



# 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, October 28, 2020

3:30 PM

Council Chambers - 3rd Floor

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Please see the meeting guidelines due to the COVID-19 health pandemic emergency.

#### ROLL CALL

**Present** 5 - Councilmember Amy Brendmoen, Councilmember Dai Thao,  
Councilmember Jane L. Prince, Councilmember Mitra Jalali and  
Councilmember Nelsie Yang

**Absent** 2 - Councilmember Chris Tolbert and Councilmember Rebecca Noecker

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 20-49](#) Year-Round STAR Program updates and funding consolidation of two  
Neighborhood STAR Program awards  
**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 Thao moved approval.*  
*Yeas – Thao, Yang, Jalali, Prince, Brendmoen*  
*5 in favor, none opposed*  
*Consent Agenda is adopted*  
**Adopted Consent Agenda**

**Yea:** 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Prince,  
Councilmember Jalali and Councilmember Yang

**Nay:** 0

**Absent:** 2 - Councilmember Tolbert and Councilmember Noecker

- 2 [RES 20-1476](#) Authorizing the Department of Planning and Economic Development to apply

to the Metropolitan Council for Tax Base Revitalization Account fund for projects at 160 Wabasha Avenue South, West Side Flats - Phase III, 1560 White Bear Avenue, and 678 Snelling Avenue North.

**Adopted**

- 3     [RES 20-1450](#)     Authorizing the Department of Planning and Economic Development to apply for the Metropolitan Council's Livable Communities Demonstration Account Pre-Development grant fund for 520 Payne Avenue and Livable Communities Demonstration Account Transit-Oriented Development Pre-Development grant fund for 678 Snelling Avenue N.

**Adopted**

- 4     [RES 20-1502](#)     Approving the use of grant funds through the Neighborhood STAR Year-Round program for Papa Legba, LLC

**Adopted**

- 5     [RES 20-1454](#)     Memorializing the Council's decision to grant the appeal of Lucas Wiborg, d/b/a Good Timing LLC from a decision of the Board of Zoning Appeals, approving zoning variances with conditions and adding an additional condition on the variances granted in order to construct a five-story, 12-unit apartment building at 1769 Grand Avenue.

**Adopted**

- 6     [RES 20-1487](#)     Approving the recommendation of the Department of Safety and Inspections to allow surrender of the Liquor On Sale, Liquor On Sale-Sunday and Entertainment (B) licenses held by Mai Her ("Licensee") d/b/a Checker Bar for the premises located at 992 Arcade Street. (License No. 20100003374).

**Adopted**

- 7     [RES 20-1459](#)     Approving the Maintenance Labor Agreements between the Independent School District 625 and the United Association of Steamfitters, Pipefitters, and Service Technicians; Local Union No. 455, United Association of Plumbers, Local Union No. 34; and the Sheet Metal Workers International Association, Local 10 (May 1, 2020 - April 30, 2021). (Laid over from October 28).

**Laid Over**

**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

**FOR DISCUSSION**

- 8     [SR 20-126](#)     2020 Budget Update and Proposed 2021 Budget Presentation from Emergency Management

*Director Rick Schute is here.*

*Council President Brendmoen said this is a department that we don't think much about until we really need them. The Council thanks him for his leadership this year.*

*Schute talked about COVID, civil unrest, challenges. The collaborative environment in the City is what he enjoys working in. His department is the smallest department and smallest organization in the City Government. He has 8 members on his team; 7 are emergency managers. Three are funded by general fund dollars and the rest by grants.*

