



# 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*

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Wednesday, February 26, 2020

3:30 PM

Council Chambers - 3rd Floor

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#### 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 20-14](#) Amending CDBG activities 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 - 7)

*Item 5 was removed from the Consent Agenda for separate consideration.*  
*Councilmember Yang 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 20-357](#)     Accepting the gift of travel expenses from the Knight Foundation for Councilmember Rebecca Noecker, Chief Equity Officer Toni Newborn, and Deputy Director Cassi Johnson to attend the Knight Cities Learning Journey to Greenville, South Carolina from March 31-April 3, 2020.  
**Adopted**
- 3     [RES 20-267](#)     Authorizing expenditures for food and refreshments at the City and County Black History Month final event on February 28, 2020 at City Hall.  
**Adopted**
- 4     [RES 20-303](#)     Authorizing the Department of Parks and Recreation to apply for and, if awarded, accept funds from the Otto Bremer Trust, Saint Paul Foundation, and the Minnesota Council on Economic Education for the Right Track youth employment program in an amount of up to \$84,000 for budget and program year 2020.  
**Adopted**
- 6     [RES 20-331](#)     Approving a Limited Use Permit with the State of Minnesota Department of Transportation for a pedestrian and bicycle trail in the right-of-way of Trunk Highway 51 at Como Avenue.  
**Adopted**
- 7     [RLH OA 20-5](#)     Making recommendation to Ramsey County on the application of Robert DeFlorin for repurchase of tax forfeited property at 422 JESSAMINE AVENUE EAST.  
**Adopted**

**FOR DISCUSSION**

- 5     [RES 20-110](#)     Authorizing the City to enter into a Cooperative Agreement with MnDOT and Ramsey County regarding the replacement of the Dale Street Bridge at TH 94.  
  
*Councilmember Thao read into the record some of the commitments made by Ramsey County and MnDot related to the Disadvantaged Business Enterprise goals for this federally-funded project.*  
  
*Councilmember Thao 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

**SUSPENSION ITEMS**

*Councilmember Noecker moved suspension of the rules.*

**Rules suspended**

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

**Nay:** 0

**Reconsideration**

*Councilmember Noecker moved to reconsider RES PH 20-19, amended and adopted by Council on February 19. Yeas - 7 Nays - 0*

[RES PH 20-19](#)

Denying the application submitted by Calsey Smith of 333 on the Park for an exception to the general hours of operation for pedestrian skyway bridges #26 and #36, which serve Timberland Partners. (Amended to approve the application)

*Councilmember Noecker clarified that she was a supporter of the skyway system and of guaranteeing access through the system. She said the basis of her decision to grant the exception was that there was an equally convenient parallel route and no commercial activity in the building. She said if either of those conditions changed she would consider the basis for the exception to be invalid and would welcome a petition from the Skyway Governance Advisory Committee to withdraw the exception. She said the chair of the Skyway Governance Committee was present, and she wanted to give him the opportunity to share his thoughts.*

*Bill Hanley, Skyway Governance Advisory Committee, said the committee had heard from 333 Sibley three times and gave a lot of time to the issue, and voted overwhelmingly twice to deny the request. The issues brought to them by 333 Sibley were mild public safety and property damage concerns which were not backed up by proof or data, a general sense of residents feeling uncomfortable with unfamiliar people in their skyway, and no publicly-facing commercial space in the building. He said the committee was extremely concerned about the precedent set by allowing the closure would immediately invite other buildings to ask for an exception, most notably, Cray Plaza which had stated the intention of turning the entire building residential. 333 was not at the end of the line, and new owners of the 180 E. Fifth parallel route had closed it in the evenings and weekends two months before without any permission. He said 180 E. 5th was committed to that closure and working with DSI, and the committee would plead with the Council not to close 333 Sibley until that was resolved. He said it was stated that the committee had a divided vote, but it was not at all divided and was overwhelming twice. The confusion was that when they voted they couldn't find a second (for the motion), but there was only one vote against the denial. He said it was a non-urgent issue, and the committee would like to wait until the 180 E. 5th was resolved, and to consider the negative precedent. He said had offered to facilitate a conversation between the management of 333 Sibley and the security for surrounding businesses to talk about shared concerns, but they didn't take him up on the offer.*

