



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 Russel Balenger
Councilmember Mitra Jalali
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Chris Tolbert
Councilmember Nelsie Yang

Wednesday, November 9, 2022

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Meeting started at 3:31 PM

Present 7 - Councilmember Amy Brendmoen, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali, Councilmember Nelsie Yang and Councilmember Russel Balenger

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 22-72](#) Letters from the Department of Safety and Inspections declaring 46 Front Avenue and 1618 Hamline Avenue North nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 2 [AO 22-63](#) Amending the CDBG general ledger budget to allocate the 2022 CDBG spending plan of \$7,600,000.00 to activity codes.
Received and Filed
- 3 [AO 22-64](#) Amending ESG project budgets: funding for 2021-22 Emergency Solutions Grant activities administered by Ramsey County per the Joint Powers Agreement approved via RES 19-2110.
Received and Filed
- 4 [AO 22-65](#) Amending CDBG Project Budgets: funding for Fire Station 51 (soft costs).
Received and Filed
- 5 [AO 22-67](#) Amending CDBG Project Budgets: funding for DSI Demos.
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

Council President Brendmoen stated that Item 18 would be taken separately.

Councilmember Tolbert moved approval.

Consent Agenda adopted as amended

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

Nay: 0

- 6 [RES 22-1587](#) Approving the City's cost of providing Collection of Vacant Building Registration fees billed during January 7 to July 21, 2022, and setting date of Legislative Hearing for December 6, 2022 and City Council public hearing for February 8, 2023 to consider and levy the assessments against individual properties. (File No. VB2303, Assessment No. 238802)
Adopted
- 7 [RES 22-1588](#) Approving the City's cost of providing Securing and/or Emergency Boarding services during August 2022, and setting date of Legislative Hearing for December 6, 2022 and City Council public hearing for February 8, 2023 to consider and levy the assessments against individual properties. (File No. J2303B, Assessment No. 238102)
Adopted
- 8 [RES 22-1589](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during September 8, 2021 to July 26, 2022, and setting date of Legislative Hearing for December 6, 2022 and City Council public hearing for February 8, 2023 to consider and levy the assessments against individual properties. (File No. CRT2303, Assessment No. 238202)
Adopted
- 9 [RES 22-1590](#) Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during June 22 to July 22, 2022, and setting date of Legislative Hearing for December 6, 2022 and City Council public hearing for February 8, 2023 to consider and levy the assessments against individual properties. (File No. J2303E, Assessment No. 238302)
Adopted
- 10 [RES 22-1591](#) Approving the City's cost of providing Removal of Diseased and/or Dangerous Tree(s) services during January 2022, and setting date of Legislative Hearing

for December 6, 2022 and City Council public hearing for February 8, 2023 to consider and levy the assessments against individual properties. (File No. 2302T, Assessment No. 239001)

Adopted

- 11 [RES 22-1592](#) Approving the City's cost of providing Removal of Diseased and/or Dangerous Tree(s) services during August to September 2022, and setting date of Legislative Hearing for December 6, 2022 and City Council public hearing for February 8, 2023 to consider and levy the assessments against individual properties. (File No. 2303T, Assessment No. 239002)

Adopted

- 12 [RES 22-1708](#) Approving the re-execution of the Joint Powers Agreement establishing a Watershed Management Organization for the Lower Mississippi River Watershed.

Adopted

- 13 [RES 22-1710](#) Preliminary Order setting the date of Public Hearing for January 11, 2023, to consider approval of the Metro Transit 10-mile Gold Line Bus Rapid Transit project. The only special assessments will be for private sanitary sewer service repairs or replacements requested by property owners. (Project No. 19252C, Assessment No. 226001)

Adopted

- 14 [RES 22-1713](#) Approving the Memorandum of Agreement between the City and Manual and Maintenance Supervisors Association in order to provide on-call pay for MMSA employees in the Saint Paul Regional Water Services (SPRWS) Distribution Division.

Laid over to November 16, 2022

- 15 [RES 22-1726](#) Approving the Memorandum of Agreement between the City and Manual and Maintenance Supervisors Association in order to establish a one year pilot program in Public Works Street Maintenance division for Public Works Supervisor II and IIIs to volunteer to be placed on the oncall schedule.

Laid over to November 16, 2022

- 16 [RES 22-1730](#) Authorizing use of a Project Labor Agreement (PLA) for the Farwell Yards Project at 102 and 150 West Water Street (District 3, Ward 2).

Adopted

- 17 [RES 22-1738](#) Approving the 2023 City Council meeting schedule.

Adopted

- 19 [RES 22-1744](#) Authorizing stipend payments for the Early Learning Legislative Advisory

Committee

Adopted

- 20 [Min 22-37](#) Approving the minutes of the Saint Paul City Council meetings of September 7, 14, 21, and 28, 2022.

Adopted

- 21 [RES 22-1682](#) Establishing the rate of pay for the new classification of Equity Manager in the Non-Represented City Managers Employee Group.

Adopted

FOR DISCUSSION

- 18 [RES 22-1743](#) Approving the appointment of Jaime Wascalus as Director and Chief Information Officer (CIO) of the Office of Technology and Communication, effective November 9th, 2022.

