



City of Saint Paul

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

Meeting Minutes - Action Only

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, November 3, 2021

3:30 PM

Council Chambers - 3rd Floor

Please see below for meeting guidelines due to the COVID-19 pandemic emergency

ROLL CALL

Meeting 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 [AO 21-54](#) Amending the 2021 spending budget in the Department of Public Works General Fund Traffic Signals accounting unit.

Received and Filed

- 2 [AO 21-57](#) Amending CDBG projects budget: funding for 605-617 (Stryker Senior Housing).

Received and Filed

CONSENT AGENDA

Council President Brendmoen said Item 11 would be taken for consideration.
Councilmember Noecker moved balance of Consent.

Adopted as amended

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

Nay: 0

- 3 [RES 21-1546](#) Authorizing the Department of Parks and Recreation to accept \$2,910,000 in

funding through the Legacy Amendment Arts & Cultural Heritage for programmatic development at Como Park Zoo and Conservatory and to enter into a grant agreement with the State of Minnesota that includes indemnification language.

Adopted

- 4 [RES 21-1565](#) Amending Civil Service Rule 14 providing promotional rights to Emergency Medical Technicians into the fire fighting group and Community Engagement Cadets into the police group.

Laid over to November 10 for final adoption

- 5 [RES 21-1568](#) Authorizing the Sewer Utility to enter into a Project Funding Agreement with the Capitol Region Watershed District (CRWD), for the creation of Trout Brook Storm Sewer Hydraulic, Hydrologic, and Water Quality Detailed Modeling and Reporting.

Adopted

- 6 [RES 21-1569](#) Authorizing the City to enter into the attached Lease Agreement with Tajana's 11th House, LLC for mooring space on the Harriet Island Public Dock for the Covington Inn Bed and Breakfast.

Adopted

- 7 [RES 21-1573](#) Approving the Labor Agreement between the Independent School District 625 and AFSCME District Council 5, Local Union 844, representing Clerical and Technical employees (July 1, 2020 - June 30, 2022).

Laid over to November 10 for final adoption

- 8 [RES 21-1574](#) Approving the use of grant funds through the Neighborhood STAR Year-Round Program to African Economic Development Solutions (AEDS).

Adopted

- 9 [RES 21-1588](#) Authorizing an agreement between the City and property owner at Saint Paul River Centre for the Police Department's use of commercial space for police operations.

Adopted

- 10 [RES 21-1590](#) Approving the use of grant funds through the Neighborhood STAR Year-Round Program for the Friends of Wacouta Park Tot Lot Project.

Adopted

- 12 [RES 21-1502](#) Approving the Collective Bargaining Agreement (January 1, 2021 - December 31, 2022) between the City and AFSCME District Council 5, Legal - Local 3757.

Adopted

- 13 [RES 21-1528](#) Approving the Collective Bargaining Agreements between the Independent School District 625 and Tri-Council: Local 49, Local 120 and Local 363 (July 1, 2020 - September 10, 2021) and Laborers Local 563 (September 11, 2021 - April 30, 2024).

Adopted**FOR DISCUSSION**

- 11 [RES 21-1600](#) Honoring Saint Paul Veterans on Veterans Day, November 11, 2021.

Councilmember Prince said November 11 is Veterans Day. It is an opportunity to recognize people who served our Country. She thinks about her own dad who served in the Pacific in the infantry in WWII. We are able to see our Hmong veterans and how unselfish their service was and how it changed their lives and lives of their families. It is special today to honor these veterans. We have a veterans employee resource network. (She read the resolution.) She thanked Brian Balfanz who helped them put the resolution together.

Toni Newborn, Human Resources Director, spoke about employees who are veterans. She thanked Brian Balfanz.

Brendmoen said she was thinking about her own grandfather because he wanted to talk about his time in the service. She wishes she had the opportunity to work with veterans. It may have been trauma. It is nice for veterans to have community around them.

Adopted

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

Nay: 0

SUSPENSION ITEM**Rules suspended**

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

Nay: 0

[SR 21-186](#)

Update on the rent stabilization ordinance.

*Councilmember Tolbert moved suspension of the rules.
7 in favor, none opposed
Rules suspended*

Council President Brendmoen said the councilmembers got an e-mail this morning with information they asked for last week and a web page was published and a lot of questions.

