



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

Wednesday, December 2, 2020

3:30 PM

Council Chambers - 3rd Floor

Please see the meeting guidelines due to the COVID-19 pandemic emergency. The Truth-in-Taxation public hearing will be held at 6:00 pm remotely as a separate meeting.

ROLL CALL

The meeting was called to order at 3:33 p.m.

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 20-82](#) Mayor's Executive Orders 20-33, 20-34 20-35, 20-36 and 20-37.

Received and Filed

- 2 [AO 20-59](#) Authorizing the Police Department to reallocate its 2020 General Fund operating budget to more accurately record expenditures.

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.

Council President Brendmoen said Item 15 will be pulled for separate consideration.

Councilmember Prince agreed and said she wanted to remove Item 15.

*Councilmember Noecker moved approval of the balance of the Consent Agenda.
7 in favor, none opposed
Consent Agenda is adopted as amended*

- 3 [RES 20-1639](#) Amending the 2020 spending budget in the Department of Public Works

General Fund Traffic Signals accounting unit.

Approval of the Consent Agenda

A motion was made by Councilmember Noecker to Approve the Consent Agenda The motion carried by the following vote:

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

Nay: 0

- 4 [RES 20-1591](#) Authorizing the Fire Department to enter into a joint powers agreement with the State of Minnesota Department of Transportation to provide fire and hazardous materials response to the MNDOT Fort Snelling complex.
- Adopted**
- 5 [RES 20-1602](#) Approving the City's cost of providing Collection of Vacant Building Registration fees billed during February 18 to August 13, 2020, and setting date of Legislative Hearing for January 5, 2021 and City Council public hearing for February 24, 2021 to consider and levy the assessments against individual properties. (File No. VB2104, Assessment No. 218803)
- Adopted**
- 6 [RES 20-1603](#) Approving the City's cost of providing Securing and/or Emergency Boarding services during September 2020, and setting date of Legislative Hearing for January 5, 2021 and City Council public hearing for February 24, 2021 to consider and levy the assessments against individual properties. (File No. J2104B, Assessment No. 218103)
- Adopted**
- 7 [RES 20-1604](#) Approving the City's cost of providing Demolition services from August to September 2020, and setting date of Legislative Hearing for January 5, 2021 and City Council public hearing for February 24, 2021 to consider and levy the assessments against individual properties. (File No. J2101C, Assessment No. 212001)
- Adopted**
- 8 [RES 20-1606](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during July 16 to August 17, 2020, and setting date of Legislative Hearing for January 5, 2021 and City Council public hearing for February 24, 2021 to consider and levy the assessments against individual properties. (File No. CRT2104, Assessment No. 218203)

Adopted

- 9 [RES 20-1607](#) Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during July 23 to August 21, 2020, and setting date of Legislative Hearing for January 5, 2021 and City Council public hearing for February 24, 2021 to consider and levy the assessments against individual properties. (File No. J2104E, Assessment No. 218303)

Adopted

- 10 [RES 20-1608](#) Approving the City's cost of providing Graffiti Removal services during October 7 to 15, 2020, and setting date of Legislative Hearing for January 5, 2021 and City Council public hearing for February 24, 2021 to consider and levy the assessments against individual properties. (File No. J2104P, Assessment No. 218403)

Adopted

- 11 [RES 20-1627](#) Approving the release of an easement for slopes, cuts and fill over Lot 48 and the west 5 feet of Lot 49, Hewitt's Outlots 1st Division.

Adopted

- 12 [RES 20-1628](#) Accepting a sidewalk easement from UniRay, LLC in conjunction with development at 2383 University Avenue

Adopted

- 13 [RES 20-1640](#) Authorizing the Department of Parks and Recreation to execute a grant agreement with the Capitol Region Watershed District, which includes an indemnification clause, to implement said CRWD grant funds for the Highland Bridge (Ford Site) project.

