



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor
651-266-8560

City Council Minutes - Final

*Council President Amy Brendmoen
Councilmember Mitra Jalali
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert
Councilmember Nelsie Yang*

Wednesday, June 24, 2020

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:32 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 20-32** Letters from the Department of Safety and Inspections declaring 920 Fremont Avenue and 967 Fremont Avenue nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
- Received and filed**

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 2 – 15)

Items 2 and 3 were removed from the Consent Agenda for separate consideration.

Councilmember Tolbert moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

4 RES 20-396 Approving the City's cost of providing Property Clean Up services during January 16 to 31, 2020, and setting date of Legislative Hearing for April 21, 2020 and City Council public hearing for February 17, 2021 to consider and levy the assessments against individual properties. (File No. J2016A, Assessment No. 208524)

Adopted

5 RES 20-881 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during January to March 2020, and setting date of Legislative Hearing for July 23, 2020 and City Council public hearing for September 2, 2020 to consider and levy the assessments against individual properties. (File No. CG2002D1, Assessment No. 200132)

Adopted

6 RES 20-882 Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during January to March 2020, and setting date of Legislative Hearing for July 23, 2020 and City Council public hearing for September 2, 2020 to consider and levy the assessments against individual properties. (File No. CG2002D3, Assessment No. 200134)

Adopted

7 RES 20-810 Approving the Memorandum of Agreement for the 2020 Wage and Fringe Adjustment for the North Central States Regional Council of Carpenters.

Adopted

8 RES 20-856 Approving the Memorandum of Agreement for the January 1 and June 1, 2020 Wage and Fringe Adjustment for the Sprinkler Fitters Local No. 417.

Adopted

9 RES 20-878 Establishing the rate of pay for the new classification of Veterinary Technician in Grade 034 of EG 02, American Federation State County Municipal Employees (AFSCME) Technical.

Adopted

10 RES 20-892 Accepting the gift of \$1,000 from Ujamma Place for the June 19, 2020 Juneteenth Celebration Donation.

Adopted

11 **RES 20-853** Authorizing the Department of Parks and Recreation to enter into a three-year lease agreement with District 10 Como Community Council at the Historic Como Streetcar Station.

Adopted

12 **RES 20-895** Authorizing the Department of Planning and Economic Development to apply to the Metropolitan Council for Livable Communities Demonstration Account Transit-Oriented Development funding for projects at 1619 Dayton Avenue and 1825 University Avenue.

Adopted

13 **RES 20-897** Memorializing the City Council's decision to deny the appeal by Meri and Don Hauge from an administrative decision to approve Luther Seminary's site plan for the expansion of an existing surface parking lot located on the Luther campus proximate to 1465 Branston Street.

Adopted

14 **RES 20-916** Memorializing the City Council's decision to deny the appeal by Keith Hovland from a Planning Commission decision granting the applications of OutFront Media, LLC regarding an advertising sign located at 2516 Wabash Avenue West.

Adopted

15 **RES 20-911** Approving a waiver of the 45-day notice requirement to issue Liquor On Sale - 101-180 seats, Liquor On Sale - 2 AM Closing, Liquor On Sale - Sunday, Liquor- Outdoor Service Area (Patio), and Entertainment (B) licenses with conditions to Bing Enterprises LLC, d/b/a The Gnome (License ID #200001393) at 498 Selby Avenue.

Adopted

FOR DISCUSSION

2 **RES 20-900** Honoring and remembering the life and contributions of Saint Paul Public School Board of Education Chair Marny Xiong.

Council President Brendmoen said the remembrances of Marny Xiong shared by Council members the previous week had been very meaningful. She read the resolution.

Councilmember Thao thanked Council President Brendmoen and Councilmember Yang's office for their leadership in putting together the resolution. He shared a family memory of Ms. Xiong.

Councilmember Yang made brief comments honoring Ms. Xiong and thanking the Council members for their support.

