



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor

Minutes - Final

Katie Burger, Executive
Assistant, 651-266-8560

City Council

Council President Russ Stark
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Bill Finney
Councilmember Dai Thao
Councilmember Dave Thune
Councilmember Chris Tolbert

Wednesday, November 18, 2015

3:30 PM

Council Chambers - 3rd Floor

Council Voting

The reader calls the names of all Councilmembers. A vote in favor is cast by remaining silent, and a vote against is cast by saying no or nay. When the voting is complete, the reader will state whether the motion passed or failed.

ROLL CALL

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Dave Thune, Councilmember Chris Tolbert, Councilmember Bill Finney and City Council President Russ Stark

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 15-101](#) Authorizing the Police Department to reallocate budget within Accounting Unit 10023400 for the 2015 Adopted budget to more accurately reflect the projected actual spending and provide appropriate levels of spending authority.

Received and Filed

- 2 [AO 15-103](#) Amending the 2015 spending budget for the Mayor's Office

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**Consent Agenda is adopted**

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 3** [RES 15-1867](#) Approving the City's cost of providing Boarding and/or Securing services during August 2015 and setting date of Legislative Hearing for December 1, 2015 and City Council Public Hearing for February 3, 2016 to consider and levy the assessments against individual properties. (File No. J1603B, Assessment No. 168102)
- Adopted**
- 4** [RES 15-1868](#) Approving the City's cost of providing Collection of Vacant Building Registration fees billed during February 11 to August 21, 2015 and setting date of Legislative Hearing for December 1, 2015 and City Council Public Hearing for February 3, 2016 to consider and levy the assessments against individual properties. (File No. VB1604, Assessment No. 168803)
- Adopted**
- 5** [RES 15-1869](#) Approving the City's cost of providing Property Clean Up services during September 2 to October 2, 2015 and setting date of Legislative Hearing for December 1, 2015 and City Council Public Hearing for February 3, 2016 to consider and levy the assessments against individual properties. (File No. J1604A, Assessment No. 168503)
- Adopted**
- 6** [RES 15-1870](#) Approving the City's cost of providing Trash Hauling services during September 2 to 30, 2015 and setting date of Legislative Hearing for December 1, 2015 and City Council Public Hearing for February 3, 2016 to consider and levy the assessments against individual properties. (File No. J1604G, Assessment No. 168703)
- Adopted**

- 7 [RES 15-1873](#) Approving the Appointments of Ramona Wilson and Chad Kulas to Serve on the City-County Workforce Investment Board
Adopted
- 8 [RES 15-1923](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during July 14 to 31, 2015 and setting date of Legislative Hearing for December 15, 2015 and City Council Public Hearing for February 3, 2016 to consider and levy the assessments against individual properties. (File No. CRT1604, Assessment No. 168203)
Adopted
- 9 [RES 15-1925](#) Approving the City's cost of providing Excessive Inspection/Abatement services billed during July 23 to August 21, 2015 and setting date of Legislative Hearing for December 15, 2015, and City Council Public Hearing for February 3, 2016, to consider and levy the assessments against individual properties. (File No. J1604E, Assessment No. 168303)
Adopted
- 10 [RES 15-1928](#) Approving the City's cost of providing Tree Removal services during August 2015, and setting date of Legislative Hearing for December 15, 2015 and City Council Public Hearing for February 3, 2016 to consider and levy the assessments against individual properties. (File No. 1601T, Assessment No. 169000)
Adopted
- 11 [RES 15-1930](#) Approving the City's cost of providing Graffiti Removal services billed during September 9 to October 6, 2015 and setting date of Legislative Hearing for December 15, 2015 and City Council Public Hearing for February 3, 2016 to consider and levy the assessments against individual properties. (File No. J1604P, Assessment No. 168403)
Adopted
- 12 [RES 15-1966](#) Approving payment in the amount of twelve thousand nine hundred twenty one dollars and seven cents (\$12,921.07) in full settlement of the property damage subrogation claim of Progressive Direct Insurance Company as subrogee of Joshua McCallister.
Adopted
- 13 [RES 15-1970](#) Identifying the need for Livable Communities Transit-Oriented Development funding and authorizing applications for grant funds.
Adopted

- 14 [RES 15-1974](#) Approving a grant from The Saint Paul Foundation to the City of Saint Paul to hold three community conversations around PCIARC audit.
Adopted
- 15 [RES 15-1988](#) Authorizing the proper City officials to proceed with the acquisition of a parcel of vacant tax-forfeited land westerly of 619 Lafayette Road
Adopted
- 16 [RES 15-1999](#) Accepting sidewalk easements for the Seven Corners hotel and mixed-use development.
Adopted
- 17 [RES 15-2000](#) Approving adverse action against the Tanning Facility license held by Donuette M. Smith d/b/a Got 2 Tan located at 1087 Arcade Street in Saint Paul.
Adopted
- 18 [RES 15-2015](#) Waiving the signature requirement of William Law, Art Space, to expand the Downtown Commercial Development District and directing the pertinent City officials to schedule a public hearing.
Adopted

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.

