



City of Saint Paul

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

Minutes - Final

City Council

Council President Amy Brendmoen
Councilmember Kassim Busuri
Councilmember Mitra Jalali Nelson
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert

Wednesday, October 23, 2019

3:30 PM

Council Chambers - 3rd Floor

There will be no meeting on October 30, the fifth Wednesday of the month.

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:30 p.m.

Councilmember Busuri excused

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

Absent 1 - Councilmember Kassim Busuri

SUSPENSION ITEM

Council President Brendmoen moved suspension of the rules. She said the item was being moved to the front to the agenda because the speaker had to catch a flight.

Rules suspended

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

Nay: 0

Absent: 1 - Councilmember Busuri

[SR 19-129](#)

Presentation by Louisa Aviles, Director, Group Violence Intervention,
National Network for Safe Communities

Council President Brendmoen introduced Louisa Aviles. Ms. Aviles spoke about the Group Violence Intervention framework developed by the National Network for Safe Communities. She answered questions from Council members.

Received and filed

CONSENT AGENDA

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

Approval of the Consent Agenda (Items 1 - 12)

Items 3, 5, and 6 were removed from the Consent Agenda for separate consideration.

Councilmember Thao moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 1 [Min 19-40](#) Approving the minutes of the October 2 and 9, 2019 City Council meetings.
Adopted
- 2 [RES 19-1840](#) Accepting the gift of financial expenses related to the Federal Reserve study on the impact of the minimum wage ordinance.
Adopted
- 4 [RES 19-1743](#) Authorizing a license agreement between Capital City Properties and the St. Paul Police Activities League for office space in the Treasure Island Center for the Police PAL program.
Adopted
- 7 [RES 19-1864](#) Authorizing the City of Saint Paul to enter into an agreement with the Minnesota Department of Revenue for the collection of Local Sales, Use Tax, and a Lodging Tax.
Adopted
- 8 [RES 19-1814](#) Approving the Memorandum of Agreement for the establishment of the 2020 health insurance contribution rates and VEBA contribution rates.
Adopted
- 9 [RES 19-1826](#) Approving the Mayor's reappointments of Stuart McDonald and Joseph Peroutka to the Heritage Preservation Commission.
Adopted

- 10 [RES 19-1827](#) Approving the Mayor's appointments of Alex Migambi, Stefan Landreau Vallenga, and Charles Deneen to the Police Civilian Internal Affairs Review Commission.
- Adopted**
- 11 [RES 19-1787](#) Authorizing the Department of Parks and Recreation to apply to Metropolitan Council for Livable Communities Transit-Oriented Development Funding for the River Balcony Project.
- Adopted**
- 12 [RLH OA 19-9](#) Making recommendation to Ramsey County on the application of Wesley Eugene Pettiford for Repurchase of Tax Forfeited Property at 603 EDMUND AVENUE.
- Adopted**

FOR DISCUSSION

- 3 [RES 19-1870](#) Committing to advocating for the renewable, equitable, and locally-produced energy commitments expressed in the Climate Action and Resilience Plan, and to opposing proposed new fossil fuel energy infrastructure. (Laid over from October 23 and November 6)
- Councilmember Prince moved a two-week layover. She said community members from St. Paul 350 and from Xcel would be getting together to discuss it and maybe make some modifications. Council President Brendmoen said it sounded like there'd been productive conversations.*
- Laid over to November 6**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson
- Nay:** 0
- Absent:** 1 - Councilmember Busuri
- 5 [RES 19-1760](#) Authorizing the negotiation and execution of solar garden subscription agreement(s) for up to 600 kilowatts with Novel Energy Solutions, LLC.
- Councilmember Prince asked for a staff report.*
- Jim Giebel, City Energy Coordinator, gave a brief report on the City's solar garden subscriptions.*
- Councilmember Prince moved approval of the resolution.*
- Adopted**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

Absent: 2 - Councilmember Thao and Councilmember Busuri

- 6** [RES 19-1851](#) Consenting to the issuance of up to \$5,500,000 of General Obligation Refunding Bonds by the Port Authority of the City of Saint Paul.

