



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, May 17, 2023

3:30 PM

Council Chambers - 3rd Floor

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 23-50](#) Administrative Order: Amending the 2023 Saint Paul Regional Water Services budget for the transfer of funds from various accounting units to increase funding for the Administration - Building Repair Services expense account.
Received and Filed
- 2 [AO 23-51](#) Authorizing the Police Department to reallocate its 2023 Special Fund budget to more accurately record expenditures meeting capital criteria.
Received and Filed
- 3 [AO 23-52](#) Amending the 2023 spending budget in the Department of Public Works Sewers Utility Fund Sewer Inflow and Infiltration accounting unit.
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 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

- 4** [RES 23-674](#) Authorizing the Department of Public Works to apply for and accept funding from the Federal Highway Administration's (FHWA) Charging and Fueling Infrastructure (CFI) Discretionary grant program for the City's EV Spot Network Project, which, if awarded to the City, would require a 20% local match.
- Adopted**
- 5** [RES 23-717](#) Changing the rate of pay for the Animal Services Officer I-III series to Grades 030, 034, 037, respectively.
- Laid over to May 24, 2023**
- 6** [RES 23-730](#) Approving the Collective Bargaining Agreement (January 1, 2023 - December 31, 2025) between the City and the Saint Paul Fire Supervisory Association International Association of Firefighters Local 3939.
- Laid over to May 24, 2023**
- 7** [RES 23-731](#) Authorizing an agreement between the City and Saint Paul River Centre CVA for the Police Department's use of commercial space for police operations.
- Adopted**
- 8** [RES 23-741](#) Approving the application with conditions, per the Legislative Hearing Officer, for Lavs Tac Ent LLC, d/b/a The Foundry Pub (License ID #20230000060), for Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Gambling Location licenses, located at 1201 Jackson Street.
- Adopted**
- 9** [RES 23-691](#) Approving the Memorandum of Agreement for the 2023 Wage and Fringe Adjustment between the City and the International Union of Painters and Allied Trades District Council 82.
- Adopted**

FOR DISCUSSION

- 10** [RES 23-719](#) Approving adverse action against the Liquor On Sale-100 seats or less, Liquor On Sale-Sunday, Liquor On Sale-2AM Closing, Liquor Outdoor Service Area (Patio), Tobacco Shop, and Entertainment (A) licenses held by White Squirrel, LLC d/b/a The White Squirrel Bar (License ID# 20200001333) for the premises located at 974 Seventh Street West. (Licensee will speak to Council on his own behalf)
- Therese Skarda, Assistant City Attorney, gave a staff report and answered councilmember questions.*

Jarret Oulman, license holder, spoke in opposition.

Councilmember Noecker spoke in support and moved approval.

Councilmember Prince asked if this involved a matrix penalty.

Skarda stated that it does not.

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

- 11** [Ord 23-22](#) Amending Chapter 225 of the Legislative Code relating to weapons. (laid over from May 3, 2023)

Councilmember Noecker moved Version 2.

Amended and laid over to May 24, 2023 for Public Hearing and Final Adoption

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

Nay: 0

- 12** [Ord 23-23](#) Granting authority to the Port Authority to issue and sell general obligation bonds to which the Port Authority pledges the full faith, credit, and resources of the City pursuant to the provisions and by authority of said Minnesota Statutes, Chapters 469 and 475, as amended.

Councilmember Yang moved approval.

Adopted

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

Nay: 0

- 13** [Ord 23-24](#) Amending Chapter 33.04 of the Legislative Code pertaining to Permit Fees as they relate to Gas Burner, Plumbing fees and Radon system fees.

Councilmember Noecker moved approval.

Adopted

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

Nay: 0

PUBLIC HEARINGS

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

14 [Ord 23-25](#)

Amending Chapter 157 of the Legislative Code related to parking of commercial and overweight vehicles.

Sean Kershaw, Director of Public Works, gave a staff report.

Councilmember Prince asked if fines would be the same as ones in Minneapolis.

Kershaw addressed Prince's question.

Mudin Farah spoke during the public hearing.

Prince asked about the number of affected drivers.

Farah addressed Prince's question.

Aydurus Osman spoke during the public hearing.

Councilmember Noecker asked about truck sizes.

Kershaw addressed Noecker's question.

Councilmember Yang thanked testifiers and moved to close the public hearing.

Public hearing closed and laid over to May 24, 2023 for Final Adoption

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

Nay: 0

15 [RES PH 23-104](#)

Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$100,200 for the Hamline Avenue Trail project.

