



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, August 19, 2020

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

*The meeting was called to order by Council President Brendmoen at 3:31 p.m.
Councilmember Tolbert led the Council members in the Pledge of Allegiance.*

Present 6 - Councilmember Amy Brendmoen, Councilmember Dai Thao,
Councilmember Chris Tolbert, Councilmember Rebecca Noecker,
Councilmember Mitra Jalali and Councilmember Nelsie Yang
Absent 1 - Councilmember Jane L. Prince

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 20-35** Amending HOME activities budgets.
 Received and filed

- 2 **AO 20-36** Amending CDBG activities budgets.
 Received and filed

- 3 **AO 20-37** Amending CDBG projects budgets to include the 2020 spending plan.
 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 4 - 10)

Councilmember Thao moved approval of the Consent Agenda.

Consent Agenda adopted

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

Nay: 0

Absent: 1 - Councilmember Prince

- 4 RES 20-1090** Approving the City's cost of providing Property Clean Up services during June 2 to 11, 2020, and setting date of Legislative Hearing for September 15, 2020 and City Council public hearing for January 6, 2021 to consider and levy the assessments against individual properties. (File No. J2101A, Assessment No. 218500)
Adopted
- 5 RES 20-1091** Approving the City's cost of providing Property Clean Up services during June 12 to 30, 2020, and setting date of Legislative Hearing for September 15, 2020 and City Council public hearing for January 6, 2021 to consider and levy the assessments against individual properties. (File No. J2102A, Assessment No. 218501)
Adopted
- 6 RES 20-1106** Establishing the rate of pay for the new Natural Resources Supervisor classification.
Laid over to August 26 for adoption
- 7 RES 20-1129** Establishing the rate of pay for Parking Systems Supervisor in EG 10, Grade 041.
Laid over to August 26 for adoption
- 8 RES 20-1103** Approving the Mayor's reappointment of Adam M. Niblick to a three-year term on the Administrative Committee of the Pension Plan of the Housing and Redevelopment Authority.
Adopted
- 9 RES 20-1135** Authorizing Mayor Carter's Office to submit a McKnight Foundation Climate and Energy Program Grant Proposal.
Adopted

- 10 **RES 20-1124** Memorializing the City Council's decision denying an appeal from a decision of the Planning Commission approving a parking variance and a conditional use permit to construct a multi-family residential housing development at 337 West Seventh Street.

Adopted

FOR DISCUSSION

Councilmember Prince joined the meeting.

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

- 11 **SR 20-56** 2021 property tax trends presentation from Ramsey County and City budget discussion.

Council President Brendmoen made introductory comments

Chris Samuels, Ramsey County Auditor, gave a report on property tax trends and answered questions from Council members.

Chief Budget Officer Holly Huston reviewed the City Council's 2021 budget process and answered questions from Council members.

Council President Brendmoen stressed that there were many ways to reach Council members by email or phone to participate in the process.

Councilmember Prince asked Ms. Huston asked if there could be a presentation on how the City was meeting the 2020 deficit reduction goals, outside of the 2021 budget process. Council President Brendmoen said she felt that would be helpful in distinguishing the one process from the other. Ms. Huston said she would make a note of that. She said traditionally, the Office of Financial Services prepared a budget amendment closer to the end of the year, and there would be an opportunity to have a meeting just on 2020 and discuss those changes.

Received and filed

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.

Second Reading

- 12 **Ord 20-11** Amending the Appendix to Chapter 409 of the Legislative Code pursuant to Section 17.07.1 of the Charter, and Section 409.20 of the Legislative Code to create an additional Commercial Development District at 974 7th Street West.

Laid over to August 26 for third reading/public hearing

13 **Ord 20-25** Amending the Appendix to Chapter 409 of the Legislative Code Pursuant to Section 17.07.1 of the Charter, and Section 409.20 of the Legislative Code to expand the Commercial Development District at 1 Leech Street to include 200 Grand Avenue.

