City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd Floor
651-266-8560

Meeting Minutes

City Council

Council President Mitra Jalali
Vice President HwaJeong Kim
Councilmember Anika Bowie
Councilmember Cheniqua Johnson
Councilmember Saura Jost
Councilmember Rebecca Noecker
Councilmember Nelsie Yang

Wednesday, November 6, 2024 **3:30 PM** **Council Chambers - 3rd Floor**

ROLL CALL

Meeting started at 3:30 PM

Present 6 - Councilmember Rebecca Noecker, Councilmember Mitra Jalali, Councilmember Nelsie Yang, Councilmember Anika Bowie, Councilmember Saura Jost and Councilmember Cheniqua Johnson

Absent 1 - Councilmember HwaJeong Kim

COMMUNICATIONS & RECEIVE/FILE

1 AO 24-76 Amending CDBG Project Budgets: $260,000 of additional funding for Fire Station 51 and $36,000 of additional funding for NENO / D6 Business Invest and Revitalize Fund.

Received and Filed

2 AO 24-77 Shifting funds within existing project to alternate spending accounts that more closely align with project spending.

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 Jalali stated that Items 32 and 33 would be taken separately.

Councilmember Bowie moved approval.

Consent Agenda adopted as amended

Yea: 6 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

Absent: 1 - Councilmember Kim

3 RES 24-1459 Approving the 2024 Cultural Sales Tax Revitalization (STAR) Grant Program awards.

Adopted

4 RES 24-1466 Authorizing the City to enter into a cooperative agreement with Ramsey County for the Dale Street Bridge Project.

Adopted

5 RES 24-1514 Authorizing the City to enter into a grant agreement with the State of Minnesota for the Kellogg-3rd Bridge Project.

Adopted

6 RES 24-1523 Authorizing the Fire Department to donate equipment to the Ukrainian American Community Center.

Adopted

7 RES 24-1550 Approving the City's cost of providing Collection of Vacant Building Registration fees billed during July 25, 2023 to June 19, 2024, and setting date of Legislative Hearing for December 3, 2024 and City Council public hearing for February 19, 2025 to consider and levy the assessments against individual properties. (File No. VB2504, Assessment No. 258803)

Adopted

8 RES 24-1551 Approving the City's cost of providing Securing and/or Emergency Boarding services during July 2024, and setting date of Legislative Hearing for December 3, 2024 and City Council public hearing for February 19, 2025 to consider and levy the assessments against individual properties. (File No. J2504B Assessment No. 258103)

Adopted

9 RES 24-1552 Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during July 26 to August 6, 2024, and setting date of Legislative Hearing for December 3, 2024 and City Council public hearing for February 19, 2025 to consider and levy the assessments against individual properties. (File No. CRT2504, Assessment No. 258203)

Adopted

10 RES 24-1553 Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during May 22 to June 20, 2024, and setting date of Legislative Hearing for December 3, 2024 and City Council public hearing for February 19, 2025 to consider and levy the assessments against individual properties. (File No. J2504E, Assessment No. 258303)

Adopted

11 RES 24-1554 Approving the City's cost of providing Graffiti Removal services during July 3 to 12, 2024, and setting date of Legislative Hearing for December 3, 2024 and City Council public hearing for February 19, 2025 to consider and levy the assessments against individual properties. (File No. J2504P, Assessment No. 258403)

Adopted

12 RES 24-1576 Accepting the gift of lodging expenses from IAFF Local 21 for Fire Department Health & Wellness Coordinator/Captain Kyle Bode to tour the IAFF Center for Excellence for Behavioral Health Treatment and Recovery in Washington DC, October 26-27, 2024.

Adopted

13 RES 24-1581 Approving a Liquor On Sale - 101-180 seats, Liquor On Sale - Sunday, Liquor Outdoor Service Area (Patio) and Entertainment (B) - New Location license to Xieng Khouang Restaurant LLC d/b/a Xieng Khouang Restaurant & Hall (License ID 20220001916) for the premises located at 1756 Old Hudson Rd.

Adopted

14 RES 24-1586 Authorizing the Office of Financial Services, in coordination with the Mayor's Office, to apply for Core Program Support from the Ford Foundation to support the City's budget engagement sessions and related efforts to ensure reflective governance.

Adopted

15 RES 24-1595 Changing the rate of pay for DSI Fire Safety Inspector II, EG 02, AFSCME Technical.

Laid over to November 13, 2024

16 RES 24-1596 Changing the rate of pay for DSI Fire Safety Inspector III, EG 02, AFSCME Technical.

Laid over to November 13, 2024

17 RES 24-1597 Authorizing the Department of Parks and Recreation to accept $2,900 from the Duluth & Case Recreation Center Booster Club, a non-profit organization, to provide financial support for community events and youth sports programming at the Duluth & Case Recreation Center.

Adopted

18 RES 24-1604 Accepting the gift of travel and lodging expenses from Rooted Philanthropic for Jimmy Loyd to attend the Entrepreneurs and Small Business Seminar convening in Atlanta, Georgia from October 16-18, 2024.

Adopted

19 RES 24-1605 Approving a Settlement Agreement between 883FrontAvenue, LLC and the City with respect to the 2020 STAR award for the project located at 883 Front Avenue (District 6, Ward 5).

Adopted

20 RES 24-1606 Correcting a scrivener's error in RES 23-33, which supported the authority of the City to impose a local sales tax to fund special capital improvements providing regional benefit, to establish the duration of the tax and the revenue to be raised by the tax, and to authorize the City to issue bonds supported by the sales tax revenue.

