



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, December 9, 2020

3:30 PM

Council Chambers - 3rd Floor

**Please see the meeting guidelines due to the COVID-19 pandemic emergency.
The Library Board will convene during the City Council meeting.**

ROLL CALL

The meeting was called to order at 3:33 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 [CO 20-83](#) Mayor's Emergency Executive Order 20-38.

Received and Filed
- 2 [AO 20-60](#) Year-Round STAR Program updates

Received and Filed
- 3 [AO 20-61](#) Amending CDBG projects budgets: funding for 441 Cesar Chavez and three
properties demolition 920 & 967 Fremont, 1286 Sherburne.

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.

Council President Brendmoen said Item 9 is being pulled for separate consideration.

Councilmember Thao moved the Consent Agenda as amended.

7 in favor, none opposed

Consent Agenda is adopted as amended

Approval of the Consent Agenda

A motion was made by Councilmember Thao to Approve the Consent Agenda

The motion carried by the following vote:

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

Nay: 0

- 4** [RES 20-1626](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Metro Diesel Mechanic LLC (License ID #20200001862), d/b/a same, for an Auto Repair Garage license at 475 Como Avenue.
Adopted
- 5** [RES 20-1662](#) Memorializing the City Council decision granting an appeal by the Hamline Midway Coalition from a decision of the planning commission to approve a conditional use permit for a fast food restaurant rebuild with a drive-through service window at 565 Snelling Avenue North.
Adopted
- 6** [RES 20-1663](#) Authorizing the carryforward of unused private activity bond volume cap.
Adopted
- 7** [RES 20-1705](#) Authorizing the Department of Parks and Recreation to apply for grant funds of \$5,000 from The Aldi Smart Kids Program to support the McDonough Girls and Women in Sports Project.
Adopted
- 8** [RES 20-1665](#) Authorizing the Department of Parks and Recreation to apply for grant funds of \$15,000 from the Minnesota State Arts Board for virtual art opportunities provided by the McDonough Recreation Center.
Adopted
- 10** [RES 20-1639](#) Amending the 2020 spending budget in the Department of Public Works General Fund Traffic Signals accounting unit.
Adopted
- 11** [RES 20-1668](#) Accepting a 2020 Bureau of Justice Assistance Innovative Prosecution Solutions for Combatting Violent Crime grant from the US Department of Justice, in the amount of \$334,412 to enhance prosecution response for "gone-on-arrival" (GOA) domestic violence cases.

Adopted

- 12 [RES 20-1644](#) Authorizing the City to enter into Subordinate Funding Agreement #3 to the Master Funding Agreement with the Metropolitan Council for the Gold Line Bus Rapid Transit Project.

Adopted

- 13 [RES 20-1669](#) Approving the Memorandum of Agreement between the City of Saint Paul and AFSCME Clerical Local 2508 for the purpose of determining night shift differential rate of pay for those employees allowed to work during evening hours for their own convenience. (To be laid over one week for adoption)

Laid over to December 16 for adoption

- 14 [RES 20-1699](#) Authorizing the City to enter into a joint powers agreement with Saint Paul Public Schools and Board of Water Commissioners of Saint Paul to transfer print and print related services, personnel resources, and equipment to the Saint Paul Public Schools.

Adopted

- 15 [RES 20-1673](#) Reciting a proposal for a Housing Finance Program for a multifamily rental housing development, approving the project and the program pursuant to Minnesota Statutes, Chapters 462C and 469, authorizing The Ramsey County Housing & Redevelopment Authority to issue conduit multifamily housing revenue obligations in connection with said project and program, 750 Milton Ave North (Wilder Square Project District 7, Ward 1).

Adopted

- 16 [RES 20-1675](#) Approving the use of grant fund through the Neighborhood STAR Year-Round Program for improvements to Margaret Park and Sir Boxing Gym.

Adopted

- 17 [RES 20-1698](#) Approving and authorizing the execution of Municipal Advisory Services Agreements with the financial service firms of Baker Tilly, Ehlers, and PFM Financial Advisors LLC, Citywide.