*Councilmember Noecker said she had misstated last week that it was a divided vote. She said it was an illegal closure at 180 E. 5th, and the City was taking enforcement action. She said she continued to feel this closure (333 Sibley) was justified and continued to move approval of her recommendation from the previous week.*

*Councilmember Prince asked whether it made sense to lay the matter over until 180 E. 5th was resolved.*

*Councilmember Noecker said they were moving at all speed with enforcement but she didn't have a timeline.*

*Councilmember Prince said she would support the motion but hoped the City could stay on top of that. She said she was aware of how tough it was to be consistent with skyways, and how important the integrity of the system was.*

*Councilmember Noecker said she appreciated hearing from the Skyway Governance Committee. She said there was nowhere else in the system where two parallel corridors like this existed, and she couldn't imagine another case where she would consider*

*another exception.*

**Reconsidered; adopted as amended (amended February 19)**

**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**

- 8      [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 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

## **PUBLIC HEARINGS**

- 9      [RES PH 20-11](#)      Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$250,000 to reflect Department of Natural Resources Land and Water Conservation Fund FY 2018 Outdoor Recreation Legacy Partnership Program grant funds received for the Midway Peace Park project.

*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

- 10**     [RES PH 20-6](#)     Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$50,000 for 2019 Round 2 Cultural STAR Grant funds received for the Rice Park Revitalization Lighting project.
- 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
- 
- 11**     [RES PH 20-64](#)     Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$200,000 for STAR Grant funds received for field renovation at Conway Recreation Center.
- No one was present to testify. Councilmember Prince 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
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- 12**     [RES PH 20-52](#)     Approving the application of Patrick McGovern's for a sound level variance for amplified music for a Lucky Palooza 2020 Event in an enclosed tent on March 14, 2020 at 225 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
- Nay:** 0
- 
- 13**     [RES PH 20-53](#)     Approving the application of Patrick McGovern's for a sound level variance for amplified music for a St. Patrick's Day 2020 Event in an enclosed tent on March 17, 2020 at 225 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

**Nay:** 0

**14**     [RES PH 20-54](#)

Approving the application of Cossetta's for a sound level variance for amplified music for a St. Patrick's event on March 14, 2020 at 211 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

**Nay:** 0

**15**     [RES PH 20-55](#)

Approving the application of Cossetta's for a sound level variance for amplified music for a St. Patrick's Day event on March 17, 2020 at 211 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

**Nay:** 0

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

**19**     [RLH RR 19-29](#)

Ordering the rehabilitation or razing and removal of the structures at 864 MARION STREET within fifteen (15) days after the December 18, 2019 City Council public hearing. (Public hearing continued from August 12) (Amend to grant 180 days)

*Legislative Hearing Officer Marcia Moermond gave a staff report. This issue originally came to her at the end of November, and at that time there was no code compliance or performance deposit, and the title was in the name of the previous owners, both of whom were deceased. The performance deposit was posted in December. The Code Compliance inspection was applied for, but the house was full and not ready to be inspected, and the owner didn't provide a lock box combination. Ms. Moermond had requested documentation of legal action to get the title in (appellant) Mr. Schilling's name. Mr. Schilling indicated had been in possession of the property since the mid-70s. Ms. Moermond said there hadn't been traction on those requested items, leading to her recommendation to order the building removed within 15 days. No permits could be issued to someone who didn't own the property. Ms. Moermond said she'd just been meeting with Mr. Schilling in the hallway and he indicated he was working with an attorney on the title work and had brought in a tax statement showing he was the taxpayer of record in the mid-1970s. Mr. Schilling had had a contractor look at the house; the contractor had provided a brief two-sentence statement. Given there had been some movement and the house was cleaned out and ready for inspection, she was hesitantly asking for this to be referred back to Legislative Hearing on March 10 for further review. She displayed a photo of the house.*

