



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 2, 2022

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Meeting started at 3:33 PM

Present 5 - Councilmember Amy Brendmoen, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Mitra Jalali and Councilmember Russel Balenger
Absent 2 - Councilmember Jane L. Prince and Councilmember Nelsie Yang

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 22-63](#) Amending the CDBG general ledger budget to allocate the 2022 CDBG spending plan of \$7,600,000.00 to activity codes.

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

Councilmember Balenger moved approval.

Consent Agenda adopted as amended

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

- 3 [RES 22-1669](#) Approving a Tobacco Shop (Cigarette/Tobacco) and Liquor Off Sale license to Golden Liquor LLC d/b/a Shamrock Plaza Liquors (License ID #20220001200) for the premises located at 289 McKnight Road South.

Adopted

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

Laid over to November 9, 2022

- 5 [RES 22-1691](#) Waiving the 45-day notice requirement to issue a Liquor On Sale - 291 or more Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor - Outdoor Service Area (Patio) and Entertainment (B) License to ABPEC LLC d/b/a Abulae (License ID # 20220001789) for the premises located at 255 6th Street East Floor 6.

Adopted

- 6 [RES 22-1692](#) Waiving the 45-day notice requirement to issue a Malt On Sale (Strong) and Wine On Sale License to The Keys Restaurant Inc. d/b/a Keys Restaurant (License ID # 20220001746) for the premises located at 767 Raymond Avenue.

Adopted

- 7 [RES 22-1693](#) Approving Ordinance Permit 20210010001 for Civil Public Infrastructure installed by Project Paul, LLC (a wholly-owned subsidiary of Ryan Companies US, Inc.) ("Ryan") on the Ford (Highland Bridge) Site.

Adopted

- 8 [RES 22-1696](#) Authorizing the Department of Parks and Recreation to amend the management agreement with Be Graceful Bakery and Catering, LLC to operate food and beverage concessions at several Parks and Recreation facilities, to include the Battle Creek Recreation Center.

Adopted

- 9 [RES 22-1697](#) Authorizing the City to enter into the attached Lease Agreement with Tajana's 11th House, LLC for mooring space on the Harriet Island Public Dock for the Covington Inn Bed and Breakfast.

Adopted**FOR DISCUSSION**

- 2 [RES 22-1647](#) Approving the FY2022 Neighborhood Sales Tax Revitalization loan and grant awards.

Councilmember Noecker stated that there was a Version 2 in Legistar.

Council President Brendmoen: Would you like a staff report on that item?

Noecker: I think that would be helpful, since I'm not seeing where the change exactly is in the attachment. I move a one-week layover.

Councilmember Jalali: This relates to multiple businesses. Do we know if businesses will be negatively affected by the one-week layover?

Brendmoen: I don't see anyone from the Mayor's office or other staff so I don't know if we will have an answer for that.

Laid over to November 9, 2022

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

10 [ABZA 22-2](#)

Considering the appeal of Friends of Pigs Eye Lake Park - Tom Dimond to a decision by the Board of Zoning Appeals denying a request to issue a Stop Work Order on the Pigs Eye Lake Island Building Project, a project regulated and permitted by the Department of Natural Resources. (public hearing closed, laid over from November 2, 2022)

Council President Brendmoen: Councilmember Prince cannot be here today and asked us for a two-week layover, which I will move approval of.

Laid over to November 16, 2022

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

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

11 [Ord 22-43](#)

Amending Chapter 105 of the Administrative Code to add two youth commissioners to the Parks and Recreation Commission.

Council President Brendmoen spoke in support.

Councilmember Noecker moved approval.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

12 [Ord 22-44](#)

Amending Section 220.05 of the Legislative Code to set rates for base level garbage service to be effective January 1, 2023.

Councilmember Tolbert moved approval.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

PUBLIC HEARINGS

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

13 [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.

Amanda Duerr from the St. Paul Chamber of Commerce spoke in favor during the public hearing.

Councilmember Noecker moved approval.

Laid over to November 9, 2022 for Final Adoption

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

14 [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.

Laid over to November 9, 2022 for Final Adoption

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

15 [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 Noecker moved approval.

Laid over to November 9, 2022 for Final Adoption

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

16 [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.

Laid over to November 9, 2022 for Final Adoption

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

17 [RES PH 22-322](#)

Setting the 2023 Sanitary Sewer and Storm Sewer rates. (To be laid over to December 7 for final adoption)

John Purdy, resident, spoke during the public hearing.

Council President Brendmoen addressed Purdy's concerns and invited him for a call or meeting.