Adopted

- 18 [RES 20-1655](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2020, and setting date of legislative hearing for January 7, 2021 and City Council public hearing for March 3, 2021 to consider and levy the assessments against individual properties. (File No. CG2004A1, Assessment No. 200163)

Adopted

- 19 [RES 20-1656](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2020, and setting date of legislative hearing for January 7, 2021 and City Council public hearing for March 3, 2021 to consider and levy the assessments against individual properties. (File No. CG2004A2, Assessment No. 200164)

Adopted

- 20 [RES 20-1657](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2020, and setting date of legislative hearing for January 14, 2021 and City Council public hearing for March 10, 2021 to consider and levy the assessments against individual properties. (File No. CG2004A3, Assessment No. 200165)

Adopted

- 21 [RES 20-1658](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2020, and setting date of legislative hearing for January 14, 2021 and City Council public hearing for March 10, 2021 to consider and levy the assessments against individual properties. (File No. CG2004A4, Assessment No. 200166)

Adopted

- 22 [RES 20-1659](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2020, and setting date of legislative hearing for January 21, 2021 and City Council public hearing for March 17, 2021 to consider and levy the assessments against individual properties. (File No. CG2004A5, Assessment No. 200167)

Adopted

- 23 [RES 20-1660](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for services during July to September 2020, and setting date of legislative hearing for January 21, 2021 and City Council public hearing for March 17, 2021 to consider and levy the assessments against individual properties. (File No. CG2004A6, Assessment No. 200168)

Adopted**FOR DISCUSSION**

- 9 [RES 20-1664](#) Authorizing the Department of Parks and Recreation to apply for grant funds of \$5,000 from the Walmart Local Community grant fund to support the McDonough Girls and Women in Sports Project. (Laid over from December

9.)

Council President Brendmoen moved a one-week layover. They have to fill out some legal forms for this.

7 in favor, none opposed

Resolution is laid over to December 16

Laid over to December 16

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

Nay: 0

24 [RES PH 20-261](#)

Approving the petition of Christianna Hang, on behalf of the Hmong Education Reform Company (dba Hmong College Prep Academy), to vacate air rights over Brewster Street in the North half of the Northwest Quarter of Section 27, Township 29 Range 23, in St. Paul, Ramsey County, MN.

Council President Brendmoen said it was laid over because we needed 5 votes to pass. It went through with 4, it did not pass, and it was laid over for more information. She has come around to support it. One of the things she has been saying, she really believes the schools need to be partnering with the Council in the process. On this item, the school did come up with a solution for traffic in front of their school without relying on the City, so it was not deprioritizing any of the other schools. It did not qualify under the conduit bonds. It was privately fundraised to fund the project. She will vote in support of this. It needs 5 votes. We got some information from the school.

Councilmember Thao recognized Brendmoen's thoughtful due diligence in looking at this. This skyway is for the safety of the kids. They are not using City dollars. They are finding private dollars. If they are willing to take the initiative to do this, that is good for the City, the infrastructure, and the school.

Councilmember Noecker concurred with Thao. We should be cautious about government overreach. We don't really get to tell private property owners what to do. This is privately funded and in our code.

Councilmember Prince said she had voted against this item last week because she voted against the conduit bond issue in an effort to be consistent. She is more inclined to vote for it because it is not part of the conduit bond process. She will vote in support of the vacation.

Noecker moved approval.

6 n favor, 2 opposed (Jalali, Yang)

Resolution is adopted

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 2 - Councilmember Jalali and Councilmember Yang

BUDGET ITEMS

- 25** [RES PH 20-249](#) Setting the City Recycling Service Fee for 2021 and authorizing Public Works to request \$740,709 in SCORE base grant and \$48,200 in SCORE incentive grant funds from Ramsey County to support the residential recycling program and additional waste diversion initiatives. (Public hearing held on November 4)
- Councilmember Neocker moved approval.*
7 in favor, none opposed
Resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 26** [RES PH 20-242](#) Setting the Solid Waste Service Fee for 2021. (To be laid over to December 9.)
- Councilmember Thao moved approval.*
7 in favor, none opposed
Resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 27** [RES PH 20-252](#) Setting the 2021 Sanitary Sewer and Storm Sewer rates. (Public hearing held November 4)
- Councilmember Tolbert moved approval.*
7 in favor, none opposed
Resolution is adopted
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- 28** [RES PH 20-225](#) Establishing the Water Charges for 2021. (Public hearing held November 4)
- Councilmember Yang moved approval.*

*7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

- 29** [RES 20-1667](#) Approving the Saint Paul Regional Water Services 2021 Budget.