Second Reading

- 19 [Ord 15-66](#) Amending Section 366A.06 of the Legislative Code pertaining to Races, Runs, and Public Assemblies.
Ordinance is laid over to Dec. 2 for third reading/public hearing
Laid over to December 2 for third reading/public hearing
- 20 [Ord 15-70](#) Amending Chapter 293 of the Legislative Code regarding Noise Regulations.
Ordinance is laid over to December 2 for third reading/public hearing
Laid over to December 2 for third reading/public hearing

- 21 [Ord 15-71](#) Amending Chapter 6 of the Administrative Code regarding the Department of Public Works.
Ordinance is laid over to December 2 for third reading/public hearing
Laid over to December 2 for third reading/public hearing
- 22 [Ord 15-72](#) Amending Chapter 17.07 of the Charter, pursuant to Minnesota Statutes § 410.12 subd. 7, regarding On-Sale Liquor Licenses issued to restaurants.
Ordinance is laid over to December 2 for third reading/public hearing
Laid over to December 2 for third reading/public hearing
- 23 [Ord 15-73](#) Amending Chapter 409.03 of the Legislative Code exempting restaurants from total license limits.
Ordinance is laid over to December 2 for third reading/public hearing
Laid over to December 2 for third reading/public hearing
- 24 [Ord 15-74](#) Amending Section 409.30 of the Legislative Code relating to intoxicating beverages at block parties.
Ordinance is laid over to December 2 for third reading/public hearing
Laid over to December 2 for third reading/public hearing
- 25 [Ord 15-75](#) Amending Chapter 427.07 of the Legislative Code regarding requirements for health clubs located in the Downtown Business District.
Ordinance is laid over to December 2 for Third reading/public hearing
Laid over to December 2 for third reading/public hearing
- 26 [Ord 15-76](#) Amending Chapter 409.03 of the Legislative Code removing the quarter-mile exemption zone for off-sale liquor licenses around the Xcel Energy Center.
Ordinance is laid over to December 2 for third reading/public hearing
Laid over to December 2 for third reading/public hearing

BUDGET AMENDMENT PUBLIC HEARINGS

- 27 [RES PH 15-326](#) Amending the budget in the Fire Department to establish the spending and financing plans for a grant reimbursement from the City of Bloomington in the amount of \$23,937.82.

(No one wished to be heard.)

Councilmember Tolbert moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 28 [RES PH 15-327](#) Amending the budget in the Fire Department to establish the spending and financing plans for a grant reimbursement from the City of Bloomington in the amount of \$84,583.88.

(No one wished to be heard.)

Councilmember Finney moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 29 [RES PH 15-328](#) Accepting a grant of \$30,000 from the Harry & Jeanette Weinberg Foundation to be used to support the Saint Paul Fire EMS Academy.

(No one wished to be heard.)

Councilmember Thao moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 30 [RES PH 15-329](#) Authorizing an application to the Department of Employment and Economic Development under the Minnesota Investment Fund for Maximus, Inc. to assist in the financing of their relocation to 332 Minnesota Street.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 31 [RES PH 15-335](#) Accepting Tax Base Revitalization Account Cleanup Grant from the Metropolitan Council and amending the 2015 Budget.

(No one wished to be heard.)

Councilmember Finney moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

SUSPENSION ITEMS

[Ord 15-78](#)

Amending Chapter 99 of the Administrative Code pertaining to the availability of the Palace Theatre for Saint Paul high school musical or theatrical events.

Councilmember Tolbert moved suspension of the rules.

7 in favor, none opposed

Rules are suspended

Tolbert moved first reading. Public buildings should have public usage.

7 in favor, none opposed

Ordinance is laid over to December 2 for second reading

Laid over to December 2 for second reading

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

[RES 15-2071](#)

Supporting the State of Minnesota and the United States of America accepting and welcoming immigrants and refugees regardless of their race, gender, sexual orientation, religion or country of origin

Res 15-2071

Councilmember Tolbert moved to suspend the rules.

7 In favor, none opposed

Rules are suspended

Tolbert moved approval and said the City gets benefits from refugees and immigrants.

Councilmember Thune congratulated him. These are victims.

Councilmember Bostrom said there should be a process for doing this. Allowing anyone to come in is not good. He would add they should be properly vetted. There is a process for doing that.

Thune said it should be on record that they are properly vetted.

Thao said that he is a political refugee. He was in a refugee camp. He didn't know if he would be alive next week or next day. He appreciates Saint Paul giving his family the opportunity to contribute. As leaders, they can be open to the idea to be compassionate. Our vetting process was many years. He is open to that language.

Councilmember Finney said he is in support of welcoming refugees. The first duty of government is to protect people. After proper vetting, they should be welcome. It is the proper thing to do. Properly vetted should be added

Tolbert said it is a friendly amendment, he read it, and then he moved the amended version

7 in favor, none opposed

The resolution is adopted as amended

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

PUBLIC HEARINGS

32 [RES PH 15-336](#)

Approving the petition of Pioneer Endicott LLC and Jackson Partners LLC to vacate that part of the alley in Block 17.

(No one appeared in opposition.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 33** [RES PH 15-341](#) Approving the petition of Richard and Jeanette Johnson to vacate that part of the alley in Block 1 of Hornsby's Subdivision.

(No one appeared in opposition.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

34 [ABZA 15-5](#)

Public hearing to consider the appeal of Summit Hill Association to a decision of the Board of Zoning Appeals (BZA) approving variances of the front, side and rear setbacks and lot coverage requirements in order to remove the existing duplex and construct an eight - unit apartment building with underground and surface parking at 1174 Grand Avenue.