Adopted

21 RES 24-1608 Correcting a scrivener's error in RES 23-871, which supported the authority of the City to impose a local sales tax to fund special capital improvements providing regional benefit, to establish the duration of the tax and the revenue to be raised by the tax, and to authorize the City to issue bonds supported by the sales tax revenue to authorize bridges as a use of revenues as required by 2023 Laws Chapter 64, Article 10, Section 3.

Adopted

22 RES 24-1609 Approving the application for change of ownership to the Parking Lot license now held by Parking Management Company d/b/a Parking Management Company (License ID #20240001674) for the premises located at 215 10th Street East.

Adopted

23 RES 24-1610 Approving the application for change of ownership to the Parking Lot license now held by Parking Management Company d/b/a Parking Management Company (License ID #20240001676) for the premises located at 81 9th Street East.

Adopted

24 RES 24-1611 Authorizing carryforward of unused private activity bond volume cap.

Adopted

25 RES 24-1618 Authorizing the use of Project Labor Agreements for 2025 Public Works Projects and 2026 Federally Funded Public Works Projects.

Adopted

26 RES 24-1627 Approving the use of grant funds through the Ward 2 and City-wide Funds for the Neighborhood STAR Year-Round Program for El Burrito Mercado.

Adopted

27 RES 24-1647 Approving the use of grant funds through the Ward 4 Neighborhood STAR Year-Round Program for Minnesota Care Partners DBA Roots Wellness

Center and Turbo Tim's Anything Automotive, LLC.

Adopted

28 RES 24-1649 Approving the use of grant funds through the Ward 4 Neighborhood STAR Year-Round Program for the Midway Club.

Adopted

29 Min 24-34 Approving the minutes of the Saint Paul City Council meetings of August 7, 14, 21, and 28, 2024.

Adopted

30 RES 24-1616 Approving Right of Way Permit Fee Rates for 2025.

Adopted

31 RES 24-1632 Approving the Mayor's appointment of Al Reiter and Kalisha Yang to the Saint Paul Climate Justice Advisory Board.

Adopted

34 RES 24-1607 Authorizing the City to enter into an Assignment Agreement and Use Agreement (which include indemnification language, and other documents as necessary) to close on the purchase of the property at 60 West Sycamore Street to house the Department of Public Works Solid Waste and Recycle Operations.

Adopted

ROLL CALL

Present 7 - Councilmember Rebecca Noecker, Councilmember Mitra Jalali, Councilmember Nelsie Yang, Councilmember HwaJeong Kim, Councilmember Anika Bowie, Councilmember Saura Jost and Councilmember Cheniqua Johnson

FOR DISCUSSION

32 RES 24-1626 Honoring Saint Paul Veterans on Veterans Day, November 11, 2024.

Councilmember Noecker read the resolution into the record.

Odell Brown from the City Attorney's Office gave remarks.

Tom Miller from the Veterans Employee Resource Network gave remarks.

Noecker moved approval.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

33 RES 24-1460 Approving the 2024 Neighborhood Sales Tax Revitalization (STAR) Grant Program awards.

Councilmember Bowie moved Version 2. Approved 7-0.

Councilmember Johnson moved approval.

Adopted as amended

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

35 RES 24-1340 Accepting an early care and education program plan recommendation.

Councilmember Noecker moved approval of Version 2.

Council President Jalali spoke in support.

Councilmember Johnson spoke in support.

Adopted as amended

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

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 second reading.

Final Adoption

36 Ord 24-27 Amending Title XXIII of the Legislative Code to add Chapter 224A titled Wage Theft.

Councilmember Kim spoke in favor and moved approval.

Councilmember Johnson spoke in favor.

Council President Jalali spoke in favor.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

First Reading

37 Ord 24-26 Amending Chapters 65 and 66 of the Legislative Code pertaining to drive-through sales and services and walk-up service windows.

Bill Dermody, City Planner, gave a staff report and answered councilmember questions.

Laid over to November 13, 2024 for Second Reading

38 Ord 24-33 Granting the application of Church of St. Pascal Baylon to rezone property at 470 White Bear Avenue North from H2 residential district to RM2 medium-density multiple family residential district and amending Chapter 60 of the Legislative Code pertaining to the Zoning Map.

Chris Hong, City Planner, gave a staff report and answered councilmember questions.

Laid over to November 13, 2024 for Second Reading

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

39 Ord 24-32 Amending the gas and electric franchises granted by the City to Northern States Power Company, a Minnesota corporation ("Company").

Russ Stark, Chief Resilience Officer in the Mayor's Office, gave a staff report.

15 people spoke during the public hearing.

Councilmember Noecker asked about comparisons to other municipalities and other revenue sources.

Stark addressed Noecker's questions.

Councilmember Kim asked a follow-up on Noecker's questions.

Councilmember Jost spoke in support.

Councilmember Bowie spoke in support.

Kim spoke to a potential amendment.

Councilmember Johnson spoke in favor of a potential amendment.

Councilmember Yang asked about earmarking funds.

Stark addressed Yang's question.

Jay Willms, City Council Chief Budget Officer, addressed Yang's question.

Council President Jalali spoke in support.

Pubic hearing closed and laid over to November 13, 2024 for Final Adoption

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

40 RES PH 24-263 Authorizing Public Works to request $973,000 in SCORE grant funds from Ramsey County to support the curbside recycling program and setting the 2025 City Recycling Service Fees.

Councilmember Yang moved approval.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

41 RES PH 24-264 Setting the Solid Waste Service Fee for 2025.

Greg Copeland spoke during the public hearing.

Sarah Haas from the Department of Public Works spoke to the concerns raised during the public hearing.

Copeland continued his remarks.

Councilmember Yang asked about the differences between services fees and rates.

Haas addressed Yang's question.

Councilmember Bowie asked who the service fee is charged to and what it will generate.

Haas addressed Bowie's questions.

