



# 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*

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Wednesday, September 6, 2023

3:30 PM

Council Chambers - 3rd Floor

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#### ROLL CALL

**Meeting started at 3:32 PM**

**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

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 23-83](#) Establishing eight (8) new projects through the Neighborhood STAR Year-Round Program as adopted via City Council Resolutions # RES 23-990, RES 23-997, RES 23-1004, and RES 23-1005.  
**Received and Filed**
- 2 [AO 23-84](#) Amending the CDBG project budgets to allocate the 2023 CDBG spending plan of \$7,600,000.00.  
**Received and Filed**
- 3 [AO 23-85](#) Amending the CDBG project budgets: Funding for 950 Arcade (Family Foods) and 781 Seventh Street East (Storehouse Grocers), projects selected by CDBG subgrantee ESNDK for their Business Investment Fund (BIF) program.  
**Received and Filed**
- 4 [AO 23-86](#) Amending HOME Project Budgets: Funding for Stryker Senior Housing project and Phalen Village Senior Housing project.  
**Received and Filed**
- 5 [AO 23-87](#) Amending HOME Project Budgets: Moving 2023 grant year undesignated funds to 2023 grant year project budgets.  
**Received and Filed**

- 6     [AO 23-88](#)           Amending spending authority within the 2023 spending budgets of the Department of Public Works Right of Way Fund ROW Permits & Inspection Accounting Unit and Public Works Administration Fund Dale Street Campus Maintenance Accounting Unit.

**Received and Filed**

- 7     [AO 23-91](#)           Amending HOME Project Budgets: Funding for Treehouse (W 7th Senior Apartments) project.

**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**

*Councilmember Yang moved approval.*

#### **Consent Agenda adopted as amended**

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

**Nay:** 0

- 8     [RES 23-810](#)        Approving assessment costs and setting date of City Council Public Hearing to ratify the assessment for benefits, costs, and expenses for the Grand/Snelling parking lot operation and maintenance for 2024. (File No. 18746-23, Assessment No. 237202)

**Adopted**

- 9     [RES 23-1148](#)      Authorizing the City to enter into a cooperative agreement with Ramsey County for the Lexington Parkway Project between Albion Street and Adrian Street.

**Adopted**

- 10    [RES 23-1149](#)      Authorizing the City to enter into a cooperative agreement with Ramsey County for the Lexington Parkway Project between Shepard Road and Adrian Street.

**Adopted**

- 11    [RES 23-1244](#)      Approving the City's cost of providing Collection of Vacant Building Registration fees billed during July 7, 2022 to April 19, 2023, and setting date of Legislative Hearing for October 3, 2023 and City Council public hearing for January 10, 2024 to consider and levy the assessments against individual properties. (File No. VB2401, Assessment No. 248800)

**Adopted**

- 12     [RES 23-1245](#)     Approving the City's cost of providing Securing and/or Emergency Boarding services during May 2023, and setting date of Legislative Hearing for October 3, 2023 and City Council public hearing for January 10, 2024 to consider and levy the assessments against individual properties. (File No. J2401B, Assessment No. 248100)

**Adopted**

- 13     [RES 23-1246](#)     Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during March 22 to April 21, 2023, and setting date of Legislative Hearing for October 3, 2023 and City Council public hearing for January 10, 2024 to consider and levy the assessments against individual properties. (File No. J2401E, Assessment No. 248300)

**Adopted**

- 14     [RES 23-1247](#)     Approving the City's cost of providing Graffiti Removal services during May 8 to June 8, 2023, and setting date of Legislative Hearing for October 3, 2023 and City Council public hearing for January 10, 2024 to consider and levy the assessments against individual properties. (File No. J2401P, Assessment No. 248400)

**Adopted**

- 15     [RES 23-1261](#)     Approving adverse action against the Liquor On Sale-291 or more seats; Liquor On Sale-Sunday; Liquor Outdoor Service Area (Sidewalk); Liquor On Sale-2AM Closing; Gambling Location and Entertainment (A) licenses held by New Bohemia St. Paul, LLC d/b/a New Bohemia & Bier Haus/Truck Yard (License ID 20160003866) for the premises located at 222 Seventh Street West.