Councilmember Tolbert moved approval.

Adopted

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

Nay: 0

- 16 [RES PH 23-103](#) Amending the financing and spending plans in the Department of Public Works Capital Budget to close out 2018 projects.
- Councilmember Balenger moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 17 [RES PH 23-112](#) Accepting Minnesota China Friendship Garden Society funds for the Saint Paul Changsha China Friendship Garden project, and, amending the financing and spending budget for the Department of Parks and Recreation in the amount of \$15,000 for the 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
- 18 [RES PH 23-113](#) Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$5,000 for funds received from the Lower Phalen Creek Project (LPCP) for staff time for participating in the Swede Hollow Creek Enhancement Feasibility Study.
- Councilmember Prince moved approval.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang and Councilmember Balenger
- Nay:** 0
- 19 [RES PH 23-116](#) Approving the application of ROK Eatery for a sound level variance in order to present amplified sound on Sundays, June 4 - September 24, 2023 at 882 Seventh Street West #12 - ROK Eatery.
- Councilmember Noecker 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 23-117](#) Approving the application of POCIS for a sound level variance in order to present amplified sound on June 18, 2023 at 1600 Phalen Drive - Phalen Park Pavilion.

Councilmember Yang 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

- 31 [RLH VO 23-19](#) Appeal of Christina Harding on behalf of Lynn Huynh to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1146 EDGERTON STREET. (public hearing closed and laid over from May 17, 2023)

Laid over for 3 weeks to then consider a June 30 deadline.

Also in attendance: Christina Harding, appellant

Marcia Moermond, Legislative Hearing Officer: This revocation is for long-term noncompliance with orders. Originally, there was a complaint in December, presumably by the tenants because it was interior conditions being complained about. The orders were written and there was some follow-up. Because it had been 6 years since the property had gone through a full certificate of occupancy inspection, an inspection was triggered by this process. It was a "Class A", the complaint came in and orders were written, then a full inspection was done and a full set of orders were written. The orders from the December complaint were mostly carried forward into the full set of orders, which is part of why the FCO is being revoked for long-term noncompliance. In the hearing, the property manager indicated that there were problems with the tenants, and that the problems were tenant-generated. When reviewing the orders, some seem tenant related while others appear to be deferred maintenance issues. I asked for a work plan to address the items. The manager said she needed 60 days to do the work, and I asked what her plan was to get there. That was on April 25. She then said she could have it done in 2 weeks. I said no, and that I didn't want to set her up for failure. I just wanted a work plan. We had a hearing the following week where a bid was mailed in at the exact time of the hearing. The bid didn't include the dates for doing the work and didn't address all of the items in the orders. It was specifically for the back of the building. It was not a work plan. My recommendation is that the work be completed by June 1. The appellant asked to have that extended to June 30. There still isn't a plan associated with that. There is also a statement in the written appeal that there had been an application for a permit to do the work. The biggest part for what needs the permit is the extension on the back of the building with the porch on the bottom and the room on the top. It has separated from the main structure and is unsound. The orders said that a structural engineer needed to look at it. That would be required to come into code compliance through fixing it. The appellant suggested removing that part of the building, which is also an option. That second option was what the bid was related to. I don't have any dates that go with that to say that will happen by June 30, which is my concern. One unit was described as occupied and the other had the tenants evicted after being a long-term problem. The landlord in California and the property manager have been struggling with this building, and are both looking forward

to moving on. The property manager, Christina Harding, is on the line.

Council President Brendmoen: So the owner is in California, and the property manager is local?

Moermond: Correct.

Harding: Everything Moermond said is correct. The tenants were an ongoing problem, and in retaliation for the eviction they destroyed the unit and then called the City to complain. Once I got them out, that was when we were first ordered to comply with the fire inspection, and that was the day where we had sheriff lockout. Then they gave me 3 months and I had no luck trying to find a maintenance person who would do a small amount of work for the interior. I had a guy that was supposed to show up 3 times and never did, and so on. The fire inspector then brought in their supervisor and did a full inspection, which I am not in agreement with because no one went into the lower unit, which would have been included in a full fire inspection. Regardless, I am asking for until June 30. Right now, my contractor pulled a permit on May 5 and the City said they are working on permits from May 2 right now, so we still don't have a permit in hand. I don't know when the permit will come in. The dumpster was delivered today. The contractor wants to start work tomorrow morning and was prepared Monday morning, and then we only need 2 weeks.