Councilmember Johnson moved approval.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

42 RES PH 24-270 Setting the 2025 Sanitary Sewer and Storm Sewer rates. (Public hearing closed. Laid over from December 4, 2024)

Greg Copeland spoke during the public hearing.

John Purdy spoke during the public hearing.

Councilmember Bowie moved to close the public hearing and lay over to December 4, 2024

Public hearing closed and laid over to December 4, 2024

43 RES PH 24-259 Establishing the Water Charges for 2025. (Public hearing closed. Laid over from December 4, 2024)

Greg Copeland spoke during the public hearing.

Councilmember Jost spoke to concerns from the public comment and moved to close the public hearing and lay over to December 4, 2024.

Public hearing closed and laid over to December 4, 2024

44 RES PH 24-265 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 28, 2024 by Shepard Road between Washington Street and Sherman Street.

Councilmember Noecker moved approval.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

45 RES PH 24-266 Authorizing the Emergency Management Department to accept the 2024 Port Security Grant Program from the U.S. Department of Homeland Security through its Federal Emergency Management Agency (FEMA) (and amend the 2024 grant fund budget for this grant).

Councilmember Kim moved approval.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

46 RES PH 24-272 Amending the financing and spending plans in the Fire Department in the amount of $25,974.81 for the Minnesota Task Force One (MNTF1) reimbursement from the City of Edina.

Councilmember Johnson moved approval.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

47 RES PH 24-273 Amending the financing and spending plans in the Department of Emergency Management budget in the amount of $30,000 for the 2024 Emergency

Management Performance Grant (EMPG) to provide assistance for Emergency Management to attend and provide training, public education and purchase equipment.

Councilmember Jost moved approval.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

48 RES PH 24-275 Authorizing Public Works Solid Waste and Recycling Fund to amend their 2024 fiscal budget, including a reallocation of spending by $891,692 to adjust expenditures in Fund 645 and Fund 241 for the purchase of 60 W Sycamore St approved on RES PH 24-171.

Councilmember Yang moved approval.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

LEGISLATIVE HEARING DISCUSSION ITEMS

49 RLH SAO 24-71 Making finding on the appealed of Ray Krueger to a nuisance abatement ordered for 327 MAPLE STREET in Council File RLH CO 24-7.

Nuisance not abated. Department of Safety and Inspections (DSI) authorized to abate.

Marcia Moermond, Legislative Hearing Officer: DSI has not been able to get out to the property and check whether or not this vehicle is running, because of the difficulty in scheduling a police officer accompany them. My recommendation would be to adopt the resolution, which makes a finding that it wasn't in compliance at the time that it was originally checked. It is also not in compliance now because of where it's parked. We don't know if it's not in compliance because it's not running, but that could be determined when there is a recheck before towing.

Councilmember Johnson: If the Council does move forward today, with the constituent be notified about when the towing would be, to prove the car runs at that time?

Moermond: There will need to be an appointment made, so they would know when that person, the inspector, and officer would be coming.

Johnson: I think that there's been a lot of discussion. I appreciate both the phone testimony of Ray Krueger and also the updates from Moermond. I appreciate that there will be notification of that appointment being made. I hope they're able to work with the constituent to establish whether or not the car moves. I move Moermond's recommendation.

Council President Jalali: I find that reasonable based on the discussion to date and the updates we just heard.

Adopted

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

61 RLH RR 24-34 Ordering the rehabilitation or razing and removal of the structures at 674 MAGNOLIA AVENUE EAST within fifteen (15) days after the November 6, 2024, City Council Public Hearing.

Laid over for one week to allow additional time for $5,000 performance deposit to be posted and a code compliance inspection to be applied for.

Kibong Fondungallah, attorney o/b/o lender Loan Care, LLC, appeared via phone

Marcia Moermond, Legislative Hearing Officer: On screen is an image of 674 Magnolia. In a view of the rear you can see a pretty dilapidated condition and the electrical boxes have been removed. There's a picture of tall grass and weeds. The big issue is a large hole in the foundation. It's described as a 10 foot hole and was identified by the Fire Department, who contacted the Department of Safety and Inspections (DSI). The building is otherwise generally dilapidated as well. 18 months ago, when this was identified, it was condemned and referred to the vacant building program. The building is now on the cusp of foreclosure. I spoke twice with the attorney representing Loan Care LLC and David Sharpe from Guardian Asset Management. What they were looking for was time for their client to be able to figure out if they wanted to rehabilitate or demolish this building. In our two conversations, they had yet to have the sheriff's sale. Perhaps they had it yesterday. My recommendation to you is that because we don't have a performance deposit or a code compliance inspection report applied for, they haven't shown a good faith effort that they're going to be moving forward with a rehab. In these cases, I recommend the building's removal. The attorney representing can speak to where their client is at with any rehabilitation.

Kibong Fondungallah: We do have an update on this matter. We're trying to reach an agreement with an investor who's willing to take on the rehab. They in partnership with Metro Holdings and Kevin Vue, who I believe is known to this Council. The agreement just arrived like 30 minutes or so before this hearing. We have not yet done the paperwork that is needed to be presented to Council, but it will take a few days to get the final paperwork. The investor is willing to, on our behalf, order the code inspection. The sale occurred yesterday and we are looking to reduce the redemption period to five weeks, so that ownership of the property can get to the lender faster and we'll be able to process all the necessary paperwork needed. I am asking Council to please give us a little bit more time to get the paperwork together, have the performance deposit posted by the investor, and order the code compliance inspection. The investor is also willing to inspect and maintain the property, and want to make sure it's updated to prevent any waste, fraud or abuse. They will do anything that needs to be done in order to protect the property. If Council can transfer this back to Moermond so that we can finalize this process, post the deposit, and order the code inspection, the lender would really appreciate your consideration.

