



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, September 1, 2021

3:30 PM

Council Chambers - 3rd Floor

Please see the meeting guidelines due to the COVID-19 health pandemic emergency.

ROLL CALL

Meeting called to order 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 21-37](#) Authorizing the Police Department to reallocate its 2021 Special Fund operating budget to reflect expenditures more accurately.

Received and Filed
- 2 [AO 21-38](#) Authorizing the Police Department to reallocate its 2021 Special Fund operating budget to reflect expenditures more accurately.

Received and Filed
- 3 [AO 21-39](#) Amending CDBG projects budget: funding for 581 7th St E (Gregg's Auto Body)

Received and Filed
- 4 [AO 21-42](#) Amending CDBG projects budget.

Received and Filed

Approval of the Consent Agenda

Councilmember Yang moved approval of the Consent Agenda.
7 in favor, none opposed

Consent Agenda is adopted

Adopted

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

Nay: 0

- 5 [RES 21-1186](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Como Avenue from Brompton Street to City Limits paving and lighting project constructed as part of the 2020 St. Paul Street Paving Program (SPS). (File No. 19235, Assessment No. 205201)

Adopted

- 6 [RES 21-1188](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Tedesco Street from west of Otsego Street to Payne Avenue paving and lighting project constructed as part of the 2020 St. Paul Street Paving Program (SPS). (File No. 19237, Assessment No. 205202)

Adopted

- 7 [RES 21-1190](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Como Avenue trail project. File No. 19248C, Assessment No. 216003.

Adopted

- 8 [RES 21-1210](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for installation of a fire protection system for 2475 Doswell Avenue (File No. FP2021-03, Assessment No. 217102)

Adopted

- 9 [RES 21-1212](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Como Avenue paving project. File No. 19235C, Assessment No. 216002.

Adopted

- 10 [RES 21-1229](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Lexington Parkway project. File No. 19253C, Assessment No. 216004.

Adopted

- 11 [RES 21-1256](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Ford Site 429 improvement project. (File No. 19246, Assessment No. 205203)

Adopted

- 12 [RES 21-1257](#) Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Ford Site 429 improvement project. (File No. 19246-20YR, Assessment No. 205204)

Adopted

- 13 [RES 21-1269](#) Approving the use of grant funds through the Ward 6 Neighborhood Star Year-Round Program for improvements to The Minnesota China Friendship Garden and Sir Boxing And Fitness Gym.

Adopted**FOR DISCUSSION**

- 14 [SR 21-130](#) 2022 property tax trends by Ramsey County.

The following appeared and gave a presentation to the Council: Luis Rosario, Ramsey County Assessor; Heather Bestler, Ramsey County Auditor/Treasurer. The councilmembers asked questions and gave comments.

Received and Filed

- 15 [RES 21-1275](#) Honoring the life and public service of Charles (Chuck) Repke, Jr.

Councilmember Noecker read the resolution on behalf of the City Council. She thanked Marcia Moermond, Legislative Hearing Officer, for writing the resolution. The Councilmembers shared their memories and thoughts on Mr. Repke.

Adopted

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

Nay: 0

PUBLIC HEARINGS

- 16 [RES PH 21-187](#) Ratifying the assessment for installation of a fire protection system, as requested by Travis Temke for 754 Randolph Avenue (File No. FP2021-02, Assessment No. 217101).

Council President Brendmoen said the public hearing was held virtually.

Councilmember Noecker moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution adopted

Adopted

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

Nay: 0

- 17 [RES PH 21-224](#) Approving the application of Big River Pizza for a sound level variance in order to present amplified music for Let There Be Songs to Phil the Air Sundays on September 26th, and October 3rd, 2021 at the St. Paul Farmers Market.

Council President Brendmoen said the public hearing was held virtually.

Councilmember Noecker moved to close the public hearing and approve.

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

SUSPENSION ITEMS

Councilmember Noecker moved suspension of the rules.