Nicolle Goodman said last night the voters passed a ballot initiative resulted in a rent stabilization ordinance in Saint Paul. It has been less than 24 hours. By Charter, when a ballot measure passes, the ordinance is effective immediately, but the language in this ordinance includes a May 2022 effective date. They do not have a infrastructure in place to enforce this which may have been contemplated in the May 2022 effective date. Further updates, they do need equity in housing, they need more of a housing supply. The ordinance as written may have put some goals at odds. Many development projects today are on hold. They already released an rfp toward anti displacement and housing affordability. Rent stabilization ordinance do not apply to new construction. For the study, they received 2 excellent proposals. They need to build a conversation about equity and growth. She does not have much more to provide today. That is all she has.

Brendmoen said they have been asking for this for some time. This should not be coming as any surprise. They wanted to be sure to make sure voters had information. A vote took place and they need to have the tools to carry this out. There is frustration that an e-mail was received answering questions they asked for months.

Councilmember Thao said he is not clear that it's effective immediately and effective in May. Does that gap open them up to legal exposure. Also, who is funding this? Where is this money coming from? Goodman responded she had similar questions this morning. The website was a working web page that should not have been published. It is still there but not with as much information. The ballot measure is the ordinance that is effective immediately, and the ordinance has an effective date in it.

Thao said if he is a landlord and he is in the middle of negotiating my lease, can he increase it 5%? What is his legal obligation? Is there exposure to the City? Goodman responded she does not have an answer to that question.

Brendmoen said there is a ballot initiative in play that the Mayor supported, but we do not have that contingency built into that levy. We did not anticipate this cost when we set our levy limit. Are we amending the budget? Goodman responded that is an excellent question. The work that has been done has been looking at other cities, administrative burden, etc. Given the timing, it is likely that an amendment has to come after the budget has adopted.

Brendmoen said this was not a surprise. That we have done none of this work is a shock to her.

Councilmember Noecker said there are a lot of questions this morning regardless of which side you are on. The website has been taken down. What was up with that? Where do people go when they have questions? What department has been identified? When will we know when we will know. Goodman responded said it is regrettable that the web page went up with information that was not clear. They will ensure that there will be contact information. PED (Planning and Economic Development) will respond in some way to questions. She has not had a chance to talk to Director McCarthy today. She has not been deeply involved in the work yet. They may have to get back to the Council on the timeline. She appreciates that more information is needed.

Councilmember Prince said she is sorry Goodman is taking the brunt of this. Karcher-Ramos, the Deputy Mayor, and City Attonrey are more appropriate places for these questions to be addressed. The information that went up from Ramos had definitive answers. The effective date was clearly stated. It is really troubling that they have had this ordinance available and the Administrative should have been thinking about it. Does anyone know how many landlords we have in Saint Paul? She thinks we have 70,000 rental units. All the landlords who think 3% does not give them a reasonable return on their investments will be able to appeal to the City on what a reasonable return on their investments look like. It was told to her by lawyers that they followed the wisdom of the Center of Urban and Regional Affairs. The City of Oakland has a staff of 26 people and they charge \$101 a year as a administrative fee for every rental unit in the City. 50% of that can be charged back to the tenant. This is going to cost a lot of money. She has been hearing from people—including a project that was going to close next Friday—that everything is up in the air for that. It was a local developer and lender. The unknowns are tremendous and the impact on the tenants. She heard form a landlord today that he would like to know where his tenants are and if this is a time to do an increase. He said he has no choice than to increase the rent by 3% each year.

Brendmoen said the conversation should be kept to what is the city doing. This has passed. The Council has been asking for several weeks now for the amendment language. This language was in front of us for months. There is a real disconnect here. One of the things the Council is united around is trying to find ways to reduce the levy.

Yang asked who the point person moving forward. It has changed. Also, she is interested in finding out what kind of collaboration will happen with councilmembers. She has had conversations with tenants that have been displaced. Their rent has been increased by \$400. Goodman responded there are many departments working on it. It will ultimately will be administered through OFE (Office of Financial Empowerment). PED has already begun a process of a study. The study needs to inform an ordinance. They have moved forward. They have 2 great proposals. OFS (Office of Financial Services) has been working on the budget piece OFE has done research and has working groups. Now that the ballot initiative has passed, she will be more involved. She apologized for the confusion. It is regrettable that communications went out that weren't clear.

Brendmoen asked is she the point person. Goodman responded she didn't think so but she is here to provide an update.