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

Yang: Moermond, did you receive any of the of the updates that the attorney mentioned during their testimony today?

Moermond: I became aware today. Being in discussion with an investor to do the work is fine, but it's not what's directly in front of Council right now. That's a potentiality for the future. The bank is seeking a shortened redemption time period. If they get it, that would be 6 weeks. That means the earliest they could take title is mid-to-late December. After that, then the investor would buy it through this development agreement that you would have to approve. Then you'd be looking at getting the performance deposit posted and the code compliance inspection application. It doesn't explain to me why the buyer isn't incentivized to post the performance deposit now and deal with any money later in the purchase agreement and contracts that they have. It's a consistent rule that we follow in Legislative Hearing and our recommendations to you is that those be taken care of. If you want to grant grace, that is always the Council's prerogative to do so.

Yang: If we approve your recommendation but then within the 15 days there is a lot of progress being made, are we then able to change in our decision?

Moermond: If Council orders the building removed within 15 days, that would put the deadline out to November 22, and you would be only looking at a demolition at that time. The only change, that I could hear, that might happen in that time is a preliminary agreement with someone who would work in partnership with the owner to redevelop the property. The key attributes to begin with aren't yet there. Could they do those? Yes. If you want to give them a chance to do that, we have Legislative Hearings next Tuesday covering remove or repair cases. This item could be referred back to see if they decide to post that performance deposit or apply for that inspection. They've been aware that this would be my recommendation since our first hearing on September 24.

Yang: The testifier asked for more time, and I'm willing to do that. What do you think would be appropriate? They asked for a few days, so I'm inclined to lay over for one week. What are your thoughts on that?

Moermond: I'm relying on them ordering that code compliance inspection report. We need to get to square one and we're not even there yet. That and getting the performance deposit posted are consistently in my recommendations. If they did that I would say, yes, give time. They'd be showing that they're in this. I'm simply not seeing that they're in this. If they do that in the next week, I would change my recommendation.

Yang: I move to lay over for one week. If there isn't progress, I will move the recommendation Moermond gave today.

Public hearing closed and laid over to November 13, 2024

Yea: 7 - Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

75 RLH TA 24-313 Ratifying the Appealed Special Tax Assessment for property at 574 SHERBURNE AVENUE (AKA 572 SHERBURNE AVENUE). (File No. VB2411A, Assessment No. 248828) (Public hearing continued to November

6, 2024)

Assessment deleted.

Raeisha Williams, owner, appeared in person
Rosemary, mother of owner and resident, appeared in person

Marcia Moermond, Legislative Hearing Officer: In the front part of the parcel there is a duplex and in the back part of the parcel on the alley side there is a single family home. Both buildings were registered vacant buildings and the duplex in the front got off the vacant building list in 2019 before the building was sold. The people who purchased the building on December 29, 2020, are living in the duplex and the back continues to be a registered vacant building. It has been that way since 2013, so we're eleven years in, four years under the current owner. The owner has said they were not aware it was a registered vacant building when they purchased it from Twin Cities Land Bank, and that they didn't realize until recently that it was showing up on their property taxes with a vacant building fee attached to it. They're not sure what happened to the annual registration renewals. The next question becomes about how to get it out of the vacant building program. The traditional measure that we use is that a Category 2 vacant building needs a certificate of code compliance. In this case, they've been doing some work on the house that didn't need permits. They believe that the qualities that made it meet the definition of a registered vacant building in the past don't exist anymore. The issue is that there has to be minimum code compliance with that certificate of code compliance. I have been talking with the owners and trying to figure out a pathway to make this more doable. When you have a property like this, both the fees and the repairs are expensive, even if there are things that can be undertaken on your own. What's in front of me now is the proposed vacant building assessment of $5,075 that covers the time period from March 2024 through March 2025. I believe they're hopeful to get out of the vacant building program and have this fee removed. My recommendation is approval. At this juncture there is a question of getting a fresh code compliance report. The current one is five years old. Working with Neighbor Works or Rondo Land Trust, they need to be able to put together a plan and get some financing to get the project done.

Councilmember Bowie: Is the back house considered an Accessory Dwelling Unit (ADU)? If it was, would that change things?

Moermond: It would not. There are no separate vacant building policies for ADUs versus other kinds of structures. It's just strictly structure based.

Bowie: When was the last time there was a certificate of occupancy for that building in the backyard?

Moermond: 2013.

Bowie: And then it was purchased years after that?

Moermond: Yes. It was purchased on December 29, 2020 from Twin Cities Land Bank.

Bowie: Are you proposing approval of this year's assessment?

Moermond: My recommendation is to ratify the assessment. There is no notation to spread it over time. That's something that the owner preferred to address on her own. I hope there is the ability to get this vacant building file closed in the next four to six months so that there isn't another vacant building fee, and that this would be the very last one. Whether or not there can be consideration for decreasing the assessment,

that is the Council's prerogative.

Raeisha Williams: I just wanted to give some context to the situation. We are business owners in Frogtown, and owned a restaurant called Heritage Tea House. We were working closely with Frogtown Neighborhood Association when we first moved into the property in 2013. At the time, there was a gentleman who was a former commissioner who was working on the property and had it for many years. It had been blighted. They had a fire with homeless individuals that came into the property when we weren't living there. It was a nuisance. It was all the things that you would predict that fall under the blighted properties. We're not that now. Since we moved in, we renovated not just the interior of our property, but also the exterior. We removed all fire hazards, so all of the wiring has been removed. All the insulation has been removed. Everything has been removed so it's completely gutted from the inside. We've done the external work of the electricity on the backside. At this point, we're at a junction where we just financially can't afford to move forward on our own to do any of the work. We inherited this property. Rather than tearing it down, we know that there is a huge unhoused population right now. Rather than tearing down a two-bedroom two-story house, we want to keep it and make sure that somebody can have affordable housing. We're asking that you take us off the vacant property list. We don't want to have to knock the property down. We want to leave it for somebody. Our request today is that it's a very unfair situation for a family who financially can't afford it. We inherited it. We're asking that you convert it to an ADU, give us time to really fix it up, and take us off the vacant property list. I've passed out visuals that were not given to you earlier (visuals were already a part of the record). Moermond provided you with old visuals. These are new visuals of the property.

