

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, February 12, 2020

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:32 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 20-10

Fifth amendment to the 2019 Capital Improvement Budget to allocate funding for the Green Energy Loan Program to the appropriate department projects.

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 - 13)

Items 3 and 7 were removed from the Consent Agenda for separate consideration.

Councilmember Prince 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

2	RES 20-165	Authorizing the use of a Project Labor Agreement for a project to repair and restore the north and west exterior walls of the City Hall Annex. Adopted
4	RES 20-241	Authorizing payment in the amount of nine thousand sixty six dollars and eighty one cents (\$9,066.81) in full and final settlement of the claim of Progressive Insurance Company as subrogee of Dennis Royzenfeld. Adopted
5	RES 20-233	Authorizing a Professional Services Contract with Messerli Kramer, P.A. Adopted
6	RES 20-236	Approving the Mayor's appointments of Jack Fei, Devin Driscoll, and Hoki Tse to the Capital Improvement Budget Committee. Adopted
8	RES 20-261	Approving the Mayor's appointment of Michael Banks to the Civil Service Commission. Adopted
9	RES 20-202	Accepting the gift of Phillips Heart Start Automated External Defibrillators for use by the Department of Parks and Recreation at the Frogtown Community Center and Edgcumbe Recreation Center. Adopted
10	RES 20-185	Authorizing the Como Park Zoo and Conservatory to purchase food for educational programs. Adopted
11	RES 20-290	Accepting the Pathway to Policing Reimbursement Grant 2020 and entering into an agreement with the State of Minnesota. Adopted
12	RES 20-146	Authorizing the Departments of Public Works and Parks and Recreation to submit nine project applications for federal funding into the 2020 Metropolitan Council Regional Solicitation Program and to authorize the commitment of a twenty percent local funding match plus engineering for any project that is awarded federal funding. Adopted

13 RES 20-219

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Wolverine Fitness LLC (License ID # 20190003735), d/b/a Farrell's St. Paul, for a Health/Sport Club license at 477 Selby Avenue.

Adopted

FOR DISCUSSION

3 RES 20-256

Authorizing the termination of the Saint Paul Fire Department's participation in the automatic dispatch of the closest emergency response unit joint powers agreement.

Council President Brendmoen asked for a one-week layover. She said she had received calls from mayors of suburban partners with questions she wasn't able to answer. She said she was hopeful there was a path forward where they could come to the table and resolve this in a smart and diplomatic way.

Laid over to February 19

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

Nay: 0

7 RES 20-238

Approving the Mayor's appointment of Choua Khang and Eric Erickson to the Parks and Recreation Commission.

Council President Brendmoen moved a Version 2 with an second appointee, Eric Erickson.

Adopted as amended

Yea:

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

Nay: 0

14 RES 20-262

Authorizing issuance of and awarding the sale of General Obligation Various Purpose Bonds, Series 2020A and levying a tax for the Series 2020A Bonds.

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

Councilmember Noecker moved approval of the resolution as amended with the results of the bond sale.

Adopted as amended

Yea:

 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang **Nay:** 0

15 RES 20-264

Providing for the issuance of and accepting a proposal on the sale of General Obligation Street Improvement Special Assessment Refunding Bonds, Series 2020B; and levying a tax for the payment of the Series 2020B Bonds.

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

Councilmember Noecker moved approval of the resolution as amended with the results of the bond sale.

Adopted as amended

Yea: 7 -

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

Nay: 0

16 RES 20-265

Authorizing issuance of and awarding the sale of General Obligation Temporary Tax Increment Bonds, Series 2020C; and pledging tax increments for the payment thereof.

Michael Solomon, Office of Financial Services, gave a staff report on the bond sale.

Councilmember Nooecker moved approval of the resolution as amended with the results of the bond sale.

Adopted as amended

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

Nay: 0

17 **RES 20-266**

Supplemental Resolution #20 Supplementing the General Resolution (CF 88-835) Relating to Sewer Revenue Bonds and providing for the issuance of Sewer Revenue and Refunding Bonds, Series 2020D (Green Bonds) and taking other required actions

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

Councilmember Noecker moved approval of the resolution as amended with the results of the bond sale.

Adopted as amended

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

18 RES 20-141

Authorizing the Department of Parks and Recreation to add organizations to the List of Eligible Recipients for Charitable Gambling funds for 2020.

