



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, September 22, 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 3:31 p.m.

Present: Tolbert, Prince, Jalali, Yang, Brendmoen (left later in the meeting)

Absent: Thao, Noecker

Present 4 - Councilmember Chris Tolbert, Councilmember Jane L. Prince,
Councilmember Mitra Jalali and Councilmember Nelsie Yang

Absent 3 - Councilmember Amy Brendmoen, Councilmember Dai Thao and
Councilmember Rebecca Noecker

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 21-74](#) Mayor's Emergency Executive Order 21-36.

Received and Filed
- 2 [CO 21-75](#) Letters from the Department of Safety and Inspections declaring 1034 Bradley Street and 439 Herschel Street nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and Filed
- 3 [CO 21-76](#) Letter from the Department of Safety and Inspections declaring 939 Charles Avenue a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and Filed

CONSENT AGENDA

Councilmember Yang approved the Consent Agenda.

4 in favor, none opposed

Consent Agenda is adopted

Adopted

Yea: 4 - Councilmember Tolbert, Councilmember Prince, Councilmember Jalali and Councilmember Yang

Nay: 0

Absent: 3 - Councilmember Brendmoen, Councilmember Thao and Councilmember Noecker

- 4 [Min 21-26](#) Approving the minutes of the Saint Paul City Council meetings of April 7, 14, 21, and 28, 2021.
Adopted
- 5 [RES 21-1207](#) Approving the City's cost of providing Property Clean Up services during July 1 to 13, 2021, and setting date of Legislative Hearing for October 19, 2021 and City Council public hearing for January 26, 2022 to consider and levy the assessments against individual properties. (File No. J2203A, Assessment No. 228502)
Adopted
- 6 [RES 21-1208](#) Approving the City's cost of providing Property Clean Up services during July 15 to 30, 2021, and setting date of Legislative Hearing for October 19, 2021 and City Council public hearing for January 26, 2022 to consider and levy the assessments against individual properties. (File No. J2204A, Assessment No. 228503)
Adopted
- 7 [RES 21-1284](#) Authorizing the Department of Parks and Recreation to execute the attached Lease Agreement between City and Circus of the Star, a non-profit corporation organized and existing under the laws of the State of Minnesota and doing business as "Circus Juventas".
Adopted
- 8 [RES 21-1325](#) Approving adverse action against the Gas Station and Cigarette/Tobacco License held by Holiday Station store LLC ("Licensee") d/b/a Holiday Station store #5 (License ID# 0014861) at 629 Rice Street.
Adopted
- 9 [RES 21-1334](#) Setting the date of Public Hearing for November 3, 2021 for 2022 Sanitary Sewer Rates and 2022 Storm Sewer System Charges.
Adopted
- 10 [RES 21-1356](#) Approving the May 1, 2021 - April 30, 2024 Maintenance Labor Agreement between the City and the United Association of Plumbers, Local 34 and Sprinkler Fitters, Local Union No. 417. (Laid over from September 22)
Laid over to October 6 for final adoption

- 11 [RES 21-1365](#) 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 911 Minnehaha Avenue West and 1790/1800 University Avenue West and for Livable Communities Demonstration Account Development funding for projects at 398/402 Front Avenue, 176 Robert Street South, and 102/150 Water Street West/75 Bidwell Street.

Adopted

- 12 [RES 21-1387](#) Approving assessment costs and setting date of City Council Public Hearing to ratify the assessment for benefits, costs, and expenses for the Grand/Snelling parking lot operation and maintenance for 2022. File No. 18746-21, Assessment No. 217202.

Adopted

- 13 [RES 21-1389](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for benefits, costs and expenses for the Seventh Place Mall operation and maintenance costs for 2020. File No. 18428-21, Assessment No. 217200.

Adopted

FOR DISCUSSION

- 14 [SR 21-156](#) Status update from Human Resources on vaccine mandate.

Toni Newborn, Director of Human Resources, gave an update on the vaccine mandate.

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

- 15 [Ord 21-34](#) Creating Chapter 441 of the Legislative Code (Title XXI) pertaining to electric vehicle charging rates at city-owned charging stations.

Councilmember Jalali moved approval. She appreciates seeing this project moving along.

