



City of Saint Paul

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

Meeting Minutes

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, April 28, 2021

3:30 PM

Council Chambers - 3rd Floor

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

ROLL CALL

The meeting was called to order 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 21-39](#) Letters from the Department of Safety and Inspections declaring 904 Charlotte Street and 1941 University Avenue West nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and Filed

CONSENT AGENDA

Consent Agenda was adopted as amended.

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

Nay: 0

- 2 [RES 21-549](#) Authorizing the Department of Parks and Recreation to apply for grant funds of \$500 from the Leo Lewis Sports Foundation and, if awarded, accept said funds and enter into a grant agreement.

Adopted

- 3 [RES 21-618](#) Authorizing the Department of Planning and Economic Development to apply to the Metropolitan Council for Tax Base Revitalization Account funds for projects at 520 Payne Avenue (The Hollows), 1222 University Avenue, and 375 Selby Avenue (YWCA).

Adopted

- 4 [RES 21-621](#) Changing the rate of pay for the Operations and Laborer Trainee classification in EG 71, Tri-Council Laborers/Groundswokers (laid over from April 28)

Laid over to May 5 for final adoption.

- 5 [RES 21-626](#) Approving the Memorandum of Agreement for the 2021 Wage and Fringe Adjustment for the Operative Plasterers and Cement Masons International Association, Local 633. (Laid over from April 21)

Adopted

- 6 [RES 21-627](#) Authorizing the Fire Department to enter into a joint powers agreement with the General Services Administration to provide fire and hazardous materials response to the Whipple Building federal complex.

Adopted

- 7 [RES 21-642](#) Authorizing the City to enter into Subordinate Funding Agreement #4 to the Master Funding Agreement with the Metropolitan Council for the Gold Line Bus Rapid Transit Project.

Adopted

- 8 [RES 21-644](#) Approving the Memorandum of Agreement for the 2021 Wage and Fringe Adjustment for the Bricklayers and Allied Craftworkers, Local Union 1 Minnesota/North Dakota. (laid over from April 28).

Laid over to May 5 for final adoption.

- [RES 21-645](#) Approving adverse action against the Cigarette/Tobacco License held by Razan Inc. d/b/a Winnipeg Grocery (License ID #20190000793) at 864 Rice Street. (To be withdrawn)

Withdrawn

- 10 [RES 21-661](#) Approving the Memorandum of Agreement for the May 1, 2021 Wage and Fringe Adjustment for the United Association of Pipefitters, Local No. 455. (laid over from April 28)

Laid over to May 5 for final adoption.

- 11 [RES 21-662](#) Approving Ordinance Permit **20200010403** for Stormwater Conveyance Infrastructure Installed by Ryan on the Ford (Highland Bridge) Site.

Adopted

- 12 [RES 21-665](#) Approving a Liquor Outdoor Service Area (Patio) license with conditions to be added to existing licenses for Mucci's Italian, LLC (License ID #20150003362) at 786 Randolph Avenue.

Adopted

- 13 [RES 21-675](#) Approving the use of grant funds through the Neighborhood Star Year-Round Program for the Northeast Seniors Garden Project.

Adopted

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 21-11](#) Granting the application of 1164 W 7th, LLC (previously Miley H R Separate Prop Trust) to rezone property at 1164 Seventh Street West from RT2 townhouse residential to RM2 multiple-family residential and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Councilmember Noecker moved adoption.

7 in favor, none opposed

Ordinance is adopted

Adopted

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

Nay: 0

- 15 [Ord 21-12](#) Granting the application of Hovda Properties LLC to rezone property at 1219 Saint Clair Avenue from B1 local business to T3 traditional neighborhood and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

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

Adopted

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

Nay: 0

PUBLIC HEARINGS

- 16 [RES PH 21-69](#) Authorizing an increase in the Department of Parks and Recreation Grant Fund in the amount of \$15,000 to reflect funds received from the Minnesota State Arts Board, and entering into a grant agreement.

Council President Brendmoen said this public hearing was held virtually.