Adopted

- 14 [RES 20-1645](#) Authorizing the Fire Department to accept the donation of lunch for department personnel valued at \$3,500 from Tinucci's Restaurant.

Adopted

- 16 [RES 20-1652](#) Affirming the extension of Declaration of Local Emergency issued November 30, 2020 by Mayor Melvin Carter III.

Adopted**FOR DISCUSSION**

- 15 [RES 20-1506](#) Establishing the rate of pay for the Deputy Director of Human Resources (Laid over from November 18).
- Adopted**
- Yea:** 4 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker and Councilmember Jalali
- Nay:** 3 - Councilmember Thao, Councilmember Prince and Councilmember Yang

- 17 [ABZA 20-7](#) Public hearing to consider the appeal of William Garman Hargens and Mary Staples Thompson to a decision of the Board of Zoning Appeals (BZA) approving six variances (for primary entrance location, number of off-street parking spaces provided, lot coverage, lot size, lot width, and rear yard setback) for a second triplex to be constructed on a lot that has an existing triplex at 542 Portland Avenue. (Public hearing closed on November 18)

Councilmember Thao said he will lay it over until December 16. The next item is related to this item. He will speak more.

Council President Brendmoen requested he talk on this one.

Thao said Item 18 is for the HPC (Historic Preservation Commission). Until the next hearing, he has to lay over Item 17 until the 16th.

7 in favor, none opposed

Laid over to December 16

Laid over to December 16

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

Nay: 0

- 18 [AHPC 20-2](#) Public hearing to consider the appeal of William Garman (“Gar”) Hargens and Mary (“Missy”) Staples Thompson to the Heritage Preservation Commission decision of 540 Portland Avenue in the Historic Hill Heritage Preservation District. (Public hearing closed on November 18)

Councilmember Thao said this item will be remanded to HPC (Historic Preservation Commission) on Monday, December 14 at 3:30, so he’d like to lay this over to the 16th.

7 in favor, none opposed

Laid over to December 16

Laid over to December 16

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.

Second Reading

- 19 [Ord 20-35](#) Granting the application of Keith Schroeder to rezone the property at 981 Fuller Avenue from R4 Single Family Residential to T2 traditional neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to December 9 for third reading/public hearing

First Reading

- 20 [Ord 20-37](#) Creating Chapter 194 of the Legislative Code entitled Smoking Policy Disclosure to require the completion of a smoking sale disclosure report for sale of units within a common interest community.

Laid over to December 9 for second reading

PUBLIC HEARINGS

- 21 [RES PH 20-258](#) Amending the 2020 Financing and Spending Budget for the Department of Public Works, Sewer Utility Fund, Private Sewer Connection Program.

Council President Brendmoen said we have taken testimony online and over the phone.

Councilmember Yang 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

- 22 [RES PH 20-259](#) Approving the petition of Leng B. Wong, on behalf of Century Plaza LLC, to vacate a portion of the alley in Block 2, University Subdivision of Lots 1, 2, 3 and 8, Hyde Park, Ramsey County, MN.

Council President Brendmoen said the public hearing has been held online and over

the phone.

Councilmember Thao moved to close the public hearing and approve. Thao said this has been a long initiative that Mr. Wong has been trying to initiate. This will help them bring more parking to the business.

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

- 23** [RES PH 20-260](#) Approving the petition of Paul Keenan, on behalf of GW Restaurant Holdings LLC, to vacate a portion of the alley in Hughes Midway Addition, in St. Paul, Ramsey County, MN.

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

- 24** [RES PH 20-261](#) Approving the petition of Christianna Hang, on behalf of the Hmong Education Reform Company (dba Hmong College Prep Academy), to vacate air rights over Brewster Street in the North half of the Northwest Quarter of Section 27, Township 29 Range 23, in St. Paul, Ramsey County, MN.

Note: Item 24 was recalled later

First vote:

Councilmember Jalali said it is connected to the same expansion and project part of a discussion earlier in the year.