Rosemary Williams: We moved in here kind of hastily. My son had been murdered, and we need to get in some housing. People helped us do that. The organization that was dealing with this property had all these big ideas to do a lot of stuff and then disappeared. We weren't aware of all these different pieces coming together. Thankfully I've got some clarity on that now. We've got new siding on it and a new roof. It's been pretty much totally gutted. We've got a new box on the back because the homeless people removed the copper, so that's all been replaced. We just realized that we do not need to have licensed professionals to do all that work. With inspection piece, we agreed to try to meet halfway and get things going. We don't have an extra $5,000 to rectify the scenario. Hopefully we're going to get with some of the nonprofits in the community. I'll trust in a couple others to see what they can do, if they have any funding available for us to work with. We're hoping that the City Council can be considerate of us, which it seems is going to happen.

Bowie moved to close the public hearing. Approved 6-0.

Bowie: Upon the purchase of a property and transfer of ownership, how do we notify a new owner of a transfer of an assessment? That would be a job of the title company, right? I am aware that Williams received letters. She has continued paying for 3 years, and $5,000 on top of your property taxes is not cheap. I am hearing from the homeowners that we're working with community partners who are known to help preserve housing. Neighborhood Works has a first come, first served fund on helping people with these type of repairs. We are aware of Ramsey County and also the City of Saint Paul having funds to ensure that we're providing affordable housing. I'm hearing that the property in the back is large enough to house a family. It is in the interest of the City to keep it. Can we temporarily waive the fee of $5,000 and give until March of 2025 to get the repairs done, and then reexamine it? If so, I would like to lay this over until then.

Council President Jalali: Could you clarify what you would like? Do you want to waive the fee or lay this over?

Bowie: I want to revisit this in March 2025. If everything is in compliance and she is up to code, then I am also offering to waive that $5,000 fee, because I'd rather the funds be used towards getting the place into compliance.

Councilmember Noecker: I think I support the motion. My understanding is that it would be staying the vacant building fee until 2025, pending the completion of the code compliance report and the certificate of occupancy. We would not be laying the item over until then, but rather taking action today to stay the fee until then.

Bowie: Yeah. Thank you for the language. Pending that laying over.

Noecker: So just to make sure I'm clear, I believe this fee is for May 2023 to February 2024. The property could then potentially incur another vacant building fee from now on through 2025. I support what we're trying to do here in terms of not taking money for the vacant building fee and letting that go towards getting the property rehabilitated. Will we be looking at another fee in the future, then?

Moermond: This applies to the time period of March 2024 through March 2025. If the intent is to hold this in abeyance, hoping that the certificate is granted before March 2025, you would need to take an action. You can ratify it, reduce it, delete it, or lay it over. Those are the motions that are available to you for this type of case. I would recommend the layover and going to the end of March. The last meeting that month is March 26, 2025.

Noecker: Will another vacant building fee be applied in the interim, or is there a way to also hold that in abeyance?

Moermond: A new registration letter will go out in the beginning of March 2025. If that is appealed, Council can certainly grant a 90 day waiver on that fee, which would create a larger cushion.

Noecker: I'm reading this as going from May of 2023 to February of 2024. What's in front of us?

Bowie: Yeah, you're right. Because once it hits March, it's going to generate another one, right? So it would be February.

Jalali: I'm hearing that people generally want to support not having undue payment costs, and the proper legal mechanism to do that.

Councilmember Kim: Can you clarify if there is a second vacant building fee that would be applied during the time of which you are offering this stay or deletion or ratification of the vacant building fee? Because that's still unclear.

Moermond: The anniversary day is March 19. That would be the first day of the new fee cycle and we would take a separate action on that forthcoming fee.

Kim: So next March they will have a second renewal of that registration fee. I'm also a little concerned how someone can purchase a property from a Land Trust and not have a disclosure that it is on a vacant building registration in Saint Paul. That is even a greater motivation for me to support what I'm hearing.

Moermond: It is incumbent upon a seller to disclose this. One way would be through

the truth in sale of housing (TISH) report, which we're all pretty familiar with. The other would be giving the code compliance inspection report to the purchaser. They did have a code compliance inspection report within a year of the transaction, so that could have been used as a disclosure document. Whether it was understood as such, I don't know. I can say that for the past four years, the vacant building registration letters and renewals have gone to the current owners.

Kim: The issue that I'm hearing for myself is that if it's not done at point of sale and if it's required by the seller... It's been a while since I've personally looked at a TISH report...but I don't think... Maybe it's been updated, but I'm extending some sympathy to the homeowner who is repairing a property in good faith and is working really hard to establish multiple generations of home ownership. It just feels very incumbent that we have some sort of clarity on that. It sounds like it's not a today thing, but that feels very disingenuous. I'd be interested in what land trust this property was purchased under.

Councilmember Johnson: Who was the seller, again?

Moermond: The seller was Twin Cities Land Bank.

Johnson: What is the motion? I don't understand the purpose of a layover. If we are able to delete it knowing that there may be further business on this property... I'm just asking for clarity. I'm trying to understand if a deletion is warranted or if this is a layover until next year. I'm hearing this may be a situation that requires follow up and also may warrant a deletion.

