



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, March 15, 2023

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Meeting started at 3:31 PM

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

Absent 1 - Councilmember Russel Balenger

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 23-12](#) Letter from the Department of Safety and Inspections declaring 871 Stickney Street a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

 Received and Filed
- 2 [AO 23-26](#) Partial funding designated for the City Council Neighborhood Investment Fund is being added to the Neighborhood STAR Year-Round Program.

 Received and Filed
- 3 [AO 23-30](#) Amending CDBG Project Budgets: Funding for 166 Larpenteur (Fantasy Nails), a project selected by CDBG subgrantee ESND for their North End Façade Improvement Program (NEFIP).

 Received and Filed
- 4 [AO 23-31](#) Amending CDBG Project Budgets: Funding for Fire Station 51 project rehabilitation costs.

 Received and Filed
- 5 [AO 23-32](#) Amending CDBG Project Budgets: funding for Rondo Community Land Trust CDBG subaward.

 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

Council President Brendmoen stated that Item 6 would be taken separately.

Councilmember Yang moved approval.

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 7 [RES 23-332](#) Authorizing the Police Department to enter into an agreement with the Saint Paul Public Housing Agency for the collaborative A Community Outreach Program (ACOP), that includes an indemnification clause.

Adopted

- 8 [RES 23-340](#) Approving an extension amendment for the Saint Paul Farmers Market lease, located downtown and bounded by Fourth Street, Fifth Street, Broadway Street, and Wall Street (District 17, Ward 2).

Adopted

- 9 [RES 23-352](#) Approving the agreement with Lime (Neutron Holdings, Inc. dba Lime) to provide e-scooter sharing services for the 2023 scooter season.

Adopted

- 10 [RES 23-353](#) Approving the agreement with Spin (Skinny Labs Inc. dba Spin) to provide e-scooter sharing services for the 2023 scooter season.

Adopted

- 11 [RES 23-355](#) Appointing the firm Quinlivan & Hughes, P.A., under the direction of attorney Dyan J. Ebert, as outside counsel representing Fire Captain Jeremy Coy in the matter of Ahmed Ali v. Jeremy Coy; David Alfred; Ulicer Sanchez; Vang Touhu; City of St. Paul.

Adopted

- 12 [RES 23-356](#) Appointing the firm Waldeck & Woodrow, P.A., under the direction of attorney Theodore J. Waldeck, as outside counsel representing Firefighter Vang Touhu in the matter of Ahmed Ali v. Jeremy Coy; David Alfred; Ulicer Sanchez; Vang Touhu; City of St. Paul.

Adopted

- 13 [RES 23-357](#) Appointing the firm Ratwik, Roszak & Maloney, P.A., under the direction of attorney Margaret Skelton, as outside counsel representing Fire Equipment Operator David Alfred in the matter of Ahmed Ali v. Jeremy Coy; David Alfred; Ulicer Sanchez; Vang Touhu; City of St. Paul.
- Adopted**
- 14 [RES 23-358](#) Appointing the firm Jardine, Logan & O'Brien, P.L.L.P., under the direction of attorney Joseph E. Flynn, as outside counsel representing Firefighter Ulicer Sanchez in the matter of Ahmed Ali v. Jeremy Coy; David Alfred; Ulicer Sanchez; Vang Touhu; City of St. Paul.
- Adopted**
- 15 [RES 23-359](#) Authorizing the Police Department to enter into an agreement with Ramsey County to provide services with funding from a 2022 American Rescue Plan Act Innovation in Community Safety (ARPIC) Grant from the Minnesota Department of Public Safety.
- Adopted**
- 16 [RES 23-364](#) Approving the application with no conditions, per the Legislative Hearing Officer, for Bold Grit LLC (License ID# 20230000117), d/b/a Club Pilates Highland Park West, for a Health/Sport Club license located at 757 Cleveland Avenue South.
- Adopted**
- 17 [RES 23-369](#) Authorizing the Fire Department to apply for the 2022 Staffing for Adequate Fire and Emergency Response (SAFER) grant in the amount of \$4,579,629 from the Federal Emergency Management Agency (FEMA) to hire 14 additional firefighters.
- Adopted**
- 18 [RES 23-370](#) Approving a Liquor Off Sale license to Randolph Liquors Inc. d/b/a Randolph Liquors (License ID #20220002141) for the premises located at 1325 Randolph Avenue.
- Adopted**
- 19 [RES 23-374](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Slate Billiard Club LLC (License ID #20230000170), d/b/a same, for a Pool & Billiard Hall license located 755 Prior Avenue North, Suite #002A.
- Adopted**
- 20 [RES 23-392](#) Approval of financing of a \$2,307,342 American Rescue Plan Act (ARPA) loan; authorization to enter into a subrecipient and loan agreement for the Ashland Apartments project at 532 Ashland; and authorization to transfer the funds from the 30% AMI Deeply Affordable Housing account to a specific

account for the Ashland Apartments Housing Project (District 8, Ward 1).