Goodman said it was discussed at Budget and they invited Karcher Ramos, the Deputy Mayor, OFS, and they sent Ms. Goodman.

Councilmember Tolbert said they all understand that something that passed less than 24 hours ago, it will take some time to plan on that. The website was e-mailed out with some answers. About a month ago, HRA Housing Unit asked where they would use the resources to staff it, do the rule making. At that time, they were told it was a working group. This has been passed by the voters. At this point, they have to implement something. The implementation group has been meeting for a month. This Council is in the dark about what they were meeting on. It sounds like Goodman has not been involved in that group. Can the Council get answers about who the lead is? They need to put it in their budget.

Goodman says she does not have answers. She did not know there were questions

unanswered from OFE.

Tolbert asked can she make them available. Goodman responded she can try to reach someone.

Brendmoen said there is an invitation link to Karcher-Ramos, deputy mayor, and Mr. McCarthy. Anyone who is paying attention and can join us, the Council would appreciate it.

Councilmember Jalali thanked Goodman for appearing. There are a lot of topics being brought up. It is important, when she looked at the page that went up today, it simply says this is the ordinance that has passed and here are some answers to questions. The legal analysis is that the effective date is immediately. They should take a break and embrace uncertainty. It is possible the website did not do a job to explain things, but it is being worked out. They owe the voters the best clarification right now. This is a public meeting. This election is fresh. It is important to acknowledge we are in new territory. She is committed to figuring this out together. They are on the other side of a process now. No action policy wise can occur before a year. They can talk about some of the imminent questions. That is the time we have. It is part of the statements that are being said.

Brendmoen said it is a blessing and curse of the process, said there is an ordinance that has been sitting on the table for months. It is frustrating.

Tolbert said they have not even been given how much it will cost? \$5,000 or \$10 Million. There is no guess or timeline. A nicely done website appeared this morning. That work is being done. No one on the Council has been involved or given insight on when the timeline will happen. They need to plan for a budget. From this, they still don't know when they will have answers.

Thao said he is hearing this ordinance will bring us a lot of hope to help those struggling with rent. People look to us for leadership. This is a changed ordinance for the City. They are asking for accountability, clarification. These are things they do every day. If the Council is confused, then the constituents are super confused. They can do better. They don't want the press saying they don't know what they are doing.

Brendmoen said the Mayor said they could modify it and make changes. Does anyone know what those changes are. Goodman responded not specifically. The study they have is that the professionals will be studying the City's market, the concept of rent stabilization.

Brendmoen said the Mayor had made comments that he was supportive. They can put it on next week's agenda. They can't make adjustments, is what they were told.

Prince said she is wondering if there are any new information from the City Attorney on the analysis that we would not be able to amend it.

Rachel Tierney said she does not have any new information. The Charter prohibits repeal within one year.

Prince asked if a repeal needed to be on the ballot. Tierney responded the Council has the authority to repeal.

Received and Filed

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at three 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 second reading.

Final Adoption

- 14** [Ord 21-29](#) Amending Chapter 324 of the Legislative Code in order to create separate licenses for Tobacco Products Shops and Tobacco Shops, to restrict pricing discounts or coupons, and to create a distance requirement between establishments licensed to sell tobacco.
- Councilmembers Noecker, Yang, Prince, and Brendmoen made comments.
7 in favor, none opposed
Ordinance adopted*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 15** [Ord 21-33](#) Amending Chapters 65 and 66 of the Legislative Code pertaining to homeless services facilities. (Public hearing closed October 6, 2021.)
- Council President Brendmoen said this is before the council for final reading. There are a couple of amendments. If we passed amendments, it will have to be laid over.*
- Councilmember Jalali said she thought that Prince and Noecker had amendments in Legistar.*
- Councilmember Noecker thanked staff for their hard work on this. She is supportive of the zoning change, which allows for this to be in the City. This ordinance allows them to be in Saint Paul. With Freedom House and Listening House, they need these services for people to move to permanent housing. She received comments from the West 7th Federal Road Federation. If they are over a certain size, she has suggestion: 1) require a litter and trash plan, 2) the operator would work in coordination with law enforcement, neighbors, and stakeholders, 3) provide an operator point of contact rather than calling the police.*
- Brendmoen said she appreciates her bringing these forward. When she heard the requirements added to this use, it should be uniform. Organizations should have a litter plan, point of contact.*
- Jalali said she feels good supporting this language today. She appreciates Brendmoen's point that we should be careful not to single out day shelters and institutions like this. The language is improved as well. It supports those facilities. She moved approval.
7 in favor, none opposed
Amendment is approved*

Councilmember Prince has a second amendment. Hers is to specify the use of these day shelters or weather emergencies. The 10 beds will be used for overnight use in those cases. The underlying ordinance allows for 10 beds. This is an opportunity to have these day shelters open during a declared advisory. The facilities must be staffed for overnight purposes. Molly said she could support this. She would like to offer that amendment.