*Councilmember Jalali 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

- 17 [RES PH 21-86](#) Amending the financing and spending plans in the Department of Public Works Capital and Operating Budgets for the 2021 Bikeway Improvement Program.

Council President Brendmoen said the public hearing was held virtually.

*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

- 18 [RES PH 21-96](#) Approving the application of Ballet Co. Laboratory for a sound level variance in order to present live amplified sound on May 22, 2021 at 2 Wabasha St. -Raspberry Island.

Council President Brendmoen said the public hearing was held virtually.

Councilmember Noecker 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

- 19 [RES PH 21-97](#) Approving the application of El Burrito Mercado for two sound level variances in order to present amplified music on five Friday evenings for Fiestas Mexicanas Friday Series, May 28, 2021 through September 17, 2021 and on five Saturday evenings, for Fiesta Latina Saturday Series, Saturday, June 5, 2021 through Saturday, September 18, 2021 at the El Burrito Patio space at 175 Cesar Chavez Street.

Council President Brendmoen said the public hearing was held virtually.

Councilmember Noecker moved to close the public hearing and approve. It is wonderful that a sound variance is here. Staff has been doing multiple sound variance on one resolution.

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

- 20 [RES PH 21-99](#) Authorizing the Police Department to amend the 2021 Special Fund Budget to add the missed 2020 yearend technical amendment for the 2020 CGIC grant.

Council President Brendmoen said the public hearing was held virtually.

Councilmember Thao 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

- 21** [RES PH 21-104](#) Authorizing the Police Department to amend the 2021 Special Fund Budget to add the missed 2020 yearend technical amendment for the 2019 Auto Theft Grant.

Council President Brendmoen said the public hearing was held virtually.

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** [Ord 21-13](#) Granting the application of Verus Praedium Holding LLC to rezone the property at 1001 Reaney Avenue from RT1 two-family residential to RM1 low-density multi-family residential and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Council President Brendmoen said this is the second reading of this ordinance. The public hearing was held virtually.

Councilmember Prince moved to close the public hearing.

7 in favor, none opposed

Public hearing is closed; ordinance is laid over to May 5 for final adoption

Public Hearing is closed and Laid over to May 5 for final adoption.

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

Nay: 0

- 23 [Ord 21-14](#) Granting the application of L & N Black Properties LLC to rezone property at 554 Broadway St from I1 light industrial to B5 central business-service district and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Council President Brendmoen said this is the second reading of this ordinance. The public hearing was held virtually.

Councilmember Noecker moved to close the public hearing.

7 in favor, none opposed

Public hearing is closed and the ordinance is laid over to May 5 for final adoption.

Public Hearing is closed and Laid over to May 5 for final adoption.

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

Nay: 0

SUSPENSION ITEM

Rules are Suspended.

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

Nay: 0

[RES 21-673](#)

Clarifying the City Council's sole authority to review appeals from the Zoning Code.

Councilmember Thao said he is seeking a 2-week layover for this item.

7 in favor, none opposed

Resolution is laid over to May 12

Laid over to May 12.

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

Nay: 0

SUSPENSION ITEM

Rules Suspended.

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

Nay: 1 - Councilmember Brendmoen

[RES 21-696](#)

Resolution requesting an advisory opinion from the Attorney General.

Councilmember Thao said it is being populated. They also sent a copy via e-mail. This resolution is 21-696, Version 1 in Legistar, requesting an advisory opinion. (He read the resolution.) He is moving this forward. He requests his colleagues consider this. This makes sense.

Council President Brendmoen said she is generally supportive but concerned that this was not even in the system. She is willing to consider this matter, but she has not had an opportunity to look at this. She thinks more time would be in order before a vote.

Councilmember Prince said one of the issues is that the resolution is time sensitive because whether or not the Mayor's veto was appropriate will determine when permits are issued on this project. She would not support a layover.

Councilmember Tolbert said he agrees with Brendmoen. It feels quick. He suggests working with the City Attorney's Office. The Attorney General is not legally binding. We could still get sued in court. If we are going to ask the Attorney General to give an opinion, we have to be clear what we are asking them to give an opinion on. It is referencing a resolution that was laid over for 2 weeks.