**Adopted**

- 16     [RES 23-1266](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Minnesota Street from Kellogg to 6th Street paving and lighting project constructed as part of the 2023 St. Paul Street Paving Program (SPS). (File No. 19261, Assessment No. 235200)

**Adopted**

- 17     [RES 23-1273](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessments for Annapolis Street from Smith to Humboldt (Phase I, Part A) paving and lighting project constructed as part of the 2023 Street Paving Program (SPS). (File No. 19249, Assessment No. 235201)

**Adopted**

- 18     [RES 23-1275](#)     Approving the use or non-use of a Project Labor Agreement on Department of Parks and Recreation construction projects for the second half of 2023.

**Adopted**

- 19     [RES 23-1276](#)     Approving Minnesota Laws 2023, Chapter 64, Article 8, Sections 4 and 5 regarding the Downtown and Seventh Place (for the Minnesota Event District) Tax Increment Financing District.  
**Adopted**
- 20     [RES 23-1300](#)     Authorizing the Department of Public Works to participate as a subrecipient in an application for grant funding from the Department of Energy (DOE) Bipartisan Infrastructure Law (BIL) Joint Office of Energy and Transportation Ride and Drive Electric program for funding to examine the cost and benefits of EV carshare, as well as the most effective business and economic models for EV carshare viability in communities outside the Twin Cities Metro.  
**Adopted**
- 21     [RES 23-1305](#)     Authorizing the City to enter into a cooperative agreement with Ramsey County for the County's 2023 Pavement Preservation Project.  
**Adopted**
- 22     [RES 23-1306](#)     Authorizing the City to enter into Subordinate Funding Agreement (SFA) #8 to the Master Funding Agreement with the Metropolitan Council for the Gold Line Bus Rapid Transit Project.  
**Adopted**
- 23     [RES 23-1307](#)     Approving the Memorandum of Agreement between the City and AFSCME Clerical, Local 2508, for the purpose of establishing tuition assistance, a uniform allowance, and eligibility for consideration for scholarship grants provided grants are funded for Saint Paul Police Department Community Engagement Cadets.  
**Laid over to September 13, 2023**
- 24     [RES 23-1312](#)     Approving the application with conditions, per the Legislative Hearing Officer, for Rudy's Auto Repair LLC (License ID #20230001164), d/b/a Rudy's Auto Repair, for an Auto Repair Garage license located at 475 Como Avenue.  
**Adopted**
- 25     [RES 23-1319](#)     Authorizing the City to enter into a Cooperative Agreement with the Minnesota Department of Transportation (the "State") for construction of the Fish Hatchery Trail on Truck Highway No. 61 Right-of-Way.  
**Adopted**
- 26     [RES 23-1320](#)     Authorizing the City to enter into Contract No.1050910 (which includes indemnification obligations) with the Minnesota Department of Transportation (MnDOT) for federal funding for the Rondo Neighborhood Streets Improvement Study.  
**Adopted**
- 27     [RES 23-1322](#)     Authorizing the Sewer Utility to enter into a Project Funding Agreement with the Capitol Region Watershed District (CRWD) for the creation of Phalen

Creek Storm Sewer Hydraulic, Hydrologic, and Water Quality Detailed Modeling and Reporting.

**Adopted**

- 28     [RES 23-1326](#)     Approving the Mayor's reappointment of David Ybarra to a three-year term on the District Energy Board of Directors.

**Adopted**

- 29     [RES 23-1333](#)     Naming Hillcrest Drive as a private street in the Highland Bridge development.

**Adopted**

- 30     [RES 23-1335](#)     Authorizing the City to enter into a cooperative agreement with Ramsey County for the replacement of the traffic signal at the intersection of St. Paul Avenue and Edgumbe Road.

**Adopted**

- 32     [RES 23-1347](#)     Authorizing the Department of Parks and Recreation to apply for grant funding from the Minnesota Department of Natural Resources (DNR) ReLeaf Community Forestry Grants Program to invest in forestry planning and management of the tree canopy throughout Saint Paul.

**Adopted**

- 33     [RES 23-1348](#)     Accepting the gift of travel expenses from National League of Cities for Mary Henke-Haney to attend the Cities Connecting Children to Nature event, Nature Smart Library Site Exchange, in San Antonio, TX on October 3-5, 2023.