Yaya Diatta, DSI, gave a staff report. This 1174 Grand Avenue. It currently has a vacant duplex on it. The applicant would like to remove it and build an eight unit apartment building. The apartment building will have 8 underground parking spaces and 3 parking spaces in the back of the building. There is a 3 car garage which would be removed as part of the development.

(He showed a picture and explained what is surrounding the building.)

Diatta continued: the applicant applied for variances. (He explained more.) Board of Zoning granted the variances. District 16 is appealing the BZA decision on the grounds that it was made in error.

(Pictures shown of what the building looks like from different angles.)

Council President Stark said it looks like the apartment buildings have a high lot coverage ratio. What is the lot coverage on the neighboring parcels. Diatta responded he had information on the lot coverages. (He gave the percentages of the lot coverages.)

Councilmember Thune asked how big is the building and asked to see the last picture.

(Another picture shown.)

Thune asked where the new building is proposed and how big is the building. Diatta went to get this information. Stark said to bring it up when he finds it.

Amanda Karls, 1171 Lincoln Avenue, said there are 5 of us here. She lives right behind this project. There is overwhelming neighborhood support. Referring to the Phillip Wallberg letter, it highlights the issues very quickly. She wanted to hit on a few of them. 1) This project is not in harmony of the zoning code. This will be large. It will be 22.5% taller than the existing buildings adjacent to it. Lot coverage is asking for 50 something percent. They are covering over half of the lot. Not sure about Diatta's findings. This is a dead end alley. Some of the existing buildings would not meet today's standards, but they were built before current zoning laws. We do not need to compound the problem by adding a building that is bigger. In order to succeed in getting a zoning variance, the applicants need to show there are practical difficulties and they have a plight unique that are not created by the landowner. They are trying to maximize profit. This is about setting the standard and following the rules.

Mark Genereux, 1165 Lincoln Avenue, said he and his wife have lived their since 1976. The neighborhood opposition is based on a lot of things. Wallberg has written a detailed and clear analysis. When you allow a development like this, it starts eroding the standards of the neighborhood. The accompanying buildings are all too big for the lots. Now we are going to allow even larger buildings in terms of % of coverage. People might say if you allow that one you have to allow this one. There are standards the City has set and it is the Council's job to enforce it.

Don Husband, Summit Hill Association board member, proposed construction is too large. It is 51% where the standard is 35%. By the BZA, all the standards do not meet, except the setback. The variance is in harmony. They are stretching every variance as much as they can. The current buildings are 2½ stories and this will be 3½ stories. It is a nice building, but it does not belong on this site. What they want does not fit the code. They are stretching everything to the max. (He mentioned some numbers.) Pushing it to the maximum, it will stand out. They could put a smaller building there or one that fits in with the other buildings. They purchased the building. They created this problem.

Winnie Moy, 1185 Lincoln Avenue, said a 50% increase and footprint is extreme. 50% breaks the footprint rule and sets a bad precedent. They could ask the architect to build a 3D model with mathematically correct ratio. That way they can all gather together and decide if it will work.

Margaret Keefe, 1195 Lincoln Avenue, said this is common sense. They have zoning laws in place for a reason: so that an outside entity cannot do whatever they want. They bought the lot before they knew what they were going to do. The alley concerns her. They have a lot of traffic. They cannot have more traffic. The City does not get to the alley to plow it in the winter, so the neighbors do it. This will add more cars. Stark responded the City does not plow alleys anywhere in the City.

(Karls showed a diagram. Diatta showed a diagram.)

Thune said he is still having trouble. (Someone gave Diatta another picture which had highlights.) Thune said that is better. Finney concurred.

Karls challenged the scale. The building is wider than adjacent properties.

(The next speakers were opposed to the appeal and in support of the project.)

Ryan Burke said they are looking to develop it. They met with City zoning and planning before they bought the properties. They were directed to the City development plan. Their goal was they wanted the parking addressed. They took the garage plan to address all this parking. They met with the City and residents. This will be privately owned condos as opposed to an apartment, 8 underground stalls and 3 on the surface. Eleven spots to meet the City requirement. They shrunk it about 5 feet in width since meeting with neighbors. They shrunk the driveway as much as they could. They shrunk the depth of the stalls. They worked with the engineer and contract to raise the floor a little bit, and they are able to pull the building 25 feet off the garage door. They are well under the allowable height. The livable square footage is 12,925 square feet. The other four buildings are averaging 13,295 square feet. Their foundation size is 4,599 square feet. The average square foot of the foundation of the other buildings are 4,515. Privacy is a big concern with the neighbors. The garage is 25 feet off the alley. Next to the garage is a stair tower. Eight units is allotted for the size of the alley. Doing the math, it makes the most sense. When you read the City's comprehensive plan, it has mixed use buildings. Nearly half of every section mentions it. It is on Grand Avenue where many of the buildings have 100% lot coverage. This is not between single family homes. They need to be in line of the front of the buildings. This was signed by everyone on Grand Avenue. There are residents behind us. As far as Grand Avenue itself, the project does fit.

(showed a signature page)

Burke continued: this is an appeal. The appellant must show the error. The appeals fails to show errors in the law. It can't be appealed in the fashion that it was. The Minnesota Law does not show for the basis of denial.