Laid over to August 26 for third reading/public hearing

14 **Ord 20-26** Granting the application of Houa Vang and Yia Thao to rezone property at 1428 East 7th Street from split RM1/RM2 to all RM2 Medium-Density Multiple-Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the Zoning Map.

Laid over to August 26 for third reading/public hearing

15 **Ord 20-27** Granting the application of Chet Funk et al. to rezone property at 1074 to 1096 James Avenue from R4 One-Family Residential to RM2 Medium-Density Multiple-Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the Zoning Map.

Laid over to August 26 for third reading/public hearing

First Reading

16 **Ord 20-28** Amending Legislative Code Chapters 60, 63, and 66 pertaining to the RM zoning districts.

Laid over to August 26 for third reading/public hearing

PUBLIC HEARINGS

17 **RES PH 20-166** Authorizing the Office of Financial Empowerment to accept a \$50,000 grant from PolicyLink for the Cities and Counties for Fines and Fee Justice initiative, and amending the 2020 budget.

Any testimony received was available online for Council members to review. Councilmember Jalali 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

18 **RES PH 20-173** Authorizing the City of Saint Paul to accept the \$23,582,254 federal Coronavirus Relief Fund (CRF) aid from the State of Minnesota to address the COVID-19 pandemic, and amending the 2020 budget to incorporate this funding.

Any testimony received was available online for Council members to review. 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

19 RES PH 20-168

Amending the financing and spending plan of the Saint Paul Public Library for the Hayden Heights and St. Anthony libraries.

Any testimony received was available online for Council members to review. 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

20 RES PH 20-164

Approving the use of 2020 Neighborhood STAR Year-Round Program funds for completion of the 2019 Annual Court project at the West Minnehaha Recreation Center, and amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$4,606.50 for the project.

Any testimony received was available online for Council members to review.

Councilmember Thao made brief comments thanking Parks staff. He 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 20-159

Amending the finance and spending budget in the Department of Parks and Recreation in the amount of \$25,000 to reflect grant funds received from the I.A. O'Shaughnessy Foundation from the Grant holder's fiscal agent Minnesota Landmark for the Rice Park Revitalization project.

Any testimony received was available online for Council members to review. Councilmember Noecker 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 20-169 Authorizing the Department of Parks and Recreation to accept funds in the amount of \$12,500 from the Capitol Region Watershed District's (CRWD) Partner Grants program, authorizing the proper City officials to execute an agreement with the CRWD in compliance with all applicable laws, and amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$12,500 to reflect funds received for the Parks Ambassadors program.

*Any testimony received was available online for Council members to review.
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

23 RES PH 20-160 Approving adverse action against the Auto Body Repair Garage and Second Hand Dealer License application held by A & M Auto Sales Inc., d/b/a A & M Auto Sales (License ID# 20110000794) at 845 Robert Street. (Public hearing continued from August 5 and August 12)

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the adverse action relating to violations of three license conditions. This was the first violation within 12 months, and the licensing office was recommending a first-time matrix penalty of \$500. As of today, an inspector was at the business, and it was in compliance.

In opposition:

Licensee Alex Rivero said he'd had this issue ongoing since probably 2018. He'd never had issues and always been in compliance. They didn't mechanic outside, he got along with neighbors and did snow-removal for neighbors, and did lawn-cutting The property was always pristine. DSI records showed there had never been any issues. The only issue was when he submitted a plat map on how the parking spots were supposed to be set up, when he first established the business, probably over ten years ago. He switched those probably ten years prior back and never had an issue, and then when he went in to speak to a certain inspector, and the inspector came out and said they weren't in compliance. Mr. Rivero said he told the inspector he knew, they had been like that forever. So, the inspector said that meant he hadn't been in compliance for years. Mr. Rivero said since then, he'd had nothing but an issue. The inspector had made it more than his job to come out, multiple times on some days, and make his job hard. With customers being there, making rude comments as far as going to saying "If you people would get your things together." The comments were getting almost to the point where they were racist. Mr. Rivero said he had the police come to his location at one point, and physically this guy (the inspector) wouldn't leave the property. At the time of the last violation they were passing put lunches for the neighborhood and had a car blocking so people couldn't just pull in as kids were picking up lunches. At the re-inspection it was the exact same situation. It had been more than just the inspector's job, it was harassment. A different inspector came and she seemed pleasant, but she cited him for the same violations. The Council member said they were going to have someone come and help get the plat map together submitted and approved. Somehow in the conversation it got lost and nobody got back to him, and then COVID took over. He paid an architect over \$1300 to help draw the

