



# 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*

**Council Chambers - 3rd Floor**

Wednesday, November 16, 2016

3:30 PM

### ROLL CALL

*The meeting was called to order by Council President Stark at 3:31 p.m.*

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

### COMMUNICATIONS & RECEIVE/FILE

- 1     **AO 16-87**           Amending the 2016 spending budget in the Public Works Engineering Fund.  
**Received and filed**
  
- 2     **AO 16-88**           Amending the 2016 general fund budget for the Fire Department to more accurately record expenditures.  
**Received and filed**
  
- 3     **AO 16-89**           Amending the 2016 spending budget in the Central Service Fund, Treasury Fiscal Services accounting unit.  
**Received and filed**
  
- 4     **AO 16-90**           Amending the 2016 spending budget for the Office of Financial Services.  
**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 5 - 20)

*Item 19 was removed from the Consent Agenda for separate consideration.*

*Councilmember Bostrom moved approval of the Consent Agenda as amended.*

#### **Consent Agenda adopted as amended**

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

**Nay:** 0

- 5 RES 16-1744** Approving the settlement agreement and release between the City of Saint Paul and Illinois Farmers Insurance Company and their attorney Daniel Hintz.  
**Adopted**
- 6 RES 16-2012** Accepting the gift of airfare, lodging, ground transportation from the airport, and some meal expenses from the National Computer Forensics Institute (NCFI), for Yamy Vang, Assistant City Attorney, to attend the Computer Forensics for Prosecutors Course.  
**Adopted**
- 7 RES 16-1950** Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during June 24 to July 8, 2016, and setting date of Legislative Hearing for December 20, 2016 and City Council public hearing for February 1, 2017 to consider and levy the assessments against individual properties. (File No. CRT1703, Assessment No. 178202)  
**Adopted**
- 8 RES 16-1951** Approving the City's cost of providing Graffiti Removal services during August 23 to September 1, 2016, and setting date of Legislative Hearing for December 20, 2016 and City Council public hearing for February 1, 2017 to consider and levy the assessments against individual properties. (File No. J1703P, Assessment No. 178402)  
**Adopted**

- 9      **RES 16-1952**      Approving the City's cost of providing Excessive Use of Inspection/Abatement services billed during May 23 to June 22, 2016, and setting date of Legislative Hearing for December 20, 2016 and City Council public hearing for February 1, 2017 to consider and levy the assessments against individual properties. (File No. J1702E, Assessment No. 178301)  
**Adopted**
- 10     **RES 16-1953**      Approving the City's cost of providing Tree Removal services from August 2016, and setting date of Legislative Hearing for December 20, 2016 and City Council public hearing for February 1, 2017 to consider and levy the assessments against individual properties. (File No. 1701T, Assessment No. 179000)  
**Adopted**
- 11     **RES 16-2031**      Authorizing the issuance and direct placement of Subordinate Sales Tax Revenue Refunding Bonds, Series 2016A, and Taxable Subordinate Sales Tax Revenue Refunding Bonds, Series 2016B; delegating to a Pricing Committee the authority to set the terms thereof; and approving an Indenture of Trust, Continuing Covenant Agreement, and related documents.  
**Adopted**
- 12     **RES 16-2000**      Authorizing the City to enter into a Joint Powers Agreement with the Saint Paul Port Authority to implement and administer the Property Assessed Clean Energy Program.  
**Adopted**
- 13     **RES 16-1954**      Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during July 11 to August 6, 2016, and setting date of Legislative Hearing for December 20, 2016 and City Council public hearing for February 1, 2017 to consider and levy the assessments against individual properties. (File No. CRT1704, Assessment No. 178203)  
**Adopted**
- 14     **RES 16-1969**      Authorizing the Fire Department to enter into a joint powers agreement with Chippewa Valley Technical College to allow paramedic students from Chippewa Valley Technical College to participate in clinical ride alongs with the Saint Paul Fire Department.  
**Adopted**

15     **RES 16-1977**     Authorizing the Department of Planning and Economic Development to submit applications to the Department of Employment and Economic Development for Contamination Cleanup and Investigation Grants, and to the Metropolitan Council for Tax Base Revitalization Account Program, for the 428 Minnesota Street, RiverEast School, Empire Building, Degree of Honor Building, Hamm's Brewery, Karibu Grocery and Deli, and Lexington Library sites.

