



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, September 13, 2023

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Meeting started at 3:30 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 23-46](#) Letter from the Department of Safety and Inspections declaring 378 Sims Avenue a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 2 [CO 23-47](#) Letter from the Department of Safety and Inspections declaring 1971 Nortonia Avenue a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and Filed
- 3 [AO 23-92](#) Amending the 2023 spending budget in the Department of Public Works Electric Vehicle Maintenance. 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

Council President Brendmoen stated that Items 4 and 11 would be taken separately.

Councilmember Noecker 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

- 5** [RES 23-1341](#) Approving the City's cost of providing Collection of Delinquent Garbage Bills for service during April to June 2023, and setting date of legislative hearing for October 5, 2023 and City Council public hearing for November 15, 2023 to consider and levy the assessments against individual properties. (File No. CG2303A1, Assessment No. 230111)
- Adopted**
- 6** [RES 23-1361](#) Acknowledging receipt of District Energy St. Paul, Inc. notice of rate increase as of October 1, 2023, and directing the Office of Financial Services, the City Attorney's Office, and Council Operations to review and analyze the rate changes.
- Adopted**
- 7** [RES 23-1376](#) Authorizing the Police Department to enter into an agreement with Ramsey County to provide funding from a 2022 U.S. Department of Justice, Bureau of Justice Assistance (BJA), Edward Byrne Memorial Justice Assistance Grant (JAG).
- Adopted**
- 8** [RES 23-1380](#) Approving the Memorandum of Agreement between the City and the International Association of Fire Fighters AFL-CIO Local 21 to amend the 2021 - 2022 Collective Bargaining Agreement for the purpose of employing and retaining employees trained as paramedics and defining the retention period of licensure upon paramedic course completion.
- Laid over to September 20, 2023**
- 9** [RES 23-1382](#) Approving adverse action against the Auto Body Repair/Painting Shop license held by Duqueiro Cano d/b/a Duke's Cars & Towing (License ID #20120001127) for the premises located at 323 Maria Avenue.
- Adopted**
- 10** [RES 23-1383](#) Authorizing the Fire Department to apply for the 2022 Hazardous Materials Emergency Preparedness (HMEP) grant in the amount of \$81,250 from the State of Minnesota Department of Public Safety for training for firefighters.
- Adopted**
- 12** [RES 23-1388](#) Appointing the firm of Iverson Reuvers, under the direction of Stephanie Angolkar as special counsel representing the City for appellate work in the

matter of Kim Diane Handy Jones, as trustee for the next of kin of Cordale Handy. v. City of Saint Paul, et al.

Adopted

- 13 [RES 23-1113](#) Changing the rate of pay for the classification of Public Works Field Superintendent (formerly Public Works Field Supervisor).

Adopted

- 14 [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.

Adopted

FOR DISCUSSION

- 4 [RES 23-1323](#) Appointing Jay Willms as Chief Budget Officer for the City Council.

Councilmember Tolbert moved approval.

Shari Moore, City Clerk, swore-in Jay Willms as Chief Budget Officer.

Willms gave remarks.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 11 [RES 23-1384](#) Authorizing the Office of Neighborhood Safety and the Police ASPIRE unit to jointly apply for future federal and state public safety enhancement grants to further their common mission and without needing individual preapproval from City Council of each individual grant application when the grant applied for does not have city grant obligations of providing matching funds, spending requirements, or hiring or retention requirements beyond grant funding periods. (Laid over from September 13, 2023) (To be withdrawn)

Councilmember Noecker gave remarks and moved to lay over for two weeks.

Laid over to September 27, 2023

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 15** [RES 23-1299](#) Supplementing the general resolution (CF 88-835) relating to Sewer Revenue Bonds and providing for the issuance of Sewer Revenue Bonds, Series 2023E (Green Bonds) and taking other required actions.
- Neal Younghans, Debt Manager in the Office of Financial Services, gave a staff report.*
- Council President Brendmoen moved approval of Version 2.*
- Adopted as amended**

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 16** [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)
- Councilmember Prince gave remarks 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

- 17** [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 to lay over for one week.*
- Laid over to September 20, 2023**

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 18** [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 Jalali moved to lay over for one week.

Laid over to September 20, 2023

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 second reading.

PUBLIC HEARINGS

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

19 [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 gave remarks and moved Tolbert Amendment #2. Approved 6-0.

Councilmember Jalali gave remarks and moved Jalali Amendment #2.

Councilmember Noecker spoke in support of Jalali Amendment #2.

Councilmember Prince spoke against Jalali Amendment #2.

Councilmember Yang spoke in support of Jalali Amendment #2.

Jalali Amendment #2 approved 5-1, with Councilmember Prince voting against.

Jalali gave remarks and moved Jalali Amendment #1.