Brendmoen summarized: limiting the bed use for overnight purposes when there is an emergency.

Jalali said it is her understanding that the base ordinance says the facility can provide up to 10 beds. This would extend it to overnight. She would like to understand where the 10 would come from. Is there someone that can speak to where the Number 10 comes from? That way, we will know what we are passing. Bill Dermody, Planning and Economic Development, said Number 10 comes from the desire to have a limit. Number 10 works for Freedom House. They only have about 7 beds. Ten was a reasonable limit.

Jalali said it is helpful. Are there other relevant code that governs? What other codes have to be met if we need emergency beds for people? Dermody responded he does not have full answer. An Emergency can be declared by the Mayor.

Jalali said he does not know if there is a relevant code that governs capacity limit question in emergency situations. Dermody responded he does not know the emergency powers well enough.

Brendmoen said during COVID they were able to put beds in rec centers. In a declared state of emergency, there are some things that can do. Travis Bistodeau responded the building official and fire marshall can flex some of those rules in an emergency situation. There is some wiggle room.

Jalali said she cares about getting this right. If the amendment says that you can only have up to 10 beds, does that override your flexibility. Bistodeau responded he is not sure which authority ranks higher. They could get back to her. Jalali responded without that information, she cannot support it.

Brendmoen said she speaks in support of the amendment. If we start with 10, we can expand it with 3 readings. She appreciates the clarification. She would be open to expanding that number.

Prince said that with the recent emergency orders, the Mayor was able to suspend the zoning code in certain areas.

Luis Sanchez-Panadero, PED, said there have been multiple executive orders to relax zoning. There is something related to COVID testing, zoning petitions, and there is sufficient authority to declare emergencies that there could be some flexibility in the number of beds.

Noecker said it doesn't really matter. In an extreme weather event, we can supersede anything in the zoning code. She will support this today. She would like to ask the City Attorney and others to come back if what they are hearing is not the case. It would be better to utilize the day space if available.

Yang said she would like the limit of 10 beds to be removed. It is important to be

proactive. That is exactly why she would like to see the limit removed. The facilities know best what their capacity is. They should be able to determine the limit of beds. Brendmoen responded she thought the ten was from the Planning Commission.

Yang asked how would they make changes to that. Brendmoen responded this has been before us for 2 months. Now they are talking about the changing from the Planning Commission from the limit of beds. Prince's amendment is just about the overnight use. The ten has been before us for a while. This is not a friendly amendment to Prince's amendment.

Yang said that is fine. She is fine moving forward with that still.

Brendmoen said there are some procedural snafus here.

Jalali said her idea was to offer additional language. They are hearing from staff that there is flexibility.

Brendmoen said there is a motion from Ms. Prince for the amendment. If you want to amend her motion, we don't follow strict Robert's Rules, but we have to make sure there is some structure to our decision making process.

Noecker said she is not going to simplify the conversational tree. She would like to hear from Tierney. She wanted to ask is she talking about removing the 10 bed limit or from Prince's amendment. Prince's amendment is that you can use it overnight in an emergency but only with 10 days. Yang responded it would be striking out the part where it says "up to 10 beds for overnight use." That number can be determined by the staff who are running the facility. The language that Jalali brought forth, she would support that.

Brendmoen said this should be handled before our meeting. We should know what we are passing and why.

Rachel Tierney, City Attorney's Office, said their ability to allow spaces to be used and waive the zoning code is contingent on the Mayor declaring an emergency. Last winter, we did not declare a cold weather emergency because we were relying on the pandemic itself as our emergency and then we adopted executive orders to waive the zoning code. She does not remember the Mayor declaring an emergency based on cold weather. Not that he couldn't, but it is not something commonplace for us. We don't always have that lens of time. It would be an automatic ability to do it because the weather reaches a certain level.

Brendmoen said Prince has a motion.

Shari Moore asked if Jalali's motion was friendly.

