



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, October 19, 2022

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Meeting started at 3:31 PM

Present 6 - Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali, Councilmember Nelsie Yang and Councilmember Russel Balenger

Absent 1 - Councilmember Amy Brendmoen

CONSENT AGENDA

Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda

Councilmember Jalali moved approval.

Consent Agenda adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

1 [RES 22-1488](#) Setting a public hearing date of November 2, 2022 for 2023 Water Charges.

Adopted

2 [RES 22-1537](#) Approving the application with no new additional conditions added, per the Deputy Legislative Hearing Officer, for Hogan Bard LLC (License ID# 20210000674), d/b/a Emerald Lounge, to add a liquor-Outdoor Service Area (Sidewalk) license to its existing Liquor On Sale - 100 seats or less, and Liquor On Sale - Sunday licenses located at 455 Seventh Street West.

Adopted

- 3 [RES 22-1547](#) Approving the City's cost of providing Property Clean Up services during August 1 to 18, 2022, and setting date of Legislative Hearing for November 15, 2022 and City Council public hearing for February 1, 2023 to consider and levy the assessments against individual properties. (File No. J2305A, Assessment No. 238504)

Adopted

- 4 [RES 22-1548](#) Approving the City's cost of providing Property Clean Up services during August 12 to 31, 2022, and setting date of Legislative Hearing for November 15, 2022 and City Council public hearing for February 1, 2023 to consider and levy the assessments against individual properties. (File No. J2306A, Assessment No. 238505)

Adopted

- 5 [RES 22-1556](#) Authorizing the Department of Planning and Economic Development to apply to the Metropolitan Council for Tax Base Revitalization Account fund for a project at 892 7th Street East.

Adopted

- 6 [RES 22-1574](#) Approving the application with no conditions, per the Deputy Legislative Hearing Officer, for Nice Guys LLC (License ID# 20220000957), d/b/a Chances Tavern, for Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Gambling Location licenses located at 1080 Payne Avenue.

Adopted

- 7 [RES 22-1584](#) Approving the Mayor's appointment of Koveyia McPipe to the Financial Empowerment Community Council.

Adopted

- 8 [RES 22-1585](#) Approving the Mayor's appointment of Anna Victoria Miranda to the Human Rights and Equal Economic Opportunity Commission.

Adopted

- 9 [RES 22-1586](#) Approving an amendment to Lease Agreement PR/10 for land abutting and incorporated into the Cayuga Playground to extend the term through April 30, 2024.

Adopted

- 10 [RES 22-1617](#) Denying a stay in implementation of Council File #RES PH 22-223 the Cigarette/Tobacco license Held by Bright Star Inc. d/b/a Tom and Joe's Market (License ID #20190003653) at 684 Western Avenue North.

Adopted

- 11 [RES 22-1619](#) Establishing the rate of pay for Assistant Building Official.

Laid over to October 26, 2022

- 12 [RES 22-1621](#) Approving and authorizing the non-use of a Project Labor Agreement on two Planning & Economic Development and Housing & Redevelopment Authority single-family housing redevelopment projects at Village on Rivoli (District 5, Ward 5).

Adopted

- 13 [RES 22-1624](#) Providing for the issuance of and accepting a proposal on the sale of General Obligation Street Reconstruction Bond, Series 2022C; and levying a tax for the payment of the Series 2022C Bond.

Adopted

- 14 [RES 22-1439](#) Approving the Memorandum of Agreement for the establishment of the 2023 - 2025 health insurance contribution rates and VEBA contribution rates.

Adopted

- 15 [RES 22-1568](#) Approving the Memorandum of Agreement between the City and International Union of Painters and Allied Trades District Council 82 for the purpose of establishing funding of uniforms for those employees in the Saint Paul Regional Water Services.

Adopted

- 16 [RES 22-1569](#) Approving the Memorandum of Agreement between the City and District Lodge 77 International Association of Machinists and Aerospace Workers AFL-CIO for the purpose of establishing a tuition sponsorship program for Vehicle Technician Trainees.