Moermond: I would recommend the layover in this case. The City charter hasn't been examined in the context of this particular assessment. It does speak to reasons why an assessment can be deleted, and we just want to double check to make sure things are in alignment there. A layover would also give you the opportunity to delete it, so you're not losing that option by continuing the conversation.

Jalali: So you're saying we could take a shorter layover to confirm under what conditions we can delete an assessment if that is viewed as appropriate. If that is not workable, it gives us time to explore additional options. Correct?

Moermond: Yes.

Jalali: Your thoughts, Bowie?

Bowie: I would rather wait on a deletion because the layover is a tool we have, but if there's a tool to actually delete it and give time to invest into the property and then get their certificate of occupancy... The conditions of how we got here seem like a responsibility of the seller. With laying it over two weeks, I wouldn't want the family to have to come back here and testify and we end up in the same place as today.

Jalali: A layover gives us time to look at the deletion recommendation because there are legal requirements we have to satisfy. If that doesn't work, it's time to make a plan. I hear you, Bowie, wanting to minimize impacts on community members having to come back. If we can just get some extra time today to do that legwork, I don't know that they would need to come back. I'm looking to Therese Skarda from the City Attorney's Office, if there's other advice.

Therese Skarda, Deputy City Attorney: I believe Moermond's recommendation said you can delete it or you can lay it over.

Jalali: What I heard Moermond say is that we aren't sure if we can delete it.

Moermond: Council can take that action. I think it would need to be examined because there are some specific criteria in the City charter that speak to conditions needed for an assessment to be deleted, and I would want to make sure that Council had a chance to check those boxes before deleting.

Bowie: I move to delete it. The technicality issue can come back to my office and we can take additional steps if need be. I don't want to lay it over to a point that's past the time period where another letter is going out.

Jalali: I'm getting guidance that we can delete it. Is that the case?

Skarda: I certainly can do the legal research, but Council has deleted assessments before and I'm not aware of a reason you couldn't.

Jalali: It looks like we have a motion to delete, and are allowed to do that.

Adopted as amended (assessment deleted)

Yea: 6 - Councilmember Noecker, Councilmember Jalali, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

Absent: 1 - Councilmember Yang

74 RLH RR 24-46 Fourth Making finding on the appealed substantial abatement ordered for 346 SHERBURNE AVENUE in Council File RLH RR 24-37. (Public hearing closed and laid over from November 6, 2024)

Laid over for two weeks to verify abatement of nuisance conditions.

Raymond Waletski, owner, appeared in person

Marcia Moermond, Legislative Hearing Officer: This was originally in front of the City Council in December of 2022, and you revisited it twice. The first time, the rehab was at 10% completion. The second time, it was at 60% completion. We are now at the third time, and there are a couple concerns. The first one is that we did not have a Legislative Hearing. We tried on two separate occasions to reach Mr. Waletski to discuss where things were at. He had not reached out to Department of Safety and Inspections (DSI) staff to schedule a progress inspection, which is a requirement and had also been a requirement for his previous hearings. That inspection tells us how close are we to the finish line and informs my recommendation related to the performance deposit and additional grants of time. Not having communication from Waletski, not having phone connect, and having emailed letters, at the very last minute we asked the building inspector to reach out. This is actually the responsibility of the property owner but we asked him to go out and take a look. There are a few things left on the rehab. The other permits are finaled. I walk in here today with a recommendation that I formulated prior to any communication, which is that the Council forfeit $5,000 of the $10,000 performance deposit. Additionally, if the project continues to be incomplete, that you continue to forfeit an additional $1,000 every two weeks until the project is complete or the money is gone, at which point you would revisit it for enforcement action. The Council could definitely choose not to forfeit money and grant additional time. I believe additional time is being asked for. I don't have an updated work plan or anything. I haven't got a sense of where that's at. You are normally at the six-month mark when you look at these cases. We are six months

plus seven weeks in this case because we tried 2 times to have Legislative Hearings on this.

Councilmember Bowie: What do you mean in terms of forfeiting the deposit? If we adopted your recommendation and he finishes, does he get the remaining $5,000 back?

Moermond: Yes. The performance deposit is intended to do just that, ensure performance. In this case, it is my finding that performance did not occur in the time granted by the Council. If you were to go with my recommendation and do that forfeiture, there would still be $5,000 that could be returned upon completion of the project within the timeline that you grant.

Councilmember Johnson: Was there successful contact when the inspector went out?

Moermond: The inspector had Waletski's phone number and did reach him.

Council President Jalali: Could you summarize your recommendation?

Moermond: My recommendation is that $5,000 be forfeited on the performance deposit for non completion of the project in the time granted by the City Council, and that the forfeiture continue until the completion of the project.

Bowie: What are the plans for this property? Is this an investment property? Was there ever a history of tenants there? Did the family live there?

Moermond: When we originally had hearings two years ago on this, Waletski indicated that he would be moving into this property. He since indicated to my team that he would be selling the property. I'm not sure the current status. I would defer to him.

Waletski: This building is an 800 square foot single story house built in 1885. The upstairs was an attic. An elderly couple lived in it for decades, as the neighbors have told me. They passed away and a nephew got it. He thought he could remodel it. He completely gutted it. We purchased it at the end of 2016. Just prior to that, my wife and I purchased the building behind it at 347 University Ave. We didn't know what we were going to do with it. Likewise, we purchased the building at 1047 University Ave. We employ people in Saint Paul. We have commercial property in Saint Paul. It will be incumbent upon the City Council to understand that we are not slumlords. What we had planned to do was just sit on it. With our building at 1047 University Ave, we were going to tear it down and put up an apartment building. We're working with Minnesota Housing Authority. We hired Larissa Ripley, the best consultant working with Minnesota Housing Authority, to put up a 40-unit building at 1047 University Ave and were waiting to buy the house next to this house at 346 Sherburne Ave. This is all related. Then the citizens of Saint Paul voted in rent control. The building we were going to put up at 1047 University Ave would have been a mixed-use, subsidized, and market rate.