*Thune closed the public hearing
7 in favor, none opposed
Public hearing is closed*

Thune said he is looking at the reports: the zoning staff report, the Planning Commission resolution. He asked is that the one we are dealing with and what is the date of the Planning Commission. Diatta responded the PC heard this previously and they denied the variances. The applicant applied for variances and zoning at the same time. The PC can hear zoning and variance at the same time. When the Planning Commission denied the variances, they approved the zoning. The applicant tweaked those plans. The applicant proposed a greater setback and a smaller building. The footprint changed and the setback changed. The BZA approved the variance. You are hearing what the BZA approved and not what the Planning Commission denied.

Thune asked the lot coverage. Diatti said they are looking at a lot coverage they are proposing is 51.4%, and the allowed is 35%. The side yard setback is 7.5 they are proposing. The zoning code is 9 feet. The rear required is 25 feet and they are proposing 19 feet, so it is 6 feet. The front setback is 25 and they are proposed 23.4%.

Thune said it is confusing. They still have a great deal of difference in the lot coverage. Every single coverage or setback is exceeded on these things. The PC found a number of things that was not in harmony with the rest of the neighborhood. They are choosing to build condos. It really is their own fault. This does change the character of the neighborhood. There is something in the comp. plan about more density, but building something the same size is still more density because the building being torn down is very small. They don't have to build bigger to increase the density.

Thune moved to uphold the appeal of the Summit Hill Association because it is not in harmony with the zoning code. The fault is with the landowner. The coverage is excessive, does not comply with the spirit of the comp. plan, will alter the essential character neighborhood, and not consistent with scale, spacing, or bulk.

Stark said he is torn. The surrounding properties, the lot coverage is similar. The variances are being requested. They are not granted as of right. They are a judgement call. The neighbors are concerned about parking and access and not that the building itself is the issue. The height argument is taller, but it is within code on the height. These are judgement calls.

Councilmember Bostrom said the proposed project is going to look more like the character of the neighborhood. It seems like it would bring a certain consistency with the neighborhood. They have done a decent job providing for underground parking. It would appear it would fit in the neighborhood.

Thune said the question isn't if the existing building fits into the character. It does not. It is too small. The existing building isn't part of the equation. It is really their own fault.

Councilmember Brendmoen said they are hearing an appeal to the decision of the BZA and Thune is commenting on the PC report. Thune responded he is using the

same rationale, even though they changed the numbers.

Stark said they asked for this rezoning and then asked for a variance from the new zoning they asked for.

4 in favor, 3 opposed Bostrom, Finney, Thao

Appeal is granted

Appeal granted

Yea: 4 - Councilmember Brendmoen, Councilmember Thune, Councilmember Tolbert and City Council President Stark

Nay: 3 - Councilmember Bostrom, Councilmember Thao and Councilmember Finney

- 35 [RES PH 15-301](#) Approving the establishment of a tax increment financing district and approving a tax increment plan for the Wabasha and Sixth Street redevelopment project.

Councilmember Thune said he will recuse himself and then he left the Chambers.

Lorrie Louder, Senior Vice President of Port Authority, said this is a half million square foot vacant building, former Macy's site, 5 stories. Port Authority purchased it January 2014. They have looked at various options. Demolishing is not feasible because of the cost. We have spoken to more than 50 developers. With them tonight is someone from Apadam. They will be the major developer on the project. 25 year tax increment district. Any excess tax increment will go back to the taxing jurisdictions. This is an unusual feature. It is in state law to be fiscally prudent. The job factor will be significant. 100 to 150 permanent jobs, 400 construction jobs. This building is rather massive. It will be a mixed use development. Parking has always been a key part of this facility. Parking will still be a significant amount, about 58%. The other mixed uses will be coordinating with the parking. Wild practice sheet on the top which will be domed, retail, office, major convenience store retail use, the Port Authority is selling that off to a different developer, Capital Realty. That developer will lease that space. There are other uses: brew pubs, tap rooms, coffee shop, medical office, event center. This is a prudent plan. Quite a few letters of support. This will stimulate the economy. This will bring families to Downtown. The practice sheet will have 500 seats. Hamline University men's and women's hockey games will be there. Coaches will provide summer camp activities. They estimate there will be some 3500 hours per year for other uses. They anticipate a lot of use. That is the overview. They don't have any other option that will make this type of mixed use happen

Council President Stark asked about the nature of those jobs. Louder responded there is a wide range. Wild will have uses as far as ice arena and the training facility, locker rooms, showers, 25 seat training room, support staff. There will be office uses, retail uses, management, production people. We don't have all the details.

Stark asked about the parking ramp revenue. Louder responded that will go to servicing the debt. Developer will put up front the debt and equity, some cash as well. Most of the repayment comes from the tax increment feature.

Thao asked do they follow the living wage requirement. Louder responded they will provide consistency with the living wage ordinance and administer that. The Wild has a collective bargaining agreement. The part leased by a different developers does not fall under the living wage ordinance. Everything else is in compliance.

(No one appeared in opposition.)