*Councilmember Yang moved approval.
7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

- 30** [RES 20-1653](#) Approving the Saint Paul RiverCentre Convention and Visitors Authority 2021 Budget.

*Councilmember Prince moved approval.
7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

The City Council will recess and convene as the Library Board to consider RES 20-1661: Library Board Resolution Adopting 2020 Budget and Requesting Property Tax Financing.

The Library Board will adjourn and the City Council will reconvene.

- 31** [RES 20-1672](#) Approving and adopting the Saint Paul Public Library Agency Budget.

*Library Board Chair Prince moved approval.
7 in favor, none opposed
Resolution is adopted as amended (same amendment as Library Board)*

Adopted as amended

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

Nay: 0

32 [RES 20-1683](#) Approving the final 2021 Housing and Redevelopment Authority (HRA) budget and certifying the final HRA property tax levy payable in 2021.

Councilmember Brendmoen said this was discussed at the 2:00 meeting.

HRA (Housing and Redevelopment Authority) Chair Tolbert moved approval.

7 in favor, none opposed

Resolution is adopted

Adopted

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

Nay: 0

33 [RES 20-1648](#) Approving the 2021 City Tax Levy.

Council President Brendmoen said we will have discussion on Items 33 and 34.

Susan Earle from OFS (Office of Financial Services) is here.

Mary Guerra from OFS discussed the contingency policy.

Madeline Mitchell, senior budget analyst, walked through the 2021 property tax levy.

Holly Huston, Chief Budget Analyst, pulled up a presentation.

Councilmember Brendmoen said the Mayor gave a good budget. She thanked Huston, who has been a pleasure to work with. Susan Earle has been here for her final meeting. She thanked Director McCarthy and her colleagues.

Councilmember Noecker thanked Brendmoen for her leadership.

Councilmember Prince concurred with Brendmoen and Noecker said. She gave Tolbert credit for the weekly meetings he held to go over the budget.

Councilmember Jalali said she has been quiet and holding in a lot of emotions. She respects that they all made difficult choices. The Council shows little movement about police funding. She struggles to understand this. This is a department over \$120 Million. Advocates for Police funding and fear mongering make the case that SPPD is not effective for preventing crime. There have been \$2.6 Million in settlements. Let's have less officers period. The status quo is not good for our community.

Councilmember Yang said will there be comments on the next item. Brendmoen responded we are taking the public hearing as a combined report.

Councilmember Yang said a lot of effort was put into the budget. The councilmembers did what they can. She is celebrating a lot of what was accomplished this year. The Safe ordinance, making sure we are allocating money for that, celebrating the wins that there will not be a police academy in this upcoming year. While there are things to celebrate, we are so under serving.

Councilmember Thao said to the friends and neighbors, from what he can see, this is a realistic and solid budget, this has been more challenging. Proud of this year's budget to continue to fund things. They are restoring Library hours.

Noecker thanked Yang and Jalali for their words. In voting for this budget, she is not supporting the status quo. She is supporting the plan the Mayor lays out. If there is an alternative budget proposal, she is happy to consider it.

Brendmoen said this budget takes a lot of work and you have to push your sleeves up along the way.

Prince acknowledged Yang and Jalali. The Mayor cut under \$1 Million from Police. The Police budget in Saint Paul has budget for attrition, and this year it is \$3.7 Million. People have to resign or retire in 2021 before another police officer can be hired. They got more on this budget than they realized.

Councilmember Tolbert thanked Brendmoen and the Mayor. Toughest budget he had to work on in his 9 years at the Council because it is the first with a zero percent levy increase. Every single department had to be looked at. Police was \$105 Million last year. Now it is \$101 Million. They did a zero percent levy increase. People and businesses are hurting. Asking more money from our residents would have been hard to do. There will be a lot of changes.

*7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

34 [RES 20-1649](#)

Adopting the 2021 Budget.

*Councilmember Noecker moved approval.
5 in favor, 2 opposed (Jalali, Yang)
Resolution is adopted*

Council President Brendmoen said we have passed a 2021 budget.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Prince

Nay: 2 - 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

- 35 [Ord 20-29](#) Amending Chapter 409 of the Legislative Code pertaining to the distance restriction between liquor license locations and to reduce the location radius for off-sale wine only license locations.

