



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, January 25, 2023

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Meeting started at 3:32 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 [AO 23-3](#) Amending ESG project budgets: funding for 2022-23 Emergency Solutions Grant activities administered by Ramsey County per the Joint Powers Agreement approved via RES 19-2110.
Received and Filed
- 2 [AO 23-4](#) Approving the 2023 Fund 200 - City Grants for the Department of Emergency Management to more accurately record expenditures for the UASI Grant.
Received and Filed
- 3 [AO 23-6](#) Amending the 2023 spending budget in the Department of Public Works Sewers Utility Fund Sewer Maintenance accounting unit.
Received and Filed
- 4 [AO 23-7](#) Amending HOME projects: amending 2020 HOME admin activities to match allowable HOME admin allocation per grant award and ConPlan reported program income; funding for 2022 HOME admin activities.
Received and Filed
- 5 [AO 23-8](#) Amending CDBG Project Budgets: \$1,000,000 in CDBG funds for the Public Safety Annex demolition.

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 8 would be taken separately, per Councilmember Noecker's request.

Noecker 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 23-59](#) Approving the City's cost of providing Property Clean Up services during November 1 to 10, 2022, and setting date of Legislative Hearing for February 21, 2023 and City Council public hearing for April 5, 2023 to consider and levy the assessments against individual properties. (File No. J2313A, Assessment No. 238512)
- Adopted**
- 7** [RES 23-60](#) Approving the City's cost of providing Property Clean Up services during November 17 to 28, 2022, and setting date of Legislative Hearing for February 21, 2023 and City Council public hearing for April 5, 2023 to consider and levy the assessments against individual properties. (File No. J2314A, Assessment No. 238513)
- Adopted**
- 9** [RES 23-106](#) Approving the use or non-use of a Project Labor Agreement on Department of Parks and Recreation construction projects for the first half of 2023.
- Adopted**
- 10** [RES 23-108](#) Authorizing the Fire Department to accept the donation of hats, gloves, mittens, pillows, stuffed animals, blankets, fleece materials and dog bone toys valued at \$4,330.40 from the Northern Express LLC.
- Adopted**
- 11** [RES 23-111](#) Authorizing the Department of Public Works to request from the Minnesota Department of Transportation a variance from its State Aid Operation Rules for the Hamline Avenue Mill and Overlay Project and to indemnify the State of Minnesota for claims, demands, actions, or causes of action that may arise based on the Department of Transportation granting the variance request.

Adopted

- 12 [RES 23-114](#) Approving amended guidelines for the Homeowner Rehab Program (formerly the Citywide Rehabilitation Program) (Citywide).

Adopted

- 13 [RES 23-118](#) Authorizing the Police Department to purchase water and refreshments for witnesses, victims, and suspects during critical incident investigations and assistance programs.

Adopted

- 14 [RES 23-134](#) Approving the Mayor's appointments of Sarah Florman, Jerry Brashier, Rosilyn Carroll, and Nichole Schluender to the Police Civilian Internal Affairs Review Commission to a three-year term ending on January 31, 2026.

Adopted

- 15 [RES 23-136](#) Approving the agreement between the Department of Safety and Inspections and the Association for Non-Smokers-Minnesota effective November 1, 2022 through October 21, 2023 and accepting a grant of a minimum of \$10,000 to enable DSI to limit youth/underage access to tobacco products.

Adopted

- 16 [Min 23-5](#) Approving the minutes of the Saint Paul City Council meetings of December 6, 7, 14, and 21, 2022.

Adopted**FOR DISCUSSION**

- 8 [RES 23-105](#) Approving the 2022 Round 2 Cultural Sales Tax Revitalization (STAR) Grant Program awards.

Councilmember Noecker spoke in favor, recognizing the St. Paul Festival Association for an innovative proposal on security.

Council President Brendmoen spoke in favor.

Councilmember Noecker moved approval.

Councilmember Prince spoke in favor.