Council President Brendmoen moved approval of the resolution.

Adopted

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

Nay: 0

3 RES 20-901

Approving the polling location changes for the Primary Election of August 11, 2020 and the November 3, 2020 General Election.

Councilmember Prince highlighted the polling place location changes, and opportunities for voting by mail.

David Triplet, Ramsey County Elections, said they were working hard to create a safe experience for those who chose or needed to vote in person. He said there were accessibility accommodations available for voting by mail for voters needing it. In response to questions from Councilmember Tolbert, he reviewed vote-by-mail deadlines and election dates.

Councilmember Prince moved approval of the resolution.

Adopted

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

Nay: 0

SUSPENSION ITEMS

Councilmember Jalali moved suspension of the rules.

Rules suspended

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

Nay: 0

RES 20-935

Celebrating the 51st Anniversary of Stonewall and June 2020 Pride Month.

Toni Newborn, Chief Equity Officer, made brief comments.

Councilmember Noecker moved approval of the resolution.

Adopted

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

Nay: 0

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.

Final Adoption

- 16 **Ord 20-21** Granting the application of V V Property LLC to rezone property at 1619 Dayton Avenue from T2 Traditional Neighborhood to T3 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Councilmember Jalali moved final adoption of the ordinance.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0

Fourth Reading

- 17 **Ord 20-14** Creating Chapter 193 of the Legislative Code (Title XIX) pertaining to Tenant Protections.
- Council President Brendmoen said there were still some amendments to be discussed to get the ordinance into its final form, and if an additional public hearing wasn't required she would call for a special meeting on July 1 to pass the item.*
- Councilmember Jalali said it was her understanding that Councilmember Thao had two amendments. Councilmember Thao said the first amendment was an attachment entitled Thao Affordable Housing definition, changing the definition of affordable housing from a dwelling with five or more units to two units or more units, to allow for building wealth.*
- Council President Brendmoen clarified that this didn't exempt these properties from the ordinance in general but from a specific 90-day notice.*
- Councilmember Prince said this would add 10,000 units to enforcement of the ordinance, and she had heard from Housing Director Kayla Schuchman that she would respond to this when it came up today. Ms. Schuchman said the pool of properties would expand quite a bit. She said they supported wealth creation and giving everyone enough notice that their property might sell, but had questions about how it would work, practically speaking, with smaller properties. The market worked differently for these properties; they sold more often and went back and forth between rental and ownership quite a bit. She said they hadn't had time to fully flesh this out with a two-unit threshold.*
- Councilmember Jalali spoke in support of the amendment, and asked for confirmation that this amendment wouldn't require a public hearing. Deputy City Attorney Rachel Tierney said she didn't think this triggered a new requirement for a public hearing, specifically on the change from five to two unit.*

Councilmember Noecker said she felt it was important that there were compelling reasons for whatever line they were drawing in terms of the unit number threshold. She said she appreciated the amendment and didn't know why they would have any limit on the notice of sale, but she heard Ms. Schuchman's point that this was a very big change. She said she felt it was irresponsible to make that big of a change without more time for staff. She suggested further discussion next week and passage on July 8.

Councilmember Thao said he wanted to call the Council back to the Comp Plan and the City's core values of equity in all areas and for all residents. He said all renters should be given advance notice of sale, especially in affordable housing units. He said he would like the Council to vote for two units and up today; if all units were included that's even better.

Council President Brendmoen said her concern last week was that the threeplex number seemed arbitrary; fourplex had some logic in terms of other City programs and matched Minneapolis. She'd also said the previous week that if they weren't going to switch to something that had logic attached, it seemed that everything should be noticed. She said she was concerned about what they were doing and why. She said they had built in the 18-month evaluation period, and her preference would be to keep it at a fourplex, acknowledging that moving to all properties was their ideal state, but she wanted to do that in a meaningful way.

