

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, August 24, 2022

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Meeting started at 3:37 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 CO 22-61

Letter from the Department of Safety and Inspections declaring 1011 Burns Avenue a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

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 16 would be taken separately.

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

2 RES 22-707 Amending Civil Service Rule 7 to reduce the length of time eligible lists remain in effect.

Meeting	Minutes	- Action	Only
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City	Council	Meeting Minutes - Action Only August 2
		Laid over to September 7, 2022
3	RES 22-770	Amending Civil Service Rule 28.B.5 to eliminate language disallowing consideration of years of employment, and related education and experience, in setting wages for internal candidates as a firefighter. (Laid over from September 14, 2022)
		Laid over to September 7, 2022
4	RES 22-1042	Authorizing the City on behalf of the Police Department to accept an in-kind donation from The Standard for PeerConnect app software licenses for the Police Department's Employee Assistance Program.
		Adopted
5	RES 22-1140	Approving the City's cost of providing Property Clean Up services during June 2 to 13, 2022, and setting date of Legislative Hearing for September 20, 2022 and City Council public hearing for January 4, 2023 to consider and levy the assessments against individual properties. (File No. J2301A, Assessment No. 238500)
		Adopted
6	RES 22-1141	Approving the City's cost of providing Property Clean Up services during June 15 to 29, 2022, and setting date of Legislative Hearing for September 20, 2022 and City Council public hearing for January 4, 2023 to consider and levy the assessments against individual properties. (File No. J2302A, Assessment No. 238501)
		Adopted
7	RES 22-1239	Approving and authorizing modifications of two STAR loans made to Circus of the Star, a Minnesota nonprofit corporation ("Borrower").
		Adopted
8	RES 22-1269	Authorizing the Department of Parks and Recreation to apply for and accept a grant from the National League of Cities for the Youth Excel Initiative in an amount of \$150,000 to improve systems supporting equitable economic success for young people, focusing on STEM career opportunities.
		Adopted
9	RES 22-1274	Approving the Collective Bargaining Agreement (January 1, 2021 - December 31, 2023) between the City of Saint Paul and the Saint Paul Police Federation.
		Laid over to September 7, 2022
10	RES 22-1276	Authorizing the City to enter into a Cooperative Agreement with Ramsey County for sidewalk construction on Upper Afton Road between Burns Avenue

Meeting Minutes - Action Only	August 24, 2022

	Council	mooting minutes - Action Only August 24,
		and White Bear Avenue. Adopted
11	RES 22-1279	Authorizing the City to transfer \$7,850,000 of American Rescue Plan funds from the 30% AMI Deeply Affordable Housing account to a specific account for the 176 Robert project.
		Adopted
12	RES 22-1281	Authorizing the Fire Department to enter into a joint powers agreement with the State Patrol for helicopter operation training. Adopted
13	RES 22-1284	Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Prior Avenue from University to St. Anthony paving and lighting project constructed as part of the 2022 St. Paul Streets Program (SPS). (File No. 19239, Assessment No. 225201)
		Adopted
14	RES 22-1286	Approving adverse action against the Cigarette/Tobacco License held by Peters Market Inc. d/b/a Peters Market (License ID# 20200001649), at 530 Saint Peter Street.
		Adopted
15	RES 22-1290	Reciting a proposal for a Housing Finance Program for a multifamily rental housing development, approving the project and the program pursuant to Minnesota Statutes, Chapter 462C, authorizing the Housing and Redevelopment Authority to issue conduit multifamily housing revenue obligations, and authorizing the preparation of necessary documents and materials in connection with said project and program, Dale Street Project (Dale Street Project) District 8, Ward 1.
		Adopted
17	RES 22-1304	Approving the revised Wage and Benefit Policy for Non-Represented Management and Legislative Personnel.
		Laid over to September 7, 2022
18	RES 22-1305	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 2023. File No. 18746-22, Assessment No. 227202.
		Adopted
19	RES 22-1308	Preliminary Order setting the date of Public Hearing for September 28, 2022

City Council

to consider approval of the Seventh Place Mall operation and maintenance costs for 2021. File No. 18428-22, Assessment No. 227200.

Adopted

20 RES 22-1310

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 2021. File No. 18428-22, Assessment No. 227200.