Adopted

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

- 17 [Ord 23-1](#) Granting the application of Keith Schroeder to rezone the property at 981 Fuller Avenue, from R4 one-family residential to T2 traditional neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Councilmember Balenger moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 18 [Ord 23-3](#) Granting the application of Trellis Treehouse Acquisition LLC to rezone property at 0 Madison Street (north of 2319 West 7th Street, PIN 22.28.23.22.0080), from R1 one-family residential to RM2 medium density multiple-family residential and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Councilmember Tolbert spoke in favor and moved approval.*
- Councilmember Prince spoke in favor.*
- Councilmember Jalali spoke in favor.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0

PUBLIC HEARINGS

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

- 19 [APC 23-1](#) Public hearing to consider the appeal of Chad Cutshall of a Planning Commission decision approving a site plan for residential development at 0 Madison Street with 36 dwelling units and 7 structured parking spaces to be accessed via a private street on the adjoining property at 2319 7th St W. (Public hearing closed and laid over from January 25, 2023)
- Ashley Skarda, Zoning Inspector, gave a staff report on the site plan review for Items 19 and 20.*

Kady Dadlez, City Planner, gave a staff report on Items 19 and 20.

Chad Cutshall, appellant on Items 19 and 20, spoke during the public hearing.

David Lundy, neighbor, spoke during the public hearing.

Richard Johnson, neighbor, spoke during the public hearing.

Dan Walsh, representing the developer, spoke during the public hearing.

Councilmember Tolbert moved to close the public hearing and lay over to February 1, 2023.

Public hearing closed and laid over to February 1, 2023

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

Nay: 0

20 [APC 23-2](#)

Public hearing to consider the appeal of Chad Cutshall of a Planning Commission decision approving a variance for residential development at 0 Madison Street with significant regrading, tall retaining wall, and creation of trough-shaped yards between a new building and the new retaining wall. (Public hearing closed and laid over from January 25, 2023)

Councilmember Tolbert moved to close the public hearing and lay over to February 1, 2023.

Public hearing closed and laid over to February 1, 2023

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

Nay: 0

21 [RES PH 23-11](#)

Amending the financing and spending plans in the Fire Department in the amount of \$133,500 for a contribution received from the Minnesota Board of Firefighter Training and Education (MBFTE) to pay for training for firefighters.

Councilmember Balenger moved approval.

Adopted

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

Nay: 0

LEGISLATIVE HEARING DISCUSSION ITEM

24 [RLH RR 23-3](#)

Second Making finding on the appealed substantial abatement ordered for 288

AVON STREET NORTH in Council File RLH RR 22-50.

Public hearing continued for one week to February 1, 2023.

Marcia Moermond, Legislative Hearing Officer: I ask that you continue this public hearing for one week, which was not on the previous list provided to you.

Councilmember Balenger moved approval.

Public hearing continued to February 1, 2023

31 [RLH FCO 23-5](#)

Appeal of Greg Lehman to a Correction Notice-Complaint Inspection at 839 FOURTH STREET EAST.

Appeal granted with regard to the electrical outlet. Appeal denied with regard to the heater. Owner was granted until March 1 to have heaters installed that are compliant with City Code.

Also in attendance: Greg Lehman, property owner

Marcia Moermond, Legislative Hearing Officer: This from a complaint based inspection of Unit 1 of the building. The initial complaint was due to things like unsanitary conditions, no heat, and smoke alarm problems. When the inspector was out, there was a large set of orders. The only two that are under appeal are:

- An electrical outlet not being installed outside of code*
- A radiator being installed vertically and outside of code*

Looking at the photographs of the outlet, we have an outlet installed in the floor. This is an unusual situation, and also involves a nearby door where the swing of the door just barely clears the outlet. This type of outlet and cover plate is not something you would normally see. The inspector thought this might have been surplus product from a commercial job done in the 70s. In talking with the electrical inspector, there is not an evident code violation without taking apart the outlet. He did not see anything there that is obviously a violation. So in this specific order, I am recommending that the council grant the appeal.