Councilmember Noecker made brief comments and moved approval of the resolution.

Adopted

Yea: 7 -

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

Nay: 0

RES 20-278 19

Committing to maintaining health care services at St. Joseph's and Bethesda Hospitals and requesting transparency from the M Health Fairview Board of Directors and CEO.

Councilmember Thao thanked the coalition and his colleagues. He said it was important that we maintain those hospitals so they can continue to serve the community. He invited members of the coalition to speak.

A representative of the Minnesota Nurses Association spoke.

Councilmember Thao moved approval of the resolution.

Council members Yang, Prince, Noecker spoke in support of the resolution.

Adopted

Yea: 7 -

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

Nay: 0

20 **RES 20-232**

Outlining the City's 2020 Legislative Agenda.

ThaoMee Xiong, Mayor's Office, gave a staff report on the Legislative agenda, with a focus on bonding priorities.

There was discussion among the Council members and Ms. Xiong.

Amendments were offered by Council members Yang and Tolbert, and were approved.

Adopted as amended

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

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 20-3

Amending Chapter 164 of the Legislative Code to prohibit the sale of parking permits issued for residential parking permit areas.

Councilmember Jalali moved final adoption of the ordinance.

Adopted

Yea:

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

Nay: 0

Ord 20-1

Amending Chapter 414 of the Legislative Code regarding Massage and Bodywork Centers to add a solo massage center to the Class A license category.

Councilmember Noecker moved final adoption of the ordinance.

Adopted

Yea:

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

Nay: 0

23 Ord 20-2

Amending Chapter 412 of the Legislative Code regarding Massage and Bodywork Centers to add a solo massage center to the Class A license category.

Councilmember Noecker moved final adoption of the ordinance.

Adopted

Yea: 7 -

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

24 Ord 20-5

Amending Chapter 310 of the Legislative Code, License Fees, to add a solo massage center to the Class A license category, defined as a location that is operated by a solo massage practitioner outside of the home.

Councilmember Noecker 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 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)

Councilmember Noecker moved a two-week layover. She said she still had some questions about the development and understood the community partners did too.

Laid over to February 26

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

Nay: 0

Absent: 1 - Councilmember Thao

26 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.

Councilmember Tolbert moved final adoption of the ordinance.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Thao

PUBLIC HEARINGS

27 RES PH 20-16

Authorizing City Council to use fund balance unspent in 2019, and to increase the 2020 Financing and Spending budgets in City Council Special Projects budget, to a total of \$35,854.60 to cover City Council Inaugural ceremony and related events expenses.

Council President Brendmoen said all of the costs for the City Council inauguration was fund-raised, including the fundraising costs. The amount being brought forward was \$35,000, although the cost was probably closer to \$25,000, and they would use some funds in four years to start the process again. She read the list of donors.

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

Adopted

Yea: 7 -

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

Nay: 0

28 RES PH 20-13

Authorizing application for a \$700 Workplace Wellness grant from the Saint Paul Chamber of Commerce to offset the cost of a Mother's/Personal Room; authorizing execution of a grant agreement; and amending the financing and spending plans in the Office of Financial Services.

John McCarthy, Office of Financial Services, gave a staff report.

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

Adopted

Yea:

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

Nay: 0

29 RES PH 20-33

Amending the financing and spending plans in the Mayor's Office in the amount of \$3,500 to accept a donation received from Comcast to support the 2020 Minnesota Mayors Reception on Saturday, February 1, 2020 at the Ordway Center for Performing Arts.

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

Adopted

Yea: 7

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

30 RES PH 20-41

Accepting the Saint Paul and Ramsey County Domestic Abuse Intervention Project amendment award.

No one was present to testify. Councilmember Tolbert moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Tolbert announced the February 23 Ramsey County-City of St. Paul hockey game benefiting the St. Paul & Ramsey County Domestic Abuse Intervention Project.

Councilmember Tolbert moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

31 RES PH 20-49

Authorizing the Department of Public Works Asphalt Plant to amend the spending and financing budget for the professional evaluation, consultation, and redesign of the sediment pond for future operation.