Councilmember Prince requested a staff report.

Mike Solomon, Office of Financial Services, gave a staff report.

Councilmember Tolbert moved approval of the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.

Final Adoption

- 13** [Ord 19-59](#) Amending the zoning map as recommended in the Stryker Avenue Zoning Study.

Councilmember Noecker moved final adoption of the ordinance.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 14** [Ord 19-61](#) Amending Chapter 152 of the Legislative Code permitting the City Engineer to set speed limits on roads under the City's jurisdiction.

Councilmember Jalali Nelson made brief remarks and moved final adoption of the ordinance.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 15** [Ord 19-62](#) Amending sections 373.01 and 373.08 of the Legislative Code pertaining to transportation network company (TNC) definitions to include rented or leased vehicles and allow automobile rental companies to make rental vehicles available to TNC endorsed drivers.

Councilmember Tolbert moved final adoption of the ordinance.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

Second Reading

- 16** [Ord 19-63](#) Granting the application of Joseph and Nancy Schumacher to rezone property at 330 Prior Avenue North from OS Office Service to RT1 Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to November 6 for third reading/public hearing

- 17** [Ord 19-67](#) Amending section 220.05 of the Legislative Code to set rates for base level garbage service to be effective January 1, 2020.

Laid over to November 6 for third reading/public hearing

- 18** [Ord 19-68](#) Amending Chapter 88 of the Legislative Code pertaining to water code meters by removing Section 88.10(g) in its entirety.

Laid over to November 6 for third reading/public hearing

First Reading

- 19** [Ord 19-69](#) Amending Section 105.04 of the Legislative Code to aid construction of boulevard rain gardens.

Laid over to November 6 for second reading

PUBLIC HEARINGS

- 20 [RES PH 19-355](#) Approving the application of Monster Series LLC - Monster Dash Event for sound level variances for amplified sound on October 26, 2019 at five locations (Cathedral Hill Park, Shepard Road between Homer and Elway, Shepard Road between Smith Avenue Bridge and Washington Street, Upper Landing Park, and Lower Landing).

No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 21 [RES PH 19-356](#) Approving the application of Anderson Race Management for a sound level variance for amplified sound during the Chocoholic Frolic 5K/10K and Kids Run and Walk on November 2, 2019 at Harriet Island.

No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Busuri

- 22 [RES PH 19-357](#) Approving the application of Minnesota United FC & Allianz Field for two sound level variances for amplified music during the MN United FC - MLS Playoff - Semifinals on October 23 or 24, 2019, and during the MLS Playoff-Conference Finals on October 29 or 30, 2019 at 400 Snelling Avenue North. (To be withdrawn)

Withdrawn

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

23 [RLH VO 19-43](#)

Appeal of Linda Parker to a Notice of Condemnation Unfit For Human Habitation Order to Vacate at 603 EDMUND AVENUE.

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of the condemnation and order to vacate. The condemnation order was issued on October 4 with a vacate date of October 17. The order was appealed and heard in Legislative Hearings the previous week. Ms. Moermond said her recommendation to the Council was to deny the appeal of the condemnation and extend the vacate date to October 28. She clarified that a condemnation was a description of conditions that made a place unfit for habitation, and the order to vacate was the means of effectuating the necessary action. She said the physical problems with the property included significant roof problems causing water infiltration over a matter of years, a chimney that was in danger of falling and was not properly venting, significant damage to plaster in the house, holes and infiltration throughout. There had been some efforts to repair; Ms. Moermond characterized them as haphazard. She said long term deferred maintenance along with water damage created concerns about what was beneath the surface, such as mold or compromised electrical or HVAC systems. County staff was concerned about finding a contractor willing to address the chimney, due to the compromised condition of the roof. There had been a lot of government and social service agency involvement to help the brothers who resided there, and who self-described as being disabled. This was their mother's home, and they lost it through tax forfeiture in August and it was now property of the State of Minnesota. The brothers had applied to repurchase the property from the State; the City's endorsement of that application was on the Consent Agenda. The repurchase could be heard by the County Board on November 19 or 26. The approximately \$5000 due and owing could be financed over 10 years, so resources could be devoted towards handling the current housing crisis.