Adopted**FOR DISCUSSION**

- 17 [RES 22-1620](#) Declaring October Domestic Violence Awareness Month.

Councilmember Prince spoke in support and read from the resolution.

Shelly Kline, Executive Director of the St Paul Ramsey County Domestic Abuse Intervention Project, spoke in support.

Councilmember Noecker spoke in support.

Prince moved approval.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 18** [RES 22-1582](#) Approving adverse action against the Liquor On Sale - 100 seats or less License held by Bark and The Bite LLC d/b/a Bark and The Bite (License ID #20190000556) for the premises located at 2186 Marshall Avenue. (laid over from October 12, 2022) (To be withdrawn)

Councilmember Noecker stated that the item had been withdrawn.

Withdrawn

- 19** [ABZA 22-2](#) Considering the appeal of Friends of Pigs Eye Lake Park - Tom Dimond to a decision by the Board of Zoning Appeals denying a request to issue a Stop Work Order on the Pigs Eye Lake Island Building Project, a project regulated and permitted by the Department of Natural Resources. (public hearing closed, laid over from November 2, 2022)

Councilmember Prince spoke to the item and moved a two-week layover.

Laid over to November 2, 2022

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 20** [RES PH 22-299](#) Approving the petition of the Church of the Sacred Heart to vacate the portion of public alley which runs through their property at 840 6th Street East. (public hearing closed and laid over from October 12, 2022)

Councilmember Prince moved approval.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 21** [RES PH 22-302](#) Approving the petition of Joseph Kolar to vacate the portion of public alley which abuts the property at 1911 Saunders Avenue. (public hearing closed and laid over from October 12, 2022)

Councilmember Tolbert moved approval as amended and spoke in support.

Adopted as amended

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

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.

First Reading

- 22** [Ord 22-43](#) Amending Chapter 105 of the Administrative Code to add two youth commissioners to the Parks and Recreation Commission.
- Moua Xiong, Youth Relationship Program Manager for Right Track, gave a staff report.*
- Councilmember Prince thanked staff and spoke in support.*
- Councilmember Yang thanked staff and spoke in support.*
- Laid over to October 26, 2022 for Second Reading**
- 23** [Ord 22-44](#) Amending Section 220.05 of the Legislative Code to set rates for base level garbage service to be effective January 1, 2023.
- Susan Young, Program Administrator at Public Works, gave a staff report.*
- Councilmember Prince asked about the timeline for Request for Proposals.*
- Young addressed Prince's question.*
- Councilmember Noecker asked about tipping fees.*
- Young addressed Noecker's question.*
- Laid over to October 26, 2022 for Second Reading**

PUBLIC HEARINGS

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

- 24** [Ord 22-42](#) Granting the application of PHS Norfolk Avenue LLC to rezone the property at 1883 Norfolk Avenue from R3 one-family residential to RM2 medium-density multiple-family residential and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Kara Parker, neighbor, spoke during the public hearing.*

Elizabeth Sampair, neighbor, spoke during the public hearing.

Sam Jagodzinski, representing PHS Norfolk Ave LLC, spoke during the public hearing.

Councilmember Tolbert thanked the testifiers and moved to close the public hearing.

Laid over to October 26, 2022 for Final Adoption

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

25 [ABZA 22-3](#)

Considering the appeal of Salamatu Forte to a decision of the Board of Zoning Appeals (BZA) denying zoning variance requests to create off-street parking spaces in the front yard and to place the parking spaces 3 feet from the north and west property lines at 1712 Orange Avenue East.

Therese Skara with the City Attorney's Office described the scope of the appeal.

David Eide, Zoning Inspector, gave a staff report

Salamatu Forte spoke as the appellant.

Councilmember Yang expressed appreciation for Forte's comments and moved to deny the appeal.

Motion of intent, appeal denied

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

26 [RES PH 22-283](#)

Amending the financing and spending plans in the Fire Department for the amount of \$389,001 for the Fire Station 51 upgrade project.

