Ratifying the Appealed Special Tax Assessment for property at 1286 MINNEHAHA AVENUE EAST. (File No. J2012E, Assessment No. 208318)

**Adopted**

- 53     [RLH TA 20-554](#)     Amending the previously ratified assessment to reduce the assessment for Collection of Delinquent Garbage Bills for services during January to March 2020 at 1399 MINNEHAHA AVENUE WEST. (File No. CG2002C3, Assessment No. 200130)  
**Adopted**
- 54     [RLH VO 20-36](#)     Appeal of Carolyn Brown, Community Stabilization Project, and Shai Leibovich to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1017 REANEY AVENUE.  
**Adopted**
- 56     [RLH FCO 20-119](#)     Appeal of Blong Lee to a Correction Notice-Reinspection Complaint at 1676 SEVENTH STREET EAST.  
**Adopted**
- 57     [RLH AR 20-116](#)     Ratifying the assessments for Collection of Vacant Building Registration fees billed during January 6 to March 20, 2020. (File No. VB2012, Assessment No. 208814)  
**Adopted**
- 58     [RLH AR 20-117](#)     Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during February 20 to March 19, 2020. (File No. CRT2012, Assessment No. 208211)  
**Adopted**
- 59     [RLH AR 20-118](#)     Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during February 21 to March 20, 2020. (File No. J2012E, Assessment No. 208318)  
**Adopted**

**Approved on the Consent Agenda**

- 51     [RLH VO 20-40](#)     Appeal of Krisandra M. Jenkins, on behalf of Nathanael Jenkins, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate and Summary Abatement Order at 876 LAWSON AVENUE EAST. (Legislative Hearing on September 15, 2020)  
**Adopted As Amended**

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

**Nay:** 0

*Councilmember Thao moved to continue public hearings to the dates mentioned  
7 in favor, none opposed*

*Public hearings continued to their respective dates*

**Approved on the Consent Agenda**

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

**Nay:** 0

- 46**     [RLH TA 20-525](#)     Ratifying the Appealed Special Tax Assessment for property at 171 GRANITE STREET. (File No. VB2012, Assessment No. 208814) (Public Hearing continued to October 14, 2020)

**Continue Public Hearing**

- 55**     [RLH VBR 20-56](#)     Appeal of Cory Johnson, Renova Homes, to a Vacant Building Registration Notice at 1670 SEVENTH STREET EAST.

**Continue Public Hearing**

- 45**     [RLH TA 20-531](#)     Ratifying the Appealed Special Tax Assessment for property at 1941 FREMONT AVENUE. (File No. J2012E, Assessment No. 208318) (Public hearing continued to January 6, 2021)

**Continue Public Hearing**

**Approved on the Consent Agenda**

- 50**     [RLH SAO 20-18](#)     Appeal of Joseph Dalbec to a Summary Abatement Order at 913 JOHNSON PARKWAY.

*Marcia Moermond, Legislative Hearing Officer, said there is a Summary Abatement Order to cleanup the property. The orders were issued on August 7 for one week for compliance. (She shared her screen.)*

*Moermond said she is recommending that the Council grant an extension to September 18 to remove items that are already bagged up and ready to go and (another date) to the other items. He wanted to wait until springtime after the thaw. This is a significant nuisance. It is a family kind of concern. There should be another effort to address it. Her recommendation is generous.*

*Councilmember Yang said she took a look at the pictures. It is a lot. The 8 weeks is a reasonable amount of time to do this. She moves recommendation of the Legislative Hearing Officer.*

*7 in favor, none opposed*

*Public hearing is closed and the resolution is adopted*

**Adopted**

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

**Nay:** 0

**ADJOURNMENT**

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](http://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](mailto:Contact-Council@ci.stpaul.mn.us), [CouncilHearing@ci.stpaul.mn.us](mailto: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](http://www.stpaul.gov/departments/city-council)

#### **Council Meeting Information**

The City Council is paperless which saves the environment and reduces expenses. The agendas and Council files are all available on the Web (see below). Council members use mobile devices to review the files during the meeting. Using a mobile device greatly reduces costs since most agendas, including the documents attached to files, are over 1000 pages when printed.

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