



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor
651-266-8560

Meeting Minutes - Action Only

City Council

Council President Amy Brendmoen
Councilmember Russel Balenger
Councilmember Mitra Jalali
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Chris Tolbert
Councilmember Nelsie Yang

Wednesday, November 1, 2023

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Meeting started at 3:32 PM

Present 6 - Councilmember Amy Brendmoen, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali, Councilmember Nelsie Yang and Councilmember Russel Balenger

Absent 1 - Councilmember Chris Tolbert

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 23-59](#) Letter from the Department of Safety and Inspections declaring 59 King Street East a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 2 [AO 23-106](#) Amending the 2023 spending budget in the Department of Public Works General Fund Traffic Signals accounting unit.
Received and Filed

ROLL CALL

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

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

Councilmember Tolbert moved approval.

Consent Agenda adopted

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

Nay: 0

- 3 [RES 23-1614](#) Approving the application with a license condition, per the Legislative Hearing Officer, to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Gambling Location licenses for 859 Randolph Ave Corp (License ID #0016384), d/b/a The Spot Bar, 859 Randolph Avenue.
- Adopted**
- 4 [RES 23-1631](#) Denying the Licensee's motion for Stay of Enforcement of the 10- day Suspension of Tobacco Shop License and Administrative Costs filed on October 9, 2023: In the Matter of Tobacco Shop License Held by Amira Grocery d/b/a Winnipeg Grocery for the Premises Located at 864 Rice Street.
- Adopted**
- 5 [RES 23-1638](#) Approving adverse action against the Tobacco Shop license held by KMH Retail LLC d/b/a Mini Pac (License ID #20210000750) for the premises located at 1184 Maryland Avenue East.
- Adopted**
- 6 [RES 23-1640](#) Approving an Auto Repair Garage license to RS Transportation LLC d/b/a RS Transportation LLC (License ID 20230001613) for the premises located at 2013 Minnehaha Avenue East.
- Adopted**
- 7 [RES 23-1642](#) Approving the Theaters and Movie Theaters and Dance or Rental Halls licenses for The Hive Collaborative LLC, d/b/a The Hive Collaborative (License ID 20230001389) for the premises located at 677 Hamline Avenue North.
- Adopted**
- 8 [RES 23-1643](#) Approving an Auto Repair Garage and a Second Hand Dealer - Motor Vehicle licenses for ANSS Auto Sale LLC d/b/a ANSS Auto Sale LLC (License ID 20230001598) for the premises located at 803 Earl Street.
- Adopted**
- 9 [RES 23-1644](#) Approving the Liquor On Sale - 101-180 seats and Liquor On Sale - Sunday licenses for JED Inc, d/b/a La Cucaracha (License ID # 20230001446) for the premises located at 36 Dale Street South.
- Adopted**
- 10 [RES 23-1646](#) Approving the settlement agreement and release between the City and David Elgersma and his attorney, Tim Phillips.

Adopted

- 11 [RES 23-1667](#) Authorizing carryforward of unused private activity bond volume cap.
- Adopted**
- 12 [RES 23-1672](#) Approving adverse action against the Tobacco Products Shop license held by Maharaja's d/b/a Best of Times (License ID # 20160002078) for the premises located at 201 Seventh Street West.
- Adopted**
- 13 [RES 23-1682](#) Authorizing the City to accept a donation of gift cards valued at \$20,000, from Cub Foods, on behalf of the Fire Department for food preparation and meals.
- Adopted**
- 14 [RES 23-1688](#) Authorizing the City to enter into an Access and Permit Agreement with Ramsey County for the Public Works St. Peter Storm Tunnel Access and Tunnel Repair Project.
- Adopted**
- 15 [Min 23-39](#) Approving the minutes of the Saint Paul City Council meetings of September 6, 13, 20, and 27, 2023.
- Adopted**

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at three separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Pioneer Press. Public hearings on ordinances are generally held at the second reading.

Final Adoption

- 16 [Ord 23-51](#) Granting the application of Pillai Builders LLC to rezone property at 597- 605 Front Avenue from B3 general business to T2 traditional neighborhood and amending Chapter 60 of the Legislative Code pertaining to the Zoning Map.
- Council President Brendmoen moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0

First Reading

- 17 [Ord 23-46](#) Amending Chapter 74 of the Legislative Code by adding a new section 74.04 for the purpose of designating the Dwight H. and Clara Watson House at 402 Hall Avenue as a Saint Paul Heritage Preservation Site.
- Christine Boulware from the Department of Planning and Economic Development gave a staff report.*
- Laid over to November 8, 2023 for Second Reading**

PUBLIC HEARINGS

Live testimony is limited to two minutes for each person. See below for optional ways to testify.