Councilmember Noecker moved approval.

Jaime Wascalus was sworn in and gave remarks.

Adopted

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

Nay: 0

- 22 [RES 22-1737](#) Honoring Veterans on Veterans Day, November 11, 2022.

Councilmember Prince read from the resolution and spoke in support.

Council President Brendmoen spoke in support.

Adopted

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

Nay: 0

- 23 [RES 22-1647](#) Approving the FY2022 Neighborhood Sales Tax Revitalization loan and grant awards. (laid over from November 2, 2022)

Councilmember Noecker moved approval.

Adopted as amended

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

Nay: 0

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 Pioneer Press. Public hearings on ordinances are generally held at the first reading.

Final Adoption

- 24** [Ord 22-46](#) Amending Chapter 310 of the Legislative Code to eliminate petition requirements, reference and establish uniform license procedures for Class N, R, and T Licenses, shorten the notification process, eliminate the license renewal public hearing provision, and update gender specific language and other outdated terms.
- Councilmember Noecker spoke in support and moved approval.*
- Councilmember Prince spoke in support.*
- Council President Brendmoen spoke in support.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 25** [Ord 22-47](#) Amending Chapter 409 of the Legislative Code to eliminate petition requirements, reference and incorporate uniform license procedures as outlined in Section 310 of the Legislative Code and update gender specific language and other outdated terms.
- Councilmember Noecker moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 26** [Ord 22-48](#) Amending Chapter 410 of the Legislative Code to eliminate petition requirements, reference and incorporate uniform license procedures as outlined in Section 310 of the Legislative Code and update gender specific

language and other outdated terms.

Councilmember Prince moved approval.

Adopted

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

Nay: 0

27 [Ord 22-49](#)

Amending Chapter 411 of the Legislative Code to eliminate petition requirements, reference and incorporate uniform license procedures as outlined in Section 310 of the Legislative Code and update gender specific language and other outdated terms.

Councilmember Noecker moved approval.

Adopted

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

Nay: 0

First Reading

28 [Ord 22-50](#)

Granting the application of Selby Commons Limited Partnership to rezone the property at 909 Selby Avenue / 180 Milton Street & 912 Selby Avenue, from B3 general business & VP vehicular parking to T2 traditional neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Tony Johnson, City Planner, gave a staff report.

Councilmember Balenger asked about property across the street.

Johnson answered and provided clarification.

Laid over to November 16, 2022 for Second Reading

PUBLIC HEARINGS

Live testimony is limited to two minutes for each person. See below for optional ways to testify.

29 [RES PH 22-320](#)

Approving the petition of Cziasarh Yang on behalf of DNZ LLC to vacate the alley south of 519 Payne Avenue, and to convey the City's interest in the vacated alley to the petitioner.

Council President Brendmoen moved approval.

Adopted

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

Nay: 0

- 30** [RES PH 22-328](#) Amending the 2022 special fund budget and adding an activity for a grant from the U.S. Department of Justice (DOJ), distributed through the Community Oriented Policing Services (COPS) program, via the FY 2021 Hiring Program, in the amount of \$150,000.

Councilmember Tolbert moved approval.

Adopted

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

Nay: 0

- 31** [RES PH 22-345](#) Authorizing Public Works to request \$767,266 in SCORE grant funds from Ramsey County to support the curbside recycling program and setting the 2023 City Recycling Service Fees. (Laid over from November 9, 2022.)

Councilmember Jalali moved approval.

Public hearing closed and laid over to December 7, 2022 for adoption

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

Nay: 0

LEGISLATIVE HEARING DISCUSSION ITEMS

- 36** [RLH RSA 22-4](#) Appeal of Jack Cann, Housing Justice Center, Representing Tenant, Angela Wilhight, to a Rent Stabilization Determination at 261 FIFTH STREET EAST, UNIT #604.

An increase of up to 8% is allowed in total for both rent and utility payments combined.

Also in attendance:

*Jack Cann, Housing Justice Center, representing tenant appellant Angela Wilhight
Malcolm Terry, Bernick Lifson P.A., representing the landlord*

Marcia Moermond, Legislative Hearing Officer: This case involved a tenant informed of a 2.9% increase in rent but the increase in rent was augmented by separate billing for utilities, which had previously been covered under the regular rent payment. Combined, the amount brought the increase to between 11% and 13%, depending on utility usage, based on charges of another tenant in the building. We had three legislative hearings, and during this time period an analysis of the applications for exception took place. There were two applications. One was for an exemption to increase rent beyond 8% for

some units, and the other was for self-certification to increase rents by 8%. The application for increasing rents beyond 8% listed specific units, and the unit before you today was not on that list. According to staff analysis, those units qualified for a 9% increase, but this unit again is not among that group. Because of this, it is assumed it in the self-certification application. Staff determination is that both rent and utility payments are included in what the city refers to as housing services, and would result in an increase beyond what is allowed under the rent cap. My recommendation is to grant the appeal in part, to allow an increase up to 8% when rent and utilities are taken together.

