



# City of Saint Paul

## City Council Meeting 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, December 7, 2016

3:30 PM

Council Chambers - 3rd Floor

### ROLL CALL

*The meeting was called to order by Council President Stark at 3:32 p.m.*

#### **Councilmember Thao excused**

**Present** 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen,  
Councilmember Chris Tolbert, City Council President Russ Stark,  
Councilmember Rebecca Noecker and Councilmember Jane L. Prince  
**Absent** 1 - Councilmember Dai Thao

### COMMUNICATIONS & RECEIVE/FILE

- 1    **CO 16-70**            Letters from the Department of Safety and Inspections declaring 1112  
Rose Avenue East and 865 York Avenue as nuisance properties. (For  
notification purposes only; public hearings will be scheduled at a later  
date if necessary.)  
**Received and filed**
  
- 2    **AO 16-92**            Amending the CDBG Activities budgets.  
  
**Received and filed**
  
- 3    **AO 16-93**            Amending the 2016 spending budget in the Public Works Engineering  
Fund.  
**Received and filed**
  
- 4    **AO 16-94**            Amending the 2016 spending budget for the Office of Financial  
Services.  
**Received and filed**

- 5      **AO 16-95**                      Approving Neighborhood STAR financial transactions authorized by City Council resolution.  
**Received and filed**
  
- 6      **AO 16-96**                      Amending the 2016 Public Works accounting units spending budgets in the General Fund.  
**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 7 - 29)**

*Item 20 was removed from the Consent Agenda to be laid over to December 21 for a public hearing.*

*Councilmember Brendmoen moved approval of the balance of the Consent Agenda.*

**Consent Agenda adopted as amended**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 7      **RES 16-2066**                      Approving the City's cost of providing Boarding and/or Securing services during August 2016, and setting date of Legislative Hearing for January 3, 2017 and City Council public hearing for February 15, 2017 to consider and levy the assessments against individual properties. (File No. J1703B, Assessment No. 178102)  
**Adopted**
  
- 8      **RES 16-2067**                      Approving the City's cost of providing Demolition services from July to September 2016, and setting date of Legislative Hearing for January 3, 2017 and City Council public hearing for February 15, 2017 to consider and levy the assessments against individual properties. (File No. J1701C, Assessment No. 172000)  
**Adopted**
  
- 9      **RES 16-2068**                      Approving the City's cost of providing Emergency Abatement services during August to September 2016, and setting date of Legislative Hearing for January 3, 2017 and City Council public hearing for February 15, 2017 to consider and levy the assessments against individual properties. (File No. J1704A, Assessment No. 178503)  
**Adopted**

- 10     **RES 16-2069**     Approving the City's cost of providing Property Clean Up services during September 30 to October 31, 2016, and setting date of Legislative Hearing for January 3, 2017 and City Council public hearing for February 15, 2017 to consider and levy the assessments against individual properties. (File No. J1705A, Assessment No. 178504)  
**Adopted**
- 11     **RES 16-2070**     Approving the City's cost of providing Trash Hauling services during October 5 to 28, 2016, and setting date of Legislative Hearing for January 3, 2017 and City Council public hearing for February 15, 2017 to consider and levy the assessments against individual properties. (File No. J1704G, Assessment No. 178703)  
**Adopted**
- 12     **RES 16-2089**     Authorizing the Fire Department to accept the donation of \$1,039.50 of laminating services from AMG Laminating for 18 Ramsey County fire box maps.  
**Adopted**
- 13     **RES 16-2095**     Approving funding for the Office of Human Resources to provide food and/or beverages for Emerging Leaders Academy, Supervisory Academy and other training offerings.  
**Adopted**
- 14     **RES 16-2048**     Establishing the rate of pay for the new classification of Police-Civilian Internal Affairs Review Commission (PCIARC) Coordinator in EG 06, PEA, Grade 013.  
**Adopted**
- 15     **RES 16-2120**     Authorizing a Professional Services Contract for Lobbying Activities with Messerli & Kramer.  
**Adopted**
- 16     **RES 16-2119**     Authorizing a Professional Services Contract for Lobbying Activities with Ward Einess Strategies, LLC.  
**Adopted**
- 17     **RES 16-2042**     Accepting a City Energy Project Grant from the Institute for Market Transformation and the Natural Resources Defense Council.  
**Adopted**