7 in favor, none opposed

Rules are suspended

Rules Suspended

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

Nay: 0

- [RES 21-1305](#) Affirming the Extension of Declaration of Local Emergency issued August 31, 2021 by Mayor Melvin Carter III.

Council President Brendmoen said the Council needs to ratify the extension within 3 days after it is signed. It was signed on the 31st.

Councilmember Prince moved the resolution.

7 in favor, none opposed

Resolution is adopted

The intention of the Council is to return to the Chambers after the Labor holiday, said Brendmoen. With this extension, they will continue to meet virtually until the end of November. In order for our Downtown to make a comeback, it needs folks Downtown.

Restaurants and coffee shops are struggling. Public hearings in the Chambers are hard to manage in terms of masking and large groups of people. With the Delta variant being unknown, not having a public hearing when an unknown number of the public can enter into an enclosed area, is safer for our councilmembers and staff. They will continue to meet the way they have with the virtual meetings. The building is not closed. Downtown is safe and fine. People should support our businesses Downtown.

Adopted

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

Nay: 0

*Councilmember Jalali moved suspension of the rules.
7 in favor, none opposed
Rules are suspended*

Rules Suspended

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

Nay: 0

RES 21-1291

Approving the expenditure of program dollars on housing expenses for Alyssa Franzmeier, Beatrice Crow, Kara Komoto, and Maley Wagner, returning VISTA members of Saint Paul's VISTA Program, in an amount not to exceed \$12,000.

Council President Brendmoen said this is coming under suspension for the timeliness of rent.

*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

Approval of the Consent Agenda

*Items 19, 22, 23, 24, 25, 27, 28, 29, 30, 31
Councilmember Tolbert moved to adopt these items.
7 in favor, none opposed
Public hearings closed and resolutions adopted*

The Legislative Hearing Officer recommends adoption of the following resolutions, as no objections to these recommendations were received:

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

Nay: 0

- 19** [RLH SAO 21-64](#) Appealing a Summary Abatement Order by Mavis Fry to at 887 CONWAY STREET.
Adopted
- 22** [RLH TA 21-283](#) Ratifying the Appealed Special Tax Assessment for property at 854 EUCLID STREET. (File No. J2121A, Assessment No. 218538)
Adopted
- 23** [RLH TA 21-320](#) Ratifying the Appealed Special Tax Assessment for property at 1011 GERANIUM AVENUE EAST. (File No. J2122A, Assessment No. 218539)
Adopted
- 24** [RLH SAO 21-63](#) Appealing a Summary Abatement Order and Vehicle Abatement Order by Joseph Dalbec to at 913 JOHNSON PARKWAY.
Adopted
- 25** [RLH TA 21-310](#) Ratifying the Appealed Special Tax Assessment for property at 678 LAFOND AVENUE. (File No. J2121A, Assessment No. 218538)

Adopted
- 27** [RLH TA 21-341](#) Ratifying the Appealed Special Tax Assessment for property at 1162 MARSHALL AVENUE. (File No. J2122A, Assessment No. 218539)

Adopted
- 28** [RLH TA 21-276](#) Ratifying the Appealed Special Tax Assessment for property at 1211 RANDOLPH AVENUE. (File No. J2023A, Assessment No. 208539)
Adopted
- 29** [RLH FCO](#) Appealing a Re-Inspection Fire Certificate of Occupancy With Deficiencies by
[21-129](#) Jamie Rattanapamonsook, Thai Street Market, at 1665 RICE STREET.
Adopted
- 30** [RLH AR 21-72](#) Ratifying the assessments for Property Clean Up services during April 1 to 12, 2021. (File No. J2121A, Assessment No. 218538)
Adopted

- 31 [RLH AR 21-73](#) Ratifying the assessments for Property Clean Up services during April 13 to 28, 2021. (File No. J2122A, Assessment No. 218539)

Adopted

No objections received to the Legislative Hearing Officer's recommendation, and she recommends amend and adoption.