Roy Mokosso, Deputy Chief for the St. Paul Fire Department, spoke during the public hearing.

Councilmember Balenger moved approval.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 27 [RES PH 22-284](#) Amending the financing and spending plans in the Department of Public Works Capital Budget to transfer \$205,032 of Municipal State Aid (MSA) funding from the 2021 Robert Street Project to the 2021 Robert Street Viaduct Project.

Councilmember Tolbert moved approval.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 28 [RES PH 22-295](#) Amending the financing and spending plans in the Department of Public Works Capital Budget to add Minnesota Department of Transportation (MnDOT) funding to the Concord and Highway 52 Traffic Signals Project.

Councilmember Yang moved approval.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 29 [RES PH 22-304](#) Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$500,000 to reflect MN Department of Employment and Economic Development funding for the construction of Phase II of the Saint Paul - Changsha China Friendship Garden.

Councilmember Jalali moved approval.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 30 [RES PH 22-308](#) Accepting funding from Dunlap and Associates in the amount of \$75,000 for the development and implementation of pedestrian safety measures and amending the financing and spending plans in the Department of Public Works capital budget to add the funding to the 2022 Pedestrian and Traffic Safety Program.

Councilmember Prince moved approval.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 31** [RES PH 22-312](#) Approving the application of Rock What You Got (KnowledgeSphere Inc) for a sound level variance in order to present amplified sound on October 29, 2022 at 425 Rice St - former Sears parking lot.

Councilmember Balenger moved approval.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 32** [RES PH 22-316](#) Approving the application of Anderson Race Management for a sound level variance in order to present amplified sound on November 5, 2022 at Harriet Island - 200 Dr Justus Ohage Blvd.

Councilmember Noecker moved approval.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

LEGISLATIVE HEARING DISCUSSION ITEMS

- 35** [RLH RR 22-52](#) Denying a stay of enforcement of demolition for property at 587 COOK AVENUE EAST.

Marcia Moermond, Legislative Hearing Officer: As of 2:45 PM today, the last condition was met to get a layover recommendation from me. I ask that the item be sent back to Legislative Hearings on November 22.

Councilmember Yang moved approval.

Referred to November 22, 2022 Legislative Hearing

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

36 [RLH RSA 22-3](#) Appeal of Jack Cann, Housing Justice Center, representing Hannah Gray, to a Rent Stabilization Determination at 787 HAMPDEN AVENUE #213.

Recommendation to deny the appeal and allow an 8% rent increase was adopted.

Also in attendance: Jack Cann, Housing Justice Center, representing the tenant appellant Hannah Gray

Marcia Moermond, Legislative Hearing Officer: This and the next item are the first two tenant appeals under the rent stabilization ordinance, and so Therese Skarda from the City Attorney's office will start us off.

Therese Skarda, City Attorney's Office: The agenda item for today is very limited in scope and Council should be focusing on that matter alone.

Moermond: Dominium, the property owner, requested through the City's process to do a rent increase of 8% for July 1, 2022 through June 30 2023. The current rent is \$1,114. An 8% increase amount to an additional \$89, bringing the new rent to \$1,203 per month. Each of these two items were heard on at least two occasions, with each hearing lasting at least an hour. There were also staff analysis meetings outside of those hearings and that is why you may see extensive attachments. Dominium listed 3 reasons for an increase: unavoidable increase in operating expenses, decrease in rental income, and a patter of recent rent increases or decreases. This increase was filed using the self-certification process, which means that approval of the 8% increase was automatic by the city. When we got the tenant appeal, I notified Dominium and staff and asked that staff review the application to determine if the 8% increase worked according to the numbers. After going through the numbers, the Department of Safety and Inspections concluded that there was an allowable increase of 9.63%. The math justifies an 8% increase that was asked for.

Cann: We accept the staff analysis that justifies a rent increase, so I don't have much to say on this. I mostly plan on speaking to issues relating to the next item.