**Adopted**

- 34     [RES 23-1358](#)     Approving Minnesota Laws 2023, Chapter 64, Article 12, Section 15 regarding the CIB Special Law.

**Adopted**

- 35     [RES 23-1360](#)     Authorizing the City to transfer \$1,950,000 of American Rescue Plan funds from the 30% AMI Deeply Affordable Housing account to a specific account for the Treehouse project.

**Adopted**

- 36     [RES 23-1378](#)     Honoring Michael Cherwayia Thao for his leadership in the community.

**Adopted**

- 37     [RES 23-1253](#)     Establishing the rate of pay for Public Works Supervisor, Solid Waste in EG 10, Grade 036.

**Adopted**

**FOR DISCUSSION**

- 31**     [RES 23-1339](#)     Authorizing the City to amend the HUD Section 3 Compliance (Collaborative) Program Joint Powers Agreement. (Laid over from September 6.)  
*Councilmember Prince moved to lay over for two weeks.*  
  
**Laid over to September 20, 2023**
- 38**     [RES 23-1334](#)     Approving adverse action against the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair (License ID# 20200001910), for the premises located at 744 Third Street East. (Licensee will speak to Council on their own behalf) (Laid over from September 6, 2023)  
*Therese Skarda, City Attorney's Office, gave a staff report.*  
  
*Isaac Castillo, License Holder, spoke alongside his dad and co-owner, Jerry Castillo.*  
  
*Councilmember Prince moved to lay over for one week.*  
  
**Laid over to September 13, 2023**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 39**     [RES PH 23-185](#)     Adopting the 2024 Operating Plan for the Downtown Improvement District and imposing a service charge pursuant to Minnesota Statutes Chapter 428A. (Public hearing closed. Laid over from August 16, 2023)  
*Bruce Engelbrekt, Office of Financial Services, gave a staff report.*  
  
*Councilmember Noecker moved approval of Version 2.*  
  
**Adopted as amended**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 40**     [RES PH 23-214](#)     Approving the petition of the Deanna Seppanen, on behalf of Macalester College, to vacate the remaining public alley rights opened, dedicated and platted in the block bounded by Grand Avenue, Macalester Street, Summit Avenue and Cambridge Street. (Public hearing closed and laid over from August 23, 2023)  
*Councilmember Tolbert moved approval.*  
  
**Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger

Nay: 0

#### 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

- 41 [Ord 23-32](#) Amending Chapter 310 of the Legislative Code to correct license fee tables and implement annual license fee increases.  
*Councilmember Balenger moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 42 [Ord 23-38](#) Amending Sections 411.01 and 411.04 of the Legislative Code to remove a reference to previously removed consent requirements and remove the requirement for a prospective licensee to provide off-street parking.  
*Councilmember Tolbert moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0

#### First Reading

- 43 [Ord 23-42](#) Granting the application of York Avenue Land Development LLC to rezone property at 1500 and 1510 York Avenue from a combination of R4 one-family residential & RM2 multiple-family residential to all RM2, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Laid over to September 13, 2023 for Second Reading**

#### PUBLIC HEARINGS

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

- 44 [Ord 23-40](#) Amending Title XXIII Public Health Safety and Welfare of the Legislative Code to add Chapter 222, titled Smoking of Tobacco, Hemp and Cannabis Products in City Owned Public Places Prohibited.

*Councilmember Tolbert offered an amendment.*

*Councilmember Noecker offered an amendment to the Tolbert amendment.*

*Councilmember Yang expressed concerns and asked for more time to review the amendments.*

*Councilmember Jalali expressed concerns and asked for more time to review the amendments.*

*Councilmember Prince expressed concerns.*

*Tolbert offered additional comments and offered to continue the public hearing for one week.*

*Council President Brendmoen supported Tolbert's suggestion.*

*Jalali described two additional amendments she would be proposing.*

*Tolbert spoke in support of some of Jalali's suggestions.*

*Councilmember Balenger expressed concerns.*

*Brendmoen addressed Balenger's concerns.*

*25 people spoke during the public hearing.*

*Yang thanked testifiers.*

*Jalali thanked testifiers.*

*Prince thanked testifiers.*

*Noecker thanked testifiers.*

*Tolbert thanked testifiers and moved to continue the public hearing for one week.*