Councilmember Yang moved to amend and adopt.

7 in favor, none opposed

Public hearings closed and resolutions adopted as amended

For the following items, no objection to the Legislative Hearing Officer's amended recommendation was received, and therefore, she recommends amendment and adoption:

- 18 [RLH TA 21-304](#) Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. VB2110, Assessment No. 1543973)

Adopted as amended (ratify assessment)

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

Nay: 0

- 21 [RLH FCO 21-113](#) Appealing a Fire Inspection Correction Notice by Ray Moore at 710 DESOTO STREET. (To refer to August 17, 2021 Legislative Hearing)

Adopted as amended (grant longer extension)

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

Nay: 0

- 26 [RLH TA 21-271](#) Ratifying the Appealed Special Tax Assessment for property at 1238 MARION STREET. (File No. VB2109, Assessment No. 218815) (Public hearing continued to September 1, 2021)

Adopted as amended (ratify assessment)

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 is

contested and additional testimony from the appellant is in the record:

20 [RLH VO 21-34](#)

Appealing a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate by Salina Amey to at 283 CURTICE STREET EAST.

Marcia Moermond, Legislative Hearing Officer, said this is an appeal of an order to restore service and repair the sanitary sewer service. This is basic for human habitation in the City's Legislative code. Properties need to be connected to sewer and water according to the Minnesota Plumbing Code. The sanitary sewer is in a state of failure based on communications from City staff. The owner contested the fact of the failure itself. The owner contests the minutes of the hearing as being inaccurate and noted that some of the items submitted were not in the published record until this afternoon. There is quite an amount of materials that was immediately present for the councilmembers to look at after publication of the agenda last week. They had the lion's share of the materials at the time the agenda was published. It was today that was made public. The owner characterized a fractured relationship with her contractor. Her impact of the already signed contract was her inability to fix the sewer line. With respect to the dispute of sewer failure, the owner indicated that she was willing to have the sewer line augered out and videoed to provide evidence. The sewer utility staff offered to camera the line from the main sewer into her property if they had her permission to enter the property. She offered that permission during the hearing, but within a day withdrew that permission. To the best of Moermond's knowledge, no information has been received documenting the sewer line is operational. With respect to the dispute with the contractor, it is a private legal matter to which the City is not a party. The City does provide lists of private contractors from whom a private property owner would select, but the City is not a signatory or there to do dispute resolution. In the course of the hearing, Moermond suggested using private Counsel or using Dispute Resolution Center, but the owner was not interested as she had problems with them.

Moermond continued: this is a long term problem at this property with a failed sewer. Sewer is essential to life safety. They do not have a clear pathway forward. There is a strong parallel to a situation that occurred in Ward 7 where there was a long-term failure and not a clear pathway forward on how to address it, which resulted in a vacate of that premises until the sewer had been address. If the Council wishes to continue the matter and compare the minutes to the audio record, she will ask that they continue the order to vacate and continue to require the property be vacated pending the Council's conclusion of the property. Her recommendation is denial of the appeal and order property vacated effective immediately. She would ask they continue the vacate pending the final disposition of the matter.

Councilmember Noecker said the presentation and testimony are clear. The utility would still be willing to do the video if the property would allow that. Moermond responded the owner would assume responsibility to auger out the area with roots and dips in the line. It would make sense that augering would happen prior to the video work so the camera would not run into a dead end. Both pieces need to happen in agreement and together.

Noecker said she would like to extend the time to November 8 to demonstrate the line is not in failure or vacate the property.

7 in favor, none opposed

Public hearing closed and resolution adopted as amended

Adopted as amended (extension of one week to September 8)

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

Nay: 0

Absent: 1 - Councilmember Thao

ADJOURNMENT

Meeting adjourned at 5:08 p.m.

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. 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

Meetings are live on St Paul Channel 18 and replayed at various times. Check your local listings.