Adopted

21 RES 22-1317

Waiving the 45-day notice requirement to issue a Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, Liquor Outdoor Service Area (Patio), and Entertainment (A) License to Lund Food Holdings Inc. d/b/a Lunds & Byerlys (License ID # 20220000546) for the premises located at 2170 Ford Parkway.

Adopted

22 RES 22-1318

Authorizing the City of Saint Paul to enter into the Fencing Consortium Joint Powers Agreement for the purpose of leasing anti-scalable fencing as a de-escalation tool and a public safety measure.

Adopted

FOR DISCUSSION

16 RES 22-1303

Celebrating the 125th Anniversary of the Hamline Church Dining Hall at the Minnesota State Fair.

Councilmember Jalali spoke to and read from the resolution.

A representative of the Hamline Church Dining Hall spoke to the resolution.

Council President Brendmoen expressed appreciation and support for the resolution.

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

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

23 Ord 22-38

Granting the application of Fulford Family Partnership LP to rezone property at 533 & 567 Randolph Avenue from T2 traditional neighborhood to IT transitional industrial and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

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

PUBLIC HEARINGS

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

24 Ord 22-37

Amending Chapter 193A of the Legislative Code pertaining to rent stabilization.

Council President Brendmoen spoke to the three-reading policy surrounding ordinances. Stated that votes will not be happening during the public hearing. Also stated that a numbered system will be used for public testimony and that everyone speaking to the ordinance should have received a number when they signed in.

Councilmember Tolbert gave an overview of the process leading up to the day's public hearing.

Brendmoen stated that a break might take place after 25 speakers. Asked speakers to keep to two minutes. Also said that before public testimony, councilmembers will share amendments they intend to offer, but no votes will be taken until the September 7 meeting.

Councilmember Jalali shared four proposed amendments.

Councilmember Noecker shared two proposed amendments.

Brendmoen stated that Councilmember Prince also has a proposed amendment and shared one proposed amendment.

55 speakers presented testimony.

Brendmoen stated again that votes on amendments would take place during the September 7 meeting, and then final adoption would be on September 14.

Tolbert moved to lay over for two weeks.

Public Hearing continued to September 7, 2022

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

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

25 RES PH 22-227

Approving the application of Nativity of Our Lord Catholic Church for a sound level variance in order to present amplified sound on September 16 - 18, 2022 at 1900 Wellesley Ave - Nativity Elementary School

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

26 RES PH 22-228

Approving the application of Stone Saloon, SBC dba Waldmann for a sound level variance in order to present live amplified sound on September 23-25, and September 30 - October 2, 2022 at 445 Smith Ave N.

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

27 RES PH 22-231

Approving the application of Taste of Rondo Bar & Grill for a sound level variance in order to present amplified sound on September 8, 2022 at 976 Concordia Ave - Taste of Rondo Bar & Grill.

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

28 RES PH 22-232

Approving the application of The Leukemia & Lymphoma Society Inc. for a sound level variance in order to present live amplified sound on September

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22, 2022 at 200 Dr Justus Ohage Blvd. - Harriet Island Regional Park.

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

29 RES PH 22-234

Approving the application of Anderson Race Management for a sound level variance in order to present live amplified sound on September 24, 2022 at Upper Landing Park - 180 Shepard Rd.

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

30 RES PH 22-235

Approving the application of University of St. Thomas, Margaret Cahill, Campus Life for a sound level variance in order to present amplified sound on September 4, 2022 at 2115 Summit Ave - O'Shaughnessy Stadium.

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

31 RES PH 22-236

Authorizing the Department of Planning and Economic Development to execute grant agreements with the Minnesota Department of Employment and Economic Development, which includes an indemnification clause, acceptance of grant funds, and amendment of related City budgets.

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

32 RES PH 22-237

Approving the application of Selby Avenue Jazz Fest (R. Mychael Wright) for a sound level variance in order to present live amplified sound on September 10, 2022 at 934 Selby Avenue.

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

33 RES PH 22-238

Approving the application of University of St. Thomas, for a sound level variance in order to present live amplified sound on September 9, 23, 30 and October 19, 2022 at 2115 Summit Avenue - O'Shaughnessy Stadium.