Brendmoen said the intention is to move it forward. We shouldn't get too deep into the weeds. We also can amend ordinances.

Tolbert said he is confused. We could tie it to a temperature, Governor, school closing. It might make sense to hammer it out. It could be laid over for a week since we need to anyway. We can hammer out the amendment and get it right. One or 2 weeks does not make a difference on this matter.

Brendmoen said these are small things that can be prepared before the meeting.

Jalali said she would like to take Moore's suggestion and add language. Prince responded she would like to lay it over. This is a day shelter ordinance. We are allowing this to be used as an overnight facility. One of the main ideas is that people would not be trying to get to a place and finding out it is already full.

Brendmoen said she is not taking it as a friendly amendment. Prince responded she would like to talk to staff about how it reflects to the day shelter portion of this. These are not set up as overnight shelters. They are set up for day shelters. We should be clear about what we are offering here. Strict clarification is very helpful. That is why she voted for Noecker's amendment because they were all provisions we tried to build into the Listening House final agreement that did not go well. She is pleased we were able to work those provisions into the ordinance. Clarification is what we need here.

Brendmoen said Prince is moving a one week layover so we don't have to do this editing during the meeting.

Jalali said she is willing to take time. She does not like laying it over. She is concerned that it goes to clear in the other direction. If this amendment is voting on today, she would vote no.

Brendmoen said the motion is for a one week layover. That takes precedence over other amendments.

Noecker said it got complicated, but it straightforward. What Prince introduced is to allow day spaces to serve people overnight in an emergency. There is a 10 bed limit. The question is in an emergency, do we limit ourselves to 10 beds or not. She is happy to vote on this today.

Prince asked for her to restate her motion. Jalali said if Prince's amendment passed, hers would say "a facility may provide beds for overnight use within relative capacity limits during a declared advisory." It is only for an overnight scenario.

Prince said she will withdraw her motion and accept it as a friendly amendment. She has been working on this for the last 2 weeks. To suggest that this has been vetted, she thought she had Jalali's support 2 hours ago. Anyway, she will accept as a friendly amendment. She moved her modified amendment.

Amended and laid over to November 10 for final adoption

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

Nay: 0

16 [Ord 21-38](#)

Amending Section 94.13 of the Legislative Code to ensure consistency with the 2015 MN Plumbing and Building Codes.

*Councilmember Tolbert moved approval.
7 in favor, none opposed
Ordinance adopted*

Adopted

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

Nay: 0

First Reading

- 17 [Ord 21-42](#) Amending Section 220.05 of the Legislative Code to set rates for base level garbage service to be effective January 1, 2022.
- Susan Young, Public Works, went over the proposed garbage service. Residents directly pay haulers. She is asking the Council to approve the rates paid to the haulers. These include the following services: Walk up service is available for less able-bodied residents, service holds, and bulky item collection 2 or 3 times per year. There are additional fees for the following: extra bags of garbage yard waste subscription, bulky items, walk up service for able bodied, return to collect, extra carts. These fees are not changing. The pretax garbage rate collection costs will not change if the current fuel cost is less than \$3.50 per gallon. There as an increase in active accounts and in tons. The rates being proposed for 2022, she heard clear that folks who are working hard to reduce the amount of garbage they are generating, so they are proposing the small every other week cart is increased by 7 cents per quarter, small weekly cart is 76 cents per quarter, medium cart is increased by \$1.69, and the largest cart will be \$5.58 increased per quarter. They are looking for a total increase Citywide of \$682,778.*
- Councilmember Noecker thanked them for the hard work. There should be an incentive for throwing away less trash, and this does that. The City is asking for community involvement as they prepare for a new contract. Many people expressed concerns and questions about doing this better the next time around. Young responded that is the ad hoc advisory group. She will be seeking a resolution from the Council. 59 people applied to be on there, and 18 are moving forward. This is challenging to handle a large group. She was looking for diversity across the ward, income, property owners, renters, demographic, and age.*
- Prince said she is grateful to the work. She asked for an update on the composting program. Susan responded Ramsey County purchased the facility in Newport. They are making extensive revisions to that property. It will be a large increase. One of the changes is to pull out compostable bag and they will be free to all residents in Ramsey and Washington Counties. Food waste, compostable items, pizza boxes can be put in there. The trucks will be tipped at Newport. These bags will be pulled out for a form of composting. Pulling those bags out will be a large construction project.*
- Prince asked about an increase in a tipping fee because of the construction project. Young responded that will come in 2023 when the bond is being paid back to construct the equipment.*
- Brendmoen said this is laid over one week.*
- Laid over to November 10 for Second hearing Public hearing**
- 18 [Ord 21-45](#) Amending Chapter 64 of the Administrative Code to update deferral language, delete sewer separation references, and update assessment procedures.