**Adopted**

16     **RES 16-1878**     Approving the 2016 Round 2 Cultural STAR Projects.

**Adopted**

17     **RES 16-2002**     Accepting the gift of airfare, lodging, and meals from the Lincoln Institute of Land Policy, for Jonathan Sage-Martinson, Director of the Department of Planning and Economic Development, to attend a National League of Cities event featuring HUD Secretary Julián Castro for the Prosperity Playbook Community of Practice meeting.

**Adopted**

18     **RES 16-1959**     Approving adverse action against all licenses held by Jeffrey M. Richter, d/b/a Midwest Auto Connection at 33 Acker Street East.

**Adopted**

20     **RES 16-2003**     Authorizing the Office of Technology and Communications to enter into an agreement with Apple for the creation and maintenance of mobile applications.

**Adopted**

**FOR DISCUSSION**

19     **RES 16-2037**     Authorizing the demolition of Skyway Bridge Number 10.

*Councilmember Noecker moved an amendment for the Department of Safety and Inspections. She moved approval of the resolution as amended.*

**Adopted as amended**

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

**Nay:** 0

21     **RES 16-2029**     A resolution awarding the sale of General Obligation Various Purpose Bonds, Series 2016E; fixing the form and specifications of the Series 2016E Bonds; directing the execution and delivery of the Series 2016E Bonds; and levying a tax for the Series 2016E Bonds

*Michael Solomon, City Debt Manager, gave a staff report on the bond sale. He said*

*both Standard and Poors, and Fitch ratings had reaffirmed the City's AAA bond ratings prior to the sale, noting the strong economy in the City, the very strong financial management, and structurally balanced budgeting. He said post-election interest rate markets had been challenging, and the City's the AAA rating and Name-recognition in the market led to strong demand for the bonds and successful sale results. He reviewed the results of the sale, and thanked the Council; the consultants, especially Springsted; and Finance staff.*

*Councilmember Tolbert moved approval of the resolution as amended with the sale results.*

**Adopted as amended**

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

**Nay:** 0

**22 RES 16-2030**

Providing for the issuance of and accepting a proposal on the sale of General Obligation Street Improvement Special Assessment Refunding Bonds, Series 2016F; fixing the form and specifications of the Series 2016F Bonds; providing for the issuance of the Series 2016F Bonds; and levying a tax for the payment of the Series 2016F Bonds

*Councilmember Tolbert moved approval of the resolution as amended with the sale results.*

**Adopted as amended**

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

**Nay:** 0

**23 RES PH 16-406**

Approving the petition of Gan Mizrachi, LLC to vacate a portion of alley and Idaho Avenue East adjacent to 76 Wheelock Avenue East.

*Councilmember Brendmoen said they had worked with the developer and neighborhood. She moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

**24 RLH TA 16-387**

Ratifying the Appealed Special Tax Assessment for Property at 598 CASE AVENUE. (File No. VB1615, Assessment No. 168822, Amended to File No. VB1615A, Assessment No. 168826

*Councilmember Bostrom moved approval of the resolution.*

**Adopted as amended**

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

**Nay:** 0

## **ORDINANCES**

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

### **First Reading**

- 25    **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 7 for second reading**

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

- 26    **RES PH 16-427**        Authorizing Parks and Recreation to establish a 2016 financing and spending budget to recognize a donation in the amount of \$300,000 for the Rice Park Revitalization Project.
- No one was present to testify. 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
- 27    **RES PH 16-423**        Amending the financing and spending plans in the Police Department in the amount of \$100,000 for to more accurately record expenditures.
- No one was present to testify. Councilmember Bostrom 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
- 28    **RES PH 16-422**        Authorizing the Police Department to accept two grants from the Target Corporation totaling \$7,000 and to amend the 2016 activity budget for these funds.