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

34 RES PH 22-240

Amending the financing and spending plans in the Fire Department for a contribution received from the State to pay for training and equipment for the hazardous materials team.

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

35 RES PH 22-242

Authorizing the Police Department Bomb Disposal Unit to accept and amend the 2022 special fund budget and adding an activity for the 2021 Minnesota Homeland Security Program - Bomb grant.

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

36 RES PH 22-243

Approving the temporary installation of artwork in the public right of way on the City's signal cabinets on the northeast corner of University Avenue and Marion Street.

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

37 RES PH 22-239

Approving the issuance of a conduit multifamily housing revenue note by the Housing and Redevelopment Authority (HRA) for a multifamily rental housing development project; reciting a proposal for a Housing Finance Program related to such multifamily rental housing development; approving the related project and program pursuant to Minnesota Statutes, Chapter 462C; authorizing the HRA to issue a conduit multifamily housing revenue note and authorizing the preparation of necessary documents and materials in connection with said project and program, and approving an ARPA Loan, and related documents for 176 South Robert Street, Soul Project (District 3, Ward 2). (Public hearing is continued from August 17.)

Dominik Jenson spoke to the item.

Council President Brendmoen appreciated the testifier waiting so long to speak.

Councilmember Noecker echoed Brendmoen's appreciation and 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

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.

40 RLH RR 22-28

Ordering the rehabilitation or razing and removal of the structures at 733 FAIRVIEW AVENUE NORTH within fifteen (15) days after the June 22, 2022, City Council Public Hearing. (Amend to remove within 15 days)

Deadline set for all documentation relating to work plans, financing, bids, and tax payments to be received by Legislative Hearing Officer by September 9. Legislative hearing set for September 13 to review documentation.

Stamate Skliris, owner, appeared via dial-in.

Moermond: Stated that property came before Council on June 22, 2022 when they considered the Department of Safety and Inspections' (DSI). During that hearing, I asked Council to refer back to Legislative Hearings if the owner had posted a performance deposit before the hearing. The intention was to develop work plans and financing plans going forward. Since then, there have been two legislative hearings in which the owner did not appear and did not tell staff ahead of time that he would not be appearing. I do think a rehabilitation is doable. There is a code compliance inspection report from July of 2021, and I asked it to be extended past the usual 12-month period. The owner says the repair is 85% done, but no permits indicate that work has been undertaken since the code compliance inspection. The property has been registered vacant since 2014. I want to spark action but am not sure what that looks like. No work plans, no bids, no evidence of financing, and unpaid taxes leave me stuck with a recommendation to remove unless the owner can come forward with concrete steps that can be taken.

Skliris: Property is in the Hamline-Midway area. I have not been the owner during the entire period it has been vacant. Purchased it as a vacant property. I also work as a prosecutor, living 20 hours away in North Dakota as a special assistant US attorney. I have been making progress. I met Inspector (Matthew) Dornfeld during the inspection, who thanked me for the interior of the building not having mice or feces. I have spent about \$300,000 on the interior alone with tiles and heated floors. After the inspection I got a letter that the building went from a Category 2 Vacant Building to a Category 3. I didn't know what that meant. I looked it up and learned that I lost the ability to pull permits to make repairs. I went to a legislative hearing and did post a \$5,000 performance deposit. I talked to inspector Robert Humphrey who said in an email on the 27th (did not state the month) that I could be issued permits. Humphrey apologized in a subsequent email where he apologized for the confusion. The notice about the hearing was also not sent to my correct mailing address. It was sent to my parents' home in southwest MN. I never received an email and signed up yesterday for the hearing today.

Council President Brendmoen: You have two minutes. Please clarify your ask of the Council.

Skliris: I am happy to satisfy all items delineated. I can do that. My boss the county attorney doesn't think I should. According to my contractor the \$40,000 estimate the assessors made is inaccurate and I shouldn't have to show proof of \$40,000. I can satisfy the property taxes tomorrow. I am asking for additional time to get you this information by September 9. Having new inspectors has also made the process difficult. The new inspector told me I cannot put moisture resistant sheet rock in the basement, but a Menards employee told me that wasn't true. I want to get this project done but the inspectors in St Paul are draconian.