- 18     **RES 16-2118**     Approving a Special Law enacted by the Minnesota State Legislature during the 2016 regular session allowing the City to issue an On-Sale Liquor License for services at the Major League Soccer Stadium.  
**Adopted**
- 19     **RES 16-2076**     Authorizing the Department of Parks and Recreation to apply for a Federal Land Access Program (FLAP) grant in the amount of \$750,000 to provide additional funding for the Robert Piram Regional Trail project.  
**Adopted**
- 21     **RES 16-2080**     Supporting the adoption of the Red Rock Corridor Implementation Plan by the Red Rock Corridor Commission.  
**Adopted**
- 22     **RES 16-2093**     Authorizing the Police Department to enter into the Minnesota Internet Crimes Against Children Task Force Joint Powers Agreement.  
**Adopted**
- 23     **RES 16-2091**     Approving adverse action against the Cigarette/Tobacco license held by Tony's Amoco, Inc., d/b/a Tony's Amoco, Inc. at 374 Lexington Parkway North.  
**Adopted**
- 24     **RES 16-2090**     Approving adverse action against the Massage Center-B (Home Location) and Massage Practitioner licenses held by Laurie S. Reis, d/b/a Massage For A Lifetime 1429 Van Buren Avenue.  
**Adopted**
- 25     **RES 16-2087**     Sustaining adverse licensing action against the Cigarette/Tobacco license held by Maryam, Inc., d/b/a Mounds Park Market at 241 Earl Street.  
**Adopted**
- 26     **RES 16-2098**     Waiving the 45-day notice requirement in order to issue Liquor On Sale-291 or more Seats, Liquor On Sale-Sunday, Liquor On Sale-2AM Closing, Entertainment (B), and Gambling Location licenses with conditions to Can Can Wonderland SBC, d/b/a Can Can Wonderland (License ID #20160003357) at 755 Prior Avenue North.  
**Adopted**

27     **RES 16-2024**     Approving and authorizing execution of Site Lease Agreement between the Board of Water Commissioners and T-Mobile Central LLC to provide for continued wireless operations at the Board's McKnight Road Standpipe site located at 393 North McKnight Road in Saint Paul.

**Adopted**

28     **RES 16-2015**     Approving and authorizing execution of Site Lease Agreement between the Board of Water Commissioners and T-Mobile Central LLC to provide for continued wireless operations at the Board's Highland Water Tower No. 2 site located at 750 South Snelling Avenue in Saint Paul.

**Adopted**

29     **RES 16-2122**     Supporting the resettlement of Syrian refugees in Saint Paul and calling upon other Minnesota communities to support a stronger national effort to resettle the most vulnerable Syrian refugees.

**Adopted**

**FOR DISCUSSION**

20     **RES 16-2077**     Authorizing an increase in the Parks and Recreation Grant Fund Budget in the amount of \$50,000 to reflect grant funding received from the National League of Cities and Children & Nature Network. (Laid over from December 7 for a public hearing)

*Council President Stark moved to lay the matter over to December 21 for a public hearing.*

**Laid over to December 21 for a public hearing**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

30     **RES 16-2121**     Outlining the City of Saint Paul's 2017 Legislative Agenda.

*Councilmember Tolbert moved approval of the resolution. Council President Stark commented.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

## 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

- 31    **Ord 16-44**        Amending Chapter 33 of the Saint Paul Legislative Code pertaining to Fence Requirements.  
*Councilmember Brendmoen moved approval.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao

### Second Reading

- 32    **Ord 16-52**        Amending Chapter 357 of the Saint Paul Legislative Code to update language related to the handling and storage of solid waste and other waste streams.  
**Laid over to December 21 for third reading/public hearing**

### First Reading

- 33    **Ord 16-51**        Granting the application of Edward Conley to rezone property at 328-330 Ninth Street East from I1 Industrial to B5 Central Business-Service District, and amending Chapter 60 of the Legislative Code pertaining to the Saint Paul zoning map.  
**Laid over to December 14 for second reading**
- 34    **Ord 16-56**        Administrative Ordinance placing the classifications titled Victim Witness Assistant and Victim Witness Coordinator in the unclassified service pursuant to Section 12.03.02(H) of the City of Saint Paul Charter. (Must be approved by Civil Service Commission after adoption by City Council but prior to Mayor signature.)  
**Laid over to December 14 for second reading**
- 35    **Ord 16-48**        Amending Chapter 402 of the Legislative Code pertaining to raffle events.  
**Laid over to December 14 for second reading**