*Schute said he has 3 coordinators. They have their State certificate and have plenty of experience. The specialists are the less experienced members of his team. They are a small department but big impact. He operates by, with, and through all of the City departments. They cross train. To steal from Eisenhower: in an emergency, the actual plan is useful but the planning is indispensable. We are better off for the coordination we have done proceeding the event. Training and exercise is key. The majority of the emergency managers are funded by grants. He does have a member on his team that is a director assistant. A simple restated mission is to save lives and property. In the general fund, his office is a small sliver of the fund: .1%. That poses some challenges. 2019 and 2020 has the same pie slice. When you look, less than a quarter is funded by the general fund. The others are grants. Out of the general fund, the large portion of his dollars go to funding the salaries of 3 members. Those general funds are key. He needs them to match the federal grants. Those services—9%—are largely comprise of outdoor sirens that they maintain, 36 in the City. They are expensive to maintain. It is difficult for him to achieve that without getting into the salaries of his team. In 2020, he received a couple of bumps. One was to fund some additional siren costs, the radio tower on top of the Pointe. It was part of the Mayor's community first initiative. He was provided with \$100,000 to partner to get the fusion center established in the skyway. In 2020, there was a reduction in the budget gap that he had to provide to the City Budget to make up for the budget gap that COVID produced on them. In 2021, the budget went back down. He has the community first public safety initiative. It is stabilized and he returned over \$460,000. It is difficult to help the budget gap. It is difficult for him to come up with a solution for the Mayor that didn't involve people. Most of his budget is grant funded: over 76%. A large portion is the UASI (Urban Area Service Initiative) grants. In 2018 and 2019, the City was awarded \$900,000. The deadline was extended through the end of this year due to COVID. It was born out of 9-11. (He talked about the requirements for that grant.) The language on this grant changes. Less than 50% can be used for salary. The language changes and right now they are using 50% or more of the salary portion. He is taking a 13% reduction in the next awarding of it. EMPG (Emergency Management Performance Grant) does not have the restrictions on it, and no terrorism nexus. He has to seek a waiver from the State. He wants to highlight that risk to the Council in a continual effort to get off grant dependency. It is not a popular year to continue that conversation.*

*Schute continued: Functional exercises and training. In person is the most valuable. Local training sponsored by local jurisdictions have been put on hold due to social distancing requirements.*

*Engagement and outreach, he looks for every opportunity to get that outreach, to make a plan, build a kit, and increase community resiliency. COVID has brought that to a halt. The accreditation program, our City is proud to be a handful that achieved the accreditation.*

*They have been activated for over 220 days since March 16. They support law enforcement to the most extensive periods of civil unrest. They bolstered the City's unsheltered response. He appreciates the councilmembers out there who are the fruit of that labor. They got a \$750,000 grant. They have kept good documentation. They submitted over \$1 Million in COVID assistance. They assisted Office of Financial Services in establishing the CARES Act Relief Fund. They continue to support logistical support to COVID -19 response, continue to support City response to unsheltered homeless, developing a City plan to support the public health vaccination plan.*

*Councilmember Tolbert commended Schute and the team over the last 9 months. The City is in a better, safer position because of Schute. Emergency Management, we knew it was important, but we didn't appreciate it until this year. Something did happen, and they were ready. They kept us on task and kept us focused. He's glad we invested in Emergency Management. Thanks to him for the last 9 months.*

*Councilmember Prince seconded everything Tolbert said. In January, they were going to vote on the management plan for the year. It was on the Consent Agenda. It was amazing to see that it all worked. Part of the plan was planning for a massive disaster and anything that would make part of the community homeless. Is there anything the City can do about COVID and the economic crisis that has been brought onto our City? Schute responded their response is built for a natural disaster. They are earnestly seeking aide and assistance. Just today, they aided a finalization of a letter that speaks to City and County partnership. What can the State do to help us? It would call on the Red Cross and the Salvation Army to serve those in need. To find the space and dollars does not equal the service that we need. They are a working body in the City led by the Deputy Mayor trying to find a solution.*

*Prince said she texted Jaime Tincher (Deputy Mayor) about a new encampment on the East Side. Within a couple of hours, Schute and the Deputy Mayor were on scene.*

*Brendmoen said we have asked our questions. We don't vote on the final budget until December. She doesn't know how we managed to hire a person who can go without sleep. We will finalize a budget in about a month and a half.*

**Received and Filed**

**9**      [ABZA 20-6](#)

Public hearing to consider the appeal of Michael Buelow to a decision of the Board of Zoning Appeals (BZA) denying two variance requests for lot coverage and rear yard setback at 1493 Highland Pkwy. (Public hearing closed on October 21.)

