



City of Saint Paul

City Council Minutes - Final

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor
Katie Burger, Executive
Assistant, 651-266-8560

*Council President Russ Stark
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert*

Wednesday, November 9, 2016

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, City Council President Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 16-67** Update from the Departments of Safety and Inspections and Planning and Economic Development regarding Short Term Rentals in the City of Saint Paul.
Received and filed

CONSENT AGENDA

Note: 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 (Items 2 - 12)

Item 9 was withdrawn. Item 11 was removed from the Consent Agenda for separate consideration.

Councilmember Bostrom moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 2 **RES 16-1651** Authorizing the Department of Parks and Recreation to apply for \$168,000 in funding through the Conservation Partners Legacy grant program to enhance 210 acres of floodplain forest habitat at Crosby Farm Regional Park and, if successful, enter into an agreement providing indemnification for the MN Dept of Natural Resources.
Adopted
- 3 **RES 16-1904** Approving the petition from Jeff Otto to approve the installation and special assessment of a fire protection system for the property located at 391 Topping Street.
Adopted
- 4 **RES 16-1905** Approving the petition from John Rupp to approve the installation and special assessment of a fire protection system for the property located at 344 Summit Avenue.
Adopted
- 5 **RES 16-1933** Approving the issuance of up to \$10,650,000 of limited tax-supported refunding and new money bonds series 2016-5 and 2016-6.
Adopted
- 6 **RES 16-1934** Authorizing the Fire Department to enter a Joint Powers Agreement with the Minnesota Task Force One Urban Search and Rescue Team.
Adopted
- 7 **RES 16-1949** Accepting the Gift of Airfare and Lodging from the W.K Kellogg Foundation to Support Deputy Mayor Kristin Beckmann's Participation in the Truth, Racial Healing and Transformation Partnership Working Summit
Adopted
- 8 **RES 16-1957** Memorializing the Council's decision to grant the appeal by Keith Eklund from a decision of the BZA to grant variances to construct a single family home at 492 Bay Street.
Adopted
- 9 **RES 16-1958** Approving adverse action against the Second Hand Dealer - Motor Vehicle license held by Best Buy Auto Sales, LLC d/b/a Best Buy Auto Sales located at 1414 Arcade Street. (To be withdrawn)
Withdrawn
- 10 **RES 16-1966** Approving the Settlement Agreement and Release between the City of St. Paul and Huong Phan and his attorney Robin Sharpe Landy.
Adopted

- 12 **RES 16-1973** Accepting the offer of the Minnesota Public Facilities Authority to purchase a Water Revenue Note in an aggregate principal amount of \$7,564,417, providing for the issuance of the 2016 Note, and authorizing execution of a project loan agreement with the Minnesota Public Facilities Authority.

Adopted

FOR DISCUSSION

- 11 **RES 16-1970** Declaring November 10, 2016 to be City of Saint Paul's Accountant Day.

Council President Stark recognized City of St. Paul accounting staff on the eve of International Accounting Day, and acknowledged City of St. Paul accounting staff present. He noted that for forty consecutive years the City of St. Paul accounting staff had received a Certificate of Excellence in Financial Reporting from the Government Finance Officers Association, and that staff had undertaken extra work in implementing the new Enterprise Resource Planning system. He said staff had maintained a high standard of reporting during that process and helped the City get an unqualified opinion from the State Auditor in each of the last two years.

Joy Thao, Office of Financial Services, made brief comments.

Council President Stark moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 13 **RES 16-1972** Affirming the development by the CapitolRiver Council of a Downtown Street Team.

Councilmember Noecker expressed her excitement about the initiative, and introduced Capitol River Council Chair-Elect Chris Thomford who made brief comments.

Councilmember Noecker moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 14 **RES 16-1979** Supporting the Rondo Land Bridge.

Councilmember Thao spoke about the project, and introduced Lars Christianson and Marvin Anderson who described the project and its significance.

Councilmember Thao moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 15 **RES 16-1894** Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add a Gambling Location license to the existing Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area (Patio), and Entertainment (B) licenses, for RAS Ethiopian Bar & Restaurant LLC (I.D. #20100000062), d/b/a RAS Restaurant & Lounge at 2516 7th Street West.

Councilmember Tolbert moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.

Final Adoption

- 16 **Ord 16-43** Granting authority to the Port Authority of the City of Saint Paul to issue and sell general obligation bonds to which the Port Authority pledges the full faith and credit of the City under Minnesota Statutes, Section 469.060.

Councilmember Bostrom moved approval.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Second Reading

- 17 **Ord 16-44** Amending Chapter 33 of the Saint Paul Legislative Code pertaining to Fence Requirements.

Laid over to November 16 for third reading/public hearing

18 **Ord 16-45** Amending provisions of the zoning code pertaining to wall and roof signs, and clarifying where wall signs may be located on buildings.

Laid over to November 16 for third reading/public hearing

19 **Ord 16-49** Amending Chapter 102 of the Administrative Code to implement certain recommendations of the audit of the Police Civilian Internal Affairs Review Commission.

Councilmember Tolbert said he had a few amendments to was bringing forward and thought it was appropriate to bring them at that time so people would have a chance to digest them prior to the public hearing. He said there were three main changes: 1) removing the requirement that the two police officers on the commission be at the commander level; 2) changing oversight of the commission from the Department of Human Rights and Equal Economic Opportunity (HREEO) to the City Attorney's Office (CAO); requiring training prior to being on committee. He said he felt the three amendments would strengthen the ordinance and the legitimacy of the committee, and he urged his colleagues to support them.