*Brendmoen thanked testifiers and spoke in favor.*

**Public hearing continued to September 13, 2023**

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

**Nay:** 0

- 45**     [RES PH 23-245](#)     Denying the application of Bigos Management/Kellogg Square for an exception to the general hours of skyway operation. (Public hearing continued from September 13, 2023)

*Councilmember Noecker moved to continue the public hearing for one week.*

**Public hearing continued to September 13, 2023**



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

**Nay:** 0

- 46**     [RES PH 23-243](#)     Amending the financing and spending plans in the Public Works Sewer Stormwater Discharge Management Accounting Unit in the amount of \$32,415 for stormwater pond sediment sampling.

*Councilmember Noecker moved approval.*

**Adopted**

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

**Nay:** 0

- 47**     [RES PH 23-248](#)     Amending the financing and spending plans in the Fire Department in the amount of \$350,000 for a contribution received from the Minnesota Board of Firefighter Training and Education (MBFTE) to pay for training and equipment for the Minnesota Aviation Rescue Team (MART) and helicopter training with the Minnesota State Patrol.

*Councilmember Tolbert moved approval.*

**Adopted**

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

**Nay:** 0

- 48**     [RES PH 23-240](#)     Approving the application of Compassionate Action for Animals for a sound level variance in order to present live amplified sound on September 17, 2023 at 300 Dr Justus Ohage Boulevard - Harriet Island Regional Park.

*Councilmember Noecker moved approval.*

**Adopted**

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

**Nay:** 0

- 49**     [RES PH 23-242](#)     Approving the applications of the Minnesota United FC for sound level variance applications in order to present amplified sound on Tuesday, September 12, Saturdays, September 16, 23, 30 and October 7, 2023, within the Street and the Beer Garden Area at Allianz Field - 400 Snelling Avenue North.

*Councilmember Balenger moved approval.*

**Adopted**

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

**Nay:** 0

- 50**     [RES PH 23-250](#)     Approving the application of University of St. Thomas, for a sound level variance in order to present live amplified sound on September 23, October 7, 28, and November 18, 2023 at 2115 Summit Avenue - O'Shaughnessy Stadium.

*Councilmember Jalali moved approval.*

**Adopted**

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

**Nay:** 0

- 51**     [RES PH 23-251](#)     Approving the application of Lumen Christi Catholic Community for a sound level variance in order to present amplified sound on September 9, 2023 at 1668 Montreal Avenue - Urban Academy Charter School baseball fields.

*Councilmember Tolbert moved approval.*

**Adopted**

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

**Nay:** 0

- 52**     [RES PH 23-252](#)     Approving the application of The Leukemia & Lymphoma Society Inc. for a sound level variance in order to present live amplified sound on September 21, 2023 at 200 Dr Justus Ohage Blvd. - Harriet Island Regional Park.

*Councilmember Noecker moved approval.*

**Adopted**

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

**Nay:** 0

- 53**     [RES PH 23-253](#)     Approving the application of University of St. Thomas, Cretin Derham Hall game series for a sound level variance in order to present live amplified sound on Fridays September 8, September 22, October 6, and Wednesday, October 18, 2023 at 2115 Summit Avenue - O'Shaughnessy Stadium.

*Councilmember Jalali moved approval.*

**Adopted**

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

**Nay:** 0

- 54**     [RES PH 23-255](#)     Approving the application of Veit & Company - Logan Carlson for a sound level variance in order to present amplified sound beginning as soon as possible and ending November 30, 2023 at Minnesota Street from Kellogg Boulevard East to Sixth Street.

*Councilmember Noecker moved approval.*

**Adopted as amended**

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

**Nay:** 0

- 55**     [RES PH 23-258](#)     Approving the application of Selby Avenue Jazz Fest/R. Mychael Wright for a sound level variance in order to present live amplified sound on September 9, 2023 at 934 Selby Avenue.

*Councilmember Balenger moved approval.*

**Adopted**

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

**Nay:** 0

- 56**     [RES PH 23-259](#)     Approving the application of American Foundation for Suicide Prevention for a sound level variance in order to present amplified sound on September 17, 2023 at 1199 Midway Parkway - Como Midway Picnic Pavilion.