5 in favor, none opposed

Ordinance adopted

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

First Reading

- 16 [Ord 21-35](#) Amending Chapter 66 of the Legislative Code pertaining to the Ford Districts (Leg. Code §§ 66.900 Ford Districts and 66.931 Ford District Dimensional Standards by zoning district). (Public hearing closed October 6, 2021.)

Luis Pereira, Planning and Economic Development, said he is here with Tia Anderson, and they wanted to bring the Council up to speed and remind them what the study is about. They have some current regulations in the master plan and the zoning code. They have what's called lot coverage by open space. It is a standard. It is not a common standard. In the zoning code, they typically have a lot coverage for buildings. For Ford, they have one for the open space, too. The origins for this come from when they were putting the master plan together with the community there was potential for large buildings. The standard was created to address that concern by promoting some areas that were undeveloped, spaces between buildings. In the master plan, open space for private lots is defined by areas covered by landscape materials. In August, there was a Planning Commission recommendation to the City Council. The outcomes of the study, the proposed amendments: 1) remove a redundant standard given that other dimensional standard regulate in a similar way, e.g. setbacks, building lot coverage, landscape requirements, stormwater management 2) more directly and effectively incentivize green roofs. There are some options for green roofs. There are some green roofs in the master plan, but it has not been effective in achieving them.

Tia Anderson, City Planner in Department of Safety and Inspections (DSI), summarized the recommendation from the Comprehensive Neighborhood Planning Committee and Planning Commission: 1) Clarify lot coverage standards: add the definition for "lot coverage", which is the part or percent of the lot occupied by the above grade portion of buildings from the Saint Paul Zoning Code to Chapter 6 of the Master Plan entitled "building and lot terminology; remove "lot coverage by open space" minimum from Chapter 6 of the Master Plan; remove the Master Plan definitions for "open space coverage" and "green roof areas as open space" from Chapter 4 of the Master Plan. Add a more direct incentive for green roofs. On private development sites that have a green roof, all of them need to face a public right of way. They can receive a bonus.

Councilmember Prince said Pereira had mentioned that the references in the master plan were unique to the Ford master plan. They are getting rid of that? Anderson responded that is correct. It is not in the zoning code and it is not part of any other zoning district.

Prince said this was put in the Ford master plan for a reason. Clearly, there was an extensive process in the Ford master plan and it is being taken out now. Will this change the look and feel of this master plan because they are making this change? How will this play out in terms of how it will look? Anderson suggested they finish the presentation, they have slides later on that may answer some questions, and photos at the end that will provide visuals.

Prince asked what CNPC stands for. Pereira responded Comprehensive Neighborhood Planning Committee.

Anderson said the other recommendation is to amend and clarify the definition of Functional Green Roof: an area atop a roof on a building open to the sky and air with soil and living plan materials for the purpose of retaining rainwater and absorbing heat from sunlight. The depth of planted materials shall be at least 2 inches. Those are the changes being proposed.

Anderson continued: What is the study not about? Parks and civic open spaces. Open spaces was used in multiple ways in the master plan. This study in no way impacts publicly-owned parks and privately owned publicly-accessible open space parcels and lots dedicated to the City. The study is also not about other density and dimensional standards.

In summary, the study recommendations are seeking to 1) remove a redundant dimensional standard and 2) seeks to more directly and effectively incentivize green roofs.

She showed 2 examples from Highland Bridge Developments: These 2 blocks are similar in size and intensity. They both have setback requirements. Both have about the same building lot coverage. These are about the maxed out building footprint the Council will see, yet they still need the floor area ratio, setback requirements. Balconies count toward building lot coverage.

Prince asked is that what people are afraid of? If this provision was in place, there would be more built space and it would feel more crowded. Someone e-mailed to her and said the buildings create canyons in the development. It seems like that is the fear that people are referring to. Anderson responded this project is already under construction. This is just being used as an example. It is meeting all the requirements today, but she was showing anecdotally how the project would be different.

Tolbert said there is a lot of rumours because of the word "open space" means something different than for planners. This does not affect the parks the City owns. The City owns all the parkland and it does not effect the private/public space. This is the first hearing and staff report.

This ordinance is laid over to October 6.

Laid over to October 6 for second reading/public hearing, which is being held rmotely through e-mails and voice mails.