Council President Stark asked whether the amended language about training was back to the original language. Deputy City Attorney clarified that the amendment specified that training take place prior to voting rather than prior to serving on the committee. Councilmember Brendmoen said someone could apply without having the training but would need to go through the training before voting. Councilmember Tolbert said that was correct. Councilmember Brendmoen said she wouldn't want the training to be a deterrent for applying, and she felt that was a good clarification.

Councilmember Thao said he would vote against all three amendments. He said after hearing from the NAACP and his community, and having two senior commanders on the review board was already a stretch, and the proposed amendment was a step backward. He said civilians were not present when police officers were going through their own dispute process, and it didn't make sense to have police officers on a civilian review board. He said he thought HREEO is the right place for the commission, and he liked the current language stating that you can be on the review board but not vote without training.

Council President Stark said he would also speak against the amendments, although he was open to the third one. He said he agreed with Councilmember Thao, and one of the strongest recommendations of the audit was to remove the officers as voting members entirely. He said requiring that the officers be commanders was a compromise that was a little bit of a stretch but one he could come around to. He said he was sure the CAO could do a good job but his concern was with the public perception that the relationship between CAO and police was closer and more direct and intertwined than a relationship between police and HREEO would be.

Councilmember Bostrom said he didn't feel they had to do anything, and found the whole thing troubling, however he felt this was a good start. He said any other professional board would at least have members of the profession on it. he said most of these situations involved something that happened in just an instant, and nobody knew how that happened better than a police officer. He said the ability to bring some of that insight to a committee was extremely important. He said commanders could be put in the position of making career-limiting decisions if they supported a position different from that supported by the administration. He said it would be just two officers and seven other people and they would be voted down every time if they were wrong, but they would at least be there to share their perspective. He said with regard to training, he felt applicants should be expected to make every effort to go through training before sitting on the board.

Council President Stark said he wholeheartedly agreed about having police

perspective at the table, but the parallel in terms of a professional review would be other people in the profession but not people who were immediate colleagues. He

said he also felt that having the perspective was not necessarily the same thing as having a vote on the group. He said the group makes a recommendation to the Chief who ultimately made the decision, so this was an internal decision that they were asking a largely civilian review board to weigh in on. He said to Councilmember Thao's point, the civilian part of that should be civilian, in terms of who votes.

Councilmember Bostrom said it was an insult to Chief of Police for police is singled out as not being able to take care of their own discipline. He said the CAO was better than HREEO but in his opinion it shouldn't be anywhere but in the office of the Chief of Police.

Councilmember Prince said she was going to support entering the amendments but wasn't prepared to discuss it. She said she was supportive of having police representatives on the commission based on her training as a attorney and mediator. She said she was willing to vote on entering the amendments but definitely wanted to hear more from the community before committing to a final decision.

Councilmember Brendmoen said she shared some of the concerns and was open to looking at any of the amendments. She said they hadn't heard from CAO as to whether they felt it was a good fit, although she felt it in some ways it elevated the complaint and it was possible it was a good place. She said the goal was to have this conversation in play before the public hearing, and she suggested that could take place without the amendments being added yet, and they could be added in pieces the following week. She said it sounded like there was some support for parts of it but not all of it.

Council President Stark reminded his colleagues that there would be a three week gap between the public hearing and possible final adoption so there would be time for further reflection and discussion.

Councilmember Noecker echoed Councilmember Prince and Councilmember Brendmoen that it was important to hear from the public before making these decisions. She said she wasn't sure how it would work to have the amendments and current language considered equally, and was a little worried about it being confusing to people. She said her preference would be to vote on it, knowing that there would be the public hearing and the opportunity to think more about it later on.

Councilmember Tolbert said part of the reason he had put it in at this time was so people could read ahead of next week if they wanted to testify on it. He said he didn't know how they would indicate on the agenda that there were both versions. He said if people had tweaks or amendments for each one of the issues, they could be brought in the following week.

There was no further discussion, and Council President Stark called for a roll call vote on the amendment.

After the vote Councilmember Brendmoen said it was challenging to consider an amendment with three distinct pieces, and while she recognized the efficiency, she felt it would be easier, as they moved into the public hearing, to look at it in parts.

Amended and laid over to November 16 for third reading/public hearing

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

Nay: 2 - Councilmember Thao and City Council President Stark

BUDGET AMENDMENT PUBLIC HEARINGS (held during the 3:30 portion of the meeting)

- 20 RES PH 16-294** Amending the City of Saint Paul's 2016 Capital Budget to provide for the acquisition of the portion of the Jimmy Lee Recreation Center not currently owned by the City of Saint Paul from the Housing and Redevelopment Authority of the City of Saint Paul.
- No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 21 RES PH 16-404** Amending the budget in the Fire Department to establish the spending and financing plans for the reimbursement from the City of Bloomington in the amount of \$10,095.68.
- No one was present to testify. Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 22 RES PH 16-407** Accepting a \$50,000 grant from the McKnight Foundation for a Pedestrian Safety Advocate Position within the Department of Public Works.
- No one was present to testify. Council President Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 23 RES PH 16-413** Authorizing the Department of Human Rights and Equal Economic Opportunity to shift the remaining spending authority for the Disparity Study from the General Fund to the CERT Program special fund account.
- No one was present to testify. Councilmember Prince moved to close the public hearing and approve the resolution.*
- Adopted**

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

SUSPENSION ITEM

Councilmember Brendmoen moved suspension of the rules.

Rules suspended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

RES 16-2041

Approving the use of grant funds through the Ward 5 Neighborhood Year-Round STAR Program to move the paisley bench stone sculpture.

Councilmember Brendmoen moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Council members shared information about events in their wards.

ADJOURNMENT

Councilmember Prince moved adjournment.

Meeting adjourned at 4:22 p.m.

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

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