Councilmember Yang spoke in support of Jalali Amendment #1.

Councilmember Noecker spoke against Jalali Amendment #1.

Councilmember Prince spoke against Jalali Amendment #1.

Councilmember Tolbert spoke against Jalali Amendment #1.

Council President Brendmoen spoke against Jalali Amendment #1.

Councilmember Jalali spoke in support of Jalali Amendment #1.

Jalali Amendment #1 failed 2-4, with Councilmembers Noecker, Brendmoen, Tolbert, and Prince voting against.

12 people spoke during the public hearing.

Tolbert moved to close the public hearing.

Amended, public hearing closed, and laid over to September 20, 2023 for Final Adoption

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

Nay: 0

Absent: 1 - Councilmember Balenger

20 [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.

Bill Dermody, City Planner, gave a staff report.

5 people spoke during the public hearing.

Councilmember Prince asked for clarification from Dermody. Dermody responded.

Councilmember Yang moved to close the public hearing.

Public hearing closed and laid over to September 20, 2023 for Final Adoption

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

Nay: 0

Absent: 1 - Councilmember Balenger

21 [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 two weeks.

Public hearing continued to September 27, 2023

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 22** [RES PH 23-66](#) Ratifying the assessment for the Wabasha Street: Kellogg to Seventh Street paving and lighting project constructed as part of the 2022 St. Paul Street Paving Program (SPS). (File No. 19209, Assessment No. 225200) (Public hearing closed, laid over from September 13, 2023)
- Howard Rostund, Attorney representing the 3 clients being assessed, spoke during the public hearing.*
- Councilmember Noecker moved to close the public hearing and lay over for one week.*
- Public hearing closed and laid over to September 20, 2023**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- Absent:** 1 - Councilmember Balenger
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- 23** [RES PH 23-249](#) Approving the final (combined) plat at 1477 Eleanor Avenue.
- 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
-
- 24** [RES PH 23-261](#) Approving the application of Capitol Region Watershed District, Lindsay Schwantes, Community Engagement Program Manager for a sound level variance in order to present amplified sound on September 22, 2023 at 595 Aldine St - Capitol Region Watershed District west parking lot.
- Councilmember Jalali moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Yang
- Nay:** 0
- Absent:** 1 - Councilmember Balenger
-
- 25** [RES PH 23-265](#) Approving the application of Nativity of Our Lord Catholic Church for a sound level variance in order to present amplified sound on September 15 - 17, 2023 at 1900 Stanford Ave - Nativity of Our Lord Catholic Church.
- Peter Wanning, applicant, spoke during the public hearing.*
- Jonathan Hahn, neighbor, spoke during the public hearing.*

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

- 26** [RES PH 23-266](#) Approving the application of Trey Wodele, Eureka Recycling, for a sound level variance in order to present amplified sound on September 17, 2023 at 1600 Phalen Dr - Phalen Park Picnic Pavilion.

Councilmember 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

- 27** [RES PH 23-276](#) Approving the application of West Side Community Organization (WSCO) for a sound level variance in order to present amplified sound on September 24, 2023 at Union Depot - 214 4th St E.

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

- 28** [RES PH 23-270](#) Authorizing the City on behalf of the Police Department to accept, and amend the Special Fund for, \$761,787.05 in funds awarded from the Minnesota Department of Commerce, Auto Theft Prevention Grants Program (General). (Public hearing closed, laid over from September 13, 2023)

Councilmember Yang moved to close the public hearing and lay over for one week.

Public hearing closed and laid over to September 20, 2023

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 29** [RES PH 23-277](#) Authorizing the application and acceptance of a grant from the State of Minnesota for the renovation of the Playwrights' Center; amending the 2023 City budget in the amount of \$4,000,000; providing for the use of Project Labor Agreements in accordance with policy; and approving and authorizing execution of a State Grant Agreement (District 12, Ward 4).

Robert Chelimsky, Managing Director of the Playwrights' Center, spoke during the public hearing.

Councilmember Jalali spoke in support 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

- 30** [RES PH 23-281](#) Accepting grant funds, authorizing execution of two grant agreements with indemnity obligations, and amending the operating budget for the City's sponsorship of a Metropolitan Council Livable Communities Act Pre-Development Grant, and a Metropolitan Council Livable Communities Act Contamination Cleanup/Site Investigation Seeding Equitable Environmental Development (SEED) Grant for the Hamm's Brewery site located at 680 & 694 Minnehaha Avenue East (District 4, Ward 7).

Councilmember Prince 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 ITEMS

- 31** [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)

Councilmember Noecker: I move to lay this over for one week.