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

Brendmoen: Moermond, did you have something to add?

Moermond: Yes. I did follow up with the Department of Safety and Inspections (DSI) to find out if there was a delay. They said no permit has been loaded into the system, meaning no one has walked in with a permit application. They searched the computer system for a permit application for this address, for each of the contractor names, the property manager's name, and the owner's name, and there was nothing. Currently they are processing applications for May 8 moving forward, which would be after the May 5 date indicated by the appellant. I wonder if there may be a miscommunication between the manager and the contractor about the permit application. Something isn't lining up.

Yang: If we stuck to the June 1 deadline, but the appellant makes progress and still needs more time, is there anything we can do to grant an extension?

Moermond: My concern in cases like this is the displacement of tenants, and balancing that with housing conditions. The biggest problem is the structural problem. It is in your interest to continue the conversation, but at the same time we need some deadlines. Perhaps a 2-week layover would give a small extension to come back with a plan and documents from the contractor showing when work will happen, indication of payments to the contractor, or a permit application. We need something to hang our hat on. We don't want to move forward without anything substantive. We don't have a meeting in 2 weeks so the first Wednesday in June would be when you would lay this over to. That is effectively an extension to allow you to consider the June 30 deadline.

Yang: In that case, I move to lay this over for 3 weeks.

Brendmoen: I support that. I like the idea that it's an opportunity to come up with a real plan. This is a good medium that we've reached. I also want to add that this street is a beautiful wide street that was once a hilltop neighborhood. As Payne Avenue has

revitalized and other investments have been made, we can really feel more care and attention going into that area. I'm looking forward to some of these houses getting spruced up. Those houses matter. Lots of trees have come down so those houses are front and center.

Public hearing closed and laid over to June 7, 2023

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

- 21** [RLH TA 23-137](#) Deleting the Appealed Special Tax Assessment for property at 942 AURORA AVENUE. (File No. J2307E, Assessment No. 238306)
Adopted
- 22** [RLH TA 23-174](#) Ratifying the Appealed Special Tax Assessment for property at 1019 BEECH STREET. (File No. J2307E, Assessment No. 238306) (Public hearing continued to October 11, 2023)

Public hearing continued to October 11, 2023
- 23** [RLH TA 23-147](#) Ratifying the Appealed Special Tax Assessment for property at 452 BIDWELL STREET. (File No. CRT2306, Assessment No. 238205)
Adopted
- 24** [RLH TA 23-181](#) Ratifying the Appealed Special Tax Assessment for property at 399 BLAIR AVENUE. (File No. J2307E, Assessment No. 238306) (To refer to August 1, 2023 Legislative Hearing)
Referred to August 1, 2023 Legislative Hearing
- 25** [RLH TA 23-140](#) Ratifying the Appealed Special Tax Assessment for property at 1039 BRADLEY STREET. (File No. VB2307, Assessment No. 238806)

Adopted

- 26 [RLH TA 23-153](#) Ratifying the Appealed Special Tax Assessment for property at 586 BURGESS STREET. (File No. J2307E, Assessment No. 238306)
- Adopted**
- 27 [RLH SAO 23-19](#) Appeal of Earl Carlson to a Vehicle Abatement Order at 1784 CARROLL AVENUE.
- Adopted**
- 28 [RLH TA 23-207](#) Amending Council File No. RLH AR 23-17 to delete the assessment for Excessive Use of Inspection or Abatement services billed during August 22 to September 21, 2022 at 982 CHARLES AVENUE. (File No. J2305E, Assessment No. 238304)
- Adopted**
- 29 [RLH TA 23-154](#) Deleting the Appealed Special Tax Assessment for property at 324 CLARENCE STREET. (File No. J2307E, Assessment No. 238306)
- Adopted**
- 30 [RLH TA 23-145](#) Deleting the Appealed Special Tax Assessment for property at 953 CLARK STREET. (File No. J2307B, Assessment No. 238106)
- Adopted**
- 32 [RLH RR 23-26](#) Making finding on the appealed substantial abatement ordered for 39 HILLTOP LANE in Council File RLH RR 22-53.
- Adopted**
- 33 [RLH TA 23-143](#) Ratifying the Appealed Special Tax Assessment for property at 1840 IOWA AVENUE EAST. (File No. 2306T, Assessment No. 239005)
- Adopted**
- 34 [RLH TA 23-178](#) Deleting the Appealed Special Tax Assessment for property at 1885 IVY AVENUE EAST. (File No. J2307E, Assessment No. 238306)
- Adopted**
- 35 [RLH RR 23-15](#) Third Making finding on the appealed substantial abatement ordered for 655 JESSAMINE AVENUE EAST in Council File RLH RR 22-51.
- Adopted as amended (nuisance condition abated and matter resolved)**
- 36 [RLH SAO 23-18](#) Appeal of William Quinlan to a Summary Abatement Order at 1042 LAWSON AVENUE EAST.
- Adopted**