- 18 [RES PH 23-326](#) Setting the 2024 Sanitary Sewer and Storm Sewer rates.
- Councilmember Balenger moved to lay over to December 6.*
- Public hearing closed and laid over to December 6, 2023**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 19 [RES PH 23-328](#) Approving the petition of Curt Trisko, on behalf of York Avenue Land Development LLC, to vacate an unimproved street opened in Block 2, Cruickshank's Garden Lots as Stillwater Avenue, the block bounded by York, Birmingham, E. Seventh, and Hazelwood.
- Councilmember Yang moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 20 [RES PH 23-335](#) Amending the financing and spending plans in the Fire Department in the amount of \$65,600 for the 2022 Hazardous Materials Emergency Preparedness (HMEP) Grant.
- Councilmember Yang moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 21 [RES PH 23-336](#) Amending the financing and spending plans in the Fire Department in the amount of \$22,918.21 for the Minnesota Task Force One (MNTF1)

reimbursement from the City of Edina.

Councilmember Jalali moved approval.

Adopted

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

Nay: 0

22 [RES PH 23-337](#)

Amending the financing and spending plans in the Fire Department in the amount of \$341,727.27 to accept the 2022 Assistance to Firefighters Grant (AFG) to provide turnout gear and paramedic training for firefighters.

Councilmember Noecker moved approval.

Adopted

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

Nay: 0

LEGISLATIVE HEARING DISCUSSION ITEM

25 [RLH RR 23-50](#)

Ordering the razing and removal of the structures at 594 BRUNSON STREET within fifteen (15) days after the November 1, 2023, City Council Public Hearing.

Public hearing continued to November 8, 2023. Deadline set of close of business on November 6 to have \$5,000 performance deposit posted and code compliance inspection applied for.

Also in attendance: Elizabeth Klimmek, property owner (remote attendance)

Marcia Moermond, Legislative Hearing Officer: This property has been in the Registered Vacant Building Program since April 16th, 2021, when it was condemned and ordered vacated. The condemnation itself included 67 violations for this duplex. The problem continued, and the property was sold shortly after its condemnation. The Code Compliance Inspection report was generated on June 24th of 2021. On June 18th, 2021, which would have been probably right after the inspector got there but before the report was generated, there was a fire at the building. This added to the problems. The code compliance inspection would have been enough for the owner to pull permits and begin rehabilitation at the time of acquisition, but no permits have been pulled to do any work on the property since then. The building continues to present a nuisance to the neighborhood. There have been numerous abatement orders for boarding, moving the lawn, picking up garbage, breaking in, and squatting. The Legislative Hearing was scheduled for September 26th, and we did not have anyone show up for it. To confirm what kind of notification happened, and that notice did go out: The building was placarded with the notification that hearing would be conducted and 2 letters were sent. One letter was returned to the city. The other was a piece of certified mail that wasn't picked up at the post office, where it returned when it wasn't

signed for. Staff did indicate that on August 23rd they had a conversation with the owner, Elizabeth Klimmek, who represents Sibet Renovations LLC. During that conversation, staff briefed her on the entire process for the order to remove and repair and what the expectations were. That conversation did not include discussion about intentions with the property. We have no current code compliance inspection report indicating current conditions. There's every reason to believe that the conditions are worse now than they were at the time it was inspected 2 years ago. We have no \$5,000 performance deposit either. Lacking those things, as well as non payment of taxes and the summary abatement orders that have been issued to maintain the property, it does look like a case of abandonment. The owner is on the line and would like to testify. If the Council does wish to grant any time, I would strongly recommend you require that the performance deposit be posted and the inspection be applied for by no later than Tuesday of next week. On the screen you can see some photos from March and also July of this year. The July photo was taken to document the notice on the door. There are also photos from 2021 associated with the condemnation.

Council President Brendmoen: I looked it up this morning and saw the pictures on Google Maps from May. The fire happened back in 2021. This goes way back. This area used to be in Ward 5 but now is in Ward 2. It has a percentage of renters and can be a place where properties like this tend to hide.

Elizabeth Klimmek: My name is Elizabeth Klimmek, also known as Elizabeth Sibet. When I first was shown this property, I was not told that the property was ordered to be condemned. I made an offer for the property and they still did not tell me that the house was going to be condemned. There were people living there when I looked at it. Shortly after purchasing it, people had broken in, so I paid to have it re-secured. I spent a lot of money for demolition work going off of that code compliance report from 2021, including the kitchen, bathroom, and deck. Regarding the hearing, Joe Yannarelli told me that there would be future meeting so I didn't attend that first meeting. I think I might have misunderstood that. I do have the funds to pay for that \$5000 deposit. I have a contractor bid for all the work to be done and pulling the permits. I've secured a loan to be able to pay. I'm a single mother. I kept paying for re-boardings and have been maintaining the property with mowing and shoveling. I really want to fix this up. It could be a good place for people with affordable rent and brand new kitchens and bathrooms. I've secured everything that I need to. I have the contractor with an itemized list. Every single room does need work done, so it is costly, but I'm ready to do that. I have paid for re-boardings more than 10 times. I'm pleading for the opportunity to be able to get this property into compliance.