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

Adopted

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

Nay: 0

32 RES PH 20-27

Approving the application of Burger Moe's for a sound level variance for amplified music for a Lucky Palooza event on March 14, 2020 at 242 7th Street West.

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

Adopted

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

33 RES PH 20-28

Approving the application of Monster Series LLC for sound level variances for amplified sound at three locations along the 2020 Get Lucky Run race route on March 14, 2020. (CHS Field, 360 N. Broadway Street; Lower Landing; and Upper Landing Park)

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

Adopted

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

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

34 <u>RLH FCO</u> 19-127 Appeal of Ron Staeheli to a Correction Notice-Reinspection Complaint at 358 ARBOR STREET.

Legislative Hearing Officer Marcia Moermond distributed written notes. She said this was an appeal by the owner to be excluded from the Fire Certificate of Occupancy (FCO) program. The property came to the attention of the FCO program after a complaint of no heat in the lower unit on October 2, 2019. Heat was restored within three days; the inspector noted that eviction was filed on the tenant the following week. FCO staff sent a letter on November 19, 2019 indicating the property should be subject to a Certificate of Occupancy, because the department had come to the conclusion that it was not owner-occupied. Ms. Moermond reviewed the citation in Chapter 45 related to what is exempted from the FCO program, including owner-occupied single-family homes and duplexes if the property is the principal residence of the owner. She said there was a lot of conflicting information from City staff and the owner about the owner-occupancy status. Staff indicated that Ramsey County property records list the address of Diane Staeheli, who was reported to be the upper unit resident, as 4300 Blackhawk Road in Eagan which was also the mailing address in City records. The homestead for Ms. Staeheli was also in Eagan. Ms. Moermond read the definition of a homesteaded property in Minnesota which stated it was the owner's or a relative's primary place of residence. Ramsey County had reviewed and rejected an application from Ms. Staeheli to homestead this Arbor Street address. Ramsey County investigated and made a determination that it could not be a homesteaded property, and the application had been voided. This address was before the Council previously, and there was testimony from May 2018 indicating there was a renter in the garage, and that renter had made reference to both lower unit and upper unit tenants. US mail sent to Diane Staeheli at this address from the water department, FCO and Legislative Hearing staff had been returned. Ramsey County had looked at voting records as part of their investigation and found that Ms. Staeheli had been registered to vote in Eagan since 2002. She attempted to change her voting address to 358 Arbor in 2014 but this was declined as U.S. mail sent to confirm the address was returned to the elections office. Ms. Staeheli re-registered to vote in Eagan in 2016 and most recently voted there in November 2018. This was inconsistent with testimony provided by Mr. Ron Staeheli in a September 2018 hearing stating that Ms. Staeheli lived at the Arbor Street property. At the time of the no heat report in October 2019, the lower unit tenant clearly indicated to the inspector that the upper unit was not occupied by Diane Staeheli. The inspector noted that she crossed paths with a woman and child who stated they were visiting a relative in the upper unit and that relative was not Ms. Staeheli. Ms. Moermond stated that in Legislative Hearings the appellant submitted information indicating owner-occupancy, including old and current driver's licenses for Ms. Staeheli with the Arbor Street address, and an October 25 Xcel Energy bill directed to Ms. Staeheli at this address. Ms. Moermond said she didn't know if the bill was delivered to the Arbor Street address via U.S. mail or obtained online. She said Ms. Staeheli indicated in an email she was registered to vote from the Arbor Street address; Ms. Moermond was not clear if that registration had been changed since the most recent election. Both Mr. Staeheli and Ms. Staeheli testified in Legislative Hearings that Ms. Staeheli lived in the upper unit of the duplex. Ms. Moermond said taking the two sets of information together she did not believe this was the principal residence of Ms. Staeheli at this time. She recommended that the property be part of the FCO program as a non-owner-occupied property.

Councilmember Noecker confirmed with Ms. Moermond that what was before the Council was not consideration of any fine or penalty but that this was a non-owner-occupied property and therefore should have a FCO. Ms. Moermond said a non-owner-occupied property would require a FCO and periodic inspections.