The following was in support:

Pat Skinner, General Manager of Wells Fargo tower, they wrote a letter in support of the project. They look at it in three levels. 1) What is going on in the city. He is community activist and cares about Downtown. Redeveloping this project is an absolute win for the City. 2) TIF – this is a very approp. use of TIF. Kudos to the Port Authority. 3) They are a private owner. As much as they want the project to success, they do not want money taken out of their pocket. Thanks to the Port who sat with them and walked them through the project: rent structures, expense structures, how might their space competes with us. TIF makes sense. He encourages the City to approve the project and TIF.

*Councilmember Bostrom moved to close the public hearing.
6 in favor, none opposed
Public hearing is closed*

Council President Stark said a lot of work has gone into this. Revitalizing that space would be a good thing for Downtown. A big part of the public benefit is the bigger picture. He takes an issue with a use of TIF for retail issues, some of which may not pay the living wage. This would only apply to the Wild, but not the other venues. For those reasons, he will oppose the use of TIF on this project. The only alternative is not to have something happen there for some period of time. There is a lot of momentum downtown, so there is a longer term potential of something grander on that site.

Councilmember Tolbert said his initial reaction is that this is not the proper use of TIF. The Port makes a compelling argument of why this is important in keeping the momentum going Downtown. He is skeptical of using TIF in Saint Paul, especially if it is not going to a public use, but the public use really is the bigger picture. He will support it. It is an important contribution to Saint Paul. It will make more investment happen.

Councilmember Brendmoen said we have done a lot of catalizing. She will support it. She is excited to see these catalytic projects. She has shared some of the same feelings as her colleagues.

Bostrom said he was around when it was built. When Dayton's was built, it was a big deal. It was functional for a department store. When it comes to reusing, this is a tough project to try to find another use for it. If the TIF could be used for something else, we would have an argument not to do it. If it wasn't for TIF, it would not get done. It is not taking anything away from anything else. We will come out of this with a great looking facility. The proposed look of that facility is fabulous.

Finney said he remembers when Downtown was the center of Saint Paul. We have seen it decline. He is excited about this project. This is what TIF is envisioned for. He will support it.

Thao said he will be in support of this. When Port was going to take on this building, they worked hard and they were able to partner with one of the big vendor. They paid almost a third of the cost of the facility. This is a special scenario. This will revitalize this area of downtown. That is what we need right now. It has brought a lot of attention to Downtown Saint Paul.

*Tolbert moved to approve
5 in favor, one opposed (Stark), one recuse (Thune)*

Adopted

Yea: 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert and Councilmember Finney

Nay: 1 - City Council President Stark

Abstain: 1 - Councilmember Thune

36 [Ord 15-53](#)

Amending Chapter 157 of the Saint Paul Legislative Code pertaining to parking for larger vehicles.

Councilmember Thune has an amendment.

Councilmember Tolbert explained the amendment. This is about unattached trailers. It can't be parked for more than 48 consecutive hours on the same block. Still working with Police to make sure the 48 hours are enforced.

*Thune moved the amendment
7 in favor, none opposed
Amendment is approved*

(No one appeared to speak in opposition. Next to speak are those in support.)

Carol Neumann, 694 Oakdale avenue, commended them on the compromise. This also addresses the people who want to utilize the street to fill up their trailers. Her only concern is getting the police to come out and ticket. She hopes the police will pay attention and enforce it.

Mark Fangmeier, 455 Banfil Street, stated he understands the inconvenience of not having the trailers there. It is a fair compromise. The enforcement will be tricky.

*Thune moved to close the public hearing and lay over to next week.
7 in favor, none opposed
Public hearing is closed and ord is laid over to December 2 for final adoption*

Laid over to December 2 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

37 [Ord 15-56](#)

Amending Chapter 21 of the Administrative Code pertaining to the minimum qualifications for City Engineer.

(No one appeared in opposition.)

*Councilmember Finney moved to close the public hearing and approve
7 in favor, none opposed
Public hearing is closed and ord is laid over to December 2 for final adoption*

Laid over to December 2 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

38 [Ord 15-57](#)

Amending Chapter 324 of the Legislative Code pertaining to flavored tobacco and making amendments to comply with state statute.

Council President Stark said there was an error made in public notice. After we hold a public hearing tonight, it will be continued to January 6. We will ask that if you come back, you should come back with new information or different testimony.

Steve Dahl, Marahon Station, 717 Snelling and SuperAmerica, said their stores have passed compliance checks. They have been in business 20 years. What gives the Council the authority to ban legal products at legal stores. He does not determine what products are legal. It is not the government's place to tell what can be sold in free market. Do not penalize businesses that sell legal products. Please do not pass this ordinance.

Jason Downing, 56 Wentworth Ct. W., Minneapolis, said they are an all volunteer organization. This will not prevent selling to minors. The sale of vapor products to minors has been illegal since 2010. This will remove legal products from adults. It will remove the products from the stores that sell cigarettes. Not one agency has submitted any scientific data to back up this ord. The co-sponsors prefer stale toast or unflavored meals. Adults like chocolate. He would strongly encourage less harmful products from this proposal.

Abdallah Tobasi operates stores. He would like the opportunity in the land of the free. They sell legal products and they do not sell to minors. This will not stop minors from smoking. They sit behind the counters and sell tobacco to their customers. There are things that can be done, but this ordinance wants to move the price. It will not do the purpose of the ord. Some things can be done. Then have something passed that is less harmful to them.