*Council President Brendmoen said we already had a staff report and this matter was laid over.*

*Councilmember Tolbert said he appreciates an extra week to take the time to read all the materials that came in. He wants to extend his appreciation to the number of people who wrote and the staff who answered questions. In the last week, he was able to think about it and the facts and factors to be considered under the law. Based on all the facts, he believes the case for a variance has been proven and met. He will be making a motion to grant the appeal with the findings of error in the BZA's (Board of Zoning Appeals) decision and the basis of the decision to grant the variance in the BZA's staff report. He also wants to talk about two other issues because they were mentioned in the comments. These are not part of the reason for the decision. 1) The*

*improper way the builder went about it. Buelow did make some critical decisions without consulting staff. He should know better. Mr. Tolbert understands why the neighbors are upset, and he is to. He expects better and has seen better from Mr. Buelow. He will take this as an honest mistake and not malicious intent. 2) One of the things that was missed is the interesting feature of this house. It is a universal design house. That is what is being built here. He hopes we have more of in our community. It is an opportunity for people to age in place. It is unique and keeps people in the City for the remainder of their life. He hasn't seen many universal designs like this. Those two issues are not part of his decision, but they are part of the facts. Going back to the facts that we must consider, he moved to grant the appeal finding error in the BZA's decision and base the decision to grant the variance on the reasoning in the BZA staff report dated 9-9-2020 in supporting this decision.*

*Brendmoen stated we run into challenges when designs are above and beyond. Our rules are designed to prevent people going below a standard. We had a challenge with a high energy, efficiency home. The code didn't even speak to them. Those are challenges we have in place. Also, just looking at the record, these are residential neighborhoods, and we should be tough on the issues and easy on the people. It is important to stay focused on the issues and be kind to one another. She supports the motion.*

*Yeas – Thao, Tolbert, Yang, Jalali, Noecker, Prince, Brendmoen  
7 in favor, none opposed*

*Motion of Intent – the appeal is granted*

**Granted**

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

**Nay:** 0

**10**     [RES 20-1437](#)

Approving adverse action against the Massage Practitioner application submitted by Kao Vang (License ID #20190001182) for the premises located at 2140 Ford Parkway. (Laid over from October 21.)

*Council President Brendmoen said there is a request for an additional one week layover.*

*Councilmember Tolbert moved a one-week layover.*

*7 in favor, none opposed*

*Resolution is laid over to November 4*

**Laid Over**

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

**Nay:** 0

**11**     [RES PH 20-226](#)

Authorizing the Police Department to accept the amendment to the grant agreement with the U.S. Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas Program, and amend the 2020 grant budget. (Public hearing closed; laid over from October 21)

*Councilmember Yang said she has no more questions. She moved approval.*

*Councilmember Tolbert said he didn't notice any additional information attached. He was under the assumption we were going to get additional information. He agrees with Yang that it was short on details.*

*Council President Brendmoen said it is not a grant, but an amendment to a grant. There is an additional amount for materials.*

*Yang said there are no additional attachments from last week. She basically had her aide reach out to one of the officers in the grant. They connected with him on what the grant would be used for.*

*Tolbert said the explanations are helpful.*

*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.**

**The City Council will recess and convene as the Library Board to consider RES PH 20-216 amending the spending and financing plans for the Library Agency.**

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

- 12**    [Ord 20-32](#)            Amending section 220.05 of the Legislative Code, to set rates for base level garbage service to be effective January 1, 2021 and changing the rate calculation from a rate that includes taxes to a rate that excludes taxes.

*Ordinance is laid over to November 4 for third reading/public hearing.*

**Laid Over to Third Reading/Public Hearing**

- 13**    [Ord 20-33](#)            Creating the classification titled Deputy Director of Human Resources in the unclassified service pursuant to Section 12.03.2(H) of the City Charter.

*Ordinance is laid over to November 4th for third reading/public hearing.*

*Councilmember Tolbert said that as we are seeing more of these grants come through, we can ask OFS (Office of Financial Services) to have a little more information about*

what they are going to be used for. Even a brief staff report would be very helpful. The contracts aren't there.

Brendmoen said we should see an attachment. There is a challenge with online meetings. It is no additional effort on our part to add staff members as attendees. She agrees that extra effort is needed.

**Laid Over to Third Reading/Public Hearing**

## Second Reading

## PUBLIC HEARINGS

- 14**     [RES PH 20-232](#)     Amending the spending and financing plans for the Saint Paul RiverCentre Convention and Visitors Authority.
- Holly Huston said Susan Earle is prepared to do a quick staff briefing.*
- Susan Earle from OFS (Office of Financial Services) appeared and gave the Council a brief overview of the resolution. There are a long set of actions before the Council. She summarized what is happening with the 2020 budget. She highlighted what needs to be done to address the financing and spending pressures in the City this year.*
- Council President Brendmoen said people participated by phone and online.*
- Councilmember Noecker moved to close the public hearing and approval.  
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
- 15**     [RES PH 20-233](#)     Amending the spending and financing plans for various city departments.
- Council President Brendmoen said we took comments online and on the phone.*
- Councilmember Noecker said kudos to the departments in the middle of the year. Finding a \$20 million budget solution was remarkable.*
- Brendmoen said this is the first of two. Folks participated by comments online and on the phone.*
- 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

- 16     [RES PH 20-237](#)     Amending the spending plans for various city departments in the General Fund.