Councilmember Yang said she did not support it in the beginning and will not support it today.

Council President Brendmoen said we had a public hearing online and over the phone.

No – Councilmembers Yang, Jalali, Prince

4 in favor, 3 opposed

Public hearing is closed and resolution is adopted

Second vote:

Shari Moore, City Clerk, said it would not have passed because it needs 5 votes. It actually failed. Vacations require 5 votes.

Brendmoen recalled this item. Moore re-read the item.

If it fails, Brendmoen asked, what does it mean for the project?

Bruce Engelbrekt, OFS (Office of Financial Services), said he does not know the background of this project. There are plans to construct a middle school and a skyway bridge to connect the buildings. Air rights are not all that common, but they are straightforward. There is an envelope in the skyway where the bridge would be constructed. The area below for trucks: that area would be vacated.

Brendmoen said they can't move forward with the skyway if we don't pass this airway rights. Engelbrekt responded they do not have the rights to construct the skyway.

Councilmember Prince said this was before us in HRA (House and Redevelopment Authority). In the interest of consistency, she voted against it today. The project is funded and it is moving forward. She doesn't have a need to stop the vacation. Out of respect for her colleagues, she could not support conduit bonds for this project, so she did not vote for the bond issue.

Councilmember Thao said this project is moving forward. We are at a point where we need to allow this vacate so they can build a skyway. It is heavily traveled by car and trucks. We are telling the kids that you are going to have to cross the street to get to this class. I'm surprised that we are allowing this to happen. This is an equity issue here. To not allow this is very telling about who we are as people.

Brendmoen said on further thought she's going to vote no. She's always been concerned about the skyway portion of this project. Her experience is this street is quite untrafficked. It is a skyway that goes to the rec facilities that we discussed. She has Wellstone Elementary School and kids have to walk to get to the playground. She not interested in a skyway for folks to get to the Turfdome. They can suffice without it. So, she's going to vote against it now that she's had a chance to consider it.

Councilmember Tolbert said are there members from the school on the call? Can we consider laying this over and asking these questions? A skyway seems like a huge cost, but we don't want to use traffic stuff.

Brendmoen said she would support a layover. This is a private skyway.

Tolbert moved a one-week layover.

Engelbrekt said Dr. Hang had been monitoring the meeting. She had noted that it had passed. To give her an opportunity to speak is a good thing to do.

7 in favor, none opposed

Laid over to December 9

Recalled and laid over to December 9; public hearing is closed

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

Nay: 0

- 25** [RES PH 20-264](#) Amending the spending and financing plans for the Department of Planning and Economic Development.

Councilmember Tolbert moved to close the public hearing and approve.

Council President Brendmoen said we had a public hearing online and over the phone.

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

- 26** [RES PH 20-267](#) Amending the 2020 spending and financing budget for the Office of Financial Empowerment by \$400,000 to accept the Year 2 Whole Family Systems grant from Minnesota Department of Human Services for advancing two generation strategies through CollegeBound Saint Paul.

Council President Brendmoen said we held a public hearing online and over the phone.

Councilmember Thao 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

- 27** [RES PH 20-270](#) Approving the Interim Use Permit for a temporary emergency housing facility at 2329 Hendon Street (Stub Hall at Luther Seminary).

Bill Dermody, PED (Planning and Economic Development), gave a presentation. This is an interim use permit to operate emergency housing unit. This is a single building. Emergency housing is to serve people who experience homelessness. People do not leave every morning and come back every night. People are there for weeks or months. There will be services provided on site. All the findings are met. Staff recommends approval of this interim use permit on conditions: DSI (Department of Safety and Inspections) approve the occupancy. This is for the need created by COVID. Long term use is up to Luther Seminary.

Councilmember Jalali thanked people. She is grateful for the space. It is very appropriate and necessary. She appreciates the neighbors who had support.