Councilmember Yang said she had already been disappointed in the amendments last week. She said she supported energy around Councilmember Thao's amendment but ultimately wanted to make sure they weren't restricting it at all. She expressed support for Councilmember Noecker's comments about investing more staff time into doing research.

Councilmember Prince said she was concerned about staff capacity and she supported Councilmember Noecker's suggestion. She noted the constraints imposed by the current budget situation. She stressed the need to focus on the goals of tenant protections and creating more affordable housing.

Council President Brendmoen said this was all part of thoughtfulness in being able to implement what they'd proposed. She said she wanted to hear from Councilmember Thao on allowing time for staff time to look.

Councilmember Thao said there were two pieces - a policy piece and staff piece. He said he didn't think there was a staffing issue - he noted the successful implementation of the Bridge Fund by staff from multiple departments over a short period of time, and said technology could be leveraged. He said from a policy standpoint they had 18 months to figure this out.

Councilmember Jalali said she continued to support a two-unit version. She noted that staff research had been done on three units, which was in the base ordinance, and she said she would support a move to three.

Councilmember Noecker said she was suggesting one week not 18 months. She said it was important to be able say why they chose what we chose. She said there were two aspects to advance notice of sale: telling the City and telling the tenants. It was far better to let the tenants know, and maybe the City didn't need to know unless it was a certain size. She asked to give staff a week to think it through.

Councilmember Yang said she had a process question. She said she supported having staff go back and create a plan in how we would be able to include all of affordable housing. She asked whether that would require a friendly amendment, and if that didn't pass they could go to two units.

Council President Brendmoen said the direction to staff was to come back with analysis, and the motion now was to extend to duplexes without that analysis. Yeas - 3 Nays - 4 (Tolbert, Noecker, Prince, Brendmoen)

Council President Brendmoen said staff had heard the request on what they were looking for in advance of the July 1 discussion. She asked Councilmember Thao if he had a second amendment.

Councilmember Thao said the second amendment regarding exemption; he was re-proposing the original language he proposed regarding exemption for PHA. He read the language. He said staff supported the addition of the language and it provided clear exemptions for all areas of conflict while maintaining the integrity and intent of the requirements pertaining to protections for all renters.

Council members Jalali, Prince, Noecker, and Yang spoke in support of the amendment.

Vote on amendment: Yeas - 7 Nays - 0

Councilmember Prince said there were a couple of issues she'd like the Council to discuss on the record. She said a couple of testifiers raised the issue of the 1031 exchange exemption; she asked Ms. Schuchman to explain why staff didn't include it in the ordinance.

Ms. Schuchman said most NOAH transactions likely had a 1031 buyer or seller, and they were concerned that excluding the 1031 transactions would render the advance notice provisions less impactful. She said they were mindful of the tight time frames for someone selling a property through a 1031 sale, and had mapped some typical scenarios and felt there were options for proactively planning sellers and buyers to engage in 1031 transactions.

Councilmember Noecker said another thing to keep in mind was the amendment asking for an implementation task force including landlords and tenants, which will give landlords and staff time to work through some of those details.

Councilmember Prince said her next question was for Fair Housing Coordinator Kristin Burch, concerning prepayment of rent. Ms. Burch clarified that the ordinance did not restrict prepayment of rent during a tenancy.

Councilmember Jalali moved to close the public hearing and lay the matter over to July 1 immediately following the 2:00 Library Board meeting.

Public hearing held and closed; laid over to a special meeting on July 1 at 2:00 p.m.