Jalali: We're here for 346 Sherburne Ave. You need to focus your remarks. What is your plan to address the issues?

Waletski: The point is that we were sitting on this building, we got a letter from the City to do something with it. Tear it down or rebuild it. The code compliance report does not say anything about putting in a heating system. I put in a 96% energy efficient furnace. I put in all new ductwork. When the building inspector went through

it, he said "I'm not going to make you do anything. You don't have to do." The walls are 2x4 walls. I put in insulation. I asked Nate (the inspector), "Do you mind if I fill them out and make it more efficient.?" He said sure. For the upstairs, there was no stairs going to the attic. The upstairs was an attic loft. Bedrooms said estimate. Can I finish this? Who said I can't stop you from finishing your attic? They won't be legal bedrooms, but will be a great place for kids. So now I took this 800 square foot rack, okay? Floors were off by three inches. I poured a concrete floor and a basement, which I didn't have to. I tore out all the sidewalks, leveled out the yard, so now we have a yard for kids that can play in it. I built two more bedrooms upstairs for children. Now you have all new wiring. I could have kept the 50 amp service. There's no wiring in this place. I put in wiring from where the power comes in from Xcel energy, a mass down 200 amp service and rewired the entire thing. I put in a laundry facility in the back porch. Here's what happened with your inspectors. Your inspectors have been really super, but your plumbing inspector recently said she won't final it because I had some missing drywall in the bathroom to run some wiring. Drywall's got nothing to do with plumbing. She wanted to see the washing machine installed because she wanted to see the discharge hose in the pipe in the wall. She wanted to see it run. The plumber stubbed in for a dishwasher. We weren't going to put the dishwasher in yet. She said "I won't final it until you put the dishwasher in." Now, when you buy houses, they come without appliances a lot of times. They're new houses, but your inspectors wanted this done. Clint, just yesterday...everything's done in this place...Randy...all the codes, have all the trades have finalized. I met Clint yesterday and he looked around. He tried to tell me that it has to have carpeting, has to have trim around the windows, and I got to put a hinge on the hatch door that goes to the basement. None of that's on the code compliance report. No heating is on a code compliance report. I've done above and beyond to turn this wreck into a high quality energy efficient home. I'd like too, if the City Council would indulge me, as commercial property owners...

Jalali: You're over time. What is your ask?

Waletski: It's not a matter of the money. It's the principle. We don't want to give up the money, but it's the principle. I went above and beyond.

Jalali: But did you abate the nuisance conditions?

Waletski: The building is done. Clint was here yesterday and then he tried to nickel and dime two more things on there that have nothing to do with the building. I told Clint to come there next week and he can see it again.

Jalali: So it sounds like what you want is to just have someone come and reinspect it and deem the work that you have done to be addressing the conditions that are the reason why they're taking your deposit. Okay, that's your ask. That's what I'm trying to understand.

Waletski: It needs to be taken off the vacant building list. All the trades have signed off and it's a far better structure in that neighborhood than what it started out as. And on top of that, when I started...

Jalali: I just want to know what you're asking of us.

Waletski: That's what I'm asking.

Jalali: I can't just listen to your story and then be like, "Well, that sounds good." We have to make decisions within certain frameworks. That's why I'm trying to hone in on the thing that you want. If we have other questions, we can ask those of you.

Waletski: Is there an opportunity to talk about, as an investor in Saint Paul, that the City Council can have an idea of where property investors were, at least us, are coming from, and what we had planned to do, and how badly we soured on the City of Saint Paul?

Jalali: That's outside the scope of this item, but I'm sure that whoever represents you in the Council is happy to talk to you.

Bowie moved to close the public hearing. Approved 6-0.

Bowie: Could we have an inspector go back out to see where it's at and come back to us?

Jalali: It looks like this was reviewed on October 18 and the condition wasn't abated. We're now at November 6. The Community member is saying that work has happened. Why not send an inspector out there and have them verify that? I appreciate the Community member saying that he has done above and beyond. This is about the nuisance conditions being abated or not. I would like to have that be determined. Is that workable, to ask that an inspector go out and verify what still needs to be abated, and then we decide what we do from there? How would we structure that? What other thoughts you have on that?

Moermond: An inspector actually went out yesterday, and there is a small list of things that need to be done, but it makes sense to give Mr. Waletski a chance to finish those things.

Jalali: What time is reasonable for you, Bowie?

Bowie: Two weeks.

Jalali: So, we are going to a two-week layover during which an inspector will go out?

Moermond: If you want me to conduct a hearing, I would suggest November 19. If you simply want to lay it over for two weeks in Council, then that would be two weeks from today, November 20.

Jalali: Two-week layover, inspector goes out, hearing on the 19th for them to go through that, on the 20th it comes to us. Motion from Bowie to that effect.

Public hearing closed and laid over to November 20, 2024

Yea: 6 - Councilmember Noecker, Councilmember Jalali, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

Absent: 1 - 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 Johnson moved approval.

Legislative Hearing Consent Agenda adopted as amended

Yea: 6 - Councilmember Noecker, Councilmember Jalali, Councilmember Kim, Councilmember Bowie, Councilmember Jost and Councilmember Johnson

Nay: 0

Absent: 1 - Councilmember Yang

50 RLH RR 24-45 Amending Council File No. RLH RR 24-32 to abate the Making Finding on the appealed Substantial Abatement Ordered for 188 ACKER STREET EAST.