Councilmember Tolbert thanked Jalali for her leadership on this issue, the Deputy Mayor, and the Mayor to make sure we lead in dignity to ensure we have safe and warm places for everyone to stay at. It is difficult for financial reasons and many other reasons. We have been leading with our values on this.

*Jalali moved to close the public hearing and approve.
7 in favor, none opposed*

Adopted

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

Nay: 0

- 28** [RES PH 20-273](#) Authorizing the City of Saint Paul to budget \$3,000 of interest and transfer \$315,151 of Coronavirus Relief Fund aid between specific project accounts.

Council President Brendmoen said we held a public hearing online and over the phone.

*Brendmoen 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

- 29** [Ord 20-29](#) Amending Chapter 409 of the Legislative Code pertaining to the distance restriction between liquor license locations and to reduce the location radius for off-sale wine only license locations.

Council President Brendmoen said this was amended last week.

Councilmember Prince said they were not planning on a staff report. The distance requirement between off sale is a half mile. When we first looked into being able to open a wine shop in Dayton's Bluff, we talked to DSI (Department of Safety and Inspections) and Dan Niziolek felt having a difference requirement for a wine shop license would be the most appropriate way to handle this. There is a wine shop license, but there is no one in Saint Paul that holds it. The realtor in her ward who wants to open this is the main reason she got involved. They have been meeting with the District councils and business association. There are other potential businesses that are interested in this option. There is some concern that this would allow big boxes to come in. In terms of the distance, we changed it from 300 feet to a quarter mile to reduce the potential of that happening. All of the surroundings have done away with distance requirements. Early on when this was proposed, they heard from a number of off-sale liquor owners. The state law prohibits us from having more liquor licenses. Based on our current population, there are only 7 of any type that are available. Anyone that wants to open a liquor store has a shot at those 7 licenses.

Councilmember Thao said he signed on to co-sponsor. The amount of tax revenue that we have lost to prepare to market Saint Paul, we are trying to do every little step to increase revenue. A liquor store is considered an essential business. This is a specialized service that has its own market. It's important that we do this little initiative. He's supporting this and hoping his colleagues consider it as well.

Councilmember Tolbert asked why just wine? Why are we distinguishing that? Prince responded she has a business owner who would like to own a wine only store. When we talked about ways to do this in a way that would impact the smallest number of retailers, Niziolek felt the best way is to have a smaller distance requirement. Downtown is 300 feet. The off-sale liquor stores felt threatened about this. This off-sale liquor is the only area where there is a distance requirement. It would have a narrow impact.

Noecker asked are we having a public hearing in any form? She is going to vote in support. She appreciates the work that they have done. We should do whatever we can to help a small business owner open their doors. It's our job to get out of the way and allow that to happen. Our economy depends on healthy competition. I'm going to vote in support of this.

Prince said her Legislative Aide Stephanie Harr is an expert on this subject. She attended meetings. We got support of the City's Business Review Council. They saw this as creating a business opportunity.

Brendmoen said we had a public hearing online and over the phone.

Prince moved to close the public hearing.

7 in favor, none opposed

Public hearing is closed and ordinance is laid over to December 9 for final adoption

Public hearing closed; laid over to October 9 for final adoption

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

Nay: 0

30 [AHPC 20-3](#)

Public hearing to consider the appeal of Jim LaValle, TjL Development LLC, to the Heritage Preservation Commission decision of 156 Dale Street in the Historic Hill Heritage Preservation District. (Public hearing held December 2, 2020) (To be withdrawn)

Allison Eggers, PED, gave a staff report. Showed her screen. This was an application for the October 19 HPC (Historic Preservation Commission) meeting. The application was for the demolition of a historic structure. The applicant wanted to demolish the building as part of a 2-part application. The first part is the demolition and the second part would be a new construction for a 4-story residential building. That application would come forward if the demolition was approved. The new construction was not reviewed at HPC. This application was previously heard at the March 9 HPC meeting where the HPC voted 7 to 0 to deny the demolition. Originally, the applicant had a tenant in line to lease, but the tenant pulled out due to COVID. The applicant reapplied for the demolition because they perceived preserving the garage is unfeasible, and the HPC voted 6 to 2 to deny the demolition at the October 19 meeting. If the City Council chooses to approve the appeal and allow the demolition, staff recommends that the conditions outline on Page 3 of the HPC staff report be

included in the resolution as they are standard.