Adopted

- 21 [RES 23-393](#) Approving the Mayor's appointments of Maribel Davidson, Natalie King, Ana Perez, Crystal Robinson, and Aimee Vue to the Neighborhood STAR Board.

Adopted

- 22 [RES 23-397](#) Authorizing the City Attorney's Office to apply for a 2024 Crime Victim Services 12- Month Grant from the Minnesota Department of Public Safety, Office of Justice Programs (OJP).

Adopted

- 23 [RES 23-402](#) Accepting the gift of the costs of travel, food, and lodging from the Black Economic Alliance (BEA), for Mayor Melvin Carter's attendance at the Black Economic Alliance Solutions Summit in New York, NY, on March 21, 2023.

Adopted

- 24 [Min 23-15](#) Approving the minutes of the Saint Paul City Council meetings of April 6, 13, 20, and 27, 2022.

Adopted

- 25 [Min 23-17](#) Approving the minutes of the Saint Paul City Council meetings of February 1, 8, 15, and 22, 2023.

Adopted

FOR DISCUSSION

- 6 [RES 23-331](#) Authorizing the City to grant a Temporary Revocable License on behalf of the Police Department (SPPD) for lease of 235 Maryland Avenue East, Saint Paul, MN with Shindler/West Finance Partners for canine training.

Councilmember Yang moved to lay over for one week.

Laid over to March 22, 2023

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 26 [RES 23-399](#) Recognizing Holly Huston's career and dedicated service to the City of Saint Paul.

Councilmember Tolbert read from the resolution and presented it to Holly Huston.

Huston gave remarks.

Councilmember Yang congratulated Huston and thanked her for her work.

Councilmember Jalali congratulated Huston and thanked her for her work.

Councilmember Noecker congratulated Huston and thanked her for her work.

Councilmember Prince congratulated Huston and thanked her for her work.

Tolbert congratulated Huston and thanked her for her work.

Council President Brendmoen congratulated Huston and thanked her for her work.

Tolbert moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Balenger

SUSPENSION ITEMS

[RES 23-419](#)

Approving the use of grant funds through the Ward 2 Neighborhood STAR Year-Round Program for projects located at FoxFace Studios.

Councilmember Noecker spoke to the resolution and moved approval.

Council President Brendmoen spoke in favor.

Councilmember Jalali spoke in favor.

Councilmember Yang spoke in favor.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Balenger

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 first reading.

Final Adoption

- 27 [Ord 23-14](#) Granting the application of William Janicke to rezone property at 869 Arkwright St from RT1 two-family residential to RT2 townhouse residential and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Council President Brendmoen moved approval.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang

Nay: 0

Absent: 2 - Councilmember Tolbert and Councilmember Balenger

First Reading

- 28 [Ord 23-13](#) Granting the application of 1598 Carroll LLC to rezone the property at 1598 Carroll Avenue from T2 traditional neighborhood to I1 light industrial and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Katy Dadlez, City Planner, gave a staff report.

Councilmember Jalali acknowledged letters of concern and asked about steps going forward to deal with potential problems.

Dadlez answered Jalali's question.

Councilmember Prince acknowledged letters of concern.

Council President Brendmoen acknowledged letters of concern and asked about conditions being placed on a rezoning.

Dadlez said that rezoning had nothing to do with the business and could not have conditions attached.

Noecker spoke in support.

Laid over to March 22, 2023 for Second Reading

- 29 [Ord 23-15](#) Granting the application of Rosenblum Family Limited Partnership to rezone the property at 271 Snelling Avenue North from IT transitional industrial to I1 light industrial and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Katy Dadlez, City Planner, gave a staff report.

Laid over to March 22, 2023 for Second Reading

PUBLIC HEARINGS

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

- 30 [RES PH 23-45](#) Considering and adopting the Order on Cross Motions for Summary

Disposition of the Administrative Law Judge and imposing the presumptive matrix penalty for a first violation, suspending the licenses held by Majid Nitaishoon d/b/a MJ Market, located at 922 Thomas Avenue, for 10 days in accordance with Legislative Code §324.10.