maps. The guy came out one time and never came back again, and Mr. Rivero wasn't able to follow up in person because of COVID, and he never got his money back and it never got done. Mr. Rivero said he had never been out of compliance and always asked for help, and it seemed like he had never gotten it. It felt like the more he went down to that office, the more he got doors slammed in his face. He didn't know what to do anymore. He had multiple businesses and was engaged in whatever community he was in, because that was the community that helped the business flourish.

Councilmember Noecker moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Noecker thanked Mr. Rivero for his testimony, and her colleagues for the layover while she talked to Mr. Rivero and DSI. She said it was clear from Mr. Rivero's testimony that he had always genuinely wanted to be in compliance, and the only reason he wasn't on the subject date was that he was helping the community during COVID, and on other dates due to the lack of assistance that he was asking for, including from her office. She said she took responsibility for dropping the ball on the email forwarded to her in 2018. She noted that Mr. Rivero was in compliance now, and this was his first violation in twelve months. She said she took seriously the concerns raised related to treatment Mr. Rivero said he received from DSI; she said she hadn't corroborated that yet but was bringing it to the attention of the department director to make sure the City was always providing excellent customer service, and not just documenting violations but offering to help. In this case, she wanted to make sure Mr. Rivero got help on what the site plan and striping plan needed to be. She moved to stay the penalty for six months pending no same or similar violations.

Adopted as amended

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

Nay: 0

LEGISLATIVE HEARING ITEMS

Approval of the Consent Agenda

For the following cases, no objections to the Legislative Hearing Officer's recommendations were received, and therefore the recommendation 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 20-12 Appeal of KateLynn Hibbard to a Notice to Cut Tall Grass and/or Weeds at 881 COTTAGE AVENUE EAST.

Adopted

26 RLH VO 20-35 Appeal of Leo J Domenichetti to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1145 FOURTH STREET EAST.

Adopted

- 31 **RLH TA 20-375** Ratifying the Appealed Special Tax Assessment for property at 169 MARYLAND AVENUE WEST. (File No. CRT2011, Assessment No. 208210)
Adopted
- 32 **RLH TA 20-484** Ratifying the Appealed Special Tax Assessment for property at 575 MCKNIGHT ROAD SOUTH. (File No. VB2007A, Assessment No. 208817)
Adopted
- 33 **RLH CO 20-11** Appeal of Elsie Mayard to a Correction Notice at 755 MINNEHAHA AVENUE WEST.
Adopted
- 35 **RLH TA 20-521** Ratifying the Appealed Special Tax Assessment for property at 1262 MINNEHAHA AVENUE EAST. (File No. VB2007A, Assessment No. 208817)
Adopted
- 37 **RLH VO 20-30** Appeal of Thomas Mueller - SMRLS representing Selina Duncan to a Correction Notice - Re-Inspection Complaint (Condemnation) at 170 RUTH STREET NORTH #304.
Adopted
- 38 **RLH TA 20-368** Ratifying the Appealed Special Tax Assessment for property at 564 SIMPSON STREET. (File No. CRT2011, Assessment No. 208210)
Adopted
- 39 **RLH VO 20-32** Appeal of Paul Olson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 771 SIXTH STREET EAST.
Adopted
- 41 **RLH AR 20-99** Ratifying the assessments for Collection of Vacant Building Registration Fees billed during August 22, 2019 to February 18, 2020. (File No. VB2011, Assessment No. 208813)
Adopted
- 42 **RLH AR 20-100** Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during January 8 to February 15, 2020. (File No. CRT2011, Assessment No. 208210)
Adopted

- 43 **RLH AR 20-101** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during January 21 to February 20, 2020. (File No. J2011E, Assessment No. 208316)
Adopted

Approval of the Consent Agenda

For the following cases, no objections to the Legislative Hearing Officer's amended recommendations were received, and therefore the recommendation is to amend and adopt the items.