Cann: I agree with what Moermond said. This is a similar situation as happened recently, where the decision of the hearing officer and the City Council only affects this specific unit, when other units are also experiencing this increase. This needs to be addressed for every overcharged unit in the building. The ordinance should not be ignored.

Terry: I don't have much to add. We had three hearings and this was very well-vetted. It's not what we wanted but this seems fair and acceptable.

Councilmember Noecker: I agree with the Legislative Hearing Officer's recommendation and move approval.

Adopted as amended (appeal granted in part)

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

Nay: 0

38 [RLH SAO 22-49](#)

Making finding on the appealed nuisance abatement ordered for 913 JOHNSON PARKWAY in Council File RLH SAO 22-47.

Finding made that nuisance has not been abated. Department of Safety and Inspections authorized to execute a cleanup.

Also in attendance: Joseph Dalbec, property owner

Marcia Moermond, Legislative Hearing Officer: This was before you a few weeks ago. You granted an extension to October 25 to have the property cleaned up. The resolution before you now would make a finding on whether or not the property has been cleaned up and would authorize the Department of Safety and Inspections (DSI) to execute a cleanup to abate the nuisance. As you can see from the photos taken yesterday morning, there is still a substantial amount of cleanup left to be done, though things have improved. My recommendation is to make a finding that the nuisance condition has not been abated and that DSI be authorized to execute a cleanup.

Dalbec: We've been making progress slowly but gradually and it's getting done.

Council President Brendmoen: What is your ask of the Council? Are you asking for more time like another two weeks?

Dalbec: Yes. Could you give me until after Christmas?

Brendmoen: We will close the public hearing and discuss your request.

Councilmember Yang moved to close the public hearing. Approved 7-0.

Yang: Has this property gotten an extension? I would just like clarification.

Moermond: Yes. This was in front of you on September 28 and an extension of about a month was granted to October 25. The original order was issued on September 9.

Yang: Thank you. I move the recommendation of the legislative hearing officer.

Adopted

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

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

Items listed under the Consent Agenda will receive a combined public hearing and be enacted by one motion with no separate discussion. Items may be removed from the Consent Agenda for a separate public hearing and discussion if desired.

Approval of the Consent Agenda

Councilmember Jalali moved approval.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 32** [RLH TA 22-397](#) Amending Council File RLH AR 22-67 to delete the assessment for Collection of Delinquent Garbage Bills for services during January to March 2022 at 1198 BURR STREET. (File No. CG2202A2, Assessment No. 220106)

Adopted

- 33** [RLH RR 22-57](#) Ordering the rehabilitation or razing and removal of the structures at 1501 CLARENCE STREET within fifteen (15) days after the November 9, 2022, City Council Public Hearing. (To refer to December 13, 2022 Legislative Hearing)

Referred to December 13, 2022 Legislative Hearing

- 34** [RLH RR 22-61](#) Second Making finding on the appealed substantial abatement ordered for 698 DESOTO STREET in Council File RLH RR 22-17. (November 8, 2022 Legislative Hearing)

Adopted as amended (granted 180 days)

- 35 [RLH VBR 22-54](#) Appeal of Aychoeun Tea and Oudam Tun Tea to a Vacant Building Registration Fee Warning Letter at 318 EDMUND AVENUE.

 Adopted
- 37 [RLH FCO 22-98](#) Appeal of Kjersti Zaragoza, U.S. Department of Veterans Affairs on behalf of Derrick Parker, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1145 HUDSON ROAD, UNIT #429.

 Adopted
- 39 [RLH RR 22-58](#) Ordering the razing and removal of the structures at 331 LAWSON AVENUE WEST within five(5) days after the November 9, 2022, City Council Public Hearing.

 Adopted
- 40 [RLH FCO 22-96](#) Appeal of Benjamin Roberts to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 124 LEXINGTON PARKWAY NORTH.

 Adopted
- 41 [RLH FCO 22-99](#) Appeal of Art Anderkay, Beowulf Properties, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1042 LOEB STREET.

 Adopted
- 42 [RLH RR 22-66](#) Review Request for a potential stay of enforcement of demolition of Rachel Mach, on behalf of Reverse Mortgage Funding, LLC, for property at 1722 REANEY AVENUE.

 Adopted
- 43 [RLH RR 22-19](#) Ordering the rehabilitation or razing and removal of the structures at 694 SHERBURNE AVENUE within fifteen (15) days after the May 25, 2022, City Council Public Hearing. (Amend to grant 180 days)

 Adopted as amended (granted 180 days)
- 44 [RLH VBR 22-52](#) Appeal of John Starr to a Vacant Building Registration Notice at 568 SMITH AVENUE SOUTH.

 Adopted as amended

ADJOURNMENT

Meeting ended at 4:17 PM

City Council meetings are open for in person attendance, but the public may also 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:

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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. Live testimony will be taken in person in the Council Chambers, and by telephone by registering to speak by noon on the day before the meeting. The registration link is located on the City Council website at www.stpaul.gov/council or <https://forms.office.com/g/TD3xN7WHy5>.

Council Meeting Information

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