Council President Brendmoen asked if we move forward with demolition, the HPC requests, can you go over those quickly? Eggers responded there are standard conditions for HPC approved demolitions. A demolition permit would not be issued until the new construction proposal is also approved by all city agencies. This ensures that the loss of a historic structure is because of a new proposal and we won't have an empty lot. Second condition is documentation of the existing structure. This is something that is standard practices by the state on how to photograph structures prepared for demolition. Any historic materials should be removed. Number 4 is to notify HPC staff on archeological discoveries, and the last 2 are general conditions for compliance with city regulations and all approvals are made before starting construction.

Councilmember Thao asked how many housing units were proposed for this site if this appeal goes through. Eggers responded she was not sure on unit numbers. They didn't get into that detail when talking about demolition. They are proposing a 4-story residential complex. She has an outline of what they are proposing. It would have a Selby Avenue front and a Dale Street front. It would wrap around the historic commercial building that anchors the corner there. (she showed pictures) They are still in brainstorming phase in this.

Thao said we continue to have issues with housing in Saint Paul. Let's say, the Cathedral is a 5, what level of historic significance is this one? Eggers responded they review them as contributing or not contributing to the historic significance of the district. This is contributing to the district. The reason for the categorization of significance is because of its date of construction. Period of significance is 1858 to 1930. Since this was built in 1915 and the front was changed in 1926, both dates are in the period and considered contributing.

Noecker asked is the structure itself designated at the state or national level. Eggers responded it is designated at the local level. It's not a landmark on its own. It is part of the context of the historic hill district. It is part of the district rather than being an individual listed site. Furthermore, sites can have multiple levels of significance and multiple levels of designation.

Prince said Lavelle Companies has not come forward with a plan yet. They want to remove the building and then come up with their plan. Did they ever consider the option of incorporating it into a plan? As a building, it is a blank slate. It might be easily woven into a larger development. Was that given any consideration? Eggers responded part of their original proposal was to incorporate the building as part of the overall plan for the new development. They had a tenant lined up to lease the space to open a hair salon, but given COVID-19 and the challenges of opening up a new business, the tenant withdrew from the lease. After looking through their finances, the application felt it was not feasible to maintain the structure with their current plan. They have outlined their new construction proposal. They don't want to get too far into that plan.

Councilmember Prince says the development wraps around the building on the corner. Eggers responded part of their proposal plan for the new construction is to make it a 4-story complex. Originally, they proposed 5 stories, and they got feedback that may be too tall.

Councilmember Thao said he is going to ask for a layover to January 27 to allow the

district council time to engage the developer. He will close the public hearing.

Brendmoen said she is excited about the 4-story residential property in that vibrant area that the City has invested a lot of resources in. It is a walkable neighborhood. There is a new Dale Street bridge nearby. I think Thao had a good question about on a scale of 1 to 5. For the health of the neighborhood, it looks fantastic.

Councilmember Jalali said she respects the desire for more engagement. She has concerns about the general situation. This situation is illuminating how the historic district has layers and layers of process. More housing at this site would be better use of the site. This was taken up in March, decision in October, and continues the conversation into next year. That incurs a cost to affordability of a future project, and she would vote against the layover. She is ready to support the appeal today.

6 in favor, one opposed (Jalali)

Public hearing is closed and item is laid over to January 27

Public hearing closed; laid over to January 27

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

Nay: 1 - Councilmember Jalali

LEGISLATIVE HEARING ITEMS

Items 31, 32, 34, 36, 37, 38:

Councilmember Thao moved to adopt these items.

