

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 Mitra Jalali
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert
Councilmember Nelsie Yang

Wednesday, January 22, 2020

3:30 PM

Council Chambers - 3rd Floor

There will be no meeting on January 29, the fifth Wednesday of the month.

ROLL CALL

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

Present 7 - Councilmember Amy Brendmoen, Councilmember Dai Thao,
Councilmember Chris Tolbert, Councilmember Rebecca Noecker,
Councilmember Jane L. Prince, Councilmember Mitra Jalali and
Councilmember Nelsie Yang

COMMUNICATIONS & RECEIVE/FILE

1 AO 20-5 Amending STAR Economic Development projects budgets.

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 2 - 19)

Item 19 was removed from the Consent Agenda for separate consideration.

Councilmember Tolbert moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

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

Nay: 0

2	RES 20-183	Authorizing the Ward 2 office to spend no more than \$750 to supply food and beverages for constituents attending four Neighborhood Meetings in Ward 2. Adopted
3	RES 20-175	Approving modifications to Neighborhood STAR Program funding for Mosaic on a Stick, LLC. Adopted
4	RES 20-174	Accepting the gift of travel expenses from Take Action MN Education Fund for Councilmember Mitra Jalali to attend the Governing Power Strategy Retreat in Chicago, IL from January 24-26th, 2020. Adopted
5	RES 20-129	Approving the appointment of Dia Vang as the Legislative Aide in Ward 6. Adopted
6	RES 20-77	Approving the City's cost of providing Property Clean Up services during November 1 to 14, 2019, and setting date of Legislative Hearing for February 18, 2020 and City Council public hearing for April 1, 2020 to consider and levy the assessments against individual properties. (File No. J2011A, Assessment No. 208510) Adopted
7	RES 20-79	Approving the City's cost of providing Property Clean Up services during November 14 to 26, 2019, and setting date of Legislative Hearing for February 18, 2020 and City Council public hearing for April 1, 2020 to consider and levy the assessments against individual properties. (File No. J2012A, Assessment No. 208511) Adopted
8	RES 20-157	Accepting the gift of travel expenses from the Heartland Alliance and Mott Foundation for Muneer Karcher-Ramos and Ikram Koliso to attend the Upper Midwest College Savings Account Consortium convening in Madison, Wisconsin from January 22-23. Adopted
9	RES 20-81	Establishing the rate of pay for Contract Compliance Manager and Procurement Manager. Adopted

10	RES 20-101	Amending the 2020 financing and spending plans in the Department of
		Human Rights and Equal Economic Opportunity by \$30,000 for the funding of census community engagement efforts. Adopted
11	RES 20-128	Approving the Mayor's appointment of Jane L. Prince to serve on the Gold Line Corridor Management Committee. Adopted
12	RES 20-133	Approving the Mayor's reappointments of James McClean to to a two year term on the Workforce Innovation Board. Adopted
13	RES 20-134	Approving the Mayor's appointments of Jilla Nadimi to the Police Civilian Internal Affairs Review Commission. Adopted
14	RES 20-97	Approving the Neighborhood STAR Program Guideline modifications.
		Adopted
15	RES 20-136	Accepting the gift of travel costs from American Public Works Association National for Beverly Farraher (Public Works) to attend the 2020 Combined Committee Meeting in Kansas City, MO, February 19 - 21, 2020.
		Adopted
16	RES 20-142	Approving a waiver of the 45-day notice requirement to issue Liquor On Sale - 100 seats or less, Liquor On Sale - 2AM Closing, Liquor On Sale - Sunday, and Entertainment (A) licenses with conditions to Ale's Place, d/b/a Sweet Pea's Public House (License ID #20190004032) at 472 Snelling Avenue South. Adopted
17	RLH OA 20-2	Making recommendation to Ramsey County on the application of Daniel
11	INDITION EU-E	F. Dahlin, Heir to the Estate of Helen V. Dahlin, for repurchase of tax forfeited property at 1889 FAIRMOUNT AVENUE. Adopted
18	RLH OA 20-3	Making recommendation to Ramsey County on the application of Linda Marie Phillips for repurchase of tax forfeited property at 558 ARLINGTON AVENUE EAST. Adopted

FOR DISCUSSION

19 RLH OA 20-1

Making recommendation to Ramsey County on the application of David Chavez for repurchase of tax forfeited property at 721 FOURTH STREET EAST. (Laid over from January 22)

Councilmember Prince moved to lay the matter over to February 5.