*Councilmember Thao asked how long the house had been vacant. Ms. Moermond said it had been a registered vacant building since 2009, and she didn't know if it was vacant for any length of time before that.*

*Robert Schilling (677 Sims) said the building in question was his residence at the time, and when the inspector came, a friend was living there and watching it for \$300 while he (Mr. Schilling) was working on another project. The inspector wanted to inspect for a Certificate of Occupancy, and the resident didn't let the inspector in so the inspector posted it as registered vacant. Mr. Schilling moved the friend out and moved back in himself, thinking that would take care of the issue. One day he came home and found the sheriff there, and everything go totally boarded up and shut off. He moved onto different things and it had been that way ever since because he'd had complications with his health and with his business. The building was ready to be cleaned up and fixed up, and he had thousands of dollars worth of building materials in the building. Some of those materials were supposed to have been removed as part of the clean-up. The electricity hadn't been turned on and it was hard to get people to cooperate when the building was old and dark. There had been no complaints against the building, and it was a sound building but had been neglected and needed to be cleaned up. Mr. Schilling said he purchased it in 1975 and for some reason the title didn't get registered; now he had to go through the process through legal channels.*

*Council President Brendmoen asked Mr. Schilling whether he remembered receiving a property tax bill. Mr. Schilling said all the time. Ms. Moermond said Mr. Schilling had been the tax owner of record, possibly since the 1970s. In Legislative Hearing he stated he purchased the property on a contract for deed and paid it, but today he stated he owned it outright and always did.*

*Mr. Schilling said it was a cash sale when he purchased it and there was no mortgage. He had two reasons for wanting it done - he had been helping a long-time employee*



*who'd had a stroke, and his daughter recently separated from her husband.*

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

*Councilmember Thao said by any standard over ten years of a vacant building was hard to accept in an area that really needed development. He moved to refer the matter to Legislative Hearing on March 10. He said his Council office would contact him and bring in Ramsey County and other stakeholders to get this clarified and change the title.*

*Council President Brendmoen said she supported the layover but underscored what Councilmember Thao said about the impact of this type of property on an already challenged neighborhood.*

**Referred to Legislative Hearings on March 10**

**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 16 - 22)**

*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

- 16**     [RLH CO 20-1](#)     Appeal of Andrea Suchy-Shinn and/or Will Shinn to a Correction Notice at 24 CONGRESS STREET WEST.

**Adopted**

- 17**     [RLH RR 20-10](#)     Ordering the rehabilitation or razing and removal of the structures at 1282 HAGUE AVENUE within fifteen (15) days after the February 26, 2020 City Council public hearing. (Amend to grant 180 days)

**Referred to Legislative Hearings on March 10**

- 18     [RLH TA 20-139](#)     Amending Council File RLH AR 19-58 to delete the assessment for Collection of Delinquent Garbage Bills for services during October to December 2018 at 289 MAPLE STREET. (File No. CG1901C4, Assessment No. 190063)  
**Adopted**
- 20     [RLH RR 20-11](#)     Ordering the rehabilitation or razing and removal of the structures at 174 PAGE STREET WEST within fifteen (15) days after the February 26, 2020 City Council public hearing. (Public hearing continued from May 13) (Amend to grant 180 days)  
**Referred to Legislative Hearings on March 10**
- 21     [RLH RR 19-34](#)     Ordering the rehabilitation or razing and removal of the structures at 985 WOODBRIDGE STREET within fifteen (15) days after the January 8, 2020 City Council public hearing. (Amend to remove or rehabilitate within 180 days)  
**Adopted as amended (180 days to remove or repair)**
- 22     [RLH TA 20-140](#)     Amending Council File No. RLH AR 19-111 to delete the assessment for Collection of Vacant Building Registration Fees billed during November 27, 2018 to May 21, 2019 at 1799 YORK AVENUE. (File No. VB2002, Assessment No. 208801)  
**Adopted**

*Council members shared news about events in their wards.*

## **ADJOURNMENT**

*Council President Brendmoen adjourned the meeting.*

**Meeting adjourned at 4:07 p.m.**

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