- 37 [RLH TA 23-205](#) Ratifying the Appealed Special Tax Assessment for property at 817 MARSHALL AVENUE. (File No. J2307E, Assessment No. 238306) (Legislative Hearing on May 16, 2023)
Referred to June 6, 2023 Legislative Hearing
- 38 [RLH TA 23-144](#) Ratifying the Appealed Special Tax Assessment for property at 1079 MARYLAND AVENUE EAST. (File No. J2307E, Assessment No. 238306)
Adopted
- 39 [RLH TA 23-133](#) Ratifying the Appealed Special Tax Assessment for property at 1361 MARYLAND AVENUE EAST. (File No. J2307B, Assessment No. 238106)
Adopted
- 40 [RLH TA 23-148](#) Deleting the Appealed Special Tax Assessment for property at 1826 SHERWOOD AVENUE. (File No. J2307E, Assessment No. 238306)
Adopted
- 41 [RLH RR 23-19](#) Making finding on the appealed substantial abatement ordered for 1457 THIRD STREET EAST in Council File RLH RR 22-24. (Public hearing continued to May 17, 2023)

Adopted as amended (granted 180 days)
- 42 **RLH RR 23-16** Ordering the rehabilitation or razing and removal of the structures at 829 THIRD STREET EAST within fifteen (15) days after the May 17, 2023, City Council Public Hearing. (To refer to June 27, 2023 Legislative Hearing)

Referred to June 27, 2023 Legislative Hearing
- 43 [RLH TA 23-92](#) Ratifying the Appealed Special Tax Assessment for property at 779 THOMAS AVENUE. (File No. J2304E3, Assessment No. 238310)
Amended to ratify assessment and public hearing continued to June 7, 2023
- 44 [RLH TA 23-93](#) Ratifying the Appealed Special Tax Assessment for property at 779 THOMAS AVENUE. (File No. J2305E3, Assessment No. 238314)
Amended to ratify assessment and public hearing continued to June 7, 2023
- 45 [RLH TA 23-94](#) Ratifying the Appealed Special Tax Assessment for property at 779 THOMAS AVENUE. (File No. J2306E3, Assessment No. 238318)
Amended to ratify assessment and public hearing continued to June 7, 2023
- 46 [RLH TA 23-117](#) Ratifying the Appealed Special Tax Assessment for property at 693 WESTERN AVENUE NORTH. (File No. J2307E, Assessment No. 238306)
Adopted

- 47 [RLH VBR 23-17](#) Appeal of Yang Vang and Pang Yang to a Vacant Building Registration Requirement at 1093 WESTERN AVENUE NORTH.
Adopted
- 48 [RLH TA 23-139](#) Ratifying the Appealed Special Tax Assessment for property at 929 YORK AVENUE. (File No. VB2307, Assessment No. 238806) (May 16, 2023 Legislative Hearing)
Adopted as amended (assessment ratified)
- 49 [RLH AR 23-33](#) Ratifying the assessments for Collection of Vacant Building Registration fees billed during August 11 to November 16, 2022. (File No. VB2307, Assessment No. 238806)
Adopted
- 50 [RLH AR 23-34](#) Ratifying the assessments for Securing and/or Emergency Boarding services during December 2022. (File No. J2307B, Assessment No. 238106)
Adopted
- 51 [RLH AR 23-35](#) Ratifying the assessments for Demolition services from November 2022. (File No. J2303C, Assessment No. 232002)
Adopted
- 52 [RLH AR 23-36](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during October 25 to November 27, 2022 (File No. CRT2306, Assessment No. 238205)
Adopted
- 53 [RLH AR 23-37](#) Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during October 24 to November 21, 2022 (File No. J2307E, Assessment No. 238306)
Adopted
- 54 [RLH AR 23-38](#) Ratifying the assessments for Removal of Diseased and/or Dangerous Tree services during January 2023. (File No. 2306T, Assessment No. 239005)
Adopted

ADJOURNMENT**Meeting ended at 4:34 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>.

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