Laid over to September 20, 2023

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

Nay: 0

Absent: 1 - Councilmember Balenger

33 [RLH TA 23-181](#)

Ratifying the Appealed Special Tax Assessment for property at 399 BLAIR AVENUE. (File No. J2307E3, Assessment No. 238322)

Assessment ratified and made payable over two years.

Also in attendance: Nyar Pwo, appellant

Marcia Moermond, Legislative Hearing Officer: Items 33 through 36 could be read as one. I will give you the different dates affected at each of them. They are identical except for the dates.

Council President Brendmoen: These are all tax assessments on the same property. Moermond has requested to present them as one item. We'll have to vote on them separately though.

Moermond: The first four items are all excessive consumption tax assessments related to a correction order that was issued by the city on October 12th of 2022. The correction order for this property indicated that all vehicles on the property must have current license tabs, be registered to the property, be fully operational, cannot be missing vital parts, cannot be open to entry, be parked on an approved surface, and indicating he needs to bring all the vehicles into compliance. It also indicates that minor vehicle maintenance may be done on your own personal vehicles, but auto repair and auto body work are not allowed. All commercial vehicles need to be removed from the property. This is at least round two for this particular property owner and property. These are orders from 2022. There was a round of orders and excessive consumption assessments also from 2018, and for the same items exactly. For this order in front of you for October 12, the city inspectors followed up to see if there was compliance: November 10, November 28, January 6, January 24, and February 6. They found that there was no compliance on those dates and so the excessive consumption assessments that you are looking at were charged related to those inspections. The other assessment that's in front of you, which I would ask is read in separately, is related to garbage hauling. I can show you a couple of pictures here. During the Legislative Hearing, the owner indicated that he wasn't doing car repair at the house, but he did have friends who would bring vehicles to the property. He said that if he wanted to do repairs, he would bring them to the shop to do the repairs. He wouldn't be doing them at the home. However, it did appear to inspectors that these vehicles weren't licensed to the property, and at the very least that was problematic. The appellant also indicated in the hearing that he came to hear the city's opinions and suggestions on how he could stop getting letters from the city, and we talked about what compliance would look like. Although there is the need for orders to be translated or interpreted, this is round two and there were multiple conversations with inspectors about compliance during this particular round.

Brendmoen: By "round" you mean?

Moermond: Round one was from 2018 and round two began in 2022. When I look at the current situation, I know that the owner is familiar with receiving orders related to

vehicles, is familiar with what the enforcement actions are, and understands what the implications are for noncompliance. What happened in 2018 has happened again. I am less sympathetic in reviewing this case and developing a recommendation for your consideration. Therefore when looking at these excessive consumption assessments, I'm recommending approval of all of them, but that they may be made payable over 2 years, as the owner indicates that this would be much more financially helpful.

Brendmoen: The final amount is?

Moermond: \$760 for the excessive consumption assessments. \$380 would be added to property taxes for the years 2024 and 2025.

Brendmoen: Which of these is the garbage assessment?

Moermond: The last one, for this address, Item 37. That is related to garbage hauling and I can give you a report on that as well. That was an unpaid garbage bill. There was an attempt at payment, there was insufficient funds, so there is a charge tacked on to the regular garbage hauling bill for that. Again, that was a plea that there was not enough money to be able to pay this and manage other bills. In the case of garbage hauling assessments, I have no ability to recommend that these be made payable over multiple years or have another considerations, and there is no assistance program to cover this type of assessment, so I can only recommend approval.

Nyar Pwo (through a translator): For the garbage payments I did pay for every month, but I am not sure where the payments went. For the cars, I thought that after I bought this property, I became the owner, and am able to park any cars that I bought. The Department of Motor Vehicles (DMV) confirmed with me that I can have many cars as much as I want. I am aware of all the complaints that were sent it to me, and also I am only the only person working in the house. I need more time due to the snow, the weather, and also the conflicts outside of my house like gun shootings. I am so sorry that this causing a lot of trouble.

Brendmoen: I did have one question. I had an opportunity to speak with Councilmember Balenger, so I know where his head's at on this one. Moermond mentioned there's a shop. Is there a mechanic shop that the cars could be repaired at, as opposed to having cars parked at the home?

Pwo: There is no shop at my house. All the cars go to the car shop to be worked on.

Brendmoen: So there's another place of business.

Pwo: Yes.

Brendmoen: It occurs to me that there are resources for businesses like yours. I want to make sure that Ward 1 connects you with those resources.

Pwo: Thank you for the opportunity to speak.

Brendmoen: Thank you. I will make sure Ward 1 reaches out to you to connect you with resources. I moved to close the public hearing. (Approved 6-0) I did have an opportunity to check in with Balenger, and the request here is to move forward with the recommendation of the Legislative Hearing Officer, with a commitment to working with the community member on how to move the work to the proper location.