*No one was present to testify. Councilmember Bostrom 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

- 29     **RES PH 16-420**     Authorizing Public Works to request Public Entity Innovation Grant funds from Ramsey County for recycling carts.

*No one was present to testify. Council President Stark moved to close the public hearing and approve the resolution.*

**Adopted**

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

**Nay:** 0

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

*The Council recessed at 3:42 p.m.*

**PUBLIC HEARINGS**

*The Council reconvened for public hearings at 5:32 p.m.*

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

*Travis Bistodeau, Department of Safety and Inspections (DSI), gave a staff report on the proposed ordinance changes, and answered Council member questions.*

*Councilmember Brendmoen said a representative from Midwest Fence had been present at the 3:30 portion of the meeting to testify on this item, and he had passed along questions for her to ask. She asked what would happen with outstanding inspections. Mr. Bistodeau said the department would draw a line in the sand, possibly January 1, and permits issued prior to that would be subject to inspection. Councilmember Brendmoen said sometimes fence contractors went out of business leaving permits open, causing problems for property owners at the time of sale of the house. She asked whether there could be a shorter look-back. Mr. Bistodeau said they would look into it. Councilmember Brendmoen asked how the changes were being communicated and whether the website was updated. Mr. Bistodeau said as soon as the ordinance was passed, the department would change the public-facing documents and the website, and would implement a communications plan with the updated information.*

*Councilmember Brendmoen gave a little background on the reasons for proposing the ordinance changes, and she thanked DSI for their work.*

*Councilmember Bostrom said the location of property lines had been an issue in the*

*past, and that problem would still need to be addressed by the property owners and not the City. Councilmember Brendmoen said part of the discussion was that the City was not involved in property line disputes and they were a Civil matter. She said the City's goals were that there was a site plan and the fence was built properly.*

*Councilmember Brendmoen moved to close the public hearing.*

**Public hearing held and closed; laid over to December 7 for final adoption**

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

**Nay:** 0

**31 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.

*Councilmember Noecker said the Planning Commission was also investigating this issue, and their public hearing was that Friday. She said her intention was to continue the public hearing to December 7 to allow that process to be completed.*

*No one was present to testify. Councilmember Noecker moved to continue the public hearing to December 7.*

**Public hearing continued to December 7**

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

**Nay:** 0

**32 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.

*City Attorney Samuel Clark gave a staff report on the ordinance. He said the original proposal was the result of months of effort by many individuals that started with an audit by a team from the University of Minnesota. He thanked the audit team and read an excerpt from their report. He said the process involved a series of community conversations, and meetings between the City Attorney's Office (CAO) and stakeholders. He said all voices were heard, deeply appreciated and carefully considered. He acknowledged that a lot of people had passionately held beliefs about the right direction. He said they had done their best and would continue to work to find a balance, while keeping in mind that the goal of the commission was to build trust between the Police Department and the community it served. He stressed that the civilian review commission was an important part, but just a part, of the internal discipline system, and that the Chief of Police made final decisions on discipline as required by state law. He said that the original proposal was the result of weeks of meetings between leaders from Police, CAO, and HREEO, and represented an attempt to balance parallel concerns. He said he didn't view PCIARC as anti-cop but as pro-community, and didn't feel those two were in tension. He reviewed the changes in the original proposal: moving the supervision and administration of the commission from the Police Department to the Department of Human Rights and Equal Economic Opportunity (HREEO); increasing the number of members from seven to nine, including seven civilian members, with the two police commissioners required to be members of the Police Federation with the rank of commander or its equivalent; removing the residency restriction for commanders; allowing*