7 in favor, none opposed

Public hearings are closed; resolutions are adopted

The Legislative Hearing Officer recommended adoption of the following resolutions, as no objections to these recommendations were received:

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

Nay: 0

- 31** [RLH SAO 20-27](#) Making finding on the appealed nuisance abatement ordered for 1552 ARLINGTON AVENUE EAST in Council File RLH SAO 20-8.
Adopted
- 32** [RLH SAO 20-45](#) Appeal of Pang Her Vang to a Summary Abatement Order at 406 EDMUND AVENUE.
Adopted
- 34** [RLH VBR 20-68](#) Appeal of Andrew McNatton, Emsa Properties, to a Vacant Building Registration Fee Warning Letter at 1323 PAYNE AVENUE.

Adopted

- 36 [RLH OA 20-8](#) Appeal of Brian Bellendorf to a Denial of a Request for Fence Variance at 1214 SAINT ALBANS STREET NORTH.

Adopted

- 37 [RLH TA 20-668](#) Amending the previously ratified assessment to delete the assessment for Collection of Delinquent Garbage Bills for services during October to December 2019 at 1888 SAINT CLAIR AVENUE. (File No. CG2001A4, Assessment No. 200103)

Adopted

- 38 [RLH FCO 20-122](#) Appeal of Dennis Gudim, Statera Fitness, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1025 SELBY AVENUE.

Adopted

Councilmember Thao moved approval.

7 in favor, none opposed

Public hearings are closed and resolutions are adopted as amended

For the following item, no objection to the Legislative Hearing Officer's amended recommendation was received and, therefore, she recommended amendment and adoption.

- 40 [RLH RR 20-24](#) Ordering the rehabilitation or razing and removal of the structures at 657 SHERBURNE AVENUE within fifteen (15) days after the July 8, 2020 City Council public hearing.

Adopted as amended (Grant 180 days)

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

Nay: 0

For the following item, the Legislative Hearing Officer recommended amending and continuing the public hearing to December 9, 2020.

- 41 [RLH RR 20-32](#) Ordering the rehabilitation or razing and removal of the structures at 901 YORK AVENUE within fifteen (15) days after the October 7, 2020, City Council Public Hearing. (Amend to Remove within 15 days and public hearing continued to December 9, 2020)

Councilmember Yang moved to amend and continue public hearing to December 9.

7 in favor, none opposed

Resolution is adopted and public hearing is continued to December 9

Amended and public hearing continued to December 9, 2020.

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

Nay: 0

Item 33

Councilmember Thao moved to defer to Legislative Hearing on December 8

7 in favor, none opposed

Item is referred to December 8 Legislative Hearing

For the following item,, the Legislative Hearing Officer recommended referring to the Legislative Hearing of December 8, 2020.

33 [RLH RR 20-44](#)

Ordering the rehabilitation or razing and removal of the structures at 854 EDMUND AVENUE within fifteen (15) days after the December 2, 2020, City Council Public Hearing. (To be referred back to Legislative Hearing on December 8, 2020)

Refer to Legislative Hearing December 8, 2020.

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

Nay: 0

For the following item, the Legislative Hearing Officer's recommendation was contested and additional testimony from the appellant is in the record:

35 [RLH RR 19-30](#)

Ordering the rehabilitation or razing and removal of the structures at 1904 PRINCETON AVENUE within fifteen (15) days after the December 18, 2019 City Council public hearing. (Amend to remove within 15 days)

Marcia Moermond, Legislative Hearing Officer, said 1904 Princeton is a remove or repair case. She had this scheduled in hearing 9 times since November 2019. It has been in the vacant building program since 2007. It was condemned in extremely hoarded conditions. The property continues to be hoarded. This is a hazard if there is an emergency. Hoarded conditions block egress. There are 2 basic conditions: 1) \$5,000 performance deposit, 2) code compliance report be conducted. There is still no report, which cannot be done when inspectors have no access to floors, ceilings, walls. Deadlines and extensions have been broken. Exhaustive conditions of hoarding. Resources have been offered. As the record indicates, this has been in hearings longer than other cases. This is the one-year anniversary. She has no code

compliance report. She recommends the City Council order the property to be removed. Anderson is on the line and submitted written testimony. When the Council is ready to receive, he can unmute himself and testify.