Adopted

51 RLH OA 24-10 Appeal of Brian Sullivan, Xcel Energy, to a Denial of Request for Fence Variance at 63 ARLINGTON AVENUE EAST.

Adopted

52 RLH VBR 24-65 Appeal of Mike Horsch, JAM Ventures, to a Vacant Building Registration Renewal Notice at 145 BELVIDERE STREET EAST.

Adopted as amended

53 RLH RR 24-36 Fourth Making finding on the appealed substantial abatement ordered for 939 CHARLES AVENUE in Council File RLH RR 24-6.

Amended and public hearing continued to November 20, 2024

54 RLH TA 24-442 Amending Council File RLH AR 24-52 to reduce the assessment for Collection of Delinquent Garbage Bills for services during January to March 2024 at 565 DAYTON AVENUE. (File No. CG2402A1, Assessment No. 240113)

Adopted

55 RLH TA 24-419 Deleting the Appealed Special Tax Assessment for property at 1209 DAYTON AVENUE. (File No. CG2403A2, Assessment No. 240116)

Adopted

56 RLH TA 24-436 Amending Council File RLH AR 24-32 to delete the assessment for Collection of Delinquent Garbage Bills for services during October to December 2023 at 1225 EDGERTON STREET. (File No. CG2401A1, Assessment No. 240111)

Adopted

57 RLH TA 24-440 Amending Council File RLH AR 24-52 to delete the assessment for Collection of Delinquent Garbage Bills for services during January to March 2024 at 1225 EDGERTON STREET. (File No. CG2402A1, Assessment No. 240113)

Adopted

58 RLH TA 24-422 Deleting the Appealed Special Tax Assessment for property at 1225 EDGERTON STREET. (File No. CG2403A1, Assessment No. 240115)

Adopted

59 RLH TA 24-377 Ratifying the Appealed Special Tax Assessment for property at 908 EDMUND AVENUE. (File No. J2401V1, Assessment No. 248001)

Adopted as amended (assessment reduced)

60 RLH TA 24-381 Ratifying the Appealed Special Tax Assessment for property at 1223 FARRINGTON STREET. (File No. CG2403A1, Assessment No. 240115)

Adopted

62 RLH TA 24-421 Deleting the Appealed Special Tax Assessment for property at 75 MARYLAND AVENUE EAST. (File No. CG2403A1, Assessment No. 240115)

Adopted

63 RLH TA 24-433 Amending Council File RLH AR 23-107 to reduce the assessment for Collection of Delinquent Garbage Bills for services during April to June 2023 at 75 MARYLAND AVENUE EAST. (File No. CG2303A2, Assessment No. 230113)

Adopted

64 RLH TA 24-434 Amending Council File RLH AR 24-32 to reduce the assessment for Collection of Delinquent Garbage Bills for services during October to December 2023 at 75 MARYLAND AVENUE EAST. (File No. CG2401A1, Assessment No. 240111)

Adopted

65 RLH TA 24-435 Amending Council File RLH AR 24-52 to reduce the assessment for Collection of Delinquent Garbage Bills for services during January to March 2024 at 75 MARYLAND AVENUE EAST. (File No. CG2402A1, Assessment No. 240113)

Adopted

66 RLH TA 24-391 Ratifying the Appealed Special Tax Assessment for property at 735 MARYLAND AVENUE EAST. (File No. CG2403A1, Assessment No. 240115)

Adopted

67 RLH TA 24-416 Deleting the Appealed Special Tax Assessment for property at 1033 MARYLAND AVENUE EAST. (File No. CG2403A1, Assessment No. 240115)

Adopted

68 RLH TA 24-417 Ratifying the Appealed Special Tax Assessment for property at 1669

MARYLAND AVENUE EAST. (File No. CG2403A1, Assessment No. 240115)

Adopted

69 RLH TA 24-428 Deleting the Appealed Special Tax Assessment for property at 1894 MECHANIC AVENUE. (File No. CG2403A1, Assessment No. 240115)

Adopted

70 RLH VBR 24-59 Appeal of Zoltan Pusenyak to a Vacant Building Registration Notice and Code Compliance Inspection Letter at 1024 MINNEHAHA AVENUE EAST.

Adopted

71 RLH VBR 24-60 Appeal of Romisha Jones, Tenant, to a Vacant Building Registration Notice and Code Compliance Inspection Letter at 1024 MINNEHAHA AVENUE EAST.

Adopted

72 RLH TA 24-429 Ratifying the Appealed Special Tax Assessment for property at 1803 REANEY AVENUE EAST. (File No. CG2403A1, Assessment No. 240115)

Adopted

73 RLH TA 24-418 Deleting the Appealed Special Tax Assessment for property at 836 ROSE AVENUE EAST. (File No. CG2403A2, Assessment No. 240116)

Adopted

76 RLH CO 24-13 Appeal of James Dittel to a Correction Notice at 997 SHERBURNE AVENUE.

Adopted

77 RLH RR 24-35 Second Making finding on the appealed substantial abatement ordered for 829 THIRD STREET EAST in Council File RLH RR 23-64. (Public hearing continued to November 6, 2024)

Adopted as amended (nuisance abated)

78 RLH TA 24-427 Deleting the Appealed Special Tax Assessment for property at 674 VIRGINIA STREET. (File No. CG2403A2, Assessment No. 240116)

Adopted

79 RLH AR 24-94 Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2024. (File No. CG2403A1, Assessment No. 240115)

Adopted

80 RLH AR 24-95 Ratifying the assessment for the City's cost of providing Collection of Delinquent Garbage Bills for services during April to June 2024. (File No. CG2403A2, Assessment No. 240116)

Adopted as amended (1641 Rose Ave removed and referred to January 2, 2025 Legislative Hearing)

ADJOURNMENT

Meeting ended at 6:30 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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