Councilmember Noecker: I support that motion. I just hope that we can also convey to Balenger that there appeared to be some confusion as to what property rights do and don't entail. I think it's just important to make sure that there's common understanding of that.

Brendmoen: I appreciate that, to make sure that it doesn't recur.

Councilmember Prince: What is the dollar amount again?

Brendmoen: The four excessive consumption assessments are \$760 split over 2 years. I move the recommendation of the Legislative Hearing Officer.

Adopted as amended (assessment ratified and made payable over two years)

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 34** [RLH TA 23-182](#) Ratifying the Appealed Special Tax Assessment for property at 399 BLAIR AVENUE. (File No. J2308E1, Assessment No. 238323)

Assessment ratified and made payable over two years.

(See Item 33 on 10/4 Council meeting, RLH TA 23-181, for summary minutes)

Council President Brendmoen moved approval.

Adopted as amended (assessment ratified and made payable over two years)

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 35** [RLH TA 23-183](#) Amending the previously ratified assessment to ratify the assessment for Excessive Use of Inspection or Abatement services billed during December 23, 2022 to January 19, 2023 at 399 BLAIR AVENUE. (File No. J2309E, Assessment No. 238311)

Assessment ratified and made payable over two years.

(See Item 33 on 10/4 Council meeting, RLH TA 23-181, for summary minutes)

Council President Brendmoen moved approval.

Adopted (assessment ratified and made payable over two years)

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 36** [RLH TA 23-184](#) Ratifying the Appealed Special Tax Assessment for property at 399 BLAIR AVENUE. (File No. J2310E, Assessment No. 238315)

Assessment ratified and made payable over two years.

(See Item 33 on 10/4 Council meeting, RLH TA 23-181, for summary minutes)

Council President Brendmoen moved approval.

Adopted (assessment ratified and made payable over two years)

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

Nay: 0

Absent: 1 - Councilmember Balenger

- 37** [RLH TA 23-250](#) Ratifying the Appealed Special Tax Assessment for property at 399 BLAIR AVENUE. (File No. CG2302A2-1, Assessment No. 230112) (Public hearing closed, laid over from September 13, 2023)

Laid over for one week.

(See Item 33 on 10/4 Council meeting, RLH TA 23-181, for additional summary minutes)

Council President Brendmoen: I move to close the public hearing and lay this over for one week. I didn't get a chance to discuss this with Councilmember Balenger and would prefer he be able to look at it before we vote.

Councilmember Prince: Did we have testimony on this?

Brendmoen: Yes. He said he paid it and wasn't sure where the money went, so there's an opportunity to look into that as well.

Councilmember Yang: Was there an extra charge for the bill that didn't get paid? I see here the property owner attempted to pay \$208.52, and now the cost of the assessment \$272.81. What caused that?

Marcia Moermond, Legislative Hearing Officer: I'm assuming it's a typographical error in the tax assessment worksheet that was prepared by Public Works. When I look at the tax assessment lookup page, the amount for the delinquent garbage bill for January through March is \$272.81. That's the official amount.

Brendmoen: Even more reason to lay this over, to verify the numbers.

Public hearing closed and laid over to September 20, 2023

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

Nay: 0

Absent: 1 - Councilmember Balenger

43 [RLH RR 23-7](#)

Ordering the rehabilitation or razing and removal of the structures at 901 FULLER AVENUE within fifteen (15) days after the March 22, 2023, City Council Public Hearing. (Amend to remove only)

Removal ordered within 15 days.

Also in attendance: Jessica Zeletes, attorney with Towd Point Mortgage Trust

Marcia Moermond, Legislative Hearing Officer: This is the 4th time that this has been in front of you as a public hearing. I have conducted 9 legislative hearings on this matter since originally opening up the file in February. What we're looking at here is a really unfortunate situation. Over the last six months we have not had an owner or responsible party come forward to post a performance deposit or get a code compliance inspection report. We have had two different lawyers participate in the process, one representing Select Portfolio Servicing and the other representing Towd Point Mortgage Trust, who is here today, Jessica Zeletes. We have not gotten any foreclosure filed with the court system. We've been tracking on that. We heard originally from Attorney Greenfield that it was being filed, and understand that there was a filing in July, and there was a clerical error. I did ask staff from the Department of Planning and Economic Development (PED) to check the day before my last Legislative Hearing on August 21st. The records were reviewed to see if any foreclosure action at all had been filed as of that time, and our staff found nothing. This is important because there are two things that can happen. One, we could get somebody with an actual clear title to the property who could take action to fix it, and if it's expedited, it can happen more quickly. The court could also confirm the right of the financial institution or any lien holder to be able to access the property. Almost all mortgages contain a provision that when you have conditions like this, that's a breach of the mortgage and you can get in there and take a look at it. We haven't had eyes inside the property. This property did experience a fire, so there's smoke and water damage. It hasn't had utilities on. It has had 18 summary abatement orders since it went into the vacant building program two years ago. As you know, I'm always concerned with fire damaged structures lingering in neighborhoods and damaging the social fabric. I do have on screen here a photograph of the front of the house. This is a substantial structure and that is the main reason that I have been lingering with this file, really hoping to get some traction with it. If this could be saved, that would be really great. I'm hearing first from Greenfield that from the mortgage, they're owed \$200,000. Later, it looks like it's \$100,00 approximately. The family has not been showing up in any of this. We have Joseph and Toria Ray as the owners, and there was an ownership and encumbrance report. All the different parties were identified. They are deceased. The building was posted. Everyone who shows up on that report was notified. Zeletes later identified that there was a representative of the estate. Those parties, both the attorney and the personal representative, received certified mail from my office and signed for it. It indicated the actions that were going on here, and that they were invited to participate in them, and we have had no contact, in spite of the fact that they signed for those letters and we know they have that information. I can only look at this and think that it is one of those situations where the calculus

works out that it is not worth spending the time and energy to do the fix, because more is owed that what you'll get out of it at the end of the day. That's what it looks like on the surface, that the families made that decision and the bank has made that decision in its slow motion. There was talk about, "Why not post the performance deposit of \$5000?" There was concern, originally and ongoing, from the financial institution that it would not be returned. Every single performance deposit the city has ever accepted, when the work has been completed, it has been returned. I have an amendment in the resolution in front of you that actually restates that policy explicitly in the resolution. We do not have an inspection report. There was an ask, "Why doesn't the City use its police powers to access the property and do an inspection?" We don't do that. The owner would need to apply. This is not an emergency. There's not a fire going on in there. There's not somebody who's broken into the building. We would reserve using that kind of power for those kinds of situations. It is at an impasse, and without those two things I can't recommend that you continue to treat this property differently than other properties, in spite of the attributes that it could potentially have for the neighborhood. As it sits, it's a large fire damaged structure with no plan and no clear owner taking responsibility. My recommendation is removal within 15 days, and I do that regretfully. If there were motion, I would say, yeah, I want to continue working on the file, but I don't see that and I haven't seen that for six months. It's been vacant for over 2 years. The fire occurred in October of 2021.

Council President Brendmoen: I appreciate the acknowledgement that the building is an individual entity, but when there's this kind of fire damage and garbage and languishing property, it has an impact on the social fabric around it and the value of properties. We're always looking at the balancing that we want to get these projects done and that some neighbor is living next to a burned out house for two years. That's a challenge. So, your recommendation is removal of the structure within 15 days.

Moermond: Regretfully so.

Brendmoen: I will just say for the record that this is a very uncommon request from the Legislative Hearing Officer and it does sound like you've really turned over all opportunities for success here. I have had an opportunity to talk with Ward 1 about this item.

Jessica Zeletes: Demolition is not appropriate at this time. There are legal, factual, and policy concerns at play here. Towd Point Mortgage is not the owner. The interest is the lien of the mortgage. They have been actively trying to protect this home. The taxes have been paid. Insurance has been kept up to date. The homeowners are deceased. They were longtime residents of Saint Paul and public servants. After their deaths, there was a fire in the home. I went to the property just a few weeks ago and it doesn't look like this (a photo shown earlier). I would have noticed that. I didn't see trash on the front. Towd Point put a lock box on the back of the property to secure it. The damage is generally limited to the inside of the home. It's difficult to see, and I have no evidence of complaints from neighbors or of any criminal activity. The building is secure and it is in pretty good shape, curb appeal wise. The foreclosure still is in process. The borrower is in Florida, which, in Florida everything takes forever. But, it has been in process. This is not something we want to drag on either. Towd Point is losing money on this house, but we do have a motivated buyer who knows the deceased homeowners and has been in contact with the actual homeowner. He texted me today, saying he wasn't going to be able to make it here because he owns a lot of other properties that he rehabilitates in that area. We are facilitating a purchase between the two parties. The committee's concern has always been the \$5000 deposit, the code inspection, and the lock box. The buyer stated he would put down the deposit

if he was asked. Towd Point did not because we are not the owners. We are not in possession of it, and we never received anything in writing that it would be refundable just because somebody says it.

Brendmoen: If you're not the owner, what are you doing?

Zeletes: Protecting the home.

Councilmember Tolbert: Who's responsible for the property?

Zeletes: Right now, it is in a legal limbo. We are working with the City Attorney's office now and technically the homeowners would be the heirs of the Rays. We're trying to work with them, the estate, which I did find the public records of a few months ago, that the committee had not found before, and found their personal representative. It has been abandoned. The mortgage company is trying to protect this house. We're trying to facilitate a short sale or something to get this motivated buyer..

Brendmoen: You said you were losing money on this, but you don't own it? How?

Zeletes: We're maintaining the property taxes and the insurance on it. We haven't been paid either. So for the mortgage, the foreclosure is in process. We did put a lock box on it. The committee has refused to use its administrative policing powers to do the inspection. We will not do that because we're not the owners. We can't allow third parties into it because we don't have ownership interest in the home. I know we're in a legal limbo, but we are now working with the City Attorneys Office, so hopefully we are going to be able to get some things moving.

Brendmoen: Who in the City Attorney's Office are you working with? This is highly unusual.

Zeletes: Rachel Julie.

Brendmoen: Okay.

Tolbert: If you don't own it, do you have a right to enter?

Zeletes: At this time, we do not. We have entered it, and done our own inspection, then locked it up. If the City wanted to go in and enter it with their police powers, there's nothing that we could do about that. But we also can't permit legally, without a court order, to allow someone else to come into the property, because we don't own it.

Tolbert: But do you have the legal right to enter?

Zeletes: Under the terms of the mortgage, after it was burned and abandoned, yes, to see how much money would still be owed.

Brendmoen: Two years ago.

Zeletes: Yes.

Brendmoen: So two years later and we're letting ourselves in, talking to someone who may or may not exist.

Zeletes: No. This isn't recent. Two years ago is when the fire happened and then our

inspection. I have taken over as local counsel. I know Moermond has been frustrated with the mortgage company's attorney, who has been in Florida as well. I have been attending every single committee hearing and moving things along, facilitating talking to this motivated buyer.

Brendmoen: You are out of time, so thank you very much for your testimony. I move to close the public hearing (approved 6-0). Moermond, is there anything we are missing here?

Moermond: I do know that according to Greenfield Law, the loan defaulted in November of 2021, and so that's a very long period of time for foreclosure action not to have been initiated. I do know that we have provided notice to the attorney representing the estate, Bill Blonigan. He signed for that notice. Also, Monica Wondrich, who is the family member. We did have attending Legislative Hearing a friend of the son, who's also named Joseph like the father. There are several siblings as well. He was curious about acquiring the property to do a rehab, and was hesitant to share his name or to testify at that time. He attended a couple of hearings. That's the only person I'm aware of. I don't know if that is who Towd Mortgage is talking to. I do know that under Chapter 33 of the Legislative Code that the property cannot transfer until the nuisance condition is abated, and so they might be able to enter into a contract, with the City Council's approval, where the title of the property would not transfer until the nuisance is abated. The mortgage company could hire someone to do that work and they would get the title after work is completed. The Council has reviewed and approved those kinds of things in the past. I am completely unaware of any communication with the City Attorney's Office. It has not been brought to my attention. It is not in the Legislative Hearing record that's in front of you today. If there is that additional information, I am not aware of it so I can't really comment on that. I haven't heard of this particular attorney.

Brendmoen: Neither have we. I did talk to Mr. Balenger. As we've said before it does sound like this has been dragging on. There's a lot of ambiguity and confusion, some strange information, and weird entrances into the property. I will make the recommendation to approve the recommendation of the Legislative Hearing Officer. This doesn't mean it's over, but it means something really intense needs to happen in the next 15 days in order to keep this structure up. I would make that recommendation because it seems like this particular property needs urgency

Adopted as amended (remove within 15 days)

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

Nay: 0

Absent: 1 - Councilmember Balenger

66 [RLH AR 23-64](#)

Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during January 20 to February 17, 2023. (File No. J2310E, Assessment No. 238315)

1549 Dale St N removed and referred back to Legislative Hearings on September 19. Remainder of assessments adopted.

*Also in attendance:
Ryan Quincy, 1549 Dale St N*

Emily Kurtz, 1549 Dale St N

Marcia Moermond, Legislative Hearing Officer: This is an assessment roll. It contains a wide variety of addresses. Some addresses have been pulled out for separate consideration. In this case, it was not appealed. Mai Vang, who coordinates Legislative Hearings, let me know today that she heard there was interest in appealing the assessment for 1549 Dale St N. The recommendation in front of you is to pull that one off this roll for separate consideration in Legislative Hearings on September 19, and then have it brought back before you on October 4. That is the address these two people are here to speak to. I don't have a staff report on the details. I will develop that if you refer it back for a hearing. The Council can act on it now or refer it back.

Council President Brendmoen: I saw you two walk in later. We usually have the assessment roll person sit out front at the beginning part of the meeting. You are both welcome to testify today, but it is going to go back to the Hearing Officer to collect more information, so you will get an opportunity to testify there. We are operating here with no documentation from staff.

Moermond: These people have been waiting a long time. I want to add that we conduct these assessment hearings by phone, so it wouldn't be necessary to come in and wait. The wait today would not happen for Legislative Hearing.

Ryan Quincy: Sorry for coming earlier than we needed to. All of this was based on the notice of a failure to clear a pathway after a January storm at the start of the year. The City took a long time to get things done. Our side roads took a long time to become navigable. It seems like inspections just tried to fine us and take advantage of the collective hardship of the City. It feels like the guidelines are stricter than they need to be and not very transparent. We got the notice, cleared our sidewalk, and got nothing for a month and a half thinking it was fine. We then got this excessive use charge, which made no sense. Going out and fining people for not having walkways clear after a record-setting storm is distasteful and we did not appreciate that.

Brendmoen: We don't go out looking for that. They are reported by community members. It is a reactive system. People in wheelchairs appreciate the ability to get through. We do realize last winter was a struggle. The Legislative Hearing process will give you an opportunity to look at pictures and see if there was a mistake. Sometimes we can make a recommendation to reduce a charge, but that would happen there via call-in.

Quincy: Are the properties on the roll ones that have filed a complaint or ones that received that assessment? We have a neighbor who got the same citation we did that I don't see here.

Brendmoen: I can't answer that. That's what the Legislative Hearing is for.

Emily Kurtz: Can I also speak?

Brendmoen: Is this on the same topic?

Kurtz: Yes.

Brendmoen: Okay.

Kurtz: I just have a picture...

Brendmoen: This really isn't appropriate. The Legislative Hearing is where you can look at pictures and the ones that the Parks Department has put together, and they can be compared there. Looking at them now is out-of-context.

Kurtz: I understand that. This hasn't been very transparent and is pretty confusing, as this isn't my full-time job. I just wanted to raise the context here. There were sidewalks that the City did not plow. If the concern is safety, I don't know how a wheelchair is supposed to get past one property to our cleared out property. I would support the City taking care of this and raising my taxes. I'm more interested in systemic change than in getting our thing pulled back, which is why we came here and didn't do the Legislative Hearing. We didn't understand which places were appropriate for everything, and we learned that.

Brendmoen: I'm going to cut you off though. I think I am your councilmember.

Kurtz: You are.

Brendmoen: I'm happy to work with you and talk with you about changes to the overall program.

Kurtz: I called your staffer before and have emails. I'm glad I came here and got more attention.

Moermond: My recommendation is still to send this address back to Legislative Hearing to develop a complete record, and adopt the rest.

Brendmoen: I will move that recommendation.

**Adopted as amended (1549 Dale St N referred to September 19, 2023
Legislative hearing, with City Council public hearing to be scheduled for
October 4, 2023)**

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

Nay: 0

Absent: 2 - Councilmember Yang and 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 Jalali moved approval.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 2 - Councilmember Yang and Councilmember Balenger

- 32 [RLH RR 22-48](#) Ordering the rehabilitation or razing and removal of the structures at 523 BEAUMONT STREET within fifteen (15) days after the September 21, 2022, City Council Public Hearing. (Amend to grant 180 days)

Adopted as amended (granted 180 days)

- 38 [RLH TA 23-300](#) Ratifying the Appealed Special Tax Assessment for property at 967 BURNS AVENUE. (File No. CRT2309, Assessment No. 238208)

Adopted

- 39 [RLH RR 23-22](#) Ordering the rehabilitation or razing and removal of the structures at 326 CHARLES AVENUE within fifteen (15) days after the August 16, 2023, City Council Public Hearing. (Continue Public Hearing to September 13, 2023)

Adopted as amended (remove only)

- 40 [RLH RR 23-42](#) First Making finding on the appealed substantial abatement ordered for 1501 CLARENCE STREET in Council File RLH RR 22-57.

Adopted as amended (nuisance abated)

- 41 [RLH TA 23-279](#) Deleting the Appealed Special Tax Assessment for property at 698 DESOTO STREET. (File No. VB2310 Assessment No. 238113)

Adopted

- 42 [RLH TA 23-311](#) Ratifying the Appealed Special Tax Assessment for property at 1762 ENGLEWOOD AVENUE. (File No. VB2310, Assessment No. 238813)

Adopted

- 44 [RLH VO 23-32](#) Appeal of Carolyn Brown, Community Stabilization Project, and Shai Leibovich to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 852 JACKSON STREET.

Adopted

- 45 [RLH TA 23-292](#) Ratifying the Appealed Special Tax Assessment for property at 863 JUNO AVENUE. (File No. J2310E, Assessment No. 238315)

Adopted

- 46 [RLH TA 23-291](#) Deleting the Appealed Special Tax Assessment for property at 340 LAWSON AVENUE EAST. (File No. J2310E, Assessment No. 238315)

Adopted

- 47 [RLH TA 23-278](#) Deleting the Appealed Special Tax Assessment for property at 2255 MARGARET STREET. (File No. J2310E, Assessment No. 238315)

Adopted

- 48 [RLH TA 23-277](#) Ratifying the Appealed Special Tax Assessment for property at 817 MARSHALL AVENUE. (File No. J2310E, Assessment No. 238315)

Adopted

- 49 [RLH CO 23-11](#) Appeal of Gary Blair to a Correction Notice at 1121 MINNEHAHA AVENUE EAST.

Adopted

- 50 [RLH TA 23-284](#) Deleting the Appealed Special Tax Assessment for property at 1171 MINNEHAHA AVENUE EAST. (File No. J2310E, Assessment No. 238315)

Adopted

- 51 [RLH TA 23-275](#) Ratifying the Appealed Special Tax Assessment for property at 1348 MINNEHAHA AVENUE EAST. (File No. J2310E, Assessment No. 238315)
(Public hearing continued to October 4, 2023)

Public hearing continued to October 4, 2023

- 52 [RLH TA 23-285](#) Deleting the Appealed Special Tax Assessment for property at 1694 MINNEHAHA AVENUE EAST. (File No. J2310E, Assessment No. 238315)

Adopted

- 53 [RLH RR 23-43](#) Fourth Making finding on the appealed substantial abatement ordered for 595 PARK STREET in Council File RLH RR 23-12.

\$2,000 of \$10,000 performance deposit forfeited and public hearing continued to September 20, 2023

- 54 [RLH SAO 23-34](#) Appeal of David Wilson to a Tall Grass and/or Weeds Abatement Order at 820 RANDOLPH AVENUE.

Adopted

- 55 [RLH RR 23-33](#) Ordering the rehabilitation or razing and removal of the structures at 1356 REANEY AVENUE within fifteen (15) days after the August 16, 2023, City Council Public Hearing.

Adopted as amended (granted 180 days)

- 56 [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.

Adopted as amended (granted 180 days)

- 57 [RLH TA 23-293](#) Ratifying the Appealed Special Tax Assessment for property at 1062 SEVENTH STREET WEST. (File No. J2310E, Assessment No. 238315)
Adopted
- 58 [RLH RR 23-46](#) First Making finding on the appealed substantial abatement ordered for 342 THOMAS AVENUE in Council File RLH RR 22-54. (To refer back to September 26, 2023 Legislative Hearing)
Referred to September 26, 2023 Legislative Hearing
- 59 [RLH TA 23-294](#) Deleting the Appealed Special Tax Assessment for property at 344 UNIVERSITY AVENUE WEST. (File No. J2310E, Assessment No. 238315)
Adopted
- 60 [RLH TA 23-289](#) Ratifying the Appealed Special Tax Assessment for property at 865 UNIVERSITY AVENUE WEST. (File No. J2310E, Assessment No. 238315)
Adopted
- 61 [RLH TA 23-276](#) Ratifying the Appealed Special Tax Assessment for property at 2417 UNIVERSITY AVENUE WEST. (File No. J2310E, Assessment No. 238315)
Adopted
- 62 [RLH RR 23-44](#) Ordering the rehabilitation or razing and removal of the structures at 1213 WOODBRIDGE STREET within fifteen (15) days after the September 13, 2023, City Council Public Hearing. (Conditional referral to Legislative Hearing October 24, 2023)

Referred to October 24, 2023 Legislative Hearing
- 63 [RLH AR 23-61](#) Ratifying the assessments for Collection of Vacant Building Registration fees billed during November 16 to February 22, 2023. (File No. VB2310, Assessment No. 238813)
Adopted
- 64 [RLH AR 23-62](#) Ratifying the assessments for Securing and/or Emergency Boarding services during March 2023. (File No. J2310B, Assessment No. 238110)
Adopted
- 65 [RLH AR 23-63](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during January 23 to March 3, 2023. (File No. CRT2309, Assessment No. 238208)
Adopted
- 67 [RLH AR 23-65](#) Ratifying the assessments for Graffiti Removal services during January 27 to March 28, 2023. (File No. J2306P, Assessment No. 238405)
Adopted

- 68 [RLH AR 23-66](#) Ratifying the assessments for Removal of Dangerous and/or Diseased Tree(s) services during March 2023. (File No. 2307T, Assessment No. 239006)
Adopted
- 69 [RLH AR 23-67](#) Ratifying the assessments for Removal of Diseased and/or Dangerous Tree(s) services during March to April 2023. (File No. 2308T, Assessment No. 239007)
Adopted

ADJOURNMENT

Meeting ended at 6:04 PM

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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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