Council President Brendmoen asked when it was started. Moermond said it went into the program in 2007.

Brendmoen said please introduce yourself. The order is for raising and removal 15 days from the time we pass this.

Steve Anderson, attorney in Saint Paul, took on this case in March. This has an extensive history. There appeared to be serious issues with hoarding. That is why he took the case. If you look at the list, it does look like a 13-year problem. There was not a whole lot of pressure for them to comply.

Anderson said they are making good progress even though it's been 13 years. This is a family with serious hoarding conditions, and they are not up to letting people go through it for an inspection. Come March, they had a hoarder specialist on site and then he came on board. They are at high risk of COVID. It has impacted their ability. He agrees it has been a long time. The Council should not vote to raise the house today in the middle of a pandemic. He doesn't see the need to do it right now. Give some extra time to get experts back in there.

Brendmoen asked how much time. Anderson responded 6 weeks after the emergency. Somewhere around the spring there will be a decrease in catching COVID.

Councilmember Thao asked how many properties does his client have in Saint Paul. Anderson said this is the only one.

Thao said there were many properties that were damaged during COVID, and people were able to repair their business. You're saying your client was not able to do that in 13 years? Anderson responded that he is a COVID survivor. People are rebuilding but they are catching COVID. You don't want to catch it with diabetes. They have a fear of interacting with anybody at all.

Moermond said one of the options which would avert COVID risk is to empty the house and move items into remote storage. If items have been sitting untouched, they are not contagious. That was an offer that was rejected by the owners. It has not to do with the COVID, but the need to touch and be part of each items' decision making.

Anderson said there is a slice of truth in every piece of this issue. They do have Pods and they are filling them. The items are much more stacked and gone through than go to the outdoors and into garbage or Pods. It is slow but faster today than earlier. It sat there for a long time. What's another 2 to 3 months?

Councilmember Tolbert moved to close the public hearing.

Brendmoen said we have taken comments in Legistar.

7 in favor, none opposed
Public hearing is closed

Tolbert asked for the recommendation to be restated. Moermond responded this is a

15-day order to remove or repair the property. When it comes to a point where she does not see an option for repair, she recommends the Council remove only. She is ordering it to be removed without an option to repair.

Tolbert said this is hard to do, but despite what the attorney says "what's a few more months?", all it takes is a fire. This is dangerous to every member in our Fire Department. This has been a unique year. He is hitting his 9th year, and this started with his predecessor. That's how old it goes back. The Hearing Officer does not see a resolution besides removing this property. This is a public safety hazard right now. He moves the recommendation of the Legislative Hearing Officer.

Brendmoen concurred with Tolbert. Moermond works hard to connect people with resources. When we are staring 13 years down, it is unfair to neighbors.

7 in favor, none opposed

Resolution is adopted as amended

Adopted as amended (Remove within 15 days)

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

Nay: 0

For the following item, the Legislative Hearing Officer's recommendation was contested and additional testimony from the appellant is in the record:

39 [RLH VO 20-53](#)

Appeal of Jonathan Lopez, Herrod LLC, to a Notice of Condemnation-Unfit for Human Habitation-Order for Immediate Vacate at 2272 SEVENTH STREET WEST.