Councilmember Thao asked whether the two brothers were currently living in the property. Ms. Moermond said she didn't know; in Legislative Hearings she had made a recommendation of an October 28 vacate date. She said the House Calls program was present at the Legislative Hearing and was making available five nights of motel vouchers that could be a bridge to a November 1 lease.

Testimony:

Samantha Wright (3758 Hazel Street, White Bear Lake) on behalf of her uncle Wesley Pettiford who could not be present because he was at dialysis, which he had three days a week. She said her uncle had other health issues and had been disabled since 2011. She said he had paid off the house in full in 2012. She said his brother Edgar was also disabled. They were receiving a lot of help through the Community Stabilization Project, and the County was offering interim housing support. NeighborWorks was willing to work with Ramsey County to start work on the house while it was technically in Ramsey County's name. Family was also involved, and they were getting Mr. Pettiford a social worker through Ramsey County. She said more community help was needed for people who were disabled and getting into these situations.

Metric Giles, Community Stabilization Project, said the guiding principle of the Community Stabilization Project was the responsibility for doing good was to do no harm or the least harm. He said Ramsey County tax forfeiture process was harmful and led to the situation they were currently in. He said Ramsey County had stepped up to offer assistance but also to look at their process. He read from two flyers for community events on equitable housing in St. Paul, and said the rules and systems in place didn't work for the people in the community and made the events meaningless.

He said he was especially proud of Ramsey County stepping up and saying that they weren't just looking at policies and rules but at people. He said the policy of making condemned homes a vacant building was doing harm. He said the vacant building policy had created over 2000 vacant lots in Frogtown and Summit-University and was not working. He asked that the Council be responsible and not have the vacant building be connected with the condemnation; he said it would cause a hardship and burden. He asked the Council to start changing some of these policies.

Councilmember Thao moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Thao asked Mr. Giles what he recommended if they didn't do the condemnation; he asked whether the condemnation wouldn't give the developers or partnership the opportunity to make sure the home was equitable and livable and safe for whoever moved back in. Mr. Giles said they wanted it to be a safe livable space but didn't want the impact of the policy that said a condemnation immediately went to a vacant house status. He reiterated the point made by Ms. Wright that there needed to be a process to help people navigate to needed resources rather than an adversarial system based on fines and violations. He said they had a working budget with NeighborWorks, and if they got the vacant house status the cost would double, and that was moving beyond "safe livable space." He commended DSI staff for making sure that these people were housed rather than being put on the street, which he said was not always DSI's policy. He said they had to start doing that systemically.

Councilmember Thao said based on what they had heard, there were stakeholders and others coming together to find a solution; he asked whether there could be a contract or agreement for proceeding, so the Council could approve the appeal and not have the condemnation. Ms. Moermond said the order to vacate and the status of unfit for human habitation needed a means of enforcement. With a simple agreement the City had no ability or teeth to make sure there was no occupancy before it was safe.

Councilmember Thao asked whether there had ever had a similar situation where they had granted the appeal. Ms. Moermond said this was a unique situation where the owner was the State of Minnesota, and plans for the owner's participation in the rehab were not fully fleshed out. She said they had heard testimony that the County had indicated they would work on repairs directly with NeighborWorks, but that was outside of their usual process. She said typically when the property was sold back to the occupants on a contract for deed, they would become responsible for the repairs and could work with whomever they wanted to.

Councilmember Thao asked whether there would be liability for the City if they granted the appeal and something happened during the process. Ms. Moermond said she was not a risk management staff person, but would say that the codes themselves spoke to the responsibility of the public sector to maintain safety. She said the liability would be borne by the State of Minnesota and Ramsey County. Deputy City Attorney Rachel Tierney said liability was difficult to evaluate in a vacuum, but if something did happen to these individuals, certainly the City could be joined in a lawsuit of some kind where they would sort out liability. She said it was certainly an open question.