Brendmoen: How much was the contractor bid?

Klimmek: \$80,000 or so. I don't have that in front of me right now.

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

Noecker: It sounds like your interests and our interests are very much aligned. We all want to see this property rehabilitated and become a home. We need that to happen, though, with a sense of urgency. Maybe wires have gotten crossed. It sounds like you have done a lot of work. There isn't evidence that we have seen of that. I'm going to move the recommendation of the Legislative Hearing Officer, which I would like her to restate, but it basically would require you to post the \$5,000 performance deposit and apply for a code compliance inspection before next Tuesday, which we could then review again at the Council level. We can then decide whether or not to remove or repair this property.

Moermond: To restate my request, it is that the Council continue the public hearing for one week and require that the owner post a \$5,000 performance deposit and apply for a code compliance inspection by no later than the close of business next Monday. We could then confirm whether that has happened on Tuesday and report back to you on Wednesday. If those two things are done, I would ask the Council to refer it back to Legislative Hearings for the second Tuesday in November.

Brendmoen: So, the motion should also reopen the public hearing?

Moermond: Yes.

Brendmoen: So, the motion is to reopen the public hearing and continue it for one week.

Public hearing continued to November 8, 2023 (Deadline set of November 6 to have \$5,000 performance deposit posted and code compliance inspection applied for)

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

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

Councilmember Jalali moved approval.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 23** [RLH VBR 23-62](#) Appeal of My Lam to a Vacant Building Registration Notice at 827 AGATE STREET.
Adopted
- 24** [RLH TA 23-360](#) Amending Council File No. RLH AR 23-65 to delete the assessment for Graffiti Removal services during January 27 to March 28, 2023 at 959 ARCADE STREET. (File No. J2306P, Assessment No. 238405)
Adopted
- 26** [RLH FCO 23-83](#) Appeal of Viviane Vaaj to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1153 CENTRAL AVENUE WEST.

Adopted

- 27 [RLH RR 23-55](#) Making finding on the appealed substantial abatement ordered for 46 FRONT AVENUE in Council File RLH RR 23-1.

Adopted

- 28 [RLH FCO 23-81](#) Appeal of David Mallet to a Fire Certificate of Occupancy Correction Notice at 1592 GREENBRIER STREET. (Refer back to April 9, 2023 Legislative Hearing)

Referred to April 9, 2024 Legislative Hearing

- 29 [RLH TA 23-361](#) Amending Council File RLH AR 23-30 to delete the assessment for Collection of Delinquent Garbage Bills for services during October to December 2022 at 1740 IGLEHART AVENUE. (File No. CG2301A1, Assessment No. 230105)

Adopted

- 30 [RLH TA 23-362](#) Amending Council File RLH AR 23-58 to delete the assessment for Collection of Delinquent Garbage Bills for services during January to March 2023 at 1740 IGLEHART AVENUE. (File No. CG2302A2, Assessment No. 230109)

Adopted

- 31 [RLH SAO 23-39](#) Making finding on the appealed nuisance abatement ordered for 913 JOHNSON PARKWAY in Council File RLH SAO 23-35.

Adopted

- 32 [RLH FCO 23-82](#) Appeal of Greg Vanwert to a Fire Inspection Correction Notice at 295 LARCH STREET.

Public hearing continued to November 8, 2023

- 33 [RLH RR 23-52](#) Second Making finding on the appealed substantial abatement ordered for 1006 THIRD STREET EAST in Council File RLH RR 23-14.

Public hearing continued to November 8, 2023

- 34 [RLH TA 23-372](#) Amending Council File No. RLH AR 23-65 to delete the assessment for Graffiti Removal services during January 27 to March 28, 2023 at 1491 UNIVERSITY AVENUE WEST. (File No. J2306P, Assessment No. 238405)

Adopted**ADJOURNMENT**

Meeting ended at 3:55 PM

City Council meetings are open for in person attendance, but the public may also 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:

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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. Live testimony will be taken in person in the Council Chambers, and by telephone by registering to speak by noon on the day before the meeting. The registration link is located on the City Council website at www.stpaul.gov/council or <https://forms.office.com/g/TD3xN7WHy5>.

Council Meeting Information

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