- 36    **Ord 16-53**            Amending Chapter 87 of the Saint Paul Legislative Code pertaining to the cut off of street service connections.  
**Laid over to December 14 for second reading**
- 37    **Ord 16-58**            Amending Chapter 34 of the Saint Paul Legislative Code pertaining to minimum property maintenance standards for structures and buildings.  
**Laid over to December 14 for second reading**
- 38    **Ord 16-59**            Amending Chapter 33 of the Saint Paul Legislative Code pertaining to Establishment of Permit Fees and Certificate of Compliance.  
**Laid over to December 14 for second reading**
- 39    **Ord 16-60**            Amending Chapter 34.24 of the Saint Paul Legislative Code pertaining to Excessive Consumption of City Services.  
**Laid over to December 14 for second reading**
- 40    **Ord 16-61**            Amending Chapter 40 of the Saint Paul Legislative Code pertaining to Fire Certificate of Occupancy as it relates to Fees.  
**Laid over to December 14 for second reading**
- 41    **Ord 16-62**            Amending Chapter 43 of the Saint Paul Legislative Code pertaining to Vacant Buildings as it relates to the Vacant Building Registration Fee.  
**Laid over to December 14 for second reading**
- 42    **Ord 16-63**            Amending Chapter 55 of the Saint Paul Legislative Code pertaining to the Fire Code - Permit Fees for Tents, Liquid Petroleum and Storage Tanks.  
**Laid over to December 14 for second reading**
- 43    **Ord 16-64**            Amending Chapter 199 of the Saint Paul Legislative Code pertaining to Animals - Rabies Control.  
**Laid over to December 14 for second reading**
- 44    **Ord 16-65**            Amending Chapter 200 of the Saint Paul Legislative Code pertaining to Animals - Impounding and Boarding Fees.  
**Laid over to December 14 for second reading**
- 45    **Ord 16-66**            Amending Chapter 310 of the Saint Paul Legislative Code pertaining to Uniform License Procedures as it relates to License Fee Schedule.  
**Laid over to December 14 for second reading**

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

- 46 RES PH 16-437** Amending the 2016 Central Service Fund - Real Estate Administration and Service Fees budget to provide additional spending and financing for professional land surveying services for the Kellogg Center plat.
- No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
- 47 RES PH 16-429** Amending the financing and spending plans in the Fire Department in the amount of \$86,200 for a contribution received from the Minnesota Board of Firefighter Training and Education to pay for training for firefighters.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
- 48 RES PH 16-430** Amending the financing and spending plans in the Fire Department to establish the spending and financing plans for the reimbursement from the City of Bloomington in the amount of \$64,514.46.
- No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao



- 49 RES PH 16-431** Authorizing the Parks and Recreation Department to increase its 2016 Como Special Fund Budget in the amount of \$160,000 to reflect the current portion of the payment received from Lancer Catering for omitted commission revenue, with the 2016 amount going toward a contribution to fund balance.
- No one appeared in opposition; Councilmember Prince moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
- 50 RES PH 16-433** Amending the HOME general ledger budget to reflect the actual 2016 grant award of \$1,482,826 and amending the HOME activities budgets to include the 2016 grant award.
- No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
- 51 RES PH 16-436** Authorizing the Police Department to accept a sub-grant in the amount of \$171,863 from Ramsey County for the 2017 Toward Zero Death grant.
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao

- 52     **RES PH 16-331**     Amending the financing and spending budgets in the Department of Public Works by transferring \$131,250 from the 2014 Pierce Butler Project into the 2011 Pierce Butler Project, transferring \$2,000,000 of MSA financing from the 2015 Pierce Butler Project into MSA Contingency, and identifying a lapse of appropriation of obsolete Federal Funding in the amount of \$7,000,000.
- No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
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- 53     **RES PH 16-330**     Amending the financing and spending budgets in the Department of Public Works by transferring \$191,390 of MSA financing from the Oakdale Lighting Project into MSA Contingency.
- No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
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- 54     **RES PH 16-432**     Amending the 2016 Grant fund, Recycling and Solid Waste fund, and the Internal Borrowing Fund to reflect the acceptance of outside grants for the purposes of purchasing of new recycling carts and outreach and education on the Saint Paul's recycling program, exploring alterate financing options and approving an internal loan and authorizing execution of a Record of Internal Loan for the Recycling Carts Project.
- Council President Stark moved an amendment to provide for some flexibility as to the funding source. He said there was a possibility to get some private financing. Yeas - 6 Nays - 0*
- No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.*
- Adopted as amended**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0

**Absent:** 1 - Councilmember Thao

- 55     **RES PH 16-326**     Amending the financing and spending plans in the Department of Public Works by adding \$133,193 of Saint Paul Sewer Utility funding into the 2010 RSVP Program and by transfer of appropriations in the amount of \$136,410 from close-out of projects.