*Councilmember Jalali moved approval.*

**Adopted**

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

**Nay:** 0

- 57**     [RES PH 23-263](#)     Amending the City's 2023 Operating Budget to reflect the use of fund equity of up to \$600,000 to finance the CHA Building Automation System Project.

*Councilmember Yang moved approval.*

**Adopted**

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

**Nay:** 0

- 58**    [RES PH 23-267](#)    Amending the HOME 2023 general ledger budget by \$438,017.14 to reflect the receipt of additional prior year HOME Program Income and amending the budget by \$632,639.14.

*Councilmember Balenger moved approval.*

**Adopted**

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

**Nay:** 0

- 59**    [RES PH 23-268](#)    Authorizing the City on behalf of the Police Department, to accept, and amend the Special Fund for, \$149,635.10 in funds from the Minnesota Department of Public Safety for the 2024 NHTSA: DWI/Traffic Safety Officer grant program. (Public hearing closed, laid over from September 13, 2023)

*Councilmember Jalali moved approval.*

**Public hearing closed and laid over to September 13, 2023**

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

**Nay:** 0

- 60**    [RES PH 23-269](#)    Authorizing the City on behalf of the Police Department to accept, and amend the Special Fund for, \$309,000 in funds from awarded from the Minnesota Department of Commerce, Auto Theft Prevention Grants Program (Dedicated Investigator). (Public hearing closed, laid over from September 13, 2023)

*Councilmember Yang moved approval.*

**Public hearing closed and laid over to September 13, 2023**

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

**Nay:** 0

**LEGISLATIVE HEARING DISCUSSION ITEM**

- 61**    [RLH RR 23-39](#)    Ordering the rehabilitation or razing and removal of the structures at 621 BIDWELL STREET within one-hundred eighty (180) days after the September

6, 2023, City Council Public Hearing. (Amended to grant 90 days)

*Laid over for two weeks to September 20.*

*(Due to staff error, this item was mistakenly laid over one week instead of two. It will be laid over again on September 13 to accommodate the full two-week layover to September 20.)*

*Also in attendance:*

*Helen Wells O'Brien, 622 Bidwell St*

*Ann Pineles, 133 Baker St W*

*James Burnham, 628 Bidwell St*

*John O'Brien, 622 Bidwell St*

*Christina Locke, 628 Bidwell St*

*Marcia Moermond, Legislative Hearing Officer: This is an order to remove or repair a building that is a nuisance structure with significant code violations and police actions. Problem properties like this tend to begin with issues within the property itself and then create issues for neighbors nearby. The owner purchased the property in 2016, and through mid-2020 it was a very average property. I noticed that the time period there ends when the pandemic started. Beginning then, we see lots of police calls, disturbances, auto-related problems, and proactive visits where the neighbor requests police involvement. Code Enforcement is also involved with things like the vehicles, tall grass and weeds, and animals. This goes through mid-2020 through October of 2022, when a fire was intentionally set in the under-garage of the property. The fire damaged the back of the house and destroyed the car that was there. This was 5 months into the redemption time period. They had stopped paying the mortgage, the water bill had gone unpaid for a long time, along with garbage bills and other things. These are symptoms of things being out of control. Other indicators of this are drug calls, overdoses, and a death. All of that bleeds into the neighborhood. The City has rolled out the strongest tool it has to force the resolution of this problem: knock it down or fix it. What is noticeable to me is the speed with which the City acted on it. With the fire happening in October 2022, the very earliest the City could use Community Block Grant dollars to knock down the building (if the City ends up being the one to knock it down) would be October of 2023. You could not be acting in a more timely fashion to be addressing this at the Council level. What that tells me is that the Department of Safety and Inspections (DSI) is getting this through as fast as they can.*