Laid over to February 5

Yea:

Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert,
 Councilmember Noecker, Councilmember Prince, Councilmember Jalali
 and Councilmember Yang

Nay: 0

20 RES PH 20-3

Approving adverse action against the Liquor On Sale - Sunday, Entertainment (B), Liquor On Sale - 100 seats or less, and Liquor On Sale - 2 AM Closing licenses held by Kavin Choua Thao, d/b/a Pupraya Thai Restaurant (License ID #20140001202) at 945 Rice Street. (Public hearing held January 15)

Councilmember Thao asked for a staff report.

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections, stated that she had reviewed the video from the previous week, and it appeared the licensee was disputing the allegations. She recommended referring the matter for an Administrative Law Judge (ALJ) hearing.

Councilmember Prince said she wanted to be sure the license holder understood that the he would pay for the ALJ process if he didn't prevail. Ms. Skarda said that was not the case, and that the imposition of costs was done by the Council. She said a couple of examples from 2019 where the department recommended imposition of costs was when the licensee had requested a hearing and not shown up for it. She said the code laid out specific considerations for Council.

Councilmember Thao confirmed with Ms. Skarda that the process had been explained to the licensee, who did not speak English as his first language.

Councilmember Thao moved to withdraw the resolution.

Withdrawn (ALJ hearing requested)

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

Nay: 0

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

21 Ord 19-76

Amending Chapter 199 of the Saint Paul Legislative Code pertaining to rabies control.

Councilmember Prince thanked (Department of Safety and Inspections Deputy Director) Dan Niziolek, and staff from the humane society for providing additional information on the two ordinances.

Council President Brendmoen moved final adoption of the ordinance.

Adopted

Yea: 7 -

 Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang

Nay: 0

22 Ord 19-77

Amending Chapter 200 of the Legislative Code updating and adding definitions, making owners of impounded animals responsible for veterinary, rabies, and microchipping fees required before release, and prohibiting the release of impounded animals without appropriate restraint.

Councilmember Prince moved final adoption of the ordinance.

Adopted

Yea: 7 -

Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang

Nay: 0

23 Ord 19-79

Amending Chapter 409 of the Legislative Code to create and define boundaries for an Entertainment District named Great Lawn Entertainment District.

Councilmember Thao moved final adoption of the ordinance.

Adopted

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

Nay: 0

24 Ord 19-80

Amending Chapter 246 of the Legislative Code to allow the possession or consumption of nonintoxicating malt liquor, strong beer, or wine purchased and consumed during a block party, festival or community event, within the Great Lawn Entertainment District.

Councilmember Thao moved final adoption of the ordinance.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert,

Councilmember Noecker, Councilmember Prince, Councilmember Jalali

and Councilmember Yang

Nay: 0

25 Ord 19-81

Creating Title XXXI to be entitled City Sustainability and Resiliency, and Chapter 440 of the Legislative Code relating to the regulation of building energy consumption through the establishment of regulations.

Councilmember Noecker moved final adoption of the ordinance.

Adopted as amended (amended January 8)

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali

and Councilmember Yang

Nay: 0

Second Reading

26 Ord 20-4

Granting the application of Bonfe Properties LLP to rezone property at 337 7th Street West, 366 Smith Avenue North, and 372 Smith Ave North from T2 to T3 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the Zoning Map. (Laid over from February 12)

Laid over to February 5 for third reading/public hearing

27 Ord 20-6

Granting the application of Brad Graves to rezone property at 1035 Arkwright Street from RT2 Townhouse Residential to RM2 Multiple Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to February 5 for third reading/public hearing

PUBLIC HEARINGS
No items

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

City of Saint Paul Page 7

35 RLH VBR 20-1

Appeal of Chris Samuel, Ramsey County Property Tax Forfeited Land/State of MN Trust Exempt, to a Vacant Building Registration Notice at 603 EDMUND AVENUE.