*No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 56     **RES PH 16-415**     Amending the financing and spending budgets in the Department of Public Works by transferring \$1,608,000 of MSA financing from the White Bear Avenue East 7th Turn Lane project into MSA Contingency and identifying a lapse of appropriation of Ramsey County funding in the amount of \$155,000. (Public hearing held December 7)

*Chuck Repke (1321 White Bear Avenue), District 2 Community Council, spoke in opposition.*

*Councilmember Bostrom said the White Bear Bridge was an important gateway to the neighborhood, and he agreed with Mr. Repke's suggestion related to managing traffic from Hmong Village. He said this was a lot of money set aside for an Eastside project that was going south, and he didn't want to see the money be used to fill a hole in another project. He asked that Public Works take another look, and moved to lay the matter for two weeks to get a report back.*

*Councilmember Brendmoen and Council President Stark spoke in opposition to the motion and stressed the importance of sticking to the established process.*

*Councilmember Prince spoke in favor of the layover, and said funds for projects in other areas of the city were often taken from Eastside projects.*

*Councilmember Bostrom said he would accept a one-week layover to avoid*

**Public hearing held and closed; laid over to December 14**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

- 57     **RES PH 16-416**     Amending the financing and spending budgets in the Department of Public Works by transferring \$100,173 of MSA financing from the Saint Paul Road Arterial Traffic Flow Improvement Project (SPART) into MSA Contingency and identifying a lapse of appropriation of Federal and Trunk Highway funding of \$729,217.
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
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- 58     **RES PH 16-417**     Amending the financing and spending budgets in the Department of Public Works in the amount of \$243,462 by adding funding to the 2016 Signalized Intersection Program and the Warner Bridge Project, and adding funding and removing uncollected Assessment Revenue from the 2015 Sidewalk Program.
- No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao
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- 59     **RES PH 16-332**     Amending the financing and spending budgets in the Department of Public Works by transferring \$2,000,000 of SIB financing from the 2013 RSVP Program into SIB Contingency and \$100,000 into the 2014 Montana Greenbrier Project.
- No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Thao

**60 RES PH 16-327** Amending the financing and spending budgets in the Department of Public Works by adding \$19,043 of Ramsey County funding and \$1,842 of Saint Paul Sewer Utility funding into the Maryland Arkwright Intersection Improvement Project and transferring \$401,672 of MSA financing from the project into MSA Contingency.

*No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

**61 RES PH 16-333** Amending the financing and spending budgets in the Department of Public Works by transferring \$397,163 of CIB financing from the Wheelock Parkway Bridge Project into the Summit Avenue Bridge Project.

*No one appeared in opposition; Councilmember Brendmoen moved to close the public hearing and approve the resolution.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

**Absent:** 1 - Councilmember Thao

*Council members shared information about events in their wards.*

*The Council recessed at 4:13 p.m.*

**PUBLIC HEARINGS**

*The Council reconvened for public hearings at 5:31 p.m.*

*Council President Stark welcomed everyone and explained public hearing procedure.*

**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

**62 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 Thao introduced an amendment to the section on commission composition. He read the amendment. Council President Stark said the significant changes were taking police off of the board and keeping a nine-member all-civilian board.*

*Council President Stark said he would support the amendment. He said he had put forward the idea of having police be non-voting members to provide a voice, but after discussion and consideration he was comfortable as long as there was a means for providing that voice.*

*Councilmember Prince said she would also support the amendment, and she asked that people not see this as a victory or a defeat. She said she had felt from the beginning that the ordinance made the process more accountable to citizens, and she had really wrestled with the decision to get to where she was today. She said her vote for an all-citizen committee in no way reflected on her unshakeable confidence and love for the St. Paul Police Department. She said she wanted to do everything in her power to work for more understanding between community members and police, because the St. Paul Police department was very sensitive and engaged. She thanked those who had met with her and had convinced her that, based on the perception of a power imbalance in the City, there were a lot of equity issues to work on. She said it was unfortunate that this issue had caused people to draw a line in the sand, and people on both sides of the issue had been hurt. She reiterated her respect for the police department and asked that the commission look to the police for input.*

*Councilmember Noecker said she appreciated the engagement and the amendment. She said she had serious concerns about taking police off the commission. She said she worried that removing police from the commission would weaken the commission's power in making recommendations to the chief, and she felt having officers as peers of the civilians on the body was the fairest way to incorporate police input. She said those concerns paled in comparison with the outpouring of worry she'd heard from constituents and people across the city, and it had been impressed upon her that this decision was about restoring community trust. She said it had been said many times that the vast majority of police were outstanding and held each other to high standards, and she felt they would be best served by a process that had the community's trust.*

*Councilmember Tolbert thanked everyone for coming to testify. He said he'd read many emails from all sides of the issue and had thought a lot about it. He said diversity was important, including diversity of opinion, and officer opinions were important to include. He said two of a nine member commission was not police control but added legitimacy to the commission. He said he supported a large portion of the ordinance but didn't support this amendment.*

*Councilmember Bostrom thank everyone who'd come down, and people who have taken the time to write. He said he opposed amendment. He said the commission needed people who had experience out in the field, and it was outrageous to respect the police officers who laid their lives on the line every day and then say we didn't trust two to be on a board with seven other people. He said day in and day out police had to make split second decisions, and people who hadn't experienced that would never understand the magnitude of this responsibility.*