*Simultaneously, the bank got a hold of the property after the mortgage went through. They ordered a code compliance inspection, posted a performance deposit, got the bids to do the rehabilitation work, and have the insurance money. They have a plan to rehabilitate the property by the end of the year with costs in the low \$60,000 range. That is consistent with what the Fire Department estimated for property losses, but that isn't as high as what DSI thought. I think reviewing this with the vacant building inspector would make sure these numbers are sound, given that we are talking about the fire damaging the back of the building predominantly, and other damage moving forward not being as severe. You can tell from photos that the back of the house was severely damaged. The front of the house looks better, where you're not seeing smoke damage or holes in the roof. Fires are very difficult for neighborhoods, as we saw just a couple weeks ago during another hearing. I take this very seriously. I do believe that the City needs to give the property owner a chance, since they have provided all of the standard things that we look for in a rehabilitation to save the value of the property. I am recommending granting 180 days to complete the rehabilitation, though the time estimate is less than that. I would also like to note that, based on the conversations during the Legislative Hearing and the documents, this neighborhood has a very strong social fabric and is resilient. Things like that help lead to recovery. I would also like to give a shout-out to Officer Shawn Filiowich, who has helped problem-solve this. The*

reason the personal stuff is important is because there were so many opportunities to address this before it got this far. The City tried to and couldn't, and the owner was unable or unwilling to do anything.

*Hellen Wells O'Brien: I have lived on the West Side since 1980, and was a rent until 1995 when I helped to build the house I live across the street from the property. For almost 3 years, my neighbors and I documented incidents and reported dozens of emergency situations including a death, violent behavior like people brandishing improvised weapons, and a gun firing that nearly hit a friend getting out of her car. Babies and children were also in danger both within the house and in the surrounding neighborhood. There was also evidence of drug dealing and human trafficking. Racing vehicles came through continuously. Four months before the fire, the property went up at a Sheriff's auction and was purchased by Freedom Mortgage Company. They are a billion-dollar out of state company with no investment in our community. They did very little to secure the property and we have had to make numerous calls because people have been breaking in and occupying the property. It has felt for a long time that this problem owner and now the bank are more protected than we are as neighbors. I appreciate Moermond's words about our resiliency, but there is a limit to that. It is not fair to put that on us for what will be 4 years. While this happened during covid, we have also lost people while dealing with this. I appreciate everyone who helped us, but there is something wrong that allows this injustice.*

*Ann Pineles: I live next door to the property. Our garage is 38 inches from the one that burned. I want this property razed. It is small and abuts our property, and I am concerned about how they will do rehab while respecting our space. They would need to ask permission to come onto our property, because the former owner allowed us to put a fence in, and they would have to come onto our property to do any work. There is more work that needs to be done than originally noted, but I really feel like there is a lack of respect from the mortgage company. A dumpster has been placed in the driveway and a couple weeks ago a contractor took a board off a burned window and started throwing things from the upper level into the dumpster. As a result, fiberglass siding and burned debris ended up outside the dumpster. There are also elm trees on this property next to our driveway that obstructs visibility when I'm backing out of the driveway. They have gotten bigger and bigger, and I asked a contractor if I could cut them down or if he could. He said he would check, but we have not heard anything. We don't have trust in these contractors.*

*James Burnham: I live across the street. While most of the damage was done to the back of the house, that's the side that faces the street and we have to see out our front door. I'm concerned that market forces will not break the cycle of nuisance patterns. At the hearing in July, the City estimated it would cost \$100,000 to renovate the house. The bank bought it for \$161,000 at auction. If you add \$100,000, or the bank's estimate of \$60,000, it goes higher. But then sites like Zillow put estimates from \$214,000 to \$230,000. The bank's priority is to make a profit, and that is not necessarily best for 621 Bidwell. We don't know what the consequences might be for a potential home buyer, due to things like the fire and the drug use, and potential drug production. If you won't do the right thing and work with local partners on this property, then tear it down. It will continue to be in a cycle of nuisance if we just depend on the free market.*

*John O'Brien: I live across the street. I understand this house is no longer up to code because it's too small, so a variance had to be allowed for this to move forward. If you tear the house down and build again, it's too small. I do not believe that this out of state bank has the interests of our neighborhood at heart, and we are tired of that. The*

City said we were lucky to get this done so quickly and that it happened so fast because of the fire. This should be torn down. Think of the neighbors when you are making your decision. A neighbor with contiguous property expressed interest in buying the lot if the house was torn down.