Councilmember Prince said her office has been coordinating with DSI (Department of Safety and Inspections) staff since April to bring forward this amendment to help small businesses impacted by COVID. She got an e-mail from someone who had an idea, so she is moving a one-week layover.

Councilmember Yang said she will support the layover.

*7 in favor, none opposed
Laid over to December 16.*

Laid over to December 16

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

Nay: 0

Second Reading

- 36 [Ord 20-37](#) Creating Chapter 194 of the Legislative Code entitled Smoking Policy Disclosure to require the completion of a smoking sale disclosure report for sale of units within a common interest community.

Laid over to December 16 for third reading/public hearing

PUBLIC HEARINGS

- 37 [Ord 20-35](#) Granting the application of Keith Schroeder to rezone the property at 981 Fuller Avenue from R4 Single Family Residential to T2 traditional neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Toni Johnson, PED (Planning and Economic Development), is here. He showed his screen. The corner of Fuller and Chatsworth was historically a corner store. The commercial uses went away. The property is surrounded by a mix of single family and mixed use.

Council President Brendmoen said there was a public hearing online and over the phone.

Councilmember Thao moved to close the public hearing.

7 in favor, none opposed

Public hearing is closed and the ordinance is laid over to December 16 for final adoption

Public hearing closed; laid over to December 16 for final adoption

- 38** [RES PH 20-235](#) Approving a Five-Year Street Reconstruction Plan for the Fiscal Years 2021 through 2025 and granting preliminary approval to the issuance of certain General Obligation Street Reconstruction Bonds by the City.

Council President Brendmoen said there was a report from Public Works. The biggest takeaway was a real commitment to dig into the reconstruction bonds to determine if there is room to expand the program. Folks had opportunity to submit comments online and over the phone.

Councilmember Noecker moved approval.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

- 39** [RES PH 20-266](#) Amending the spending and financing plans for the STAR program.

Council President Brendmoen said we held a public hearing online and over the phone.

Councilmember Tolbert moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adoption

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

Nay: 0

- 40** [RES PH 20-272](#) Approving the Energy Park Utility Company franchise rates.

Council President Brendmoen said a public hearing was held online and over the phone.

Councilmember Jalali moved approval.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

41 [RES PH 20-275](#)

Amending the financing and spending plans in the General Government account in the amount \$406,569 for the funding received from the State of Minnesota Department of Human Services Emergency Services Program COVID-19 Response funds.

Council President Brendmoen said staff is here. Public hearing was held online and over the phone.

Councilmember Yang moved approval.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

42 [RES PH 20-278](#)

Authorizing the City to accept \$ 6,061,828 in CDBG-CV funds and \$7,992,924 in ESG-CV funds related to CARES Act grants from the United States Department of Housing and Urban Development and amending the 2020 budget to incorporate these funds into the federal grant budget.

Council President Brendmoen said staff is here. We held a public hearing online and over the phone.

Councilmember Tolbert moved to close the public hearing and approve.

Councilmember Noecker said this is significant. This will come back to Council to allocate these dollars.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

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

Nay: 0

LEGISLATIVE HEARING ITEMS

Councilmember Prince moved to adopt these items.

7 in favor, none opposed

Resolution is adopted

The Legislative Hearing Officer recommended adoption of the following resolutions, as no objections were received:

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

Nay: 0

- 43** [RLH FCO 20-147](#) Appeal of Greg Schiffer, on behalf of St. Paul's Outreach, to a Fire Inspection Correction Notice at 2023 ASHLAND AVENUE.
Adopted
- 44** [RLH FCO 20-145](#) Appeal of Laurel Hedlund to a Fire Inspection Correction Notice at 709 BEDFORD STREET.
Adopted
- 45** [RLH VBR 20-74](#) Appeal of Michael Allen to a Vacant Building Registration Notice at 1721, 1725 and 1729 CARROLL AVENUE.
Adopted
- 46** [RLH SAO 20-48](#) Appeal of Melissa Peterson to a VEHICLE ABATEMENT ORDER at 910 CLEAR AVENUE.
Adopted
- 49** [RLH VBR 20-75](#) Appeal of Derick/Tamla Crockett to a Vacant Building Registration Fee Warning Letter at 181 FRONT AVENUE.
Adopted
- 50** [RLH VBR 20-69](#) Appeal of Nneka Constantino to a Vacant Building Registration Requirement at 1282 HAGUE AVENUE.
Adopted
- 52** [RLH VO 20-55](#) Appeal of Tabatha Jackson to a Correction Notice-Complaint Inspection (which includes condemnation) at 1094 KENT STREET.
Adopted
- 54** [RLH VO 20-54](#) Appeal of Ruby Nguyen to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 777 SIXTH STREET EAST.