*Councilmember Thao thank everyone for coming to testify on both sides of the issue. He said he had the utmost respect for all of the Council members even those who differed on the issue, but especially wanted to thank Council members Noecker and Prince for listening to the community members. He said at the end of the day this was about structural racism. He said the Council valued the police officers and the union,*

*but with this vote they were creating trust, accountability, and space for healing in the community. He said, to those police officers and members of the Federation who were against the amendment, he would continue to fight for more resources and better pay for all officers.*

*Vote on amendment: Yeas - 5 Nays - 2 (Bostrom, Tolbert)*

*Testimony:*

*Amber Garlan (9 West 7th Place) spoke in support of the amendment.*

*?? spoke in support of the amendment.*

*Dan McGrath (1762 Van Buren Avenue), Executive Director of Take Action MN, spoke in support of the amendment.*

*Willie Powe (9015 Loch Lomond Boulevard, Brooklyn Park) spoke in support of the amendment.*

*Rod Halverson (66 9th Street E.) vice chair of the issues committee of Our Revolution Minnesota, spoke in support of the amendment.*

*Anthony Powe (1770 Holton Street) spoke in support of the amendment.*

*Sue Trupiano (1394 Blair Avenue), acting chair of the Police Civilian Internal Affairs Review Commission (PCIARC), spoke in opposition to the amendment.*

*Lynn Wild (317 Toronto Street), 30-year police department veteran and two-term commission member, spoke in opposition to the amendment.*

*Scott Swanson (2145 Goodrich Avenue), commission member, spoke in opposition to the amendment.*

*Ed Dion (307 Grove Street), patrol officer and five-year commission member, spoke in opposition to the amendment.*

*Diane Binns, PCIARC member since 2015, spoke in favor of an all civilian commission.*

*William Finney (949 Pine View Court) provided some historical perspective on the commission and spoke in opposition to the amendment.*

*John Thompson (1270 Etna Street), spoke in support of the amendment.*

*Grant Stevenson (664 Short Street), ISAIAH, spoke in support of the amendment.*

*Nicholas Pha (8301 Sumter Drive), Hmong 18 Clan Council, spoke in support of the amendment.*

*Mary Morris (475 Laurel Avenue) spoke in support of an all civilian review commission.*

*Michelle Gross, President of Citizens United of Police Brutality, spoke in support of the amendment but said she felt it was a bad idea to have it placed in the City Attorney's Office.*

*Carrie Pomeroy (a687 Minnehaha Avenue) read list of organizations supporting an all civilian board, and spoke in support of the amendment.*

*Nila ? (853 Otto Avenue) spoke in support of the amendment.*

*Jonathan Oppenheimer (Ward 4 resident) spoke in support of the amendment.*

*Mohammed Liban (396 Burgess Street) spoke in support of the amendment.*

*Tommy Franklin, representing Justice for All and Take Action Minnesota, spoke in support of the amendment.*

*Emily Flower (1014 Wakefield) spoke in support of the amendment.*

*?? (Ward 1) spoke in support of the amendment.*

*Craig Wilford (11 Wyoming Street E.) spoke in support of the amendment.*

*John Slade spoke in support of the amendment.*

*Nathaniel Khaliq spoke in support of the amendment.*

*Rachel E. B. Lang (940 Charles Avenue) spoke in support of the amendment.*

*Wintana Melikin (795 E. 6th Street), Neighborhoods Organizing for Change, spoke in support of the amendment.*

*Andrew McCoy (1463 Iowa Avenue W.) spoke in support of the amendment.*

*Yingya Vang (994 Beech Street) spoke in support of the amendment.*

*Mike Herndan (518 Ohio Street) spoke in support of the amendment.*

*Nelsie Yangi (999 Charles) spoke in support of the amendment.*

*Diamond Johnson (1996 East County Road D) spoke in support of the amendment.*

*Chauntyll Allen (640 Aurora), Black Lives Matter, spoke in support of the amendment.  
Koua Yang (912 Hawthorne Avenue E.) spoke in support of the amendment.  
Ann Haines (1311 Seminary) spoke in support of the amendment.  
Joanna Lowry (149 Morton Street E.),spoke in support of the amendment.  
Kong Xiong (363 Wheelock Parkway) spoke in support of the amendment.  
Carlos Garcia (St. Paul resident) spoke in support of the amendment.*

*Councilmember Brendmoen moved to close the public hearing. Yeas - 6 Nays - 0*

*Council President Stark and Councilmember Brendmoen made additional comments.*

**Amended; public hearing held and closed; laid over to December 14 for final adoption**

**Yea:** 5 - Councilmember Brendmoen, Councilmember Thao, City Council President Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 2 - Councilmember Bostrom and Councilmember Tolbert

**63 RES PH 16-424**

Approving adverse action against all licenses held by Berhan, Inc., d/b/a Berhan Tobacco & Grocery at 492 Asbury Street.

*Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI) gave a staff report on the license violations. She said DSI was recommending that the Council impose a \$500 matrix penalty and that new conditions related to the offense be placed on the license. She said the licensee admitted to the violation but asked for a public hearing.*

*In opposition:*

*The licensee appeared with his sister. He showed an invoice for items bought from wholesalers, and displayed the items sold including a Chore Boy and another item. He said the area was a little bit tough and they had been working with the police and didn't know what was going on or what happened. He said they didn't know about drugs.*

*Following additional discussion among Council President Stark, the licensee and Ms. Skarda, Councilmember Thao asked to continue the public hearing in one week with an interpreter present for the licensee.*

**Public hearing continued to December 14 at 3:30 p.m.**

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

**Nay:** 0

**64 RES PH 16-425**

Approving adverse action against all licenses held by KIB Properties, Inc., d/b/a Trend Bar at 1537 University Avenue West.

*Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI) gave a staff report, and said DSI was recommending a \$500 matrix penalty and three new conditions related to the video, security, and clean-up outside the establishment.*

*In opposition:*

*Dave Imsdahl (661 Mackubin), owner of Trend Bar, said he didn't dispute that the incident occurred, but that they did have a patio license and it was legal for them to take beverages out. He said the tables had been removed and there was a sign on the door. He said the bartender was new and hadn't had training yet. He said they*



were involved in the community and worked with police. He said he understood there were a lot of things going on in the neighborhood and the City was looking for change, and he was too.

Council President Stark moved to close the public hearing. Yeas - 7 Nays - 0

Council President Stark moved to adopt the recommendation of DSI. He said he sincerely appreciate Mr. Imsdahl coming down and willingness to work with the City.

**Adopted**

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

**Nay:** 0

65 RES PH 16-426

Approving adverse action against all licenses held by Midway Enterprises, LTD, d/b/a Hot Rod's Bar & Grill at 1553 University Avenue West.

*Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI) gave a staff report, and said DSI was recommending a \$500 matrix penalty and new conditions related to outside security and clean-up. She noted that these are stock conditions they were working towards.*

*In opposition:*

*Jeffrey O'Brien, attorney representing Midway Enterprises, gave some background on the business, and said they had a good record in terms of compliance. He said the bartender was terminated after the incident and before they received notice of the violation. He said they had always been willing to pay the matrix penalty of \$500, but were already doing some things required on new conditions and questioned why it would be built into the license. He said they had 16 cameras and paid for the two lights in the alley, and felt that was sufficient and any added expense would be unduly burdensome. He said they had always complied with requests to turn over video. He said it was his understanding that the system kept the video for one week, and while the requirement was 30 days, they felt one week was adequate. He said they did daily clean-up, and had added security at the door on Friday and Sunday, which were the busiest times. He asked that the Council consider their long track record of compliance, and not impose the conditions at this time.*

*Three representatives of the business spoke about their contributions to the community, investment in the business, and cooperation with police.*

Council President Stark moved to close the public hearing. Yeas - 7 Nays - 0

Council President Stark said he agreed with comments about the upkeep of the property, and asked about requirement to have security every night.

The business owner said couldn't afford security on quieter nights.

Council President Stark said given the track record that he could attest to, he would like to make a change and require security on Friday, Saturday and Sunday. He said those conditions were standard at bars around town. He said he hadn't seen these things at their establishment and was confident it was a one time thing.

**Adopted as amended**

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

**Nay:** 0

**66 RES PH 16-435**

Approving the petition of BK 200 Grand LLC, to vacate the alley in Block 2, Samuel Leeche's Addition. (Public hearing held December 7)

*Councilmember Noecker said she intended to hold the public hearing but layover the vote to the following week to allow time for some more work on the project.*

*In support:  
Chuck Repke*

*Councilmember Noecker moved to close the public hearing and lay the matter over to December 14.*

**Public hearing held and closed; laid over to December 14**

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

**Nay:** 0

**67 RES PH 16-428**

Approving the application submitted by Joseph Olson on behalf of the Children's Museum for an exception to the general hours of operation for Skyway 6, allowing for temporary closure of the Skyway Bridge 6 on weekends (Saturday and Sunday) from December 10, 2016 through March 26, 2017.

*No one appeared in opposition; Councilmember Noecker 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

**68 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.

*No one appeared in opposition; Councilmember Noecker moved to close the public hearing.*

**Public hearing held and closed; laid over to December 14 for final adoption**

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

**Nay:** 0

Public hearing to consider the appeal of Baldwin et al to a decision of the Planning Commission to approve a Conditional Use Permit for the Saint Paul Tennis Club at 1055 Osceola Avenue.