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

Nay: 0

- 28 **RLH TA 20-380** Ratifying the Appealed Special Tax Assessment for property at 2095 GERANIUM AVENUE EAST. (File No. J2011E, Assessment No. 208316) (Legislative Hearing on August 18)
Adopted as amended (assessment ratified)

- 29 **RLH TA 20-372** Ratifying the Appealed Special Tax Assessment for property at 75 ISABEL STREET EAST. (File No. J2011E, Assessment No. 208316) (Legislative Hearing on August 18)
Adopted as amended (assessment ratified)

For the following case, the Legislative Hearing Officer recommends continuing the public hearing to September 2, 2020.

- 36 **RLH TA 20-519** Ratifying the Appealed Special Tax Assessment for property at 1106/1108/1110 PAYNE AVENUE. (File No. VB2011, Assessment No. 208813) (Public hearing to be continued to September 2)
Public hearing continued to September 2

For the following cases, the Legislative Hearing Officer recommends continuing the public hearing to January 6, 2021.

- 27 **RLH TA 20-532** Ratifying the Appealed Special Tax Assessment for property at 1941 FREMONT AVENUE. (File No. J2011E, Assessment No. 208316) (Public hearing continued to January 6, 2021)
Public hearing continued to January 6, 2021

- 34 **RLH TA 20-370** Ratifying the Appealed Special Tax Assessment for property at 763 MINNEHAHA AVENUE EAST. (File No. J2011E, Assessment No. 208316) (Public hearing to be continued to January 6, 2021)
Public hearing continued to January 6, 2021

40 RLH TA 20-367 Ratifying the Appealed Special Tax Assessment for property at 491 WHEELLOCK PARKWAY EAST. (File No. J2011E, Assessment No. 208316) (Public hearing to be continued to January 6, 2021)

Public hearing continued to January 6, 2021

For the following case, the Legislative Hearing Officer recommends referring the matter to Legislative Hearing on January 19, 2021.

25 RLH TA 20-373 Ratifying the Appealed Special Tax Assessment for property at 1450 DALE STREET NORTH. (File No. J2011E, Assessment No. 208316) (To be referred back to Legislative Hearing on January 19, 2021)

Referred to Legislative Hearings on January 19, 2021

The following case is contested, and therefore the Legislative Hearing Officer will put a staff report on the record.

30 RLH RR 19-29 Ordering the rehabilitation or razing and removal of the structures at 864 MARION STREET within fifteen (15) days after the December 18, 2019 City Council public hearing. (Public hearing continued from August 12) (Amend to remove within 15 days)

Legislative Hearing Officer Marcia Moermond said she had received additional information that afternoon. The owner had received financing; Ms. Moermond didn't have all of the documentation, but it appeared the owner had a loan and bids to do the work. This was very 12th hour situation where they had been dealing with the issue for many many months. The owner was now represented by an attorney who seemed to be pulling things together. Ms. Moermond asked that the Council lay the matter over for one more week for the owner to complete putting together a scope of work and adequate documentation of financing, and then hopefully she could make a recommendation for rehabilitation r removal of the building within 180 days.

Councilmember Thao asked if this was residential or rental. Ms. Moermond said it was a duplex. Councilmember Thao moved a one-week layover.

Public hearing continued to August 26

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

Nay: 0

Council members shared information about events in their wards.

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 5:16 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

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.