Legislative Hearing Officer Marcia Moermond said the Council denied the appeal of the condemnation and order to vacate several months ago. This appeal was for the vacant building fee, and was filed by Chris Samuel, Ramsey County Auditor, as this was tax-forfeited land. The appeal had three components: the amount of the vacant building fee itself, for which the County received a discount and was invoiced every January on a calendar year basis; the criteria for rehabilitation and conditions for the building to be habitable; and whether it could be reoccupied prior to work being completed. She said the conversation about the invoicing cycle of the vacant building fee was an administrative matter that needed to be addressed between Tax Forfeited Land and the Department of Safety and Inspections. With regards to the second component, she felt this fit the definition of a Category 2 registered vacant building and the standard for rehabilitation was the code compliance inspection report. At the time of the Legislative Hearing the County had conducted the code compliance inspection and had the report, which she felt was de facto agreement that the code compliance was required to do the work. She said the third issue was not a question for the City Council but for the building official. She said her recommendation was that a contractor or developer develop a scope of work with a specific proposal for it to be reoccupied, and review the plan with the building official. That was not a decision for the Council. The building official was present for the Legislative Hearing and made a commitment to review any proposals submitted. She said the standard was that reoccupation required completion except for weather-dependent exterior work.

Council President Brendmoen said it sounded like many issues were not germane to the property being registered as a vacant building. Ms. Moermond said that was correct.

Councilmember Tolbert asked for clarification of what was before the Council. Ms. Moermond said the key issue was whether code compliance should be the standard for reoccupation. Her recommendation was to stick with the legislative code which required that code compliance be the standard prior to reoccupation.

Councilmember Thao asked whether it was correct that to grant the appeal would also be to not enforce the vacant building code. Ms. Moermond said it would be a deviation from the legislative code.

In opposition:

Appellant Chris Samuel, County Auditor, said he had been in conversations with the DSI director and deputy director about this situation and had been told there had been rare occasions when reoccupancy would be allowed prior to completion. He said prior to Legislative Hearing, DSI expressed willingness to participate in creating the plan, but that changed at the Legislative Hearing. He said in their discussions with NeighborWorks and with PED, there was some belief that a phased approach could be brought forward.

Council President Brendmoen asked whether Ramsey County had done any work any work on the property. Mr. Samuel said no. He said when this was previously before the Council, the Council recommended that the property be repurchased. The County went through the process and approved the repurchase process as well as modifying the terms for the repurchase to change the requirement from full code compliance to code

compliance determined necessary by the director of DSI. They also added a piece to allow a lien to be placed against the property to help finance the work. Part of what was happening now was that the family had not yet closed the agreement because of the remaining questions related to the standard for reoccupancy and how the project would be financed.

Council President Brendmoen asked Mr. Samuel to address the issue of the vacant building registration. Mr. Samuel said the issue being appealed was primarily to determine the level of work required.

Councilmember Jalali asked what the basis was for appealing the fee. Mr. Samuel said they were not appealing the fee; the question raised in Legislative Hearings was how the fee would be applied generally and when it would expire. He said the fee in the original notice was incorrect, but it was clarified.

Councilmember Tolbert said his understanding was that what was being appealed was the code compliance. Mr. Samuel said that was correct. Councilmember Tolbert said the purpose of the code compliance was there for public safety; he asked whether the County was asking the City Council to be lax on their Code Compliance. Mr. Samuel said they were in agreement that health and safety needed to be addressed but were led to believe by DSI that some code compliance requirements were beyond health and safety and could be phased in at some later point. He said their plan was to move forward with a phased approach that would allow earlier reoccupancy for review by DSI, as they had expressed willingness to review.

Councilmember Prince said it was her understanding from reading the record was that Mr. Ubl (the building official) was willing to look at how work was proceeding and determine when reoccupancy would be appropriate. Ms. Moermond said that was correct. Council President Brendmoen asked if that was what was before the Council. Ms. Moermond said the primary question after the fee issue was resolved, was the standard applied - whether all items on the Code Compliance report were life-safety items. She said she believed they were. This was specifically discussed in the Legislative Hearing, and the building official and building team didn't design solutions. The estimates discussed in Legislative Hearing were for a \$150,000 project and someone was going to have to put together a proposal and apply for permits. In the review process the building official would make a determination about whether there could be any leeway about having part of the house occupied. There was no other standard the Council could apply; the issue had been identified.

Councilmember Jalali asked who from Ramsey County is working most closely on this project. Mr. Samuel said he would be the best direct contact or Commissioner MatasCastillo.