Therese Skarda, Assistant City Attorney, gave a staff report.

Craig Beuning, attorney for the licensee, spoke in favor of the Administrative Law Judge's recommendation.

Council President Brendmoen spoke in favor and moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Balenger

31 [RES PH 23-49](#)

Approving the application of Visit Saint Paul for a sound level variance in order to present amplified sound for the Visit Saint Paul/NCHC Fan Fest 2023 on March 17 and 18, 2023 on the Patio of Apostle Supper Club at 253 Kellogg Boulevard West - on Seventh Street West between Kellogg Boulevard West and Fifth Street West.

Councilmember Noecker moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Balenger

32 [RES PH 23-54](#)

Authorizing the Department of Planning and Economic Development to accept grant funds from Living Cities and to amend the financing and spending plan, in the amount of \$400,000, to support homeownership strategies.

Maryan Abdi, Project Manager with Planning and Economic Development, gave a staff report.

Councilmember Prince spoke in support.

Councilmember Yang spoke in support.

Council President Brendmoen spoke in support.

Yang moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Balenger

33 [RES PH 23-57](#)

Authorizing the execution of business subsidy agreements for the Neighborhood STAR loans and grants for the Shanghai Wholesale LLC project located at 640 Prior Avenue North (District 11, Ward 4), Vina Highland Inc project at 756 Cleveland Avenue South (District 15, Ward 3), and Wabasha Partners LLC project located at 160 Wabasha Street South (District 3, Ward 2).

Daniela Lorenz, Project Manager with Planning and Economic Development, gave a staff report.

Councilmember Tolbert moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Balenger

LEGISLATIVE HEARING DISCUSSION ITEM

40 [RLH SAO 22-52](#)

Appeal of Greg Trentman and Rachel Goligoski to a Summary Abatement Order at 1317 SELBY AVENUE.

Appellants given until July 1, 2023 to come into compliance.

Also in attendance: Greg Trentman, appellant

Marcia Moermond, Legislative Hearing Officer: An order was issued for this property on November 4 to remove a library box on a boulevard. The post is actually cemented into the ground. Our right of way code states there are restrictions on things that can be placed in the city's right of way. This is considered an obstruction, per city code, as it includes posts and building materials. 10 days were given, and the appeal was filed on the deadline of November 14. Legislative Hearings were held on December 13 and February 21. In the December 13 hearing we discussed why it was considered a violation. The appellant asked to know the differences between this and trees or light posts in the right of way, and we discussed those differences and whether this could be allowed in the future. We gave a lot of time between that and the next hearing to give the appellant time to apply to Public Works for a waiver to encroach into the public right of way, and provided the information to do so. Public Works has a \$250 filing for that, and they did indicate to me that one thing they consider is whether it can be accommodated on the private property side. With this property, could the box be installed inside the retaining wall? Yes it could, the height would be higher. There was no appeal filed with public works or ask to waive their appeal fee. There was a discussion later in hearing about whether the installation could be moved to another property and have it be on their property. Regarding

moving it to their own private property, the appellant indicated that its current location was wheelchair accessible in their view, and that putting it on top of the retaining wall was not wheelchair accessible. I am not sure if the mulch and setback makes either wheelchair accessible. My recommendation is to allow an extension to July 1 for removal, to give additional time for relocation on the appellant's property or another property.

Council President Brendmoen: So the extension is to give time for the snow to thaw and potentially relocate the box?

Moermond: Yes. It is currently underneath a snow bank and a layer of frost. We need a thaw before this can be moved.

Councilmember Jalali: I am generally supportive of what you are proposing. I know it feels frustrating as the appellant in this situation, and I am going to reach out to Little Free Library to see if they can do more work on community education. I know it's not one of their boxes, but maybe they can help. We had a similar situation in my ward.

Moermond: The Little Free Library website does have good resources for helping people install boxes.