*commissioner training to occur after appointment to the commission, and enhancing the training; adding racial profiling to the list of case types reviewed by the commission; allowing electronically signed cases to be accepted, adding notification of complainants when a complaint was to be heard, and offering the complainant the opportunity to provide testimony; prohibiting internal affairs from including a disposition recommendation with their reports to the commission; granting the commission the authority to recommend policy changes for consideration by the Chief of Police. He said PCIARC would release summary data annually, and there would be an annual summit to review that data.*

*Council President Stark thanked Mr. Clark for the overview of the full scope of the proposed changes, and said it was useful for the people in the audience and the public to have that overview.*

*Councilmember Prince asked for clarification of the residency restriction for commanders. Mr. Clark said the audit recommendation was to remove officers all together, and the community voice was clear in support of that recommendation. He said in conversations with the Council, it was clear there wasn't enough support for the proposition of removing officers. He said the idea of requiring that the police members be commanders was met with begrudging acceptance by many of the community members with whom he had communicated. He said the concept was based on the idea that commanders were a little more removed from the real or perceived conflicts a beat officer might have in serving on a body like this, and commanders were more used to imposing discipline as part of their job duties. In answer to Councilmember Prince's question he said the understanding and belief of those members of the Police Department who were at those internal discussions, there weren't enough commanders living in St. Paul to provide a big enough pool to draw from.*

*Councilmember Noecker asked Mr. Clark to address concerns related to moving*

*PCIARC from Police to HREEO, in the sense that the move would limit PCIARC's ability to access police information. Mr. Clark said it was a concern he shared as the City Attorney. He said any changes would require that the City's obligations be met under state law, and those obligations under data privacy laws were important. He said he felt it was possible to make the change without violating statutes and requirements it was certainly not in the City's interest to violate. He said it was a hypothetical concern but one they shared and were aware of.*

*Councilmember Bostrom asked whether information related to an active police investigation would be available to the commission if a complaint was filed. Mr. Clark said whatever was currently in place wouldn't change, and a change in that area wasn't being contemplated. Councilmember Bostrom said that was something important to know.*

*Councilmember Brendmoen asked to reconsider the vote on the amendments brought forward at the previous week's second reading. Councilmember Bostrom said he had supported the previous week's motion and didn't support removing it.*

*Vote to reconsider: 5-2 (Tolbert, Bostrom)*

*Councilmember Brendmoen said she appreciated the intent of bringing the amendments forward with enough time for them to be considered prior to the public hearing. She said that goal had been accomplished, but she didn't agree with all facets of the amendment. She said she would like to go back to Version 1, honoring the original version that was the result of the work described by Mr. Clark, and hold the public hearing on that version.*

*Council President Stark clarified that the package of amendments were now before the Council again. Councilmember Tolbert asked a procedural question; Ms. Tierney clarified.*

*Councilmember Noecker said the amendments could still be considered individually, and she suggested that happen after the public hearing. Councilmember Tolbert said he would discuss his justification for each of the items individually when they were brought back up for consideration. He said he thought the three changes strengthened the ordinance.*

*Votes: 2-5 (Thao, Noecker, Prince, Stark, Brendmoen)*

*Councilmember Noecker said she had amendments she would like to introduce prior to the public hearing. She said they were relatively formulaic so she was not too afraid of causing confusion by introducing them. She said there were a number of recommendations in the audit that she wanted to make sure had the force of ordinance. She said reviewed the amendments: 1) Clarifies that only internal affairs staff who were involved in investigating a case should be present when the case was deliberated upon; 2) Calls on PCIARC to develop formal policies for things like orientation, recusal, data privacy and media contact; 3) Specifies the kind of data to be released annually, 4) Specifies that "commissioners-in-training" can be in the room even if they can't participate or vote, and ensures that member terms could be extended so there were always nine members on the commission until new members were trained.*