Adopted

For the following item, the Legislative Hearing Officer recommended referring to the Legislative Hearing of January 12, 2021:

- 47** [RLH RR 20-45](#) Ordering the rehabilitation or razing and removal of the structures at 2531 EDGCUMBE ROAD within fifteen (15) days after the December 9, 2020, City Council Public Hearing. (To be referred back to January 12, 2021 Legislative Hearing)

Councilmember Tolbert moved to refer to the Legislative Hearing on January 12.

7 in favor, none opposed

Resolution is referred to January 12 Legislative Hearing

Referred to Legislative Hearing of January 12, 2021

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

Nay: 0

For the following item, the Legislative Hearing Officer recommended referring to the Legislative Hearing of January 19, 2021:

- 51** [RLH VBR 20-71](#) Appeal of John Hutton to a Vacant Building Registration Notice at 1823 HEWITT AVENUE. (To be referred back to January 19, 2021 Legislative Hearing)

Councilmember Jalali moved to refer to the Legislative Hearing on January 19.

7 in favor, none opposed

Resolution is referred to January 19 Legislative Hearing

Referred to Legislative Hearing of January 19, 2021:

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

Nay: 0

For the following item, the Legislative Hearing Officer recommended continuing the public hearing to January 13, 2021:

- 48** [RLH SAO 20-24](#) Appeal of Eric Olsen, Park Crossing, Inc., to a Summary Abatement Order at 2233 ENERGY PARK DRIVE.

Councilmember Jalali moved to amend and continue the public hearing to January 13.

7 in favor, none opposed

Resolution is amended and public hearing is continued to January 13

Amended and continue public hearing to January 13, 2021

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

Nay: 0

For the following item, the Legislative Hearing Officer's recommendation was contested and additional testimony from the appellant is in the record:

53 [RLH VBR 20-72](#)

Appeal of Alex Delendik to a Vacant Building Registration Notice at 609 SIMS AVENUE.

Marcia Moermond, Legislative Hearing Officer, said the appellant looked at things differently and submitted a letter. There was also a voice mail transcribed and added today. This story has 2 chapters. Chapter 2 is in front of you. This is a registered vacant building. Chapter 1 happened in September and October when the fire certificate of occupancy was revoked. That was appealed and an extension granted. The owner developed a work plan. He bought the property mid-June. The previous owner did not disclose there was an order out there. There was a TISH (Truth In Sale of Housing) report. The owner bought the house to empty it, rehab it, and have it reoccupied. He did not believe he would be able to execute the repairs. The tenants ended up moving out. When November 2 came, the appellant was a no show for the inspection. The inspector said there was no compliance to the orders and the units seemed vacated so it was referred to the vacant building program. The appeal today is about that program. The owner did say it was empty and thinks it should only be subject to the orders for reinstating the fire certificate of occupancy. City says once you get to this point, you need to do a code compliance. What is the measure used before the property can be reoccupied? We have violations that meet the definition of the Legislative Code. It talks about unoccupied and multiple building violations. Property main, fire, mechanical, plumbing and electrical code violations. There are a lot of permits that need to be pulled. The owner was also communicating that he just purchased the property, he should have had more time, and the previous owner had not been held to the same standard. The last certificate of occupancy was issued in 2012 and it was determined to be a Class A property. It went from being a Class A to a Class D property. Additionally, he argued that COVID made it difficult if not impossible for him to do the necessary repairs. He did mention that he was frustrated that his hearing for November 17 had to be rescheduled. It was scheduled for 2:30 on that day, and it was rescheduled because of a court issue. He did have a one week wait. He became a victim of circumstances and this communication. I don't think that is the situation in this case. She talked to Yang about this earlier. She recommend the Council deny the appeal. This should be a Category 2 vacant building and waive the fee for 90 days.

Councilmember Yang asked was the owner referred to the rental rehab program. Moermond responded that usually we made that kind of referral. He did not mention financing would be a program. Rather, it was logistics. He had the money set aside and ready to spend it.