Councilmember Thao said he didn't think the fee is a hardship for the County, and what he was getting was that the County wanted them to remove some of the Code Compliance so the tenants could move back in as work was being done. Mr. Samuel said they were not asking to have requirements removed, but were looking for commitment from DSI to help work towards a workable solution.

Councilmember Thao said without the vacant building designation, the City didn't have oversight on keeping folks from going back into their property. The question he had was who would be liable if there was a safety issue at the property. His assumption was that the County probably didn't want to be liable for that either. He moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Thao said he would move to deny the appeal, based on this was not a fee issue. He said he wanted to work with the parties involved to figure out a way to move forward. He said it was important for the City to establish their liability, and if it was not inhabitable they shouldn't allow people to go back in until it was up to code. It was his understanding that the County initiated the Code Compliance at this building.

Council President Brendmoen spoke in support of the motion. She said everyone at the table was committed to keeping people in their homes. If Ramsey County wanted to talk to the City about changing policies or practices, it would be appropriate to have a policy session or meeting. She encouraged Ramsey County to get to work on fixing the house.

Adopted

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

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA

Items listed under the Consent Agenda will receive a combined public hearing and be enacted by one motion with no separate discussion. Items may be removed from the Consent Agenda for a separate public hearing and discussion if desired.

Approval of the Consent Agenda (Items 28 - 64)

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

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

28	RLH TA 19-888	Ratifying the Appealed Special Tax Assessment for property at 1742
		ARLINGTON AVENUE EAST. (File No. J2005A, Assessment No.
		208504) (Public hearing to be continued to May 20)

Public hearing continued to May 20

29	<u>RLH TA 19-873</u>	Ratifying the Appealed Special Tax Assessment for property at 611
		BEAUMONT AVENUE. (File No. J2005A, Assessment No. 208504)

Adopted

Ratifying the Appealed Special Tax Assessment for property at 560 CHARLES AVENUE. (File No. J2004A, Assessment No. 208503)

Adopted

31	RLH TA 19-850	Ratifying the Appealed Special Tax Assessment for property at 596 CHARLES AVENUE. (File No. VB2003, Assessment No. 208802) Adopted
32	RLH TA 19-889	Deleting the Appealed Special Tax Assessment for property at 687 CHARLES AVENUE. (File No. J2005A, Assessment No. 208504) Adopted
33	RLH TA 19-890	Ratifying the Appealed Special Tax Assessment for property at 757 DAYTON AVENUE. (File No. J2006A, Assessment No. 208505) (Public hearing to be continued to May 20) Public hearing continued to May 20
34	RLH TA 19-849	Ratifying the Appealed Special Tax Assessment for property at 940 EDGERTON STREET. (File No. VB2003, Assessment No. 208802) Adopted
36	RLH TA 19-866	Deleting the Appealed Special Tax Assessment for property at 957 EUCLID STREET. (File No. VB2003, Assessment No. 208802) Adopted
37	RLH TA 19-877	Ratifying the Appealed Special Tax Assessment for property at 721 FIFTH STREET EAST. (File No. J2006A, Assessment No. 208505) (Public hearing to be continued to May 20)
38	RLH TA 19-865	Public hearing continued to May 20 Ratifying the Appealed Special Tax Assessment for property at 920 FREMONT AVENUE. (File No. VB2003, Assessment No. 208802) Adopted
39	RLH TA 19-891	Ratifying the Appealed Special Tax Assessment for property at 239 FRONT AVENUE. (File No. J2005A, Assessment No. 208504) Adopted
40	RLH TA 19-846	Deleting the Appealed Special Tax Assessment for property at 2261 HILLSIDE AVENUE. (File No. VB2003, Assessment No. 208802) Adopted
41	RLH TA 19-859	Deleting the Appealed Special Tax Assessment for property at 2015 IVY AVENUE EAST. (File No. J2003E, Assessment No. 208302) Adopted