*Jamie Radel, Planning and Economic Development, gave a staff report on the application and appeal.*

*Appellant:*

*Carrie Au-Yeung (1071 Linwood Avenue) said neighbors, including members and non-members, had concerns about the proposed expansion and expected increased use of the facility. She said neighbors wanted to be involved in changes.*

*Laurie Quinn (3833 Pillsbury Avenue, Minneapolis), attorney for appellants, said their goal was to ensure that the club sought the correct permit, which was a nonconforming use permit and not a conditional use permit. She said a second error was in the designation of the club as a non-commercial recreational facility rather than commercial recreational facility. She code was very clear that a nonconforming use permit required that the Planning Commission examine additional characteristics; she reviewed three characteristics that had not been examined.*

*Ms. Au-Yeung outlined what they felt were errors in fact and procedure.*

*In support of the proposal:*

*Daniel Kennedy (1494 Fairmount Avenue), club president  
Eduardo Berrera (1083 Osceola Avenue), club vice chair, club vice chair*

*Mr. Kennedy and Mr. Berrera answered questions from Council members Prince and Tolbert*

*In support of the appeal:*

*Molly Kleven (1128 Fairmount Avenue)  
Ellen Eichten (1067 Linwood Avenue)*

*Ms. Eichten answered questions from Councilmember Prince.*

*Councilmember Noecker moved to close the public hearing. Yeas - 7 Nays - 0*

*Councilmember Noecker thanked everyone for coming, and said she heard the desire for more discussion and transparency and inclusion. She said she was happy to hear from leadership that they were willing, and her office would facilitate. She noted this was not related to zoning issue. She said she had read closely through the appeal and staff report, and the City Attorney's report on staff report, and felt the most valid points raised had to do with the type of permit and the question of whether this was a commercial recreation or sports club, which was not now allowed. She asked Ms. Radel why staff chose this categorization.*

*Ms. Radel said the zoning administrator was the arbiter of what use met what definition, and her interpretation for the code was that this was a non-commercial recreation use.*

*Councilmember Noecker said she wasn't able to find any error of fact, finding, or procedure by the Planning Commission; she moved to deny the appeal but said she would help with continued discussions.*

*Councilmember Prince asked for a layover because she felt there was a basis for the Appeal. She asked to allow time for these things to be worked out, and said picking a*

winner or loser in this situation would be detrimental.

Councilmember Noecker said she had been advised that time limit for the Council to make a decision was up, and they had to make a decision that night. She said continued communication would not be hindered by denying the appeal.

Councilmember Thao said he would support Councilmember Noecker but understood the neighbors' concerns and he encouraged the parties to sit down and work things out, or the children and community would suffer.

**Motion of intent - Appeal denied**

**Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark and Councilmember Noecker

**Nay:** 1 - Councilmember Prince

**TRUTH IN TAXATION PUBLIC HEARING (This item will be heard at 6:30 p.m. or later)**

70 PH 16-17 Final Hearing on the proposed 2017 Budget and Tax Levy, aka Truth in Taxation hearing.

*Scott Cordes, Office of Financial Services, gave a brief staff report.*

*No one was present to testify.*

*Councilmember Brendmoen moved to close the public hearing. Yeas - 7 Nays - 0*

**Public hearing held and closed**

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

**Nay:** 0

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

72 RLH SAO 16-47 Appeal of John Carlone to Summary and Vehicle Abatement Orders at 185 COMO AVENUE.

*Legislative Hearing Officer Marcia Moermond gave a staff report. and recommended denial of the appeal with a deadline of December for removal of the vehicles.*

*In opposition:*

*Patrick Carlone, part owner of the property, said it was taken off the tax roll close to 20 years ago and he had been dealing with the Planning Commission on a plan for the property. He said he realized the lot wasn't big enough for commercial and decided to build a residence. and the vehicles were for construction. He said he was only a few weeks away from getting a building permit, and moving the vehicles would cost over \$1000. He said they were not in violation of anything and if a permit was required they would purchase it. He said if we move the equipment they'd have to move it right back when they got the building permit. He said he understand why the city was coming down on them for putting something back on the tax rolls.*

*Councilmember Thao asked whether the vehicles were operable. Mr. Carlone said they were not operable and they didn't drive them, but just used them for equipment.*

*Councilmember Thao said he sympathized and appreciate Mr. Carlone coming to testify but he was in are in violation. He said it was not a parking lot and Mr. Carlone couldn't have his vehicles there.*

*Councilmember Thao moved to close the public hearing. Yeas - 7 Nays - 0*

*Councilmember Thao said the vehicles had been there for a long time, and he would move to adopt Ms. Moermond's recommendation.*