With respect to the radiators, there is a requirement in code that baseboard heaters need to have covers. What we are looking at here are the exposed fins of a radiator. The property owner indicates that he has numerous inspections where this has not been called out over the years, and that he bought the property about 30 years ago with the radiator existing in this way. He said the issue is that the tenant took the cover off. The inspector saw this and shared photos with a mechanical inspection team for their input. It was called out as being installed without a permit and not installed per manufacturer instructions. The issue is that these exposed fins are sharp and extremely hot. The owner suggested that he could cut the fins off, but that would leave the copper pipe underneath exposed, which is also extremely hot. I would like to show you a standard cover for a baseboard heater along with a picture of the elements inside. They are intended to function horizontally, so that the cold air from the floor goes through the radiator and by a convection process heats the room. That is how the manufacturer intended it to work. Given a vertical installation, it would not work the same way, and might connect to the tenant complaining of a lack of heat. It is unfortunately if it has been this way for 30 years and not been called out. The photo, though, shows a clear code violation both in my own estimation and that of the fire inspector consulting with the mechanical inspection staff. I consulted with the senior mechanical inspectors to go through this.

The correction would be to install a heating fixture like a radiator that is code compliant. If it is baseboard heat, it should not be installed in this particular fashion.

In the inspector's view, this fix would require a mechanical permit to be pulled, although someone with a mechanical, heating, or plumbing license may have the skills to be able to pull the permit. My recommendation is that you deny the appeal on this matter, that this is a code violation, and grant until March 1 for its correction. This is taking into consideration that he is pursuing eviction of the tenant and he may not have occupancy for part of this time.

Councilmember Prince: To be clear, you are recommending we grant the appeal on the electrical outlet and deny the appeal on the heater?

Moermond: Yes.

Lehman: I live in Unit 2 of this building, and have owned it for over 30 years. The correct name of the heater is a hydroponic baseboard element, and it has been there over 30 years. It had a cover over it, but the tenant took the cover off of all the heaters. Inside the apartment was almost 74 degrees. I have had over 15 certificate of occupancy inspections over the last 30 years, and over 8 Section 8 inspections over the last 15 years since this tenant was living there. Not once has a fire inspector or anyone ever said anything about the heater. I had a partial cover over the heater and can make a better cover if need be. I offered to take the metal elements off the heater. She said I would be stuck with a metal pipe, but that's normal with a hot water heater. Furnaces have pipes running up and down. There are also clamps you can buy. If I took the metal off I could take these clamps and install them on the pipe to get heat out. Regarding the code, I asked for the code citation during the appeal and never got it until 2 minutes ago. The code is for general equipment and appliances, and has nothing to do with the heaters. Moermond also says I have to have manufacturer's instructions, but this was there when I bought the house over 30 years ago. I feel that I'm totally in compliance if I have a cover on it. It does keep the room warmer. I can take the fins off if that helps. What kind of permit do I need? Can I use these fin clamps? That is all I have.

Prince moved to close the public hearing. Motion prevailed.

Prince: I appreciate what Lehman said ostensibly being code compliant for all these years. What I would like to do is lay this over so I can talk to the inspector about a different cover and other items.

Council President Brendmoen: I had a similar thought, but ultimately this heater element needs to be replaced. Would it make sense to deny the appeal on this and commit to working with the owner to figure out next steps. Laying over the inevitable might not be the best.

Prince: Thank you. There is a need for a solution so I am okay with that.

Brendmoen: And you still have until March 1.