Marcia Moermond, Legislative Hearing Officer, said this is an appeal of an order to vacate based on a condemnation of the property. The owner described as having been taken advantage of by the tenants in recent months and the conditions deteriorating. He described having difficulty accessing the property and only being able to when there was police action at the property. DSI (Department of Safety and Inspections) came in, inspected, and condemned. When the property is in the condition it is in—building, plumbing, electrical issues, infestation, carbon monoxide detector problems, and illegally used as a boarding house—we have both the condemnation and major code violations. So, 2 of the 3 criteria for meeting the definition of a Category 2 registered vacant building have been met. This requires a code compliance inspection sign off. The owner indicates this is COVID, these are hard times, the rent is not coming in, and this is an onerous requirement at this time. Ms. Moermond has recommended in the past that when the Council could allow it to be reoccupied without a full code compliance inspection. For example, a utility shut off. Another would be if it is simply unsanitary and needs to be cleaned, which may not mean you need electrical, plumbing, etc. The inspection report in this case shows a breadth of violations which would be a red flag for her and would benefit from a code compliance inspection. She is recommending the Council waive the vacant building registration fee for 3 months. That money could be better spent by the owner doing the repairs on the structure rather than paying the fee. If he could move more quickly

to get these things done, it would be to his benefit. His statement is in the record.

Councilmember Tolbert moved to close the public hearing.

7 in favor, none opposed

Public hearing is closed

Tolbert read the owner's letter and reviewed the file, and what Ms. Moermond said today. Reviewing all of that, he moved to approve the recommendation of the Legislative Hearing Officer.

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

SUSPENSION ITEMS

Councilmembers suspended the rules on the following two items.

7 in favor, none opposed

Rules are suspended

Rules suspended on the following two items

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

Nay: 0

[RES 20-1489](#)

Authorizing the City to enter into Agreement No.1044951 with the Minnesota Department of Transportation for federal funding to lease electric vehicles for the Twin City Electric Vehicle Mobility Network Project.

Councilmember Jalali moved to approve.

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

[RES 20-1680](#)

Honoring and commemorating the life and contributions of Winston Xouda Thao aka Blia Yang Thao.

Councilmember Thao gave remarks about Blia Yang Thao, how he will be greatly missed, he was an educator, community leader, taught culture, mediator on family disputes.

Councilmember Yang thanked Councilmember Thao and spoke about Blia Yang

Thao.

Thao and Yang 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

Council President Brendmoen said Truth and Taxation is at 6:00 p.m.

There was a quick summary from Holly Huston, Chief Budget Officer.

The meeting was adjourned at 5:20 p.m.

In-person meetings, or meetings conducted under Minn. Stat. § 13D.02 of the City Council, are not practical or prudent because of the COVID-19 health pandemic emergency declared under Minn. Stat. Chapter 12 by the Minnesota Governor Tim Walz and Saint Paul Mayor Melvin Carter. In light of the COVID-19 health pandemic, members of the City Council will participate in City Council meetings by telephone or other electronic means.

Public attendance at the City Council's regular meeting location is not feasible due to the COVID-19 health pandemic. Members of the public may view City Council meetings online at stpaul.legistar.com/Calendar.aspx or on local cable Channel 18.

The public may comment on public hearing items in writing or via voicemail. Any comments and materials submitted by 12:00 pm of the day before the meeting will be attached to the public record and available for review by the City Council. Comments may be submitted as follows:

Written public comment on public hearing items can be submitted to Contact-Council@ci.stpaul.mn.us, CouncilHearing@ci.stpaul.mn.us, or by voicemail at 651-266-6805.

While the Council will make best efforts to decide all issues before them, the Council may delay decisions on certain matters where the members believe meeting in-person is necessary. All City Council public hearings will be held at 3:30 p.m. and there will be no separate 5:30 p.m. public hearings. More information is available at www.stpaul.gov/departments/city-council

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Web

Meetings are available on the Council's website. Email notification and web feeds (RSS) of newly released minutes, agendas, and meetings are available by subscription. Visit www.stpaul.gov/council for meeting videos and updated copies of the agendas, minutes, and supporting documents.

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