In opposition:

Ron Staeheli said he didn't know about homestead application being voided. He said Diane (Ms. Staeheli) had put her maiden name on the mailbox and that was why mail was being sent back. He said Ms. Staeheli wasn't present was because she was ill. He said mention of a tenant upstairs didn't mean that Diane wasn't also there. He said he wasn't sure Vicki (downstairs tenant) said Diane didn't live upstairs; she may have said the landlord didn't live there. He said he was managing the property from his office at 4300 Blackhawk Road, and that's where they got all of their mail. They had lived together at 4300 Blackhawk Road for a time, but Ms. Staeheli had cancer in 2017 and moved in with the upstairs tenant who was serving as her caregiver. He said homestead status no longer saved a lot of money and was something they hadn't gotten around to. He was surprised and thankful to learn it hadn't gone through, so they were going to have to find out why. He said Diane absolutely lived at 358 Arbor; he had just left her there.

Tom Ellerman said he rented a garage space for storage and electrical work, and had been there a couple of years. He said the problem here was with the downstairs tenant making up stories. She was way off base and he'd had the police there a few times for things she'd done. He said he had seen Diane there many times. It had been difficult for the last year or so and he felt the downstairs tenant should perhaps be in an assisted care facility. She didn't get along with neighbors and called police on things like people blowing leaves into the street. He said he saw this as a vindictive attempt against Ron.

Bryce Staeheli (456 Osceola Avenue S.) said he lived at 358 Arbor Street for the first 19 years of his life. He said his grandparents lived on Palace and he lived on Osceola, all within a three-block radius of that. He said he did just leave the upstairs unit, and his mom was there now. He said the fact it had gotten to this point was ridiculous. He said Donald Trump's address was Mar-A-Lago, Florida, but he was in Washington, DC.

Councilmember Noecker moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Noecker said a FCO was a serious life-safety thing, and the City exempted owner-occupied properties because the assumption was the owner was there and making sure it was safe. She felt the key was not just residence but principle residence. She said the evidence was perhaps mixed on whether Ms. Staeheli resided at the property, but she felt it was clear it was not the principal residence. She said when testimonies were mixed, they should rely on the official reports from the County property tax records, U.S. mail, and Ramsey County elections, which seemed to be straightforward in showing there was a different principal residence. She said she would be happy to work with Mr. Staeheli and his family to clarify the issue, but for now would go with the Legislative Hearing Officer's recommendation.

Council President Brendmoen said she supported the motion, and appreciated the willingness to work with the family.

Adopted

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

LEGISLATIVE HEARING CONSENT AGENDA

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

Approval of the Consent Agenda (Items 34 - 43)

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

Nay: 0

35 RLH VO 20-7 Appeal of Lindsey/KBD Investments LLC to a Fire Inspection Correction Notice, including Condemnation, at 289 BURGESS STREET.

Adopted

36 RLH FCO 20-11 Appeal of David Nelson to a Fire Inspection Correction Notice at 1000 COOK AVENUE EAST.

Adopted

37 RLH VO 20-8 Amending Council File RLH VO 19-58, adopted January 15, 2020, to grant Anthony Suero on behalf of Alina Cruz an additional extension for property at 1818 FIFTH STREET EAST.

Adopted

38 RLH RR 20-4 Ordering the razing and removal of the structures at 173 ROBERT STREET SOUTH within thirty (30) days after the February 12, 2020, City Council Public Hearing.

Adopted

39 RLH RR 20-3 Ordering the razing and removal of the structures at 193 ROBERT STREET SOUTH within thirty (30) days after the February 12, 2020 City Council public hearing.

Adopted

40 RLH VO 20-6 Appeal of James Stanke to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 192 ROBIE STREET WEST.

Adopted

41	RLH RR 20-2	Ordering the rehabilitation or razing and removal of the structures at 1286 SHERBURNE AVENUE within fifteen (15) days after the February 12, 2020 City Council public hearing. (Amend to remove only within 30 days)
		Referred to Legislative Hearings on February 25; Council public hearing continued to March 11
42	RLH VBR 20-6	Appeal of Alan Conard to a Vacant Building Registration Notice at 1738 SHERWOOD AVENUE. Adopted
43	RLH RR 20-1	Ordering the rehabilitation or razing and removal of the structures at 31 WINTER STREET within fifteen (15) days after the February 12, 2020 City Council public hearing. (Amend to remove within 15 days) Referred to Legislative Hearings on February 25

Council members shared information about events in their wards.

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 4:56 p.m.

Council Meeting Information

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