Councilmember Noecker addressed Purdy's concerns, expressed appreciation for his comments, and moved approval.

Brendmoen provided additional comments.

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

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

- 18 [RES PH 22-323](#) Establishing the Water Charges for 2023. (To be laid over to December 7 for final adoption)

Councilmember Tolbert moved approval.

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

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

- 19 [RES PH 22-343](#) Setting the Solid Waste Service Fee for 2023. (To be laid over to December 7 for final adoption)

Councilmember Jalali moved approval.

Public hearing closed and laid over to December 7, 2022

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

- 20 [RES PH 22-318](#) Approving the Highland Bridge Rowhomes Fifth Addition Final (Combined) Plat.

Councilmember Tolbert moved approval.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

- 21 [RES PH 22-333](#) Approving the application of Podium Sports Marketing, Inc. for a sound level variance in order to present amplified sound for the Turkey Trot Saint Paul on November 24, 2022 by Shepard Road between Washington Street and Sherman Street.

Councilmember Noecker moved approval.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

- 22** [RES PH 22-337](#) Amending the financing and spending plans in the Fire Department in the amount of \$18,402.73 for the remaining amount for the 2020 Assistance to Firefighters Grant to purchase 248 radios and accessories.

Councilmember Balenger moved approval.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

- 23** [RES PH 22-340](#) Authorizing an increase in the Department of Parks and Recreation Grant Fund in the amount of \$85,000 to reflect grant funds received from the Saint Paul Public School's (SPPS) Community Partnership for 2022-2024 ARP grant, authorization to enter into a grant agreement detailing the requirements of said grant, which includes an indemnification clause, and to amend the Department of Parks and Recreation Grant Fund to reflect said funds to support the Upside: Leadership Programming for Middle-School Youth project.

Councilmember Jalali moved approval.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

LEGISLATIVE HEARING DISCUSSION ITEMS

- 28** [RLH RR 22-43](#) Ordering the rehabilitation or razing and removal of the structures at 1802 ROSS AVENUE within fifteen (15) days after the August 10, 2022, City Council Public Hearing.

Item referred back to Legislative Hearings on November 8 to review late-arriving evidence of financing.

Also in attendance: Peter Yahiayan, appellant (remote attendance)

Marcia Moermond, Legislative Hearing Officer: This was in front of Council last week and Councilmember Prince asked for a one-week layover. My recommendation was for

removal of the property within 15 days due to a failure to produce financing and execute the rehabilitation. At 2:44 PM today, my office received evidence of financing that I have not yet been able to thoroughly review. It does appear that there is sufficient financing, though not in the name of the appellant Peter Yahiyayan or the owner of the property, 3Packet LLC. It is actually in an account under the name of Property Lovers LLC. I was also provided with a real estate joint venture agreement between the two companies. I ask that you refer this back to Legislative Hearings on November 8 to review this further. In circumstances like this, I have a much lower level of confidence in the ability to complete a rehabilitation when the evidence of financing is so late and so poorly executed.

Yahiyayan: I would like to get this project completed. There is a lot of work yet to be done. I haven't reviewed the inspection reports yet, but we want to move forward. If we have to wait until November 8 that is fine. I apologize for the delays. We are dealing with winter approaching here in Detroit, Michigan and have some projects we needed to close here. We are looking forward to getting this done in a timely manner.

Council President Brendmoen: As much as you and your partners want this completed, the City wants it completed doubly so. This has been vacant too long. We are getting things done before winter here as well. I move the recommendation of the Legislative Hearing Officer.

Referred to November 8, 2022 Legislative Hearing

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

29 [RLH CO 22-11](#) Appeal of Matthew and Jamie Wright to a Correction Order at 1155 SEMINARY AVENUE.

Library box, post, and materials in the ground are to be removed by December 1.

Also in attendance: Matthew Wright, appellant

Marcia Moermond, Legislative Hearing Officer: This for removal of a free library post and box on the boulevard between the sidewalk and the street, along with materials holding it in the ground, which is violation of city code related to obstructions of public land. There are other code enforcement issues which were not in the original correction order: tall grass and weeds and the growth height in the planter beds. These were in a separate order, as the inspector was likely new. They should have all been together in the original correction order. The second correction order came in between our legislative hearing and today, and we agreed that the appeal fee would be waived if there was a second appeal, since they should have been combined. My recommendation is to grant to December 1 to come into compliance. I understand that a nonprofit was working with the property owners to put these libraries up and may not have been aware of the requirement to be on the owner's property. The Little Free Library organization is very aware of these requirements, but this was actually organized by a separate organization wanting to improve their community. It is a sympathetic situation, but there are right-of-way concerns.