Councilmember Noecker said this is the next 5 items. The goal is to ease the financial burden on the lowest income residents who may have difficulty paying them. The assessments can be deferred. Seniors, retired, active military members can now apply to have it deferred. This cost would be about \$60,000 a year. The overall goal is to simplify the properties.

Laid over to November 10 for Second hearing Public hearing

- 19 [Ord 21-46](#) Amending Chapter 60 of the Administrative Code to clarify hardship deferral language.

Laid over to November 10 for Second hearing Public hearing

- 20 [Ord 21-47](#) Amending Chapter 177, Removal of Dangerous Trees, of the Legislative Code by deleting it in its entirety and combining its provisions into Chapter 175 of the Legislative Code.

Laid over to November 10 for Second hearing Public hearing

- 21 [Ord 21-48](#) Amending Chapter 175A of the Legislative Code, Emerald Ash Borer Pest Insect, by deleting it in its entirety and combining its provisions into Chapter 175 of the Legislative Code.

Laid over to November 10 for Second hearing Public hearing

- 22 [Ord 21-49](#) Amending Chapter 62 of the Administrative Code to clarify hardship deferral language and other language clarification.

Laid over to November 10 for Second hearing Public hearing

- 23 [Ord 21-50](#) Amending Chapter 175 of the Legislative Code in order to combine three chapters regarding the abatement of dangerous or diseased trees into one chapter, and to clarify hardship deferral language.

Laid over to November 10 for Second hearing Public hearing

PUBLIC HEARINGS

- 24 [Ord 21-41](#) Amending the commercial development district known as the Schmidt Brewery Commercial Development District to remove liquor license restrictions.

Council President Brendmoen said the public hearing was held virtually.

Councilmember Noecker moved to close the public hearing and lay over to one week.

Public hearing closed and laid over to November 10 for final adoption

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

Nay: 0

- 25 [Ord 21-44](#) Granting a five-year extension of the Energy Park Utility Company Franchise,

held by the Port Authority, from August 1, 2036 to August 1, 2041.

Council President Brendmoen said this public hearing was held virtually. She moved to close the public hearing and lay over for one week.

Public hearing closed and laid over to November 10 for final adoption

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

Nay: 0

- 26** [RES PH 21-282](#) Establishing the Water Charges for 2022. (Laid over from November 3.)

Council President Brendmoen said the public hearing really has been held at Regional Water Services, but Councilmember Yang has moved to close the public hearing and lay over to December 8.

Public hearing closed and laid over to December 8 for final adoption

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

Nay: 0

- 27** [RES PH 21-297](#) Setting the 2022 Sanitary Sewer and Storm Sewer rates. (Laid over from November 3.)

Councilmember Tolbert moved to close the public hearing and lay over to December 8.

Public hearing closed and laid over to December 8 for final adoption

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

Nay: 0

- 28** [RES PH 21-298](#) Authorizing a Business Subsidy for the OMG Studios. (The public hearing was closed on November 3)

Annie Byrne, Planning and Economic Development, addressed the Council. This is a neighborhood STAR award for a \$100,000 loan and \$1,000 grant. No comments were given.

Council President Brendmoen said she has not seen a STAR come through this way. Byrne responded she was told she had to do a public hearing. She is not sure what triggers it.

Councilmember Jalali said she wanted to share some context. OMG studios does a range of youth and community programming. It is a woman of color owned, local, she has worked with a range of community organizations. They are planning to create a youth recording studio. They went through the neighborhood STAR process and it is part of them finding a home in Saint Paul.

Brendmoen says she supports OMG, but this is confusing the way it came in.

Councilmember Noecker said she supports the project, but does not know about this threshold. We have approved projects before that were more than this. She would like to know why this is coming in separately.

Brendmoen asked is it neighborhood STAR. Jalali says that is what it says in Legistar.

Brendmoen says there is not an attachment in Legistar. She wants to make sure it is inputted in the right way.

Jalali said she is open to that as long as there is no other deadline. Byrne responded a week should not cause a big delay.