42	RLH TA 19-896	Ratifying the Appealed Special Tax Assessment for property at 953 JENKS AVENUE. (File No. J2006A, Assessment No. 208505) Adopted
43	RLH TA 19-874	Ratifying the Appealed Special Tax Assessment for property at 552 KENT STREET. (File No. J2006A, Assessment No. 208505) (To be referred back to Legislative Hearing on February 18, 2020)
		Referred to Legislative Hearings on February 18
44	RLH TA 19-875	Deleting the Appealed Special Tax Assessment for property at 718-720 LAWSON AVENUE EAST. (File No. J2005A, Assessment No. 208504)
		Adopted
45	RLH TA 19-845	Deleting the Appealed Special Tax Assessment for property at 2200 LARPENTEUR AVENUE EAST. (File No. J2003B, Assessment No. 208102)
		Adopted
46	RLH TA 19-872	Ratifying the Appealed Special Tax Assessment for property at 49 MARYLAND AVENUE EAST. (File No. J2006A, Assessment No. 208505) (Public hearing to be continued to July 8)
		Assessment reduced; public hearing continued to July 8
47	RLH TA 19-848	Deleting the Appealed Special Tax Assessment for property at 1952 NEBRASKA AVENUE EAST. (File No. VB2003, Assessment No. 208802)
		Adopted
48	RLH FCO 20-3	Appeal of Bryan Voyda, on behalf of Allen Kremer, to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1138 RICE STREET. Adopted
49	RLH TA 19-895	Ratifying the Appealed Special Tax Assessment for property at 1701-1703 SAINT CLAIR AVENUE. (File No. J2006A, Assessment No. 208505) (Public hearing to be continued to May 20)
		Assessment reduced; public hearing continued to May 20
50	RLH TA 19-884	Ratifying the Appealed Special Tax Assessment for property at 137 SIMS AVENUE. (File No. J2006A, Assessment No. 208505) Adopted

51	RLH TA 19-871	Ratifying the Appealed Special Tax Assessment for property at 1311 SIXTH STREET EAST. (File No. J2005A, Assessment No. 208504) (Public hearing to be continued to May 20) Public hearing continued to May 20
52	RLH TA 19-869	Ratifying the Appealed Special Tax Assessment for property at 391 STINSON STREET. (File No. J2005A, Assessment No. 208504) (Public hearing to be continued to June 24) Public hearing continued to June 24
53	RLH TA 19-870	Ratifying the Appealed Special Tax Assessment for property at 395 STINSON STREET. (File No. J2005A, Assessment No. 208504) (Public hearing to be continued to June 24) Public hearing continued to June 24
54	RLH FCO 20-5	Appeal of Lao Vue, Thai Cafe, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 371 UNIVERSITY AVENUE WEST. Adopted
55	RLH TA 19-847	Deleting the Appealed Special Tax Assessment for property at 1159 UNIVERSITY AVENUE WEST. (File No. VB2003, Assessment No. 208802 Adopted
56	RLH TA 19-860	Ratifying the Appealed Special Tax Assessment for property at 427 WHITALL STREET. (File No. J2003E, Assessment No. 208302) Adopted
57	RLH TA 19-837	Ratifying the Appealed Special Tax Assessment for property at 412 WHITE BEAR AVENUE. (File No. J2003E, Assessment No. 208302) Adopted
58	RLH AR 19-140	Ratifying the assessments for Collection of Vacant Building Registration Fees billed during September 13, 2018 to June 20, 2019. (File No. VB2003, Assessment No. 208802) Adopted
59	RLH AR 19-141	Ratifying the assessments for Boarding and/or Securing services during July 2019. (File No. J2003B, Assessment No. 208102) Adopted

60	RLH AR 19-142	Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during May 20 to June 17, 2019. (File No. CRT2003, Assessment No. 208202) Adopted
61	RLH AR 19-143	Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during May 22 to June 21, 2019. (File No. J2003E, Assessment No. 208302) Adopted
62	RLH AR 19-144	Ratifying the assessments for Removal of Dangerous Tree services during July 2019. (File No. 2001T, Assessment No. 209000) Adopted
63	RLH AR 19-145	Ratifying the assessments for Property Clean Up services during August 1 to 14, 2019. (File No. J2005A, Assessment No. 208504) Adopted
64	RLH AR 19-146	Ratifying the assessments for Property Clean Up services during August 15 to 30, 2019. (File No. J2006A, Assessment No. 208505) Adopted

Council members shared news about events in their wards.

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 4:06 p.m.

Council Meeting Information

The City Council is paperless which saves the environment and reduces expenses. The agendas and Council files are all available on the Web (see below). Council members use iPads to review the files during the meeting. Using the iPad greatly reduces costs since most agendas, including the documents attached to files, are over 1000 pages when printed.

Web

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