Maher Safi, 1464 University Avenue, had the business for 15 years. They don't deny the fact that tobacco is harmful. They have been 100% in compliance. All of them are behind the counter. They check IDs. He does not understand the urgency. Minneapolis made a mistake and we are copying them.

Brendmoen asked is this an adult only store to begin with. Sari responded he is looking at a big picture. He would have to hire people to manage people walking into the store to make sure done the way it should be done. He is looking at the big picture. He supports the kids to come out, but it is an adult product. Adults have a choice to buy in a legal way.

Tom Briant, Executive Director of tobacco outlets, said retailers are responsible people. He had a printout of 852 business. 841 passed. They are not the problem.

(He gave this to staff.)

Briant said the journal of school health, 86% of underage kids obtain it from social sources. It is not the retailers.

(He gave this to staff.)

Briant said the average store will lose money. It is \$30 Million.

(He gave this to staff.)

Briant said store signed

(He gave this to staff.)

Briant said they can work together to solve the problem

Another speaker said he does not believe there is a right to take away the ability to sell a legal product. There should be further discussion. He works for a company that does not sell to minors. They have never had the intention to sell to minors. There needs to be some rewriting and further discussion.

The owner of Vapros in Saint Paul spoke. They sell legal products. Nicotine is what is in the cigarettes. There is no tobacco. It is a good way to quit smoking. It helped her mother to stop smoking. Doctors say she is healthy after 2 packs a day and years of smoking. As for the flavoring, people enjoy them because they want to get rid of the tobacco flavor. People love the flavors. There is no second hand effect to e-cigarettes. This is a great product. He does not want kids around it.

Mike Bartel, came from Brainerd, said he does not smoke. He does not like the flavor. Everyone in the industry is trying hard to not market this to kids. Prematurely, you are passing this. There are things you can do to take it away from children.

The following spoke in support:

Speaker said, he would like to change the way flavored tobacco is sold. He knew the hard work is paying off. Tobaccos use the same tastes. He is personally offended. Supporting this ordinance, his generation will be healthier.

Dr. Tom Cotkey stated he has worked 40 years on tobacco. In one vote, they will save more lives than 40 years. The flavors are toxic.

Janelle, Blue Cross and Blue Shield, deliver on Blue Cross's long term commitment on decreasing youth tobacco. This should not be available in stores. They conducted a public opinion poll. 70% are concerned. 64% are in support. When asked the households that have children living in them, it is 75%. 2/3 of residents support this ordinance. Tobacco products target youth.

Dimone Presley said they are here today with his daughter. He is the director. He is a father and leader. He is in strong support. He would like to thank them for their efforts. They have passed a number of ordinances. They have decreased youth tobacco in Saint Paul. Smoke related illness is the number one cause of death. For decades, the tobacco industry has targeted African Americans. This ordinance does not deal with menthol. There is more work to be done. Change is possible.

*Jess Ngo, representing Alicia Leizinger, said Alicia had to leave. This issue effects more than 1 in 3 high school students. This is targeting the LGBT community.
(Showed picture)*

William Williams, 665 Thomas Avenue, youth leader, said he has a younger sister. She is ten now. Two to 3 years ago, she went to the corner store (showed a picture) and she thought it looked like candy. She told her it was tobacco. I have a real concern on how appealing the candy products are. A lot of people think they are less addictive.

Plona Yang, 942 Hawthorne Avenue, said the health disparities in our state are worse. People of color die twice as much as white babies. 7 out of 10 middle school students. This ordinance will reduce the negative impact.

Gene Nichols, African American Leadership Forum, said they are leaders in every field. He is the chair. They have identified this issue as critical. They are committed to addressing flavored tobacco. This excludes menthol cigarettes. Their coalition will educate further.

Jean is president of non smokers. This had to happen with a conversation with the vendors. This is not about youth access. It is youth demand. It is about going upstream and stopping the demand. Keep in mind this ordinance applies to about 2% of the tobacco products.

Stark said this had to be laid over to January 6.

Councilmember Thao moved to lay over to January 6.

7 in favor, none opposed

Public hearing is continued to January 6

Continue public hearing to January 6

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

39 [Ord 15-60](#)

Amending Chapter 84 of the Administrative Code establishing a dollar threshold for applicability, creating a set-aside program for CERT certified businesses and establishing penalties for failure to establish good faith efforts to establish vendor outreach goals.

Jessica Kingston said Chapter 84 is a tool they use for community economic stabilization. Since the city purchases in the private marketplace. Chapter 84 is contracting with minority and women owned businesses. The amendment is being made about community members. This furthers that amendment. This is a small business set aside program.

(No one appeared in opposition.)

Councilmember Thao moved to close the public hearing and lay over.

7 in favor, none opposed

Public hearing is closed and ordinance is laid over to December 2 for final adoption

Laid over to December 2 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

40 [Ord 15-61](#)

Amending Chapter 409.02 of the Legislative Code, changing the definition of restaurant.

Councilmember Tolbert moved the amendment.

7 in favor, none opposed

Amendment is approved

Dan Shelley, Deputy Director of DSI, this changes the definition of restaurant for on-sale liquor licenses. This is a charter change on December 2. Customers have changed. The State of Minnesota has changed. The proposed ordinance reflects the changing restaurant market. This proposed new definition will support the City's restaurants. DSI has received letters of recommendation. There is a limited number, under 15. They want to make sure there is a grandfather clause and they can decide.