Councilmember Jalali Nelson asked why the cost be driven up because of the vacant building status. Ms. Moermond said because the house was being condemned with major code violations it would become a Category 2 vacant building and require a code compliance certificate before occupation, and not just the immediate repairs. Other things affecting the cost were who was doing the rehabilitation. Ramsey County or a community development corporation's subcontracting would be governed by laws and

requirements that tended to drive costs up. Ms. Moermond noted that the vacant building requirement was not before the Council today, but could come forward as an appeal of that requirement in the future. She said County staff who were in the Legislative Hearing were clear that if this were a matter of simple repairs, they would take care of them pending the resolution of the re-purchase application, but they felt this was a much larger issue and they could not commit the estimated tens of thousands of dollars while the ownership was in flux.

Council President Brendmoen said she agreed with Mr. Giles in questioning how we got to this point where problems had existed for a long time and drastic measures were needed. She said one thing the Council was committed to looking at with DSI was how enforcement impacted people, and how it could be changed. She said now the Council was looking at the issue before them, and it appeared the repairs would be done NeighborWorks Home Partners for Ramsey County, and the cost was not to save the previous homeowners money but to make it as safe as possible in the long term. She said she was hearing there was a lot of support around the brothers. She said conditions in the photos shown by Ms. Moermond were concerning about the safety of people who didn't own the home.

Ms. Moermond said she didn't know if the County had finalized their commitment to work with NeighborWorks.

Mr. Giles said the occupants had the \$5000. He said the system as it was now contradicted the City's stated principles of racial equity and environmental justice. He said he hoped those principles were actionable.

Councilmember Thao said it seemed that deferred maintenance had led to this. He said they heard the concern about racial equity. He said he felt the best way forward was that human lives were more important than cost, and granting the appeal would put the City in a situation of not putting human life before the cost. In this situation, the racial equity was the County, community organizations, and the City coming together to create a unique solution for this situation. Going forward, all the parties involved should also play a role in making sure people didn't get into this situation. Everyone in the community had a responsibility and role to play to prevent these sorts of things. He said the previous week Council had a similar situation where they denied the appeal where someone wanted to remove the Category 2 designation from his property. He said his heart wanted to grant the appeal, but the City shouldn't just put a band-aid on but do everything possible to restore the home so it was safe for years to come. He said he thought the right thing to do was deny, and work with the brothers and stakeholders to make sure they could re-purchase the home and live there.

In response to questions from Councilmember Prince, Ms. Moermond said her recommendation was to order vacation by Monday, October 28, and the Category 2 vacant building status would be the result of an action undertaken by DSI after this process was finished, and wasn't a decision in front of the City Council now.

Councilmember Prince said this was a rare instance with the County, the community, and the City all coming together to create a situation where they were not making someone homeless. She asked why the Council would go against the neighborhood organization's recommendation about how this should be handled. She said she understood the risks, but when they had everyone in the room who also understood the risks and responsibility, she would be inclined to grant the appeal, or lay it over to get more clarity about options. She said putting it on the Category 2 vacant building list and expanding the list of what was necessary to make it habitable didn't seem like the

right solution. She said she would not support denying the appeal.

Council President Brendmoen questioned why Ms. Parker was appealing if it the property tax forfeited and belonged to Ramsey County. She said she was inclined to move forward with the condemnation for the reasons she stated previously, and wouldn't feel comfortable doing that if there weren't wrap-around services in place. Ms. Moermond said the State of Minnesota owned the home, and there was an application for repurchase that would likely be approved by the County Board in about a month's time.

Councilmember Jalali Nelson noted the concerns about the cost going up as the house became a Category 2, and the attempts to balance cost and safety; she asked why repairs couldn't start happening right away with Ramsey County and the partners.

Council President Brendmoen said she supported the suggestion to lay this over so the Council could continue to weed through it, rather than taking any more time at the table. Ms. Moermond said she would ask for a condition that the house not be occupied from October 28 to the Council came to its decision.