*Councilmember Tolbert said he believed Councilmember Noecker's amendments were based on the version that had just been voted out, and he suggested putting that in the record to be technically correct.*

*Council President Stark said Ms. Tierney was working hard to make sure the Council ended up with all the right changes in the right places. He said he appreciated the effort and detail work Councilmember Noecker had put into finding those items recommended in the audit but not put into the ordinance. He said he felt they made a lot of sense.*

*Councilmember Noecker moved the amendments. Yeas - 7 Nays - 0*

*Councilmember Prince said she would like to propose two amendments so there wouldn't have to be an additional public hearing. Council President Stark said the recommendation from Ms. Tierney was to continue the public hearing until December 7 since there had been so many changes, and that was his recommendation as well. He asked Councilmember Prince whether she wanted to introduce the amendments or wait. She said she would wait.*

*Council President Stark clarified that the item being considered was the original version plus Councilmember Noecker's amendments. He said the testimony would not be divided into opposition and support.*

*Testimony:*

*Tyrone Terrell (270 N. Kent Street), representing the African American Leadership Council, St. Paul branch of the NAACP, the State Council of the NAACP, and the Black Ministry Alliance, said his group had been involved in this issue since Chief Finney, and felt they were impacted by investigations. He said they agreed with the proposals from Mr. Clark. He said they were against police inclusion but accepted the inclusion of commanders since they had a disciplinary roll. He stressed the importance of diversity on the commission reflecting the community.*

*Grant Stevenson (664 Short Street) said his general concerns existed within the general context of distrust between police officers and people of color. He said he didn't feel police should be members of the commission, and they needed a process that didn't look tainted.*

*Yingya Vang (994 Beech Street) said she did not support the amendments proposed by Councilmember Tolbert and supported by Councilmember Bostrom. She said she was shocked that police officers would be included on the commission, ignoring the University audit's advice. She said people of color were disproportionately affected by police brutality. She said she didn't know whether Council members were trying to score political points and gain the Police endorsement but she would never support that if the amendments were brought forward again. She said the amendments were made without considering people of color, immigrants and refugees. She said the U.S. just elected a president who was divisive, and it was time for people to come together. She thanked Council President Stark and Councilmember Thao for not supporting the amendments originally.*

*Javen Swanson (1515 Sherburne Avenue), pastor at Gloria Dei Lutheran Church, thanked Council President Stark for his leadership. He urged the Council to oppose amendments from Councilmember Tolbert which were off the table but likely come back to the table individually. He said he was especially concerned about the inclusion of beat cops on the commission, and had learned as a pastor that his voice in church meetings often carried more weight than the voices of lay people. He said the proposed amendments were ill-timed, given that many people were living in the fear that some of their most basic civil rights were being threatened. He said the amendments were a step in the wrong direction at a time when many people believed cities should be centers of resistance.*

*Kong Xiong (363 Wheelock Parkway E.) on behalf of Hmong-American Vanguard for Power Alliance for Justice, representing the progressive Hmong-Americans of Minnesota. He said they were in opposition to the amendments proposed by Councilmember Tolbert and supported by Councilmember Bostrom. He said they felt including police would be biased, and including the amendments would be institutionalizing racism. He said the board should not be moved out of HREEO, and moving it to the CAO would be a conflict of interest. He said requiring training prior to membership was a slap in the face to the intelligence and dignity of residents.*

*Sarah Mullins (1008 Ashland Avenue) said it should be a 100% civilian board. She shared her experiences of living in an area with heavy police presence over the summer. She said additional insight from police could always be requested if needed.*

*Joanne Hodgeman (1411 Sherburne Avenue) said it was not appropriate to have police policing police, even commanders. She said she was concerned that this was approved by Council members who were looking at the Mayor's office as a potential career path.*

*Teri Bookless-Geis (1317 Van Buren) said she believed the review board should have nine people and be connected to HREEO. She said she was not sure whether police should be included, but the board should be sensitive to the culture and the needs of all citizens.*