Councilmember Jalali: What exactly are we asking the property owner to do? Are we

asking them to take a post out of the ground or is there also cement in the ground that would need to be removed?

Moermond: I am not sure. There may be cement supports or greater depth because of the weight of the box.

Council President Brendmoen: It would be a bigger task relatively but it's still just taking it out and digging a new hole.

Wright: This library was given to us as part of an art project, Love Letters to the Midway, which was about building community during the pandemic and the aftermath of the murder of George Floyd, which had a strong effect on our community. We placed the library where it is for ease of access. The previous owners had the garden boxes, and so when we bought the house we assumed they were okay. There also seems to have been an incorrect citation in the correction order, and we were not aware of the planter box concern until it was brought up in the legislative hearing. Also, the code citation from Moermond earlier regarding obstructions of public land doesn't actually mention boulevards specifically. There is a part of the city code dealing with boulevards, but this was never mentioned in any citation to us. The confusing process, the prevalence of these types of boxes in boulevards, and the public benefit of these should allow these items to stay. It would be nice regularize this through a modification of city code. People use boulevards all the time. The city actually has a program to encourage property owners to plant rain gardens in boulevards. I've seen much larger planter beds and libraries in boulevards. I don't think our use obstructs any city maintenance or right of way. We would appreciate relief, but we also want to think more broadly.

Brendmoen: Why couldn't you just put it in your yard?

Wright: I could. It's cemented which makes removal hard, but both could be in the front yard.

Brendmoen: I'm just asking because I don't know if you have a front yard.

Wright: I do have one, yes, but not everyone does.

Jalali: I appreciate Wright's comments and did get a chance to read the letter he submitted. When making these decisions we have to look at what the code is, and whether this situation is in violation of that. I did pull the correct code that does relate to this and unfortunately it is a violation. There is strong public benefit to the libraries, and this also about rebuilding the community in the wake of civil unrest and other stressful situation. This was all organized by a community artist collective who did this all for free, which is important context. We do have to fix this situation though. It's about things like snow removal and street cleaning. My concern is the cost of moving this. I've heard it could be either cheap or expensive, and I don't want to place an undue financial burden on you. I know what it's like to inherit things from a property owner and assume that something is allowed. I'm sorry about this situation that may have convoluted a relatively simple situation. I move to the recommendation of the Legislative Hearing Officer, and between now and December 1 I would like to work with the appellant and other partners to see if we can alleviate the cost burden somehow.

Brendmoen: We have seen issues like this before. The city also needs access to boulevards for things like water, sewer, and waste lines when digging is needed at a moment's notice. I support this motion. I support the date as well so we can complete this before the ground freezes.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

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: 4 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 3 - Councilmember Tolbert, Councilmember Prince and Councilmember Yang

- 24** [RLH VBR 22-46](#) Appeal of Jay Mitchell, Quality Residences LLC, to a Vacant Building Registration Notice at 1039 BRADLEY STREET.

Adopted

- 25** [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.

Public hearing continued to November 9, 2022

- 26** [RLH VBR 22-53](#) Appeal of Sandra Lou to a Vacant Building Registration Notice at 38 MARYLAND AVENUE EAST.

Adopted

- 27** **RLH RR 22-39** Second Making finding on the appealed substantial abatement ordered for 575 PARK STREET in Council File RLH RR 21-71.

Referred to November 8, 2022 Legislative Hearing

- 30** [RLH FCO 22-95](#) Appeal of Katherine Gosiger to a Fire Certificate of Occupancy Correction Notice at 258 SEVENTH STREET WEST.

Adopted as amended

- 31** [RLH OA 22-10](#) Making recommendation to Ramsey County on the application of Frances

Nelson Lesicko for repurchase of tax forfeited property at 334 WARWICK STREET.

Adopted

- 32** [RLH VBR 22-51](#) Appeal of Chris and Mackenzie Ryan to a Vacant Building Registration Requirement at 904 WILDER STREET SOUTH.

Adopted

- 33** [RLH VO 22-28](#) Appeal of Benjamin Kaufman, SMRLS, Representing Tenant, Virginia Gibbons to a Fire Certificate of Occupancy Approval with Correction, including Condemnation and Order to Vacate at 1300 WILSON AVENUE, #1211.

Adopted

ADJOURNMENT

Meeting ended at 4:19 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>.

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