Brendmoen said we are closing the public hearing and laying the matter over for one week.

Laid over to November 10

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

Nay: 0

- 29** [RES PH 21-304](#) Approving the application of 594 Mkt LLC/TJL Development for a sound level variance for the installation of a soil retention system in preparation for a new Apartment Building Construction Project at 594 Selby Avenue, work to be done from November 11-15, 2021.

Council President Brendmoen said this public hearing was held virtually.

Councilmember Thao moved to close the public hearing and approve.

Adopted

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

Nay: 0

- 30** [RES PH 21-309](#) Authorizing Public Works to request \$893,166 in SCORE grant and Incentive funds from Ramsey County to support the curbside recycling program and setting the 2022 City Recycling Service Fees. (Laid over from November 3.)

Council President Brendmoen said the public hearing was held virtually

Councilmember Prince moved to close the public hearing and lay over to November 8.

Public hearing closed and laid over to December 8

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

Nay: 0

Approval of the Consent Agenda

The Legislative Hearing Officer recommends 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

- 32** [RLH FCO 21-150](#) Appeal of Craig Thiele to a Fire Inspection Correction Notice at 1040 MARGARET STREET.

Adopted

- 34** [RLH VBR 21-68](#) Appeal of Kaye Sisombath and Di Vang to a Vacant Building Registration Fee at 243 WINIFRED STREET EAST.

Marcia Moermond, Legislative Hearing Officer, said this is a follow-up to an order to remove and repair. This is an image of the building taken in 2019. That is when the file was originally opened. She worked with the owner through August of 2020, a full 8 to 9 months, for him to develop a plan and financing. The rehabilitation was not completed in the time granted by the Council. When the follow-up happened 2/23/21, she learned only 20% of the work has been completed. Normally when only 20% has been completed, we are looking at removal or asking for an additional \$5,000 to be deposited or complete forfeiture of it. Her recommendation was they needed a fresh work plan, financing. Additionally, she asked the council to continue the \$5,000 deposit and an additional \$5,000 to be posted. The council granted another 180 days, and the report is that they continue to be at 20% completion of the project. They would normally be looking at removal at this point or delaying the deposit. Her recommendation at this point is the Council get a new plan, see evidence of the ability to continue to finance. She has a new plan from a new inventory and financing to complete the work. The Council also has a \$10,000 bond in place. The lack of performance, she is recommending the Council forfeit \$5,000, the \$10,000 remaining would be returnable to the owner upon completion of the project. The owner is on the line. He would like to ask the Council to show grace and not forfeit part of his performance deposit at this juncture.

Robert Shilling said he would request the security bond be waived. He had some heart problems—2 heart surgeries, cancer, blood thinner problems. Those things are behind him now. The VA is reasonable in their rates, so he was not hurt too badly financially on the surgeries. He will be 81 next month living on social security, which has been jeopardized by COVID. They have not paid the rent, but he has continue with the mortgage. The additional \$5,000 would be a hardship and getting the project finished would be beyond his control.

Councilmember Thao moved to close the public hearing.

7 in favor, none opposed

Public hearing closed

Councilmember Thao thanked Moermond. They have spoken extensively on this

issue. He will go with Moermond's recommendation. This property requires focus, energy, and be intentional. He will give him one more time to take care of this property. This is an isolated area on the North End. All hands are needed to clean up this area.

Brendmoen said there are resources if tenants are not paying rent. It should not be a barrier for people to move forward. She supports the motion of Mr. Thao.

Moermond said the resolution reads the Council will grant the time on condition the performance deposit is posted by Tuesdays. She would ask the Council to do a one-week layover.

Thao moved Moermond's recommendation.

Adopted

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

- 31** [RLH RR 21-59](#) Ordering the rehabilitation or razing and removal of the structures at 830 IGLEHART AVENUE within fifteen (15) days after the September 22, 2021, City Council Public Hearing. (Amend to grant 180 days)

Adopted as amended

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 is contested and additional testimony from the appellant is in the record:

- 33** [RLH RR 21-41](#) Making finding on the appealed substantial abatement ordered for 864 MARION STREET in Council File RLH RR 21-2. (Public hearing closed on November 3)

Public hearing closed and laid over to November 10

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 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. More information is available at 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.

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.

Cable

Meetings are live on St Paul Channel 18 and replayed at various times. Check your local listings.

Meeting adjourned at 5:53 p.m.