

May 20, 2025

St. Paul City Council
15 Kellogg Blvd. West 310 City Hall
Saint Paul, MN 55102

Dear Councilmembers,

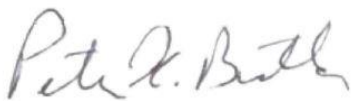
Mayor Carter's veto of Resolution 25-572 had no effect on the Council's decision that 560 Randolph cannot be used as a public works facility (APC 25-2). Minnesota statutes provide no role for the executive officer in zoning appeals and the Mayor's veto power is limited to the Council's legislative acts. A zoning appeal is a quasi-judicial decision controlled by state law, not a legislative act.

Minn. Stat. § 15.99, Subd. 2, allows the Council to decide the zoning request "by resolution or properly made motion." The Council's decision on APC 25-2 was made by a motion of intent, not by resolution. This motion is not subject to veto.

Minn. Stat. § 15.99, Subd. 2(b), requires the Council to *adopt* a written statement on the record to explain its zoning decision and to provide the statement to the applicant upon *adoption* (emphasis added). The adopted written statement was Resolution 25-572. The City Charter is very clear that the Council's affirmative vote results in adoption. A veto does not negate adoption of the resolution.

Please uphold your original decision. The separation of powers clearly contradicts any justification for vetoing a quasi-judicial decision.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter K. Butler". The signature is fluid and cursive, with the first name "Peter" and last name "Butler" clearly distinguishable.

Peter K. Butler
1060 Grand Avenue, #401
St. Paul, MN 55105

Delivered to Contact-Council@ci.stpaul.mn.us & CouncilHearing@ci.stpaul.mn.us

Rebecca Noecker, Ward 2 Councilmember and President
St. Paul City Council-Room 310
15 West Kellogg Blvd
St Paul, MN 55107

May 20, 2025

Dear Council President,

Please accept and post the following public comments under [APC 25-5](#), Fort Rd. Fed. 2nd Appeal

1. The [Planning Commission Staff Report](#) at Paragraph F-History is in error by omitting any reference to City Council resolution [25-572](#) memorializing the well-reasoned grant of FRF's appeal under [APC 25-2](#) or its attachment 18 (Mayor Carter's [April 14, 2025](#) "Veto" letter).
2. The Planning Commission finding under their [Resolution 25-17](#) at Paragraph 2-Applicable City Ordinances, is in error by failing to cite non-conformance with [City Charter Ordinance Section 6.07](#) which reads:

Sec. 6.07. - Resolutions—Procedure; effective date.

Every resolution shall be presented in writing and read in full before a vote is taken unless the reading of the resolution is dispensed with by unanimous consent. Unless otherwise required by law, resolutions shall become effective upon passage by the council and approval by the mayor or council override of a mayoral veto. (yellow highlight added).

This appeal and FRF's previous appeal under APC 25-2 are both governed by [Minn. Statute Section 15.99 Subd. 2](#) (c) which reads in pertinent part:

"(c) If a multimember governing body denies a request, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption." (yellow highlight added).

This statute lays no avenue for mayoral veto and leaves APC 25-2 as the final decision of the City. The Planning Commission finding under Paragraph 2 is in error because of the non-compliance with City Charter Ordinance Section 6.07 and Minn. governing Statute 15.99.

3. The Mayor and Planning Commission rely on City Attorney Olson's faulty Opinion Letter dated [May 13, 2021](#) for zoning appeals. Her letter at the 2nd last paragraph of Pg. 6 presents as a flagrant mis-representation of City Charter Section 6.07. It reads:

"The veto does not resurrect the Planning Commission's decision. City ordinances give applicants the right to appeal decisions of the Planning Commission to the City Council. See, Leg. Code § 61.702. All "final" decisions must be by resolution. A resolution cannot be a final decision if it does not take effect. "Resolutions shall become effective upon passage by the council and approval by the mayor or council override of a mayoral veto. Charter § 6.07. Much like a contract is construed against its drafter, a zoning ordinance "should be construed strictly against the city and in favor of the property owner. Frank's Nursery Sales, Inc. v. City of Roseville, 295 N.W.2d 604, 608 (Minn. 1980). A property owner who appeals a decision is entitled to a decision on that appeal. There is no provision in ordinance or Charter that takes away Alatus's right to appeal. If a veto resulted in a reversion to the Planning Commission's decision, it would effectively deny Alatus the due process provided by the City zoning code." (highlight added).

Please note the blatant failure to include the first part of the entire sentence within the quotation, which should state: "Unless otherwise required by law...."