Councilmember Jalali: I just want to reiterate that we are making our decision today based on the ordinance as passed by voters. The entitlement to a reasonable return on investment and the staff analysis does justify the increase. I empathize with my constituent. I don't want you to have to pay more money than you are able to pay, but we are constricted by a process that does at least prevent an otherwise larger increase. This definitely illuminates why we should not exempt affordable housing from rent stabilization, which this council passed. We need to connect this to the big picture. I move approval of Moermond's recommendation.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 40 [RLH RSA 22-2](#) Appeal of Jack Cann, Housing Justice Center, representing Katherine Banbury, to a Rent Stabilization Determination at 720 SEVENTH STREET EAST #330.

Recommendation to grant the appeal in part and allow a 6.12% rent increase was adopted.

Also in attendance:

Jack Cann, Housing Justice Center, representing the tenant appellant Katherine Banbury

Katherine Banbury, tenant appellant

Marcia Moermond, Legislative Hearing Officer: This is another appeal from a tenant to a property owner's request for exemption to the rent cap. We had two legislative hearings each lasting an hour. For the lease term of July 1 2022 through June 30, 2033, Dominion asked for a 7.1% increase of \$96 per month, going from \$1344 to a new rent \$1440. Dominion again listed the same 3 reasons for an increase: unavoidable increase in operating expenses, decrease in rental income, and a patten of recent rent increases or decreases. After going through the numbers, the Department of Safety and Inspections concluded that there was an allowable increase of 6.12%. I recommend that the appeal by granted in part, to not allow an 8% increase or a 7.1% increase, but to allow a 6.12% increase.

Councilmember Prince: Your analysis is that the ordinance as passed by the voters doesn't allow for different calculations for affordable housing, correct?

Moermond: That is correct. The ordinance makes no mention of affordable housing.

Cann: We agree with calculations that prevent an increase beyond 6.12%. Our concern is that this decision would only apply to the single unit in this building, and does nothing for the other residents who will still have to pay a higher rent increase. We would asked the Council to make changes to the policy so that we can help all tenants affected by this same increase in the future situations.

Banbury: I appreciate that this process gives tenants a legal recourse to appeal rent increases, and we also need to look at the policy itself. I support Moermond's recommendation, but think this Council needs to change its policy that exempted affordable housing in a recent ordinance change.

Prince: I appreciate everyone for speaking and their work on this. To the issue of extending this type of cap to other residents of the building, we will take that under advisement. I also appreciate your points about how Dominion has benefited from public subsidies. As you requested Ms. Banbury, I move the Moermond's recommendation.

Councilmember Jalali: Thank you Katherine for your persistence and helping make our system better.

Councilmember Noecker: I would like to echo that sentiment and thank staff and everyone involved in this process.

Adopted

Yea: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

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: 6 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Brendmoen

- 33** [RLH FCO 22-94](#) Appeal of Brett Hesley, KBD Investments LLC, to a Correction Notice-Reinspection Complaint at 1008 CASE AVENUE.
Adopted
- 34** [RLH RR 22-59](#) Making finding on the appealed substantial abatement ordered for 1253 CLEVELAND AVENUE NORTH in Council File RLH RR 22-14.
Adopted
- 37** [RLH VBR 22-49](#) Appeal of Jesse Olson to a Vacant Building Registration Requirement at 717 HOPE STREET NORTH.
Adopted
- 38** [RLH TA 22-150](#) Ratifying the Appealed Special Tax Assessment for property at 1707 ROSE AVENUE EAST. (File No. J2219A, Assessment No. 228519) (Public hearing continued to October 19, 2022)
Adopted as amended (assessment deleted)
- 39** [RLH VBR 22-47](#) Appeal of Lee Cooper to a Vacant Building Registration Notice at 1040 SELBY AVENUE.
Adopted
- 41** [RLH VBR 22-50](#) Appeal of James Greeman, PG Companies Thomas Avenue LLC, to a Vacant Building Registration Notice at 1418 THOMAS AVENUE.

Adopted

ADJOURNMENT

Meeting ended at 5:10 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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