Laid Over to October 6 for Second Reading

PUBLIC HEARINGS

- 17** [RES PH 21-232](#) Amending the financing and spending plans in the Department of Public Works Capital Budget to add funding to the 2021 Sidewalk Program and the 2021 Energy Park, Cleveland & Selby Interconnect Project.

Councilmember Tolbert said testimony was taken in writing and by voice mail.

*Councilmember Jalali moved to close the public hearing and adopt.
5 in favor, none opposed
Public hearing is closed and resolution is adopted*

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 18** [RES PH 21-234](#) Amending the financing and spending plans in the Department of Public Works Capital Budget to transfer CIB and MSA funding into projects.

Councilmember Tolbert said testimony was taken by writing and by voice mail.

Councilmember Prince moved to close the public hearing and approve.

5 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 19** [RES PH 21-256](#) Approving the application of University of St. Thomas, for a sound level variance in order to present live amplified sound for a Cretin Derham Hall Football Event on October 8, 2021 at 2115 Summit Avenue - O'Shaughnessy Stadium.

Councilmember Tolbert said testimony was taken by writing and by voice mail.

Councilmember Jalali moved to close the public hearing and approve.

5 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 20** [RES PH 21-257](#) Approving the application of Laura LeFebvre for a sound level variance in order to present live amplified sound on October 16, 2021 at 1227 Montreal Avenue - Highland Park picnic shelter.

Councilmember Tolbert said this is a public hearing and testimony was taken by writing and by voice mail.

Councilmember Thao moved to close the public hearing and approve.

*5 in favor, none opposed
Public hearing is closed and resolution is adopted*

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 21** [RES PH 21-259](#) Approving the application of Allianz Field for a sound level variance in order to present live amplified sound for the Smoke Out at Allianz Field Event on October 3, 2021 on Spruce Tree Drive by Allianz Field - 400 Snelling Avenue North.

Councilmember Tolbert said this is a public hearing. Testimony was taken by writing and voice message.

*Councilmember Thao moved to close the public hearing and approve.
5 in favor, none opposed
Public hearing is closed and resolution is adopted*

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 22** [RES PH 21-260](#) Approving the application of University of St. Thomas, for a sound level variance in order to present live amplified sound on October 10, 2021 at 2115 Summit Avenue - O'Shaughnessy Stadium.

Councilmember Tolbert said this is a public hearing. Testimony was taken by writing and by voice message.

*Councilmember Jalali moved to close the public hearing and approve.
5 in favor, none opposed
Public hearing is closed and resolution is adopted*

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 23** [RES PH 21-264](#) Amending the 2021 spending and financing budget for the Office of Financial Empowerment by \$202,957 to accept the Year 3 Whole Family Systems grant from Minnesota Department of Human Services for advancing two generation strategies through CollegeBound Saint Paul.

Councilmember Tolbert said this is a public hearing. Testimony was taken by writing and voice message.

*Councilmember Yang moved to close the public hearing and approve.
5 in favor, none opposed
Public hearing is closed and resolution is adopted*

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 24** [RES PH 21-265](#) Amending the 2021 special fund budget and adding an activity for the 2022 National Highway Traffic Safety Administration (NHTSA) 2022 DWI Officer grant from the State of Minnesota Department of Public Safety.

Councilmember Tolbert said this is a public hearing. Testimony was taken by writing and voice message.

*Councilmember Prince moved to close the public hearing and approve.
5 in favor, none opposed
Public hearing is closed and resolution is adopted*

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 25** [Ord 21-36](#) Establishing a Community Advisory Committee for the position of Director of Human Rights and Equal Economic Opportunity pursuant to the provisions Section 11.01 of the Administrative Code.

Councilmember Tolbert said this is a public hearing. Testimony was taken by writing and voice mail.

*Councilmember Yang moved to close the public hearing and lay over.
5 in favor, none opposed
Public hearing is closed and ordinance is laid over to October 6 for final adoption*

Public hearing closed and laid over to October 6 for final adoption

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

LEGISLATIVE HEARING ITEMS:

*Councilmember Prince moved to adopt.
5 in favor, none opposed
Public hearings are closed and resolutions are adopted*

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

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 26** [RLH FCO 21-144](#) Appeal of Salim Ntambwe to a Fire Inspection Correction Notice at 115 ACKER STREET EAST.

 Adopted
- 27** [RLH VO 21-38](#) Appeal of Tina Smith to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 807 AURORA AVENUE.