**Adopted**

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

**Nay:** 0

**73 RLH RR 16-34**

Ordering the razing and removal of the structures at 656 DESOTO STREET within fifteen (15) days after the September 7, 2016, City Council Public Hearing. (Public hearing held September 7 and December 7)

*Councilmember Brendmoen requested that the item be laid over for one week.*

*No one was present to testify. Councilmember Brendmoen moved to close the public hearing and lay the matter over to December 14.*

**Public hearing held and closed; laid over to December 14**

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

**Nay:** 0

**80 RLH RR 16-11**

Ordering the rehabilitation or razing and removal of the structures at 1698 LAFOND AVENUE within fifteen (15) days after the April 6, 2016, City Council Public Hearing. (Public hearing continued from April 6 and May 4)

*Legislative Hearing Officer Marcia Moermond gave a staff report, and recommended ordering removal of the structure within 15 days with no option for rehabilitation.*

*In opposition:*

*Richard Ayd (1698 Lafond Avenue, said he had volunteered to donate the property to Zion Lutheran church across the street, and the pastor would take on the rehab. He said he had invested a lot of money in improvements, but had problems with contractors who did work without permits. He said the house was too nice to be torn down, and he felt the cost for rehab had been overestimated. He said a lot of the work had already been done, and he thanked Ms. Moermond.*

*Council President Stark moved to close the public hearing. Yeas - 7 Nays - 0*

*Council President Stark said, like Mr. Ayd, he loved old houses and had seen pictures of the features this house had. He said he appreciated all the efforts Ms. Moermond made. He said the Rondo Land trust loved old houses and didn't have any reason to overestimate funds required for rehab. He said, unfortunately after all these tries, he would have to move Ms. Moermond's recommendation. He said if the pastor can come forward within 15 days with a valid proposal the Council would consider it.*

**Adopted as amended (remove within 15 days with no option for repair)**

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

**Nay:** 0

**LEGISLATIVE HEARING CONSENT AGENDA**

**Note: 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 (Items 71 - 87)**

**Legislative Hearing 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

71     **RLH VO 16-46**     Appeal of Daniel Tsegai to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1541 CASE AVENUE.

**Adopted**

74     **RLH RR 16-47**     Ordering the substantial abatement/cleanup of the property at 776 DESOTO STREET within fifteen (15) days after the November 16, 2016 City Council Public Hearing.

**Referred to Legislative Hearings on December 13**

75     **RLH RR 16-35**     Ordering the razing and removal of the structures at 1242 HEWITT AVENUE within fifteen (15) days after the September 7, 2016, City Council Public Hearing. (Amended to grant 30 days)

**Adopted as amended (remove within 30 days)**

76     **RLH VO 16-48**     Appeal of Miguel Romano to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1148 HUBBARD AVE.

**Adopted**

77     **RLH CO 16-38**     Appeal of Brad Woodberry to a Correction Notice at 1105 IOWA AVENUE WEST.

**Adopted**

78     **RLH SAO 16-46**     Appeal of Steve Coleman to Summary and Vehicle Abatement Orders at 842 JACKSON STREET.

**Adopted**

- 79     **RLH RR 16-48**     Ordering the substantial abatement/cleanup of the property at 778 JESSIE STREET within fifteen (15) days after the November 16, 2016 City Council public hearing.  
**Referred to Legislative Hearings on December 13**
- 81     **RLH CO 16-40**     Appeal of Ralph Karsten to a Correction Order at 1742 SELBY AVENUE.  
**Adopted**
- 82     **RLH VO 16-52**     Appeal of Jason Holm to a Fire Certificate of Occupancy Revocation and Order to Vacate at 449 MOUNT IDA STREET.  
**Adopted**
- 83     **RLH FCO  
16-192**     Appeal of Linda Vang to a Reinspection Fire Certificate of Occupancy With Deficiencies at 287 ROBIE STREET EAST.  
**Adopted**
- 84     **RLH VBR 16-71**     Appeal of Ryan North, North Garden Theater, on a Vacant Building Registration Renewal Notice at 929 SEVENTH STREET WEST.  
**Adopted**
- 85     **RLH VBR 16-84**     Amending Council File RLH VBR 16-55, adopted October 7, 2016, to grant Anthony Verdeja an additional extension for property at 831 SMITH AVENUE SOUTH.  
**Adopted**
- 86     **RLH TA 16-339**     Ratifying the Appealed Special Tax Assessment for Property at 979 UNIVERSITY AVENUE WEST. (File No. CRT1611, Assessment No. 168212) (Public hearing continued from October 19)  
**Adopted**
- 87     **RLH VBR 16-69**     Appeal of Patricia Spann to a Vacant Building Registration Notice at 731 VAN BUREN AVENUE.  
**Adopted**

**ADJOURNMENT**

*Councilmember Bostrom moved adjournment.*

**Meeting adjourned at 9:58 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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