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

Nay: 0

Second Reading

- 18 **Ord 20-22** Granting the application of Selby Dale LLC to rezone the property at 156 Dale Street from B2 Community Business to T3 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
Laid over to July 8 for third reading/public hearing

First Reading

- 19 **Ord 20-24** Granting the application of 978 Front LLC to rezone property at 978 Front Avenue from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the Zoning Map.
Laid over to July 8 for second reading

PUBLIC HEARINGS

- 20 **RES PH 20-130** Authorizing Fleet to use fund balance, built and unspent in 2019, to increase the 2020 Financing and Spending budgets in the Fleet budget by \$72,232.60 to purchase equipment.
No one was present to testify. Councilmember Yang moved to close the public hearing and approve the resolution.
Adopted
Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
Nay: 0
- 21 **RES PH 20-145** Amending the financing and spending plans in the General Government account in the amount of \$78,581 for the funding received for the Emergency Services Program (ESP) COVID-19 Response Fund.
No one was present to testify. Councilmember Tolbert moved to close the public hearing and approve the resolution.
Adopted
Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
Nay: 0
- 22 **RES PH 20-146** Amending the financing and spending plans in the Fire Department in the amount of \$65,043 for the COVID-19 Emergency Response grant from the Minnesota Department of Health.
No one was present to testify. Councilmember Prince moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

- 23 RES PH 20-147** Authorizing application and acceptance of a grant from the State of Minnesota for Southeast Asian Language Job Training Facilities; amending the 2020 City budget in the amount of \$5,500,000 upon acceptance of said grant; and approving and authorizing execution of a State Grant Agreement and other necessary documents in connection therewith (Districts 3 and 6, Wards 1 and 2).

Withdrawn

LEGISLATIVE HEARING ITEMS

Approval of the Consent Agenda

For the following cases, Legislative Hearing staff contacted these property owners and the recommendations are uncontested. Therefore, the motion is to adopt the items.

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

Nay: 0

- 24 RLH SAO 20-7** Appeal of Kevin Morrison to a Summary Abatement Order at 2262 BLAKE AVENUE.

Adopted

- 25 RLH VBR 20-40** Appeal of Cody Jerzak to a Vacant Building Registration Renewal Notice at 1696 BOHLAND AVENUE.

Adopted

- 26 RLH CO 20-8** Appeal of Charles Nosie to a Correction Notice at 653 BURR STREET.

Adopted

- 28 RLH FCO 20-50** Appeal of Reggie A. Phoenix to a Correction Notice-Reinspection Complaint at 401 MINNEHAHA AVENUE EAST.

Adopted

- 29 RLH FCO 20-49** Appeal of Reggie A. Phoenix to a Fire Inspection Correction Notice at 403 MINNEHAHA AVENUE EAST.

Adopted

Approval of the Consent Agenda

For the following cases, Legislative Hearing staff have contacted these property owners alerting them to the proposed recommended amendments and these recommendations are uncontested. Therefore, the motion is to amend and adopt these items.

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

Nay: 0

27 RLH RR 20-9 Making finding on the appealed substantial abatement ordered for 578 LAFOND AVENUE in Council File RLH RR 19-26. (Amend to grant an additional 180 days)
Adopted as amended (additional 180 days granted to abate the nuisance)

30 RLH RR 20-11 Ordering the rehabilitation or razing and removal of the structures at 174 PAGE STREET WEST within fifteen (15) days after the February 26, 2020 City Council public hearing. (Public hearing continued from May 13) (Amend to grant 180 days)
Adopted as amended (180 days for rehabilitation or removal)

32 RLH TA 19-869 Ratifying the Appealed Special Tax Assessment for property at 391 STINSON STREET. (File No. J2005A, Assessment No. 208504) (Public hearing continued from January 22)
Adopted as amended (assessment reduced)

33 RLH TA 19-870 Ratifying the Appealed Special Tax Assessment for property at 395 STINSON STREET. (File No. J2005A, Assessment No. 208504) (Public hearing continued from January 22)
Adopted as amended (assessment reduced)

For the following case, the recommendation to refer the item to Legislative Hearing July 28, 2020. Therefore, the motion is to refer to Legislative Hearing July 28, 2020.

31 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. (To be referred back to Legislative Hearing on July 28, 2020)
Referred to Legislative Hearings on July 28

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

Nay: 0

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 4:54 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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