(No one appeared in opposition. The next spoke in support.)

Adam Szymanki, 833 Grand Avenue, volunteer member of Review council. They support this amendment. They urge the council to vote in favor.

John Marshall, 1662 Juliet Avenue, excited constituent and is a strong supporter. This supports small business. After many months he is excited to support what is in front of them.

Stephanie Shimp, Blue Plate, stated they have 3 restaurants in Saint Paul. She has been in business since 1993. None of the establishments serve liquor. Beer. It is had to stay in compliance. Two craft beers with a burger, they are out of compliance.

Susan, Jones Restaurant in Highland, said there option was to get a full liquor license. They are glad to be at this point. Business in Mpls. would come to Saint Paul. This would be helpful for them.

Andy Remke, owner black Dog Café in Lowertown, said they are the closest restaurant to CHS Field. The come down to the game. He can offer them a glass of wine or beer, but that is not what they are looking for and they go somewhere else.

Tolbert moved to close the public hearing and lay over

7 in favor, none opposed

Public hearing is closed and ordinance is laid over to December 2 for final adoption

Tolbert thanked people. He wants to support restaurants and not create problems bars. This is a common sense law change.

Councilmember Brendmoen said this is modernizing an antiquated system. This does not add the saloon style bars.

Councilmember Thune said 26 years ago, bad bars and alcohol were the biggest issue in the neighborhoods. This shows how well are laws are being enforced. He is fine with this.

Laid over to December 2 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

41 [Ord 15-62](#)

Amending Chapter 33 of the Legislative Code pertaining to Establishment of Permit Fees and Certificate of Compliance.

(No one appeared in opposition.)

Councilmember Finney moved to close the public hearing and lay over.

7 in favor, none opposed

Public hearing is closed and ordinance is laid over to December 2 for final adoption

Laid over to December 2 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

42 [Ord 15-63](#)

Amending Chapter 40 of the Legislative Code pertaining to Fire Certificate of Occupancy as it relates to Fees.

(No one wished to be heard.)

Councilmember Thune moved to close the public hearing and lay over.

7 in favor, none opposed

Public hearing is closed and ordinance is laid over to December 2 for final adoption

Laid over to December 2 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

43 [Ord 15-64](#)

Amending Chapter 55 of the Legislative Code pertaining to the Fire Code - Tent Permit Fees.

Councilmember Finney moved to close the public hearing and lay over.

7 in favor, none opposed

Public hearing is closed and ordinance is laid over to December 2 for final adoption

Laid over to December 2 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

44 [Ord 15-65](#)

Amending Chapter 310 of the Legislative Code pertaining to Uniform License Procedures as it relates to License Fee Schedule.

Michael Breckman said he currently manages St. Paul Yellow Taxi and it has to be done with increasing license fees. He is looking to see if the taxicab license be reduced by 50%. He is against this ordinance. The competition does not pay any license fee.

Councilmember Thune asked what he means. Brechman says Uber does not pay license fees. His fees are over \$8,000. There are a lot of expenses to meet the City ordinance.

Councilmember Brendmoen said when Uber comes to talk to them, the choice to move forward would have an effect on tax fees. We need to evolve with this issue.

Brendmoen moved to close the public hearing and lay over to next week.

7 in favor, none opposed

Public hearing is closed and laid over to December 2 for final adoption

Laid over to December 2 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

45 [Ord 15-68](#)

Amending Chapter 43 of the Legislative Code pertaining to Vacant Buildings as it relates to Vacant Building Registration Fee.

(No one wished to be heard.)

Councilmember Tolbert moved to close the public hearing and lay over.

7 in favor, none opposed

Public hearing is closed and ordinance is laid over to December 2 for final adoption

Laid over to December 2 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

49 [RLH VBR 15-74](#) Appeal of Michael Zamarripa to a Vacant Building Registration Requirement at 53 ELIZABETH STREET EAST.

Item 49

Marcia Moermond said this is a vacant building registration. It follows condemnation which occurred in July. The shut off of the electricity and gas occurred in May. It was without utilities for several months without a condemnation. It was referred into the vacant building program a few weeks later. The building met the definition of vacant by virtue of being condemned. Code Enforcement officers noted there is significant exterior violations, which is another definition, so the property has two criteria. You can see in the photos that the house is dilapidated. About the vacant building fee, it can be discussed now or when it comes forward as a tax assessment. She recommends denial of the appeal; this is a Category 2 vacant building, which requires a code compliance inspection and those repairs made.

Michael Zamarripa this is the home he inherited. It has been a struggle. He was not given proper notice and proper time to turn on the utilities. Talking to the first inspector Kaisersatt, he said to just turn the power back on, and he would work with him. Zamarripa had a plan to repair the roof, sides, and other projects. Kaisersatt said he would give proper time. A couple days later, the property had vacant building placards and it was a vacant building. Kaisersatt and Senty and Moermond all said to turn the power back on. Then it was a vacant building and they couldn't do anything for him.

Thune asked for the recommendation again. Moermond recommends denying the appeal and have it go to the vacant building program as a Category 2. She checked what orders were issued. There was a Correction Notice issued on July 14. It stated to get the gas and electrical turned on again. Ten days later, the condemnation was forthcoming, which is standard procedure. Category 2 registered vacant building is required to have a code compliance inspection to bring it up to minimum property safety standards.