Councilmember Thao asked to hear from DSI staff.

Travis Bistodeau, Department of Safety and Inspections, said the conditions were unsafe, and action was needed to prevent occupancy going forward. He said there was a real concern that the occupants could be hurt or even killed. He said the Category 2 vacant building designation could be appealed.

In response to a question from Councilmember Thao, Mr. Bistodeau said an agreement between all parties that the house wouldn't be occupied was something the department would support if the Council made a motion not to condemn the house, but the cleaner and more straightforward way was to go forward with the condemnation.

Councilmember Prince said she would prefer a layover conditioned on the home being vacated by the 28th.

Council President Brendmoen said for her this was uncharted waters. They wanted to make sure the occupants were safe and the building was rehabilitated, and they were moving forward with something that was enforceable and reasonable.

Ms. Moermond said Inspector Shaff indicated there was a housing plan for after the 28th.

Council President Brendmoen said she had heard two motions.

Councilmember Thao said the Council could take a vote on Councilmember Prince's motion, but he felt responsible for the racial equity piece and felt responsible for the liability piece, and was committed to helping the stakeholders find a solution that worked. He said his motion remained.

Council President Brendmoen spoke in support.

Councilmember Jalali Nelson said the only way she could support this was knowing the residents had support. She said she was concerned about the things that were triggered once there was a condemnation and would like to understand how the City could work in a long term structural way to soften that chain of events. She said she

would support the motion but only because of the stakeholders involved and there was a plan to support the people impacted, but she was concerned about the underlying policy issues.

Council President Brendmoen maybe a more formalized process was needed so that people who inherited property were aware of their obligations. She said this seemed to be a recurring thing.

Councilmember Prince said she would vote against the motion.

Councilmember Thao acknowledged how difficult this was but agreed there was path forward, and with everyone involved they would find a good solution.

Adopted

Yea: 4 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert and Councilmember Jalali Nelson

Nay: 1 - Councilmember Prince

Absent: 2 - Councilmember Noecker and Councilmember Busuri

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 (Items 23 - 32)

No one was present to testify. Councilmember Prince moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

Absent: 2 - Councilmember Noecker and Councilmember Busuri

- 24** [RLH VBR 19-63](#) Appeal of Genarro Moten to a Vacant Building Registration Notice at 579 FOREST STREET.
Referred to Legislative Hearings on November 5
- 25** [RLH CO 19-14](#) Appeal of Dale Carlquist to a Correction Notice at 1341 FOREST STREET.
Adopted
- 26** [RLH FCO 19-104](#) Appeal of Trevor Throntveit to a Correction Notice - Complaint Inspection at 208 HOYT AVENUE WEST.
Adopted

- 27 [RLH RR 19-26](#) Ordering the rehabilitation or razing and removal of the structures at 578 LAFOND AVENUE within fifteen (15) days after the October 23, 2019 City Council public hearing. (Amend to grant 180 days)
Public hearing continued to November 6
- 28 [RLH RR 19-28](#) Lifting the stay of enforcement of Council File No. RLH RR 19-4, an Order to Raze and Remove the Structures at 888 MARYLAND AVENUE EAST.
Adopted
- 29 [RLH FCO 19-92](#) Appeal of Lois Fida to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1440 MINNEHAHA AVENUE EAST.
Adopted
- 30 [RLH RR 19-5](#) Ordering the rehabilitation or razing and removal of the structures at 718 ORANGE AVENUE EAST within fifteen (15) days after the March 13, 2019 City Council public hearing. (Amend to 180 days) (Public hearing continued from October 23)
Public hearing continued to November 6
- 31 [RLH VO 19-42](#) Appeal of Regina Taylor to a Correction Notice - Re-Inspection Complaint, including Condemnation, at 170 RUTH STREET NORTH #304.
Adopted
- 32 [RLH VO 19-41](#) Appeal of Virginia Johnson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 277 SHERBURNE AVENUE.
Adopted

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 5:25 p.m.

Council Meeting Information

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