In conclusion, and under APC 25-2 the City Council stated their lawful and proper reasons for upholding FRF's appeal. Now, under APC 25-5 the City Council should find the Planning Commission findings are further flawed and, for the reasons stated above, I urge you to grant FRF's appeal. They deserve as much due process as the City Attorney statement made above, that property owners are entitled due process under law.

Here the City makes claims to strip away all due process for FRF's appeals afforded to them under City Charter and Statute.

Lastly, the notification requirements of Minn. Statute 15.99, Subd. 2(a), are "directive" only. "... a city's failure to timely provide an applicant with a written statement of the reasons for denying an application regarding zoning, as required by section 15.99, subdivision 2(c), does not trigger the automatic approval penalty of subdivision 2(a), which only applies to the failure to timely deny the application." (please see Minn. Supreme Ct. decision A05-1686)

<https://mn.gov/law-library-stat/archive/supct/0703/opa051686-0315.pdf>

Your decisions do matter and cannot not be negated by the mayor's "veto" delays.

Respectfully submitted,

John Purdy

10 W Delos St

St Paul, MN 55107

612-804-5019

CC: City Council Members: Anika Bowie, Saura Jost, Matt Pravratsky, Hwajeong Kim, Nelsie Yang, and Cheniqua Johnson; CC: Shari Moore-MMC, City Clerk; Melvin Carter, Mayor

From: [Nadia Berneche](#)
To: [*CI-StPaul>Contact-Council](#)
Cc: [Betty](#)
Subject: APC 25-5- FCC trash truck site
Date: Tuesday, May 20, 2025 6:14:28 PM

You don't often get email from nadjaberneche@gmail.com. [Learn why this is important](#)

May 20, 2025

The Honorable City Council Members City of St. Paul
St. Paul, MN

Subject: Urgent Appeal Regarding FCC Environmental Proposed Trash Truck Facility at 560 Randolph Avenue

Dear City Council Members,

We are writing to you today as a concerned family living on Randolph Avenue and long-time members of the West 7th community to express our strong opposition to the FCC Environmental trash truck facility at 560 Randolph Avenue. We share the deep concerns that neighborhood leaders have communicated over the past several months, and we are profoundly disappointed by the Mayor's disregard for the City Council's previous support of the neighborhood appeal on this matter.

The proposed FCC site is fundamentally misaligned with the vision for our community, as outlined in numerous long-standing citywide, neighborhood, and river corridor plans. These include the Great River Passage Plan, the Mississippi River Corridor Plan, and the Comprehensive Plan and its Addenda. These vital documents emphasize neighborhood nodes, transit-oriented development, and river-oriented development, all guiding growth in a way that supports vibrant, connected, and sustainable communities. This proposed large-scale industrial facility and CNG terminal directly contradicts these established planning principles.

Furthermore, the current zoning for this site does not support the proposed FCC use. There are crucial distinctions between public utilities and private enterprises in our zoning regulations, and this proposal raises significant questions about land use compatibility that have not been thoroughly addressed.

Given its prime location with stunning river valley views, its proximity to a vibrant neighborhood node, and excellent access to transit, this site possesses immense potential for a higher-value use that would genuinely benefit the entire community. Continued industrial use in this location would not represent the best long-term investment for taxpayers or align with the broader goals for St. Paul's development.

The potential impacts on our neighborhood's livability are also gravely concerning. This proposal has led to a significant increase in truck traffic and on Randolph Avenue and surrounding streets. The presence of a CNG refueling station raises potential safety and environmental concerns, and the projected future expansion of FCC's operations, with truck volume increasing from 36 to as many as 80 vehicles, is simply unacceptable for a residential area. From my front porch on Randolph Avenue, my family has already noticed an alarming increased volume of heavy-duty trash trucks traveling to and from the site since FCC retained

the city's garbage contract and began using the site.

The West 7th neighborhood has historically borne a disproportionate share of industrial uses and infrastructure, and careful consideration is desperately needed to ensure balance in future land use decisions.

This issue also has significant social and environmental equity implications. The West 7th neighborhood has long shouldered the burden of large-scale infrastructure and industrial development, including highways, urban renewal projects, the Xcel plant, the ethanol plant, the Kaplan scrap yard, and numerous other industrial sites. To impose yet another industrial burden on our community without careful consideration of its cumulative impact is unjust.

Finally, effective public decision-making relies on meaningful neighborhood involvement and alignment with established community plans. The public hearings and public process are in place for a reason – to ensure that the voices of residents are heard and that decisions reflect the best interests of the community. It is imperative that our voices are heard.

I urge the City Council to take every action available to continue the commitment to upholding our established community plans, addressing critical zoning concerns, and prioritizing the long-term well-being and livability of the West 7th neighborhood.

Thank you for your time and consideration.