Councilmember Thune asked would there be problems getting inspections done. Zamarripa responded he has no problem, but Kaisersatt said he sent out the notice, but Zamarripa never received it. If it is about turning on the utilities, he was willing to do that. Then the inspector said it is going to something else. Thune said he just needs to get the inspection and pull permits. Zamarripa said he did not know that.

Thune said he would close the hearing and accept the LHO's recommendation.

MM said she would amend her recommendation to grant a 90 day fee waiver so the code compliance inspection could be applied for and initial permits pulled. Without a fee paid, he could not do those things. The fee can be revisited after that.

Thune moved the recommendation as amended

7 in favor, none opposed

Public hearing is closed and resolution is adopted as amended

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

58 [RLH FCO](#)
[15-255](#)

Appeal of Tracy Lowmanstone to a Fire Inspection Correction Notice at 1006 VAN BUREN AVENUE.

Marcia Moermond brought up a photo on the screen. This room floor area is 11 by 17½. It is a big room. Across the top of the ceiling is flat. That flat area is 6'5". 1/3 of the room is at 6'5 and above. Code req is that 50% of the room is 7 feet and above.

(showed diagram)

A woman showed a drawing and said the actual bedroom space is 17 feet by 8 feet. The whole upstairs is an additional 24 feet an 11 feet across. It is a huge space. You need 70 square feet for a bedroom. This is a one person bedroom. If you look at only the area that is 5 feet or above, you are at 140 square feet. The ceiling height is an issue. The code changed for basement, which is now 6'4". If we are looking for safety, there is plenty of air space and room. This is an attic, but there is more than double the space. There is a smoke detector up there. There are windows on both sides. The fire inspector said it was important to appeal, but he didn't think it was a safety issue.

(showed a drawing)

Council President Stark said if the code changes for basements it would not be for bedroom. Moermond resopnded it is coming forward to a change to the basement for a 6'4 flat height. It would not be for diminishment. The code would not account for pitched roofs. Just a part of it is 6'5".

Councilmember Thao said as you go upstairs, where is the 7 feet. Woman explained more.

Moermond said when you are calculating the square foot of the bedroom, you can only count the area that is 5 feet or above. It is 7 inches shy of the 1/3 of the space that is tall.

*Thao moved to close the public hearing
7 in favor, none opposed
Public hearing is closed*

Thao said he does not want to set precedent for the future. We would not be in accordance with the fire code. He wants to support her, but he has to deny for safety reasons.

*Thao moved the staff recommendation
7 in favor, none opposed
Resolution is adopted*

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

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

(No one wished to be heard on the remaining Legislative Hearing items.)

Councilmember Thao moved to close the public hearing and approve the remaining Legislative Hearing items.

7 in favor, none opposed

Public hearing is closed and resolution is adopted as amended

Legislative Hearing Consent Agenda adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

- 46** [RLH FCO
15-254](#) Appeal of Tarryl Olson to a Fire Inspection Correction Notice at 1099 BUSH AVENUE.
Adopted
- 47** [RLH FCO
15-285](#) Appeal of Dave Unger to a Fire Inspection Correction Notice at 1111 CASE AVENUE.
Adopted
- 48** [RLH RR 15-41](#) Ordering the razing and removal of the structures at 421 CURTICE STREET WEST within fifteen (15) days after the November 18, 2015, City Council Public Hearing. (To continue the Public Hearing to January 6, 2016)
Referred to Legislative Hearings on November 24 and City Council Public Hearing on December 2
Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
Nay: 0
- 50** [RLH OA 15-13](#) Making recommendation to Ramsey County on the application of Charnell Hudson for repurchase of tax forfeited property at 134 ELIZABETH STREET EAST.
Adopted

- 51 [RLH RR 15-13](#) Ordering the razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (To be referred back to Legislative Hearing on January 26)
- Laid over to Legislative Hearing on December 8 and City Council Public Hearing on December 16**
- 52 [RLH VBR 15-95](#) Appeal of Daniel Fowlds to a Vacant Building Registration Renewal Notice at 1515 HAGUE AVENUE.
- Adopted**
- 53 [RLH SAO 15-73](#) Appeal of Richard M. Gruber to a Summary Abatement Order at 671 HAWTHORNE AVENUE EAST.
- Adopted as amended**
- 54 [RLH VO 15-50](#) Appeal of Charlotte Mahone and Casey Borrego to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 649-651 IVY AVENUE EAST. (To be referred back to November 10 Legislative Hearing and November 18, 2015 Public Hearing)
- Adopted as amended (grant extension to November 20)**
- 55 [RLH SAO 15-71](#) Appeal of Steven Cardenas For Marcos Cardenas to a Summary Abatement Order at 585 JEFFERSON AVENUE.
- Public hearing continued to December 2**
- 56 [RLH FCO](#)
 [15-281](#) Appeal of Jason and Ashley Welke to a Re- Inspection Fire Certificate of Occupancy with Deficiencies at 1886 ORANGE AVENUE EAST.
- Adopted**
- 57 [RLH FCO](#)
 [15-261](#) Appeal of Ron Staeheli to a Fire Certificate of Occupancy Correction Notice - Complaint Inspection at 633 PALACE AVENUE.
- Adopted**

ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 0

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