Moermond: Staff estimates costs exceed \$40,000. If the total for bids are more than 20% less than staff estimates, a high level of detail would be required. It is acceptable that this costs less than \$40,000, but there needs to be documentation that the work is being done. If staff says electrical work will cost \$5,000 but he has a bid saying it will cost \$2,000, that is acceptable and there needs to be documentation of that. That has been indicated in multiple letters. Regarding DSI, Robert Humphrey was in his first day on the job when he made his mistake thinking the building was Category 2, and corrected the mistake within a few hours, realizing it was a Category 3 and needed Council approval and hearings. The email chain from the end of May is attached to the record. There have been 2 months since that conversation to be able to rectify that. The permits on file are dated and we need new permits that are timely to address the code compliance. Having that by September 9 would be fabulous.

Councilmember Jalali moved to close the public hearing. Motion approved.

Jalali: I find Moermond's recommendation to be reasonable. There needs to be documentation that the work required is happening and that work can happen for less than the estimated amount. There needs to timely updated permits. These requests are reasonable and I expect that information to get submitted. If this is not satisfied by September 9, I agree with Moermond that we are left with no choice but to enforce our code. Is it acceptable to Moermond to delay action until then with that requirement that these documents get sent via email?

Moermond: Given the September 9 deadline proposed by the property owner, I would propose that you refer this to Legislative Hearings on September 13 for the conditions to be reviewed. I can send a file to Councilmembers the following week with a recommendation based on those submissions.

Jalali moved the revised recommendation of Moermond.

Referred to September 13, 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

43 RLH RR 22-46

Ordering the removal of the structures at 1600 SEVENTH STREET WEST within fifteen (15) days after the August 24, 2022, City Council Public Hearing.

The property owner agrees to post a performance deposit, apply for a code compliance inspection by the close of business Monday (August 29), and maintain the property. Legislative hearing set for September 13.

Tom Basgen, neighbor homeowner, appeared

Moermond: I met with the attorney representing Burger King Corporation, Jacob Steen, during the first 30-45 minutes of today's Council meeting. Agreed that the property was not in good condition. Burger King is interested in getting this property into the hands of someone who can redevelop the sight. To that end, they will be posting a performance deposit, applying for a code compliance inspection by the close of business Monday, and maintain the property. The property has been a chronic problem for break-ins and dumping, and the inside has been gutted as a result of the

break-ins. I ask that you send this back to legislative hearings for September 13. There is also a letter attached to the record that details concerns about proper notice, which I will elaborate on in legislative hearings so you can get a comprehensive response to that letter.

Basgen: I am a first-time homeowner in the area. Many of my neighbors are upset with the current condition of the property and I am excited for this new direction.

Councilmember Noecker expressed appreciation for the work to resolve this issue and moved approval of Moermond's recommendation.

Referred to September 13, 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

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 Balenger moved approval.

A motion was made by Councilmember Balenger to Approve the Consent Agenda The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

38 RLH RR 22-52 Denying a stay of enforcement of demolition for property at 587 COOK AVENUE EAST. (Legislative Hearing on August 23, 2022)

Referred to September 27, 2022 Legislative Hearing

39 RLH VBR 22-38 Appeal of Zoe Zhi, American Medical Research, to a Vacant Building Registration Notice at 1082 EUCLID STREET.

Adopted

41 RLH VO 22-21 Appeal of Maradee Miller to a Fire Inspection Correction Notice (which includes condemnation) at 1145 HUDSON ROAD #317.

Adopted

42 **RLH VO 22-22** Appeal of Benjamin Kaufman, Southern Minnesota Regional Legal Services, on half of tenant, Marilyn Dunsmore, to a Fire Inspection Correction Notice (which includes condemnation) at 1145 HUDSON ROAD #410. **Adopted** 44 **RLH CO 22-7** Appeal of Catherine Fah to a Correction Notice at 1379 SHERBURNE AVENUE. **Adopted** RLH TA 22-63 45 Amending the previously ratified assessment to reduce the assessment for Property Clean Up service during June 15 to 30, 2021 at 1399 THOMAS AVENUE. (File No. J2202A, Assessment No. 228501) (Continue public hearing to August 24, 2022) **Adopted**

ADJOURNMENT

Meeting ended at 6:50 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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