Prince moved 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 Tolbert 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

- 22** [RLH TA 22-399](#) Deleting the Appealed Special Tax Assessment for property at 1051 ARKWRIGHT STREET. (File No. J2302B, Assessment No. 238101)
Adopted
- 23** [RLH TA 22-380](#) Ratifying the Appealed Special Tax Assessment for property at 277 AURORA AVENUE. (File No. J2302E, Assessment No. 238301)
Adopted
- 25** [RLH RR 22-48](#) Ordering the rehabilitation or razing and removal of the structures at 523 BEAUMONT STREET within fifteen (15) days after the September 21, 2022, City Council Public Hearing. (Legislative Hearing on January 24, 2023)

Amended and referred to September 12, 2023 Legislative Hearing
- 26** [RLH TA 22-398](#) Deleting the Appealed Special Tax Assessment for property at 1370 CARLING DRIVE. (File No. J2302B, Assessment No. 238101)
Adopted
- 27** [RLH SAO 23-4](#) Appeal of Fadumo Abdi to a Vehicle Abatement Order at 779 CENTRAL AVENUE WEST.
Adopted
- 28** [RLH TA 23-12](#) Deleting the Appealed Special Tax Assessment for property at 824 COOK AVENUE EAST. (File No. J2301P, Assessment No. 238400)
Adopted
- 29** [RLH SAO 23-10](#) Making finding on the appealed nuisance abatement ordered for 643 EARL STREET in Council File RLH SAO 23-3. (Legislative Hearing on January 24, 2023)

Adopted as amended (nuisance abated and matter resolved)

- 30 [RLH VBR 22-61](#) Appeal of Lorn Ross McDowell to a Vacant Building Registration Notice at 1219 FIFTH STREET EAST.

Adopted as amended (appeal granted without condition)

- 32 [RLH TA 22-269](#) Ratifying the Appealed Special Tax Assessment for property at 501 HOPKINS STREET. (File No. J2229A, Assessment No. 228534) (Public hearing continued to January 25, 2023)

Adopted as amended (assessment reduced)

- 33 [RLH TA 22-395](#) Ratifying the Appealed Special Tax Assessment for property at 284 MAPLE STREET. (File No. VB2302, Assessment No. 238801)

Adopted

- 34 [RLH TA 22-197](#) Ratifying the Appealed Special Tax Assessment for property at 975 PALACE AVENUE. (File No. J2223A, Assessment No. 228525) (Public hearing continued to January 25, 2023)

Adopted as amended (assessment deleted)

- 35 [RLH TA 22-390](#) Ratifying the Appealed Special Tax Assessment for property at 984 TUSCARORA AVENUE. (File No. VB2302, Assessment No. 238801)

Adopted

- 36 [RLH TA 22-396](#) Deleting the Appealed Special Tax Assessment for property at 981 UNIVERSITY AVENUE WEST. (File No. J2301P, Assessment No. 238400)

Adopted

- 37 [RLH TA 22-406](#) Ratifying the Appealed Special Tax Assessment for property at 1671 UNIVERSITY AVENUE WEST. (File No. J2301P, Assessment No. 238400)

Adopted

- 38 [RLH TA 22-385](#) Deleting the Appealed Special Tax Assessment for property at 120 WINONA STREET EAST. (File No. VB2302, Assessment No. 238801)

Adopted

- 39 [RLH AR 22-99](#) Ratifying the assessments for Collection of Vacant Building Registration fees billed during January 10 to June 20, 2022. (File No. VB2302, Assessment No. 238801)

Adopted as amended (2063 Parkside Drive assessment removed and referred to February 7, 2023 Legislative Hearing)

- 40 [RLH AR 22-100](#) Ratifying the assessments for Securing and/or Emergency Boarding services during July 2022. (File No. J2302B, Assessment No. 238101)

Adopted

- 41 [RLH AR 22-101](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during August 6, 2021 to June 20, 2022. (File No. CRT2302, Assessment No. 238201)

Adopted

- 42 [RLH AR 22-102](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during May 23 to June 21, 2022. (File No. J2302E, Assessment No. 238301)

Adopted

- 43 [RLH AR 22-103](#) Ratifying the assessments for Graffiti Removal services during June 23 to August 10, 2022. (File No. J2301P, Assessment No. 238400)

Adopted

ADJOURNMENT

Meeting ended at 4:51 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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