*Maimoua Hoang (610 Winthrop Street N.) said she agreed with points already made and was against the three original amendments. She said most of her peers, both those of color and not, had experienced uncomfortable situations around police.*

*Ann Mongoven (2104 Edgcumbe Road) spoke in support of an all civilian board that made recommendations to the Chief of Police, housed in and staffed by HREEO.*

*Violet Vang (994 Beech Street) said she didn't support the three amendments, which she felt would give the police more power and people of color would live in fear more.*

*Joanna Anderson (1315 Sargent Avenue) said she was against the three amendments proposed by Councilmember Tolbert. She said a lot of work was done over the last three years to develop the original proposal, and it didn't make sense to commission studies and go against the main recommendations. She said she understood compromises had to be made in government, with regards to going back to commanders rather than officers. She said housing the commission in the CAO would represent a conflict of interest, and whether perceived or actual, that could discredit the work of the commission.*

*John Haggar (1536 Hewitt Avenue) said the Police Department already conducted its own internal investigations, and the review board was to provide an external recommendation. He said he supported moving the commission to HREEO.*

*Monica Bravo (359 Winslow Street), Director of District Council 3, read letter in opposition to the proposed amendments, which were counter to the recommendations made by the University of Minnesota. She said she felt strongly the commission should be made up of civilians, should be housed in HREEO, and the training should be overseen by HREEO.*

*Pang Xiong (709 Kent Street) said people of color experienced things differently and hesitated to make complaints to the police because of incidents they didn't feel were right. She said she didn't feel there was trust in officers, and he felt the commission should be just civilians.*

*Lori Stee (1006 Burgess) said the review panel should be civilian, and there was no basis for departing from best practices.*

*May Esperanza Losloso (439 Fairview Avenue) spoke in support of an all civilian review board. She said Philando Castille represented only the second time she knew of in which a police officer had been held accountable. She said the fact that the officer was a person of color should not be ignored, and asked why only officers of color were being prosecuted. She said white supremacy was real to her.*

*Kristen Turnblom (1239 Blair Avenue) said she opposed police of any stripe on the citizen review board. She said especially since the election there was a need to build trust.*

*Kathleen Vanderwall (279 Goodrich Avenue) said police officers should be held to a different standard and it was not a question of fairness. She said if the board was put together in a way that was not seen as independent and fair, it would be worse than not having a board at all.*

*Sigrid Ellis (2182 Dudley Avenue) said civilian oversight of police shouldn't be balanced, it should be weighted against the institutional power of the police force. She said she thought the commission should be all civilians.*

*Sue Trupiano (1394 Blair), acting chair of the current PCIARC Commission, spoke about their experience with police officers on the commission. She said police were equals and referred to as commissioners and not as officers. She said they were used as a resource, and provided great insight, oftentimes letting commissioners know why complaints should be sustained and recommending discipline. She said they should keep officers on the board and they should be residents, because that provided a common bond.*

*Janet Nye (2112 Portland Avenue, Minneapolis) spoke in support of an all civilian review board selected by citizens. She provided an overview of citizen review in Minneapolis, and said it didn't work well.*

*Joanna Lowry (149 Morton Street), said she worked with youth who were on probation, most of whom were African American, and they very often talked about being targeted by police. She said she had walked through the complaint process with a few of them and felt it would have been more fruitful if the board was all civilians. She said police could be brought in as an expert and voice their perspective.*

*Melissa Borgmann-Kiemde (1196 Selby Avenue) said she was not anti-police, but for citizen review and civilian review.*

*Council President Stark said he appreciated the testimony; he said ultimately they would continue the public hearing to December 7. He said he was regretting not asking Mr. Clark a more contextual question at the beginning which, in retrospect, would have been helpful. He said there had been comments about police policing police, and it was important to clarify that there were three routes this this could take: criminal, as in the case of Philando Castile; civil court; and internal review, which was what was being discussed.. He said the PCIARC had been in existence for 20 years, and what was being considered were proposed changes. He said he agreed with the general sentiment that this being the civilian part of the process, that the voting members should be civilians.*