**Adopted**

**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 Jalali moved to close the public hearings and adopt.*

*7 in favor, none opposed*

*Public hearings are closed and the 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

- 17     [RLH TA 20-622](#)     Amending Council File RLH TA 20-453 to delete the assessment for Collection of Delinquent Garbage Bills for services during October to December 2019 at 309 AURORA AVENUE. (File No. CG2001E4, Assessment No. 200119)

**Adopted**

- 18     [RLH TA 20-625](#)     Amending Council File RLH TA 20-453 to reduce the assessment for Collection of Delinquent Garbage Bills for services during January to March 2020 at 309 AURORA AVENUE. (File No. CG2002E3, Assessment No. 200138)

**Adopted**

- 22     [RLH TA 20-629](#)     Amending Council File RLH AR 20-70 to delete the assessment for Collection of Delinquent Garbage Bills for services during October to December 2019 at 2041-2045 REANEY AVENUE. (File No. CG2001C3, Assessment No. 200110)

**Adopted**

- 23     [RLH TA 20-597](#)     Making finding on the appealed nuisance abatement ordered for 1908



ROBLYN AVENUE in Council File RLH SAO 20-22.

**Adopted**

- 25     [RLH FCO  
20-140](#)     Appeal of Laurel Hedlund to a Fire Correction Notice-Reinspection Complaint at 1108 WESTERN AVENUE NORTH.  
**Adopted**

### Approval of the Consent Agenda

*Items 19, 20, 21*

*Councilmember Yang moved to close the public hearings and adopt.*

*7 in favor, none opposed*

*Public hearing are closed and the resolutions are amended*

**Adopted Consent Agenda**

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

**Nay:** 0

- 19     [RLH RR 20-37](#)     Making finding on the appealed substantial abatement ordered for 1282 HAGUE AVENUE in Council File RLH RR 20-10. (Grant 180 days to complete rehabilitation or removal of structure)  
**Adopted**

- 20     [RLH RR 20-47](#)     Making finding on the appealed substantial abatement ordered for 975 MARSHALL AVENUE in Council File RLH RR 20-14. (Legislative Hearing on October 27, 2020)

**Adopted**

- 21     [RLH RR 20-34](#)     Ordering the rehabilitation or razing and removal of the structures at 1355 PAYNE AVENUE within fifteen (15) days after the October 21, 2020, City Council Public Hearing.

**Adopted**

### Approval of the Consent Agenda

- 24     [RLH RR 20-39](#)     Making finding on the appealed substantial abatement ordered for 2022 STILLWATER AVENUE in Council File RLH RR 20-15.

*Councilmember Prince moved to continue the public hearing.*

*7 in favor, none opposed*

*Public hearing is continued to November 4*

**Continue Public Hearing**

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

**Nay:** 0

**SUSPENSION ITEM**

[RES 20-1545](#)

Encouraging all eligible Saint Paul citizens to vote in the November 3rd 2020 election and all elections; and reaffirming support for the promotion of legislative efforts nationwide that enable, rather than suppress, voter participation in elections.

*Councilmember Noecker said she wanted to introduce this resolution. The process is fair. She read the resolution.*

*Councilmember Jalali said she is in support of this. One of the top things we can do is to use our platforms to emphasize the legitimacy of the election.*

*Councilmember Prince said she thanked Noecker for bringing this forward. There were questions about voting and the process. The importance of voting and accessibility. We are proud of Ramsey County Elections and all the improvements we have made. All the information was so clear on the County website. I appreciate this year that we should all have a plan about voting.*

*Councilmember Thao said that coming from a country where you couldn't vote, being here, sometimes we take it for granted. The day that it is taken away from you, that is when you think your idea has no place. There are translators. Any questions or concerns, let us know. This is an extremely important year.*

*Councilmember Yang said she is very supported of it. People are waiting 3 to 4 hours in line to cast their vote. There are people who were incarcerated.*

*Council President Brendmoen said don't mail them in anymore. Other states are not as strong of advocates of supporting voting rights.*

*Noecker 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

**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)

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#### **Web**

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