Christina Locke: I live across the street. We don't have a problem with other abandoned houses in the neighborhood. They don't have the issues this one has had. I know it's no longer up to code and maybe a teardown would prevent a new house from being grandfathered in. I would like to have another wonderful neighbor, but I don't think that will happen. The activity picking up during the pandemic is when the neighbors started reporting it. There was activity before that and the previous owner was a problem as well. Our community would love to cover the cost of demolition. We would raise that money if need be. We have been dreaming of things like a garden or community space for that land. We all want to raze this property. It has been a huge headache. The beauty of the neighborhood has kept us there, but there have been times when we seriously considered moving because of this property.

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

Moermond: I am corrected in the orientation of the building. The grey boards are the ones the City contractor uses. Anything painted grey that's been boarded is something the City did. Regarding the auction, the mortgage in 2016 was for \$124,000, and buying it at auction last year was for \$161,000. What banks do in these cases is repurchase their own mortgages to mitigate the losses they experienced. It is in all likelihood the mortgager that repurchased their own mortgage so they don't lose the full amount. That doesn't make it a neighbor or an in-state bank, but it is more focused on loss-mitigation than profit-making. That is why 99% of banks participate in the Legislative Hearing process.

Noecker: Thank you everyone for testifying. I appreciate everyone being here tonight. I believe this is the road to recovery, either by removing or repairing ideally gets rid of things as-is and replaces it with something new and a potential new neighbor. There are also limits to what the City can do. We can't control who buys a property, or where they are located. What we can do is hold whoever that is to our city standards. I haven't had a chance to discuss some of your concerns, and I would like some additional time. I moved to lay this over for two weeks until September 20.

Moermond: The public hearing is closed, correct?

Shari Moore, City Clerk: Yes.

(Due to staff error, this item was mistakenly laid over one week instead of two. It will be laid over again on September 13 to accommodate the full two-week layover to September 20.)

**Public hearing closed and laid over to September 13, 2023**

## **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 Yang 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

- 62**     [RLH RR 23-48](#)     Making finding on the appealed substantial abatement ordered for 1508 COMO AVENUE in Council File RLH RR 22-22.  
**Adopted**
- 63**     [RLH VBR 23-41](#)     Appeal of Chris Boylan to a Vacant Building Registration Renewal Notice at 1508 COMO AVENUE.  
**Adopted**
- 64**     [RLH TA 23-24](#)     Ratifying the Appealed Special Tax Assessment for property at 917 FULLER AVENUE. (File No. J2309A, Assessment No. 238508) (Public hearing continued to September 6, 2023)  
**Adopted as amended (assessment deleted)**
- 65**     [RLH TA 23-8](#)     Ratifying the Appealed Special Tax Assessment for property at 916 HATCH AVENUE. (File No. J2304E, Assessment No. 238303) (Public hearing continued to September 6, 2023)  
**Adopted as amended (assessment deleted)**
- 66**     [RLH TA 22-439](#)     Ratifying the Appealed Special Tax Assessment for property at 1664 NEBRASKA AVENUE EAST. (File No. J2307A, Assessment No. 238506) (Public hearing continued to September 6, 2023)  
**Adopted as amended (assessment reduced)**
- 67**     [RLH RR 23-40](#)     Ordering the rehabilitation or razing and removal of the structures at 401 ROSE AVENUE EAST within 180 days after the September 6, 2023, City Council Public Hearing.  
  
**Public hearing continued to September 13, 2023**
- 68**     [RLH VBR 23-49](#)     Appeal of Julin Moua to a Vacant Building Registration Requirement at 1139 ROSS AVENUE.  
**Adopted**
- 69**     [RLH VBR 23-45](#)     Appeal of William Nichols to a Vacant Building Registration Fee Warning Letter at 1752 SCHEFFER AVENUE.  
**Adopted**
- 70**     [RLH VBR 23-51](#)     Appeal of Peter Ratsamy to a Vacant Building Registration Notice at 575



UNIVERSITY AVENUE WEST.

Adopted

## ADJOURNMENT

Meeting ended at 6:24 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](mailto:Contact-Council@ci.stpaul.mn.us), [CouncilHearing@ci.stpaul.mn.us](mailto: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](http://www.stpaul.gov/council) or <https://forms.office.com/g/TD3xN7WHy5>.

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