Sincerely,

Nadja and Sean Berneche
783 Randolph Avenue
Saint Paul, MN 55102

From: [Yan Chen](#)
To: [*CI-StPaul Contact-Council](#)
Subject: Thank You for Supporting West 7th Federation
Date: Tuesday, May 20, 2025 2:58:56 PM

You don't often get email from yanchenmn@gmail.com. [Learn why this is important](#)

Dear City Council Members,

I wanted to share with you two recent videos I've created that explore the challenges around our city's trash system. As I continue to engage with residents on this issue, I deeply appreciate the thoughtful decisions being made at City Council.

I also want to commend you for your courageous vote in support of the West 7th Federation District Council, under the leadership of Councilmember Rebecca Noecker. Thank you for listening to the community and doing the right thing for the long-term health of our city.

With gratitude,

Yan Chen

<https://youtu.be/Kbj0wlnqntA> Leadership Failure Is Expensive: St. Paul's Trash War Story I

<https://youtu.be/tp1KhNTffOE> Is This Trash Deal Dumping on Taxpayers?

From: [Renee Rose](#)
To: [*CI-StPaul Contact-Council](#)
Subject: APC 25-5
Date: Tuesday, May 20, 2025 1:59:49 PM

You don't often get email from reneerose07@gmail.com. [Learn why this is important](#)

Please do not allow this project to go through. This proposed project is slated to be in a residential neighborhood, close to the Mississippi River, near houses, restaurants, bars, many small shops, the Schmidt Brewery, etc. Why is a company based in Spain allowed to take over this area, which was at one time intended for community-friendly uses.

I was born in St. Paul, my father worked at the Schmidt Brewery until his retirement in the 1980s, I purchased a condo in 2008, and love our beautiful city and Fort Road. Please allow the 99 percent of St. Paul residents who are not corporations or billionaires to have a say in what happens in our community.

Thank you
Renee Rose
240 Spring Street

From: [Diane](#)
To: [*CI-StPaul Contact-Council](#)
Subject: FCC Environmental Services
Date: Tuesday, May 20, 2025 1:55:44 PM

You don't often get email from diane@premierfence.com. [Learn why this is important](#)

Public Comments:

While growing up and now owning a business in the neighborhood along with a house, mom lives here and another daughter lives here, it is with great concern that this area was approved for this usage given all the previous plans for that area.

It is also sad to hear that FCC does not involve with the neighborhood and Fort Road Federation. How and why should we be good neighbors to them if they are not to us? I would say to expect situations to arise since three of the people/houses I am speaking of area right off of Drake and Watson. The neighborhood is revitalizing and families are moving in just like when we grew up 50-60 years ago. Listen to the people and help us keep the neighborhood community involved.

Thank you for your consideration.

Diane Caruso, Premier Fence
Evangeline Goldschmitz
Andrea Caruso
Kealani Caruso

From: [Becky Yust](#)
To: [*CI-StPaul Contact-Council](#)
Cc: [Julia McColley](#)
Subject: Federation appeal re 560 Randolph site plan
Date: Wednesday, May 21, 2025 12:51:27 PM

You don't often get email from becky.yust@gmail.com. [Learn why this is important](#)

May 21, 2025

TO: Saint Paul City Council

FROM: Becky Yust, 256 Goodrich Avenue, Saint Paul, MN 55102

RE: West 7th/Fort Road Federation appeal of the FCC site plan, 560 Randolph Avenue

Why are we here? To summarize:

1. PED never followed through on zoning recommendations of the community and other planning documents long before FCC bought the site.
2. Public Works never brought the FCC contract before the City Council for discussion or approval.
3. Public Works lied to the community and council members that the FCC contract required them to locate within St. Paul City limits.
4. The District 9 Council (the Federation) is the City-recognized citizen participation organization for the neighborhood, but it was not informed by Public Works or PED about FCC until December 4, 2024, almost a year after Public Works was working with FCC.
5. PED and the Zoning Administrator assigned an arbitrary zoning classification for FCC to fit the Mayor's desire to finish the deal, not to support the community.
6. Public testimony was lost by PED and never presented to the February 21, 2025 Planning Commission meeting for its consideration of the Federation's first appeal.
7. FCC publicly stated they want to be good neighbors and to work with the community, but they have refused to meet and refused to consider any conditions to their site to fulfill their promise of being a good neighbor.

I have lived in West 7th and loved this city for 51 years, but the past six months' experience tells me that it no longer is a city I can trust. The FCC debacle has exposed the ineptitude of our current city administration, specifically the Mayor, Public Works, and PED. And, frankly, it does not bode well for the other 16 planning districts represented by each of you, their council members.