Councilmember Jalali said she is going to support the resolution. The resolution laid over are things brought to the Council's attention. It is important to get a referee to speak to the issues at play. It seems politicized. It is unfortunate. This seems like one opportunity to get a review. That seems the value of bringing it forward. In staff follow-up, we can direct and make that clear when requesting the outside support. Part of the urgency is the project advancing with some uncertainty around the issue being addressed. It is important that government is transparent.

Brendmoen wondered if the Attorney General would take this.

Rachel Tierney, City Attorney's Office, said she found out about this approximately 7 minutes before the Council meeting. A colleague said the turn around is about 3 weeks. He did caution that this may fall into a bucket of matters that the Attorney General's Office is not likely to weigh in on. She wants to make sure expectations are set. There are other options, which led him to an opinion that they may not offer an opinion on this issue.

Councilmember Noecker said this looks like it is directing the City Attorney to make the request to the Attorney General. We can't direct a department to do anything. I understand the urgency, but does this have any impact on the project? Does this mean the developer cannot move forward? What is the practical impact?

Councilmember Thao said we could ask our City Attorney to get an opinion. The Council can't do it.

Jalali said we have directed our department to do things.

Brendmoen asked can it come from the Council. Tierney responded she is not sure. In her career, we have never asked for the Attorney General's opinion. She has not talked this over with Lindsey Olson. She is out of town. The Council can't order a department to take action.

Councilmember Noecker asked the impact on the development. Tierney responded the zoning decision is made. This is an advisory opinion. It is a binding legal authority. That does not change our legal framework.

Thao said it is important to get an opinion from the Attorney General. This site plan has caused confusion. It's important to get a different opinion. Getting an opinion from the Attorney General only benefits us going forward.

Councilmember Yang expressed her full support. She would not support a layover. If we need discussion, we can have discussion here. This is a high profile issue. This has never happened before. We deserve to have an answer. We are trying to find a solution around this. The appeal on Alatus was not a unanimous support. It is important to get an answer on this. Our staff do not have consistent answers for us.

Councilmember Prince said to the issue of us directing the City Attorney, the City Council is supposed to have counsel. Olson is appointed by the Mayor. Tierney is assigned to be the Council's attorney. Prince is confused that we cannot direct our City Attorney to work on our behalf. If that is the conclusion, she would make a friendly amendment to change "direct" to "request." This is awarding a project unilaterally to the developer. This is a precedent and a wise move to seek additional counsel in this way. If they do not entertain it, at least we have given it a try.

Jalali said she is aware that this is requesting an advisory opinion. There were competing opinions. There are clear legal bases. There is also clear dispute. We are asking an additional party to support it.

Brendmoen said she appreciates her role in trying to find a solution. She is not opposed to making a request to the Attorney General. Our attorney has not looked at this resolution.

Councilmember Tolbert said only the City Attorney can request. We would need them to write it. She need to make it clear to the City Attorney what we want them to ask for. There are a lot of statements in there. Our City Attorney does a good job. We get good legal advice. If people think we need a legal opinion, we should make it specific. He doesn't know what we are asking. If we want a question answered, it is unique. He can count on one hand when we have had Mayor vetoes in general. The Mayor stated his Mayoral authority. It seems legitimate. Taking the time to write it specifically so we could make that message clear would be worthwhile. It sounds like this is going to pass.

Thao called the question. If it passes, he looks forward to working with the City Attorney.

Brendmoen said there was a friendly amendment from Ms. Prince.

Thao said that Prince says "direct" instead of "request."

Brendmoen says the votes are here. I wonder about the precedent of other matters. Other items come up. This is highly unusual. It will be interesting to see how things shape up. She's generally supportive of exploring the channels and options.