Trentman: My partner was pretty disappointed by this situation and could not be here, so I will speak on her behalf as well. First, this land does not rightfully belong to the City or us. It's stolen from the Dakotas. We were fortunate enough to purchase this property, and we are the current stewards. We have completely landscaped our yard and boulevard garden and received recognition for it. Now we have received an order to remove it. It was constructed during the COVID lockdown as a food pantry, place to leave change for the nearby bus stop, and for books. It is one of the things that make a block feel like a community. It is the only one on the north side of Selby for 20 blocks before hitting the cathedral. Residents are encouraged to plant trees on boulevards, however these same trees are more invasive than this box. Why not move it? We realized it would not be accessible to wheelchairs on top of the retaining wall. The Little Free Library site recommends not putting boxes on boulevards, but they have expressed interest in working on language to allow it in city code when the private property is not an option. We would support this.

Councilmember Tolbert: Is your plan to remove it when the ground thaws or will the city have to remove it?

Trentman: We can remove it.

Councilmember Yang: I'm curious about what exceptions can be made. I think we could see this come up again and we should see what we can do.

Brendmoen: This has come before us before, but more often than not they are on private property. This is about access to what's under the boulevard and being able to store snow and not being able to remove private property from the public right of way if work needed to be done. The law is very clear, though it may not be intuitive. The Little Free Library resources is very clear about where they can be, with the exception made for when they cannot be accommodated on private property. This is not a situation like that. The question is: do we want to have a conversation with public works about private structures in the public right of way, and opening up that Pandora's Box?

Councilmember Prince: Did you not apply to Public Works for an encroachment permit because of the \$250 cost, and instead are asking us to change ordinance

without the fee?

Trentman: I did not think I should have to pay \$250 for an outlier. I don't see why we can't have language to address this in the future. The City won't be overwhelmed by them. This was just a principled decision. I didn't want to pay when others can't afford to.

Brendmoen: It is also that you need to prove to Public Works that the use cannot be accommodated on private property.

Prince: It seems to me that we have a process for this.

Brendmoen: Just to clarify, this is about accommodation on private property and not about utilities, when applying for an encroachment permit?

Moermond: One of the criteria Public Works uses is whether the use can be accommodated on private property, and I told the appellant that. I don't know if they have a process to waive the fee. I know that for legislative hearings we waive the fee sometimes based on need. The fee is an unknown to me.

Prince: What I hear from the appellant is that putting it on their property is not wheelchair accessible. Years ago I worked on boulevard gardens, so this ordinance can be amended. I would be interested in looking into that. Encroachment permits can be applied for in a number of cases. I think this is reasonable.

Brendmoen: As Jalali mentioned, there is never ill intent with these.

Councilmember Yang moved to close the public hearing. Motion approved 6-0.

Yang: Thank you, Greg, for being intentional and rooting your approach in equity.

Councilmember Noecker: Thank you for putting accessibility first. There is an interest in exploring a change in the future. It is possible that even if we adopt this resolution, given the July 1 deadline we could see a change in ordinance before that compliance date. This decision does not preclude that.

Brendmoen moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Balenger

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 Tolbert moved approval.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 34** [RLH TA 22-337](#) Ratifying the Appealed Special Tax Assessment for property at 522 AURORA AVENUE. (File No. J2302A, Assessment No. 238501) (Public hearing continued to March 15, 2023)
- Adopted as amended (assessment reduced)**
- 35** [RLH TA 23-102](#) Amending Council File RLH AR 22-19 to delete the assessment for Property Clean Up services during November 1 to 10, 2021 at 1615 CHARLES AVENUE. (File No. J2214A, Assessment No. 228513)
- Adopted**
- 36** [RLH VBR 23-11](#) Appeal of Mark Allerman, Christ's Household of Faith, to a Vacant Building Registration Renewal Notice at 27 EMPIRE DRIVE.
- Adopted**
- 37** [RLH SAO 23-17](#) Making finding on the appealed nuisance abatement ordered for 1947 LINCOLN AVENUE in Council File RLH SAO 23-16. (Legislative Hearing on March 14, 2023)
- Adopted as amended (nuisance abated)**
- 38** [RLH RR 22-39](#) Second Making finding on the appealed substantial abatement ordered for 575 PARK STREET in Council File RLH RR 21-71.
- Adopted as amended (forfeited \$5,000 performance deposit {amended earlier, as nuisance not abated after 3rd deadline missed by 5 months in November} and found that nuisance condition is now abated)**
- 39** [RLH SAO 23-12](#) Making finding on the appealed nuisance abatement ordered for 1384 REANEY AVENUE in Council File RLH SAO 23-2.
- Adopted as amended (nuisance not abated and DSI action authorized)**

ADJOURNMENT

Meeting ended at 4:59 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:

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. 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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