 Adopted
- 28** [RLH VBR 21-59](#) Appeal of Sterling Scott, Tenant, to a Vacant Building Registration Notice at 1069 BEECH STREET.

 Adopted
- 30** [RLH FCO 21-83](#) Appeal of Wally Nelson, Morrow Partners, Inc., to a Fire Inspection Correction Notice at 774 CASE AVENUE.

 Adopted
- 31** [RLH FCO 21-137](#) Appeal of Wendy and John Slade to a Fire Inspection Correction Notice at 1005 CONWAY STREET.

 Adopted
- 37** [RLH TA 21-389](#) Amending the previously ratified assessment to reduce the assessment for Collection of Vacant Building Registration fees billed during July 7, 2020 to January 15, 2021 at 2103 MINNEHAHA AVENUE EAST. (File No. VB2109, Assessment No. 218815)

 Adopted
- 38** [RLH FCO 21-139](#) Appeal of Stephen Dick to a Correction Notice - Re-Inspection Complaint at 415 MOUNT IDA STREET.

Adopted

Councilmember Thao moved to amend and adopt.

5 in favor, none opposed

Public hearings are closed and resolutions are adopted as amended

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

- 32** [RLH SAO 21-65](#) Making finding on the appealed nuisance abatement ordered for 1450 DALE STREET NORTH in Council File RLH SAO 21-57.
- Adopted as amended (authorize DSI abatement of nuisance effective October 1, 2021)**
- Yea:** 5 - Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- Absent:** 2 - Councilmember Brendmoen and Councilmember Noecker
- 33** [RLH RR 21-58](#) Ordering the rehabilitation or razing and removal of the structures at 698 DESOTO STREET within fifteen (15) days after the September 22, 2021, City Council Public Hearing.
- Adopted as amended (grant 180 day extension)**
- Yea:** 5 - Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- Absent:** 2 - Councilmember Brendmoen and Councilmember Noecker
- 36** [RLH TA 21-97](#) Ratifying the Appealed Special Tax Assessment for property at 1817 MARYLAND AVENUE EAST. (File No. J2105A2, Assessment No. 218522) (Public hearing continued to September 22, 2021)
- Adopted as amended (ratify assessment)**
- Yea:** 5 - Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- Absent:** 2 - Councilmember Brendmoen and Councilmember Noecker
- 39** [RLH TA 21-296](#) Ratifying the Appealed Special Tax Assessment for property at 1297 SEVENTH STREET WEST. (File No. VB2109, Assessment No. 218815) (To refer to September 7, 2021 Legislative Hearing)

Adopted as amended (ratify assessment)

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

Item 34 – October 12

Item 35- October 12

Item 40 – Sept. 28

Refer to the LH items

Councilmember Yang moved approval.

5 in favor, none opposed

Resolutions are referred to Legislative Hearings

For the following item, the Legislative Hearing Officer's recommendation is to refer to Legislative Hearing on the dates listed.:

- 34** [RLH RR 21-24](#) Ordering the rehabilitation or razing and removal of the structures at 975 HUDSON ROAD within fifteen (15) days after the May 26, 2021, City Council Public Hearing. (Amend to remove within 15 days)

Refer to Legislative Hearing on October 12

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 35** [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.

Refer to Legislative Hearing on October 12

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

- 40** [RLH RR 21-60](#) Ordering the rehabilitation or razing and removal of the structures at 1941 UNIVERSITY AVENUE WEST (STORAGE/GARAGE) within fifteen (15) days after the September 22, 2021, City Council Public Hearing.

Refer to Legislative Hearing on September 28

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

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

29 [RLH TA 21-356](#)

 Ratifying the Appealed Special Tax Assessment for property at 1285 BEECHWOOD PLACE. (File No. VB2111, Assessment No. 218817)

Marcia Moermond said the vacant building registration was appealed. Council made a determination in January and granted a waiver of the fee for the unusual period of 6 months. This continues to meet the definition of vacant building. The fee is due. The item is being contested because writer does not believe it does not meet the definition of vacant building. She is recommending approval of this assessment.

Councilmember Tolbert made the motion to approve the recommendation of the Legislative Hearing Officer.

5 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Noecker

ADJOURNMENT

Meeting adjourned at 4:42 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 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.