5 in favor, 2 opposed (Tolbert, Brendmoen)

Resolution is adopted as amended

Adopted

Yea: 5 - Councilmember Thao, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang

Nay: 2 - Councilmember Brendmoen and Councilmember Tolbert

LEGISLATIVE HEARING ITEMS

The Legislative Hearing Officer recommends adoption of the following resolutions:

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

Nay: 0

- 24** [RLH TA 21-147](#) Ratifying the Appealed Special Tax Assessment for property at 1647 BARCLAY STREET (also 1651 BARCLAY STREET). (File No. J2114A, Assessment No. 218513)
Adopted
- 27** [RLH VBR 21-20](#) Appeal of Jessica Kaiser to a Vacant Building Registration Notice and Summary Abatement Order at 1611 FREMONT AVENUE.
Adopted
- 29** [RLH FCO 21-46](#) Appeal of Brandon Gerster, on behalf of owner Jonathan Slavik, to a Fire Inspection Correction Notice at 1354 MARYLAND AVENUE EAST (Dairy Queen).
Adopted
- 31** [RLH RR 21-40](#) Granting a 180 day stay of enforcement of RLH RR 19-23, ordering the demolition for 1179 SEVENTH STREET EAST, to Rashad Kennedy of That Property Place and Quintus Pillai of Pillai Builders.
Adopted
- 32** [RLH TA 21-149](#) Ratifying the Appealed Special Tax Assessment for property at 1236 and 1238 SEVENTH STREET EAST. (File No. J2113A, Assessment No. 218512)
Adopted
- 33** [RLH SAO 21-28](#) Making finding on the appealed nuisance abatement ordered for 1646 TAYLOR AVENUE in Council File RLH SAO 21-22.
Adopted
- 38** [RLH AR 21-31](#) Ratifying the assessments for Property Clean Up services during December 14 to 31, 2020. (File No. J2114A, Assessment No. 218513)
Adopted

The Legislative Hearing Officer recommends adoption as amended of the following resolutions:

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

Nay: 0

- 25** [RLH TA 21-57](#) Ratifying the Appealed Special Tax Assessment for property at 1252 EARL STREET. (File No. CG2004A3, Assessment No. 200165) (Amend to File No. CG2004A3-1, Assessment No. 200170)

Adopted as amended (ratify assessment)

- 30** [RLH TA 21-69](#) Ratifying the Appealed Special Tax Assessment for property at 197 ROBIE STREET WEST. (File No. CG2004A1, Assessment No. 200163)

Adopted as amended (reduce and ratify assessment)

- 34** [RLH TA 20-596](#) Ratifying the Appealed Special Tax Assessment for property at 1935 UNIVERSITY AVENUE WEST. (File No. VB2101, Assessment No. 208800) (Public Hearing to be continued from February 17, 2021)

Adopted as amended (ratify assessment and make payable over 4 years)

- 36** [RLH RR 21-10](#) Ordering the rehabilitation or razing and removal of the structures at 521 YORK AVENUE within fifteen (15) days after the March 10, 2021, City Council Public Hearing. (Amend to 180 days)

Adopted as amended (grant 180 days)

- 37** [RLH AR 21-30](#) Ratifying the assessments for Property Clean Up services during December 1 to 14, 2020. (File No. J2113A, Assessment No. 218512)

Adopted as amended (delete 1080 Thomas Ave. To be referred back to Legislative Hearing on May 18).

The Legislative Hearing Office recommends to continue the public hearings to the dates listed:

- 26** [RLH VO 21-12](#) Appeal of Christine Ramirez to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 854 EUCLID STREET. (Legislative Hearing on April 27, 2021)

Continued to Public Hearing on May 5.

- 28 [RLH TA 21-159](#) Ratifying the Appealed Special Tax Assessment for property at 50 HATCH AVENUE. (File No. J2114A, Assessment No. 218513) (continue public hearing to September 15, 2021)

Continued to Public Hearing on September 15.

- 35 [RLH FCO 21-47](#) Appeal of Steve Minn, Lupe Development Partners, to a Correction Notice-Reinspection Complaint at 1276 WILSON AVENUE.

Continued to Public Hearing on May 12.

ADJOURNMENT

The meeting was adjourned at 4:22 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. More information is available at www.stpaul.gov/departments/city-council

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