Councilmember Yang mentioned their statement of not being able to maintain their home. She asked if other owners have been able to maintain their home. Moermond responded said this is a rental property. What would be in play would be the tenant's willingness to allow access to the property, contractors in to do the work, and doing scheduling to respect everyone's safety. We have consistently seen that repairs can get done and issues addressed. Most certainly, COVID has had an impact of people doing repairs. It was the landlord's perspective that the work needed to have the rooms emptied. He didn't think he could sheetrock while having someone living in it. Repair, yes. Totally rehabbing it, that is different. There was an elderly woman in there. She felt uncomfortable and did end up leaving.

Yang asked did she need time to verify. Moermond responded we can provide that information that he is aware of the rental rehab program.

Council President Brendmoen said the kind of disrepair is rotted wood that did not happen during COVID. She would be in support of the recommendation of the Legislative Hearing Officer. It puts the property in a Category 2 certificate of occupancy. It focuses money on the repairs. There is a lot of repair there.

Brendmoen asked are we concerned about the recommendation? Should we lay it over? Prince responded she is concerned that the tenants had to vacate during the eviction moratorium. This raises a red flag.

Brendmoen asked do we want to lay it over.

Moermond said he testified he came to arrangements with the tenants that they would leave and he would not pursue anything with nonpayment of rent. An order to vacate related to the revocation, it would be referred to the vacant building program. The City is not going in for administration purposes and having people leave. Prince responded thank you.

Yang stated she does not need a layover. Her only ask is to reconnect to the property owner about the program. Moermond responded they will get that information out in the morning.

Yang moved the recommendation of the Legislative Hearing Officer.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

The Legislative Hearing Officer's recommendation was contested and additional testimony from the appellant is in the record:

55 [RLH RR 20-32](#)

Ordering the rehabilitation or razing and removal of the structures at 901 YORK AVENUE within fifteen (15) days after the October 7, 2020, City Council Public Hearing. (Amend to Remove within 15 days and public hearing

continued to December 9, 2020)

Marcia Moermond, Legislative Hearing Officer, said they got some of the information they were looking for. He was to provide by December 1. He did not provide any of that. We asked if he wanted to testify. He got some of the information to us today. It makes sense to look at again in Legislative Hearing. She would like to make sure we look at every possible scenario.

Councilmember Yang moved the recommendation of the Legislative Hearing Officer. 7 in favor, none opposed

Referred to December 22 Legislative Hearings

Referred to the Legislative Hearing of December 22

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

Nay: 0

ADJOURNMENT

The meeting was adjourned at 5:46.

In-person meetings, or meetings conducted under Minn. Stat. § 13D.02 of the City Council, are not practical or prudent because of the COVID-19 health pandemic emergency declared under Minn. Stat. Chapter 12 by the Minnesota Governor Tim Walz and Saint Paul Mayor Melvin Carter. In light of the COVID-19 health pandemic, members of the City Council will participate in City Council meetings by telephone or other electronic means.

Public attendance at the City Council's regular meeting location is not feasible due to the COVID-19 health pandemic. Members of the public may view City Council meetings online at stpaul.legistar.com/Calendar.aspx or on local cable Channel 18.

The public may comment on public hearing items in writing or via voicemail. Any comments and materials submitted by 12:00 pm of the day before the meeting will be attached to the public record and available for review by the City Council. Comments may be submitted as follows:

Written public comment on public hearing items can be submitted to Contact-Council@ci.stpaul.mn.us, CouncilHearing@ci.stpaul.mn.us, or by voicemail at 651-266-6805.

While the Council will make best efforts to decide all issues before them, the Council may delay decisions on certain matters where the members believe meeting in-person is necessary. All City Council public hearings will be held at 3:30 p.m. and there will be no separate 5:30 p.m. public hearings. More information is available at www.stpaul.gov/departments/city-council

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 mobile devices to review the files during the meeting. Using a mobile device greatly reduces costs since most agendas, including the documents attached to files, are over 1000 pages when printed.

Web

Meetings are available on the Council's website. Email notification and web feeds (RSS) of newly released minutes, agendas, and meetings are available by subscription. Visit www.stpaul.gov/council for meeting videos and updated copies of the agendas, minutes, and supporting documents.

Cable

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