*Councilmember Thao said given the testimony and recommendations of the audit and recommendations of National Association of Civilian Oversight of Law Enforcement, he would like to propose an amendment that all nine members be civilians. He said he was not against officers, but civilians deserved their own space to talk and make an independent recommendation, so when a police officer was cleared of wrongdoing, the public and City could stand behind the recommendations, and if the outcome was discipline, he felt the police would take responsibility. He said some Council members were endorsed by the (Police) Federation but they were elected by the people, including many people of color. He said a vote to continue was to support structural racism in this country, which hurt future generations. He said the Council should do what was right for the people who voted for them, and not for the institutions.*

*Council President Stark confirmed with Councilmember Thao that the proposed amendment was for nine civilian members and no officers. He said he felt there should be officers on the board but not as voting members. He said it was important to have that perspective around the table, and he suggested keeping it as seven civilians and two officers that were not voting members. Councilmember Thao said he had heard from community members present that it was okay to bring police in as resources. He said he liked the idea of experienced people as a resource, but in getting the resource they were also creating mistrust. He said police officer's lives were being put at stake when they were forced to make decisions on their fellow police officers..*

*Councilmember Bostrom said having been associated with the Police Department for 26 years and on the Council for 21 years, he found the testimony distressing because he felt it had been a responsible process. He said he couldn't stress enough that the police had a dangerous job unlike any other job, and he felt that spoke for having police officers as part of the civilian review. He said civilian members who couldn't stand up to two officers, probably shouldn't be on the review board. He said there were subtle nuances to what went on out on the street that couldn't be explained unless you had been there. He said it sounded like it would be easier and cheaper if they just abandoned the whole Police Department if they were the problem. He said*

*police deserved credit and respect, and it was irresponsible to suggest they weren't capable of being on a board that took a look at the conduct of their colleagues. He said he could support a commander and patrol officer as members, but couldn't support eliminating police from the board.*

*Councilmember Tolbert said he didn't support Councilmember Thao's amendment and wanted to take a look at the bigger picture. He said a lot of people had come to testify on the amendments he'd brought, and he appreciated everyone's involvement. He said the current board is seven members including two active officers, and he supported moving this to nine members with two officers or commanders. He said one thing that was further cemented with the election and with testimony tonight, was that these amendments strengthened and legitimized the commission, and helped start a conversation. He said people were afraid to discuss differences of opinion, and that was the reason for keeping two officers on the commission. He said the the only way to have trust was to have a conversation and interact. He said he didn't agree with the premise that police officers would go on the committee to defend officers, but even of that were the case the vote would always be seven to two. He said there was value in diversity of all kinds, and having police on the commission strengthened the commission. He said unanimity of opinion was not good for society or for the City.*

*Council President Stark said he agreed they were not looking for unanimity of opinion or perspective and there was deep value in diversity of opinion and perspective. He said he would agree with the point Councilmember Tolbert made, if PCIARC was a decision-making body. He said he agreed with the point about legitimacy but felt the need for legitimacy was a reason to pull the officers off as voting members. He said the perception of legitimacy was extremely important.*

*Councilmember Thao said the point about coming together and having dialog and trust would be true if everyone was white, but that was not the reality they were living in. He said it had been proven the system was broken, and people were present to testify because they didn't trust the system and didn't want officers on the review board. He said there were opportunities outside of this review board to get together to have a forum to build trust, and he supported Chief Axtell's emphasis on community engagement. He said he had respect for Councilmember Bostrom as an elder and authority, He noted that Councilmember Bostrom had repeatedly made the point that police were the only profession to wear bulletproof vests to work, but said it was important to remember the people who didn't have bulletproof vests when they went out. He said the comment that the solution might be for the police department to be disassembled didn't make sense and was childