



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 20, 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 Russel Balenger

Absent 1 - Councilmember Nelsie Yang

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 23-52](#) Letter from the Department of Safety and Inspections declaring 975 Reaney Avenue a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
- 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 12 and 16 would be taken separately, with Item 12 being taken after Item 29.

Councilmember Balenger moved approval.

Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Yang

- 2 [RES 23-1249](#) Approving the City's cost of providing Property Clean Up services during July 5 to 13, 2023, and setting date of Legislative Hearing for October 17, 2023 and City Council public hearing for January 17, 2024 to consider and levy the assessments against individual properties. (File No. J2404A, Assessment No. 248503)
- Adopted**
- 3 [RES 23-1250](#) Approving the City's cost of providing Property Clean Up services during July 14 to 25, 2023, and setting date of Legislative Hearing for October 17, 2023 and City Council public hearing for January 17, 2024 to consider and levy the assessments against individual properties. (File No. J2405A, Assessment No. 248504)
- Adopted**
- 4 [RES 23-1298](#) Approving the polling location changes for the November 7, 2023 general election.
- Adopted**
- 5 [RES 23-1344](#) Accepting a 2024 Crime Victim Services 12-Month Grant from the Minnesota Department of Public Safety, Office of Justice Programs (OJP), in the amount of \$139,767 for the City Attorney's Office to provide crime victim services during the 12-month period of October 1, 2023, to September 30, 2024, and amending the 2023 spending and financing budget for the City Attorney's Office.
- Adopted**
- 6 [RES 23-1395](#) Approving adverse action against the Tow Truck/Wrecker (Operator) and Tow Truck/Wrecker (Vehicle) license applications submitted by ARRC Enterprise, LLC d/b/a Stress Less Towing Powered by ARRC (License ID# 20230000508) for the premises located at 118 Acker Street East.
- Adopted**
- 7 [RES 23-1406](#) Approving an Auto Repair Garage and a Second Hand Dealer - Motor Vehicle Parts license for Carflip Repair, LLC d/b/a Carflip Repair, LLC (License ID 20220001135) for the premises located at 1221 Pierce Butler Route.
- Adopted**
- 8 [RES 23-1422](#) Naming Highland Way as a private street.
- Adopted**
- 9 [RES 23-1425](#) Approving the final plat for The Heights.
- Adopted**
- 10 [RES 23-1431](#) Authorizing the City to enter into a Joint Powers Agreement, on behalf of the Police Department, with the Metropolitan Council, on behalf of its Metropolitan

Transit Police Department for mutual aid and emergency services.

Adopted

- 11 [RES 23-1433](#) Approving the Second Hand Dealer-Motor Vehicle license for Jimmy's Auto Sales, LLC d/b/a Jimmy's Auto Sales, LLC (License ID 20230000910) for the premises located at 1414 Arcade Street.

Adopted

- 13 [RES 23-1443](#) Approving Ordinance Permit 20220010211 for Sidewalk and Bike Trail Infrastructure Installed by Ryan Companies, Inc.

Adopted

- 14 [RES 23-1444](#) Approving the 2024 City Council meeting schedule.

Adopted

- 15 [RES 23-1445](#) Authorizing the Police Department to submit an application for funds under a request for proposals for the 2024-25 Youth Intervention Programs grants, issued by the Minnesota Department of Public Safety (DPS).

Adopted

- 17 [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.

Adopted

FOR DISCUSSION

- 16 [RES 23-1450](#) Recognizing the City of Laasanod, Sool for their formation of a transitional state in Somalia.

Councilmember Prince moved Version 2. Approved 6-0.

Prince read from the resolution and moved approval.

Adopted as amended

Yea: 4 - Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Balenger

Nay: 0

Absent: 1 - Councilmember Yang

Abstain: 2 - Councilmember Brendmoen and Councilmember Tolbert

- 18 [RES 23-1451](#) Recognizing the career of Julie Kraus with the City of Saint Paul and congratulating her on retirement.

Council President Brendmoen gave remarks and read from the resolution.

Therese Skarda, Assistant City Attorney, gave remarks.

Julie Kraus gave remarks.

Brendmoen moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 19** [RES 23-1426](#) Extending the current garbage collection contract for 1-4 unit dwellings through March 31, 2025.

Sean Kershaw, Director of Public Works, gave a staff report, and answered councilmember questions alongside Susan Young, Manager of Resident and Employee Services, and Sarah Haas, Manager of Solid Waste Services.

Councilmember Jalali moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 20** [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)

Councilmember Noecker moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 21** [RES PH 23-142](#) Approving the petition of Brian Ingram on behalf of Hope Fire House, LLC to vacate a portion of Leech Street from Grand Avenue to West Seventh Street. (Public hearing closed, laid over from August 23, 2023)

Withdrawn

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

Councilmember Jalali moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 23** [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 approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 24** [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 Jalali moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

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

- 25 Amending Title XXIII Public Health Safety and Welfare of the Legislative Code to add Chapter 222, titled Smoking in City Parks and Certain Building Entrances Prohibited.**

Council President Brendmoen moved Version 3.

Amended and laid over to September 27, 2023 for Final Adoption

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

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

- 26 Granting the application of York Avenue Land Development LLC to rezone property at 1500 and 1510 York Ave 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.**

Councilmember Noecker moved to lay over for one week.

Laid over to September 27, 2023 for Final Adoption

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

Nay: 0

Absent: 2 - Councilmember Prince and Councilmember Yang

PUBLIC HEARINGS

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

- 27 [RES PH 23-227](#) Approving the Preliminary Plat for United Village Development.**

Council President Brendmoen recused herself from Items 27 - 29 and Item 12.

Melanie McMahaon from the Mayor's Office gave a combined staff report on Items 27 - 29 and Item 12.

Amanda Duerr from the St. Paul Area Chamber of Commerce spoke during the public hearing.

Chad Kulas from the Midway Chamber of Commerce spoke during the public hearing.

Justin Lewandowski from the Hamline Midway Coalition spoke during the public hearing.

Caroline Wolf from the TEGRA Group spoke during the public hearing.

Councilmember Jalali asked questions of the development team.

Wolf answered Jalali's questions alongside Mike Hahm, Project Advisor, and Nicolle Goodman, Director of Planning and Economic Development.

Councilmember Prince expressed concerns.

Councilmember Balenger expressed support.

Councilmember Jalali expressed interest in amending Items 28 and 29.

Tolbert expressed support.

Noecker expressed support.

Balenger moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

Abstain: 1 - Councilmember Brendmoen

- 28** [RES PH 23-229](#) Granting the extension of an existing interim use permit issued to MUSC Holdings, LLC for temporary surface parking lots on property at 400 Snelling Avenue North.

Councilmember Jalali offered an amendment.

Mike Hahm, representing the development team, agreed to Jalali's proposed amendment.

Councilmember Balenger moved approval as amended.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Yang

Abstain: 1 - Councilmember Brendmoen

- 29** [RES PH 23-232](#) Granting an interim use permit to Snelling-Midway Redevelopment, LLC for a temporary surface parking lot at 1566 University Avenue West (temporary address - northeast corner at Snelling and Shields Avenues).
- Councilmember Jalali gave remarks and offered an amendment.*
- Councilmember Balenger moved approval as amended.*
- Adopted as amended**
- Yea:** 5 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Yang
- Abstain:** 1 - Councilmember Brendmoen
-
- 12** [RES 23-1442](#) Amending RES PH 16-239 which enacted the Snelling-Midway Redevelopment Site Master Plan and Design Guidelines by adding new language and deleting old language to Condition No. 5 pertaining to parking.
- Councilmember Balenger moved approval.*
- Adopted**
- Yea:** 5 - Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Yang
- Abstain:** 1 - Councilmember Brendmoen
-
- 30** [RES PH 23-254](#) Amending the financing and spending plans in the 2019 Capital Improvement Budget to authorize Green Energy Loan Program energy improvements at the George Latimer Central Library and make other changes to the program budget.
- Councilmember Noecker moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Yang
-
- 31** [RES PH 23-256](#) Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$5,000 for funds contributed from the St. Anthony Park Community Council for the Westgate Commons Park project.
- Councilmember Jalali moved approval.*

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 32** [RES PH 23-262](#) Approving the request of Energy Park Utility Company to amend rates.

Councilmember Jalali moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 33** [RES PH 23-271](#) Amending the City's Capital Improvement Budget to reflect the final sale details resulting from the issuance of the G.O. Capital Improvement Bonds, Series 2023D, moving forward 2023 project revenue budgets to 2024, and recognizing capital improvement bond revenue made available by financing North End Community Center and Fire Station 7 with sales tax bonds (per 2023 adopted plan).

Councilmember Balenger moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 34** [RES PH 23-272](#) Amending the financing and spending plans in the Department of Public Works Capital Budget for the Capital City Bikeway Phase 1 Project.

Councilmember Noecker moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 35** [RES PH 23-273](#) Amending the financing and spending plans in the Department of Public Works Capital Budget for the Kellogg/Third Street Bridge Project.
- Councilmember Noecker moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Yang
-
- 36** [RES PH 23-275](#) Approving the petition of Sonia Carroll, on behalf of Open Arms Assembly of God, to vacate the alley rights in Block 16 and Block 19, Gurney Highland Park. (Public hearing continued from September 20, 2023)
- Council President Brendmoen moved to continue the public hearing for one week.*
- Public hearing continued to September 27, 2023**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Yang
-
- 37** [RES PH 23-278](#) Approving the application of Stone Saloon, SBC dba Waldmann for a sound level variance in order to present live amplified sound on September 22-24, and September 29 - October 1, 2023 at 445 Smith Avenue North.
- Councilmember Noecker spoke in support and moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali and Councilmember Balenger
- Nay:** 0
- Absent:** 1 - Councilmember Yang
-
- 38** [RES PH 23-279](#) Approving the application of Down Syndrome Association of MN for a sound level variance in order to present amplified sound on September 24, 2023 at Como Park Picnic Pavilion - 1199 Midway Parkway.
- Council President Brendmoen moved approval.*
- Adopted**

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

Nay: 0

Absent: 1 - Councilmember Yang

- 39** [RES PH 23-290](#) Accepting grant funds, authorizing execution of two grant agreements with indemnity obligations, and amending the operating budget for the City's sponsorship of a Department of Employment and Economic Development (DEED) Contamination Cleanup Grant, and a Metropolitan Council Livable Communities Act Contamination Cleanup Grant for Prior Works Creative Enterprise Zone, 755 Prior Avenue North (District 11, Ward 4).

Councilmember Jalali moved approval.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

LEGISLATIVE HEARING DISCUSSION ITEMS

- 40** [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)

Granted 90 days to complete rehabilitation.

Councilmember Noecker: I appreciate my colleagues being willing to give this item a little bit of extra time. We have an amended resolution in front of us that, I think, responds to some of the concerns we heard in testimony. I'll let the Legislative Hearing Officer speak to that.

Marcia Moermond, Legislative Hearing Officer: I want to first update the record and note that there was an additional meeting and notes are in the record about that. It was held with neighbors. There's a summary e-mail from me on it. The meeting with neighbors took place this Monday and there were basically three main areas of conversation. The first subject of conversation was about things that could be addressed by updating the code compliance inspection report. Two items in particular stood out to the neighbors. One was the trees along the driveway have volume and significantly and mesh themselves into the power lines. It's going to be added to the inspection report that the trees have to be trimmed well below the power lines. Second is that a fence has been broken at the back of the property, top to bottom. There's a photo in the record of that. It is evident that the breakage occurred as a result of action from the property that abuts it to the rear. It was not related to this property. Someone came in and pushed it with a bunch of items. That brings us to the second area of conversation: How do we make sure that this kind of thing doesn't happen again in the future? There was outreach to the officer who helped work through the

Bidwell property nuisance conditions that have existed over the years. He will be looking at the property on King Street, as well as the fire certificate of occupancy program, just to make sure that things are operating okay there. They have had three appointment letters for inspections over the summer. Those inspections have all been rescheduled at the request of the owner. There were a couple of requests that the neighbors had that weren't related to things that would show up in an inspection report. They had to do with the appearance of the property as it relates to the street, the front in particular. The problem that the neighbors are bringing up is that the garage is a solid front. They want to see if there can be something done when the new garage and service doors are installed to open it up and make it appear more inviting. There's a privacy fence on the right side, and the whole thing creates a fortress-like appearance as it relates to the street, and does lend to the feeling of a lack of safety for someone to be entering into that property. I had a lengthy discussion with the mortgage company representative about this and she will be looking into it. I would note that this property will be transferring to the Department of Housing and Urban Development (HUD) upon completion of the rehab. There can be follow up with HUD about addressing these items if they're not addressed by the mortgage company. I wanted you to have that officially updated on the record so that we didn't have any issues with ex parte communication. You have it written in your record and now you have it out loud.

Noecker: Thank you for working on this. I also want to point out that the new resolution grants 90 days as opposed to 180 days for the work to be done. This is to show impatience with getting this done. It sounds like it is a reasonable amount of time to do the work, and I just want to put on the record that I will not be patient with this work continuing beyond 90 days. There's a hard deadline here for this work to be done. I move approval.

Council President Brendmoen: I support that motion.

Councilmember Prince: I'd just like to say that the testimony from neighbors last week was extremely painful. I'm glad it's 90 days, and I'm especially glad that you'll keep focused on it, because we've seen 90 days evaporate.

Adopted as amended (granted 90 days)

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

Nay: 0

Absent: 1 - Councilmember Yang

41 [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)

Assessment ratified.

Marcia Moermond, Legislative Hearing Officer: You can simply adopt the resolution. The appellant has decided to pay the assessment.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

- 47** [RLH RR 23-31](#) Ordering the rehabilitation or razing and removal of the structures at 455 ROBERT STREET SOUTH within fifteen (15) days after the August 2, 2023, City Council Public Hearing. (Public hearing continued to September 27, 2023)

Public hearing continued for one week.

Marcia Moermond, Legislative Hearing Officer: On screen is an image of the Burger King that is for 455 S Roberts St. That's the time that it entered the registered vacant building program. It did constitute a significant nuisance problem for the neighborhood, which is how we end up talking about the property here. There were many behavioral concerns. Since that photo was taken, the property has been fenced. In the 5 year record of police calls you will see they have dropped off significantly. There haven't been any significant code violations with respect to cleaning up the parking lot. There is of course concern that the problems would re-present. I would note that this is a long term problem property. The Burger King has been closed. We have the nuisance conditions. The inspection and performance deposit have both been taken care of. We know that they are actively marketing the site. There is marketing material in your package that you have in front of you. We are looking for action either for the purchaser to rehab the building and put a new use into it, or for the building to be demolished and have a new use put into the site. The hope is that the owner representative will come forward next week and be able to talk directly with the Council about that. I am asking for a one-week layover with a continuation of the public hearing. From there we could have plans developed one way or the other that would be reviewed in Legislative Hearing, and have it come right back to Council in the beginning of December.

Councilmember Noecker: I move a one-week layover so the applicant can be here.

Public hearing continued to September 27, 2023

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

Nay: 0

Absent: 1 - Councilmember Yang

- 48** [RLH VBR 23-54](#) Appeal of Randall Radunz to a Vacant Building Registration Notice, Revised Notice of Condemnation as Unfit for Human Habitation & Order to Vacate, plus Vehicle Abatement Order at 34 SYCAMORE STREET EAST.

Appeal denied with extension granted to September 15, 2023 to comply with vehicle abatement. Vehicle abatement will be followed up on in Legislative Hearing on Tuesday, September 26, 2023.

Also in attendance: Randall Radunz, appellant

Marcia Moermond, Legislative Hearing Officer: As indicated, there are three items that

are being appealed. I will give you the easiest one first. That is the vehicle abatement order in front of you. That is for the removal of four vehicles. Those vehicles are considered to be critical in order to clear other vehicles off the site. You have a picture up on screen right now showing how closely packed the vehicles are. This site, which is approximately 120 feet by 110 feet wide, is residentially zoned. It has a duplex on it and some 60-65 cars as of 2022, and there does not appear to be any significant change. There was a correction originally issued on March 23. The owner indicated that he can have those four vehicles removed by last Friday and I anticipate that has been done and that there will be future vehicle abatement orders if the site is not cleared in pretty short order. The second item is the order to vacate and condemn as unfit for human habitation. That is the duplex that we're talking about. Originally, this came to the Department of Safety and Inspections' (DSI) attention based on a referral, where you have Fire or Emergency Medical Services (EMS) responding to the property for something, and conditions are bad enough that they merit the assistant to the chief sending a form to DSI to indicate conditions. Conditions were described as hoarded and unsafe conditions within the house and an excessive number of vehicles that impeded access to the House. That is what triggered the original correction notice on the vehicles as well as an appointment letter to gain access to inspect the interior of the property. The interior was inspected in August, though in the interim, the property was condemned in July because the electricity was cut for nonpayment. This is kind of an unusual circumstance. DSI was concerned about the electric service within the House. To make sure it was safe, they sent an appointment letter, and then a second appointment letter, to gain access in mid-August. Ultimately, they did gain access. On August 24th, they encountered a property that on the first level is gutted down to the studs and has exposed electrical and other significant problems. There were no permits pulled for the work that was done. There was a building permit pulled by the previous owner back in 2016, but that was for a little bit of roofing and a garage door replacement rounding out at about \$2,000. That is not at all what we're looking at here in terms of the interior. I did have a chance to look up another public record that relates to this property, when the current owner purchased it in 2016. A truth and sale of housing report was done on this duplex. Eight hazard items were denoted in this report, with seven of them dealing with electricity within the structure. Other items in the vacate order have to do with supporting walls having been removed from the within the property. You can see an opening in the front entrance that when you look down you can see the basement. The basement is where the furnace, water heater, other kinds of things are that need to have a proper fire separation from sleeping areas in particular. That just doesn't exist here. That is one level of the duplex. The owner does want to continue living in the second level of his duplex for at least another 60 days, believing that part of the building would be safe while the other parts are unsafe. He does, I would say, regret having allowed access to the first level and basement, although he did deny access to the second level. I understand why DSI wrote these orders. Almost everything that you would call out as unfit for human habitation is listed out in this set of orders with an immediate vacate. I did need to put an interim recommendation on the record prior to this getting in front of Council so that there was a decision to act on. My decision for the narrow time period before it came here was to not allow occupancy of the structure. The Council can, of course, change that. The third item in this appeal is the vacant building registration notice resulting from the condemnation order to vacate. The owner would like it not to be a category two registered vacant building and not to be in the vacant building program at all for that matter. Category 2 means you have to get a code compliance inspection. The four trades have to go through the building and they will note things that need to happen to bring it up to minimum safety standards. That is an automatic classification, if you were condemned as unfit for human habitation. I see no reason to deviate from the legislative code in this matter. I would recommend the Council deny the appeal of the

vacant building registration.

Randal Radunz: I do know that there's a large amount of vehicles there. I have a new location to move everything. I have went through the last 6 to 8 months with a very serious medical condition. On June 26 of this year, I had my foot amputated because of that condition. The reason that the amount of vehicles increased there is because I had lost a sub-block that we had kept vehicles at. We had three days to put them someplace. They got put there. I became very ill. We were working on removing vehicles from there, finding a new location, which we did while I was in the hospital. There is a man who stays in the house with me. The power got shut off because I did not pay the bill on time. I talked with the inspector. The power was turned back on. I checked the records. It said that the house was compliant. To me that means that the condemnation order was lifted. It only goes to Category 1 when the power shut off. 30 days later I get a letter in the mail that he wants to inspect the property. I responded by saying that I'm an owner occupied duplex and I am not subject to the certificate of occupancy inspection that I assumed that he wanted. Getting back to the vehicle abatement, we had removed 10 to 15 cars. In the last week we removed five more. I got a knock on the back door the day the inspectors came. I opened up the window on the 2nd floor and I said, "Can I help you?" They said, "Randy come down here and open your back door." I said, "I'm in a wheelchair right now, I am recuperating." He said, "Come down and open your back door." So, I very carefully bumped myself down the stairs, got in my wheelchair, and opened the door. They said they needed to come in and inspect the house. I said there was no reason to do that. We argued about it, and then they threatened that things will be tough on me if I didn't let them in. They were already in, standing in the doorway. There was no reason for those people to come knock on my back door and demand access. It's a violation of my 4th Amendment right, I believe. I do understand the laws. I've read the laws. Like I said, I bought a new property. This one is going to be cleaned out and renovated to bring it into compliance. The walls that have been taken out of there, that they said are load supporting, are structural land beams that have been put up in place. The contractor person I hired disappeared on me. He didn't pull permits. So, I'm stuck. I was sick. \$60,000 in renovation money is gone. The contractor deed holder was marketing the property for sale. What I'm asking is that the vacate order be lifted. I've got 60 days and it'll be cleaned out and gone and I continue living there. I am living there right now. I've lived there for 6-7 years. I've ran that business out of there. To do this to me now is just going to disrupt things.

Council President Brendmoen: You're over time. You've made your ask, I just want to make sure you're clear with what you're asking us for before we close the public hearing.

Councilmember Balenger moved to close the public hearing. Approved 6-0.

Balenger: I will move the recommendation of the Hearing Officer.

Councilmember Noecker: The deadline for this work in the text is September 15. Since it's now September 20, what are the implications of that?

Moermond: That date was arrived at based on the owner's statement that the vehicles would be gone by then.

Noecker: So denying the appeal on the vehicle abatement order and granting an extension to September 15th on September 20th means they need to be gone?

Moermond: Yes. We would have a follow-up legislative hearing next week to make sure that the nuisance condition had been abated. It would be making a finding. If it had not been abated at that time then you would authorize the vehicles to be removed from the property. The language is still is saying the deadline is in place and is going to have to come back to you again.

Noecker: You could change it to today's date.

Brendmoen: Yeah, but the working date has been September 15th and the car removal process has begun, according to the property owner. We're 15 cars down and 50 to go approximately. That will come back to Legislative Hearing next week for an update. With that in mind, are comfortable with Balenger's motion?

Noecker: Yes. Just wanted to make sure there was time for an update.

Councilmember Prince: The property owner has asked us for a 60 day extension of the vacate order. Can we give him any time on that?

Moermond: There are numerous issues the inspectors found. Plumbing issues, chimney issues, beams, walls. I cannot recommend more time. There's not a system in the house. Not plumbing, not heating, not walls, not electrical. I have nothing.

Prince: Thank you. I just wanted to acknowledge the request so I understand that this is really a hazardous situation.

Brendmoen: Typically with the unfit for human habitation and order to vacate, it's out of concern for safety. I appreciate the clarification, and the pictures are very telling.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Yang

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 Balenger

Nay: 0

Absent: 1 - Councilmember Yang

- 42 [RLH TA 23-25](#) Ratifying the Appealed Special Tax Assessment for property at 1520 ALBEMARLE STREET. (File No. J2310A, Assessment No. 238509) (Public hearing continued to September 20, 2023)
Adopted as amended (assessment ratified)
- 43 [RLH VBR 23-50](#) Appeal of Carolyn Brown, Community Stabilization Project, and Shai Leibovich to a Vacant Building Registration Notice at 1129 BEECH STREET.
Adopted
- 44 [RLH OA 23-4](#) Appeal of Ashley Marie Tieman to a Denial of a Fence Variance at 376 BEACON AVENUE.
Adopted
- 45 [RLH VBR 23-48](#) Appeal of My Lam, CTW Group Incorporated, to a Vacant Building Registration Requirement at 945 CONWAY STREET.
Adopted
- 46 [RLH RR 23-43](#) Fourth Making finding on the appealed substantial abatement ordered for 595 PARK STREET in Council File RLH RR 23-12. (Public hearing continued to September 20, 2023)
Public hearing continued to September 27, 2023
- 49 [RLH FCO 23-64](#) Appeal of Lorenzo Montiel to a Correction Notice-Complaint Inspection at 400 VAN BUREN AVENUE #2.
Adopted

ADJOURNMENT

Meeting ended at 5:32 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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