--

Becky Yust
becky.yust@gmail.com
651-373-1915 (cell)

"...the power of people is greater than the people in power." Senator Cory Booker, April 1, 2025

Opposition to the City of St. Paul's Site Plan to Use 560 Randolph Avenue as the Trash Truck Refueling Station and Parking Depot for FCC Waste Management

J.B. Shank

750 Otto Avenue, Apt. 2202

Saint Paul, 55102

I am writing to express my vehement opposition to the City of St. Paul's Site Plan for 560 Randolph Avenue, which will allow FCC Waste Management Services to continue to run its city garbage collection service from this property

In order to approve the City of St. Paul's Site Plan for 560 Randolph Avenue, the planning commission must find that the site plan is consistent with:

1. The city's adopted comprehensive plan and development or project plans for sub-areas of the city.
2. Applicable ordinances of the city.
3. Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.
4. Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.
5. The arrangement of buildings, uses and facilities of the proposed development in order to ensure abutting property and/or its occupants will not be unreasonably affected.
6. Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.
7. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.

along with four other criteria that are beyond my level of technical expertise to assess. Yet since the proposed plan fails on all seven of these tests, I do not see any justification for moving forward with this plan. The [Public Comment on the Proposal](#) issued by the West Seventh/Ford Road Federation articulates all of my complaints clearly and decisively, so let me add to my support for the Federation position by sharing a more personal perspective on this question.

I have lived in Saint Paul Ward 3 for over a quarter century, first up in the highlands in a 1924 bungalow where my wife and I raised two boys that both graduated from Saint Paul Central High School. After 2022, we moved down into the river flats to start a new empty-nest life in a rental apartment at Otto Avenue and Shephard Road. We moved down into the West 7th/Fort Road/Riverview Corridor neighborhood in order to have better access to the river and to join in the exciting renaissance currently occurring in this eclectic and vibrant community.

We have found the neighborhood to be exactly what we wanted it to be, but I have also come to realize the way that its vitality as a residential community has been achieved only through a constant fight with the city over many decades to change their perception of it as an industrial zone awaiting further commercial development.

I am a professional historian employed by the University of Minnesota, and my assessment of the history of this battle between residents of the West Seventh neighborhood and the city has been amply confirmed by my many conversations with long-time neighborhood resident and friend Joe Landsberger over the last decade. His recently published book *Origin Story*, which documents the struggle over the last century, is also a great record of this battle. What *Origin Story* teaches us is that while our neighborhood has always been a thriving home of a diverse community of people and families who consider the West Seventh/Fort Road corridor to be their residence and home, the city has repeatedly lost sight of that reality and instead viewed our neighborhood solely as a zone for industry and commercial development. All of the comprehensive site plans in place today articulate the need to balance residential living with industrial activity as the core dynamic of our neighborhood, yet the city continues to see only industrial development as the rationale for its planning.

The proposal to allow FCC Environmental Services to use the large, centrally located, and as-yet undeveloped property at 560 Randolph Avenue as a garbage truck parking and re-fueling depot illustrates perfectly the continuing failure of the city to see the real nature of our neighborhood and its ongoing efforts to force upon us an industrial reality that harms the residential core of our community.

Especially problematic in this case was the darkness that surrounded the early planning, a silence that led to the neighborhood to only learning of the plan after the sale of the property for this purpose had already been completed and the transition to its use as a garbage truck depot was already underway. Our efforts to stop this development via the City Zoning Commission created further distrust of the city once their mishandling and manipulation of the variance process was revealed. The 5-0 vote of the City Council to suspend the plan in the wake of this city misconduct was exactly the right thing to do, and after Mayor Melvin Carter's attempt to over-extend his executive authority by re-instating the proposed plan despite all of the problems with it, the City Council must again do the right thing by rejecting entirely this politically mis-managed, ill-conceived, and deeply harmful attempt to use precious city land in ways that will hinder rather than advance the development of the neighborhood.

The West 7th/Fort Road/Riverview Corridor neighborhood has long been subjected to environmental injustices, from the destruction of homes for freeway construction to industrial developments that have polluted our air and water. What was once a vital core of the city of Saint Paul, and a place that remains a neighborhood home to a vibrant and diverse community, has been continually treated by the city with neglect and disregard for its actual residential character. Forcing the neighborhood to accept a waste-hauling depot on one of the last pieces of developable, environment-friendly, river-connected property we have left would simply perpetuate this sad history of disregard. I ask, therefore, that you definitively reject the proposal to allow FCC to continue to run its city trash collection from the site at 560 Randolph Avenue.

Respectfully submitted,

J.B. Shank

Area 3 Coordinator for the Fort Road Federation

Morse Alumni Distinguished University Teaching Professor in the Department of History, Scholar of the College of Liberal Arts, and Chair of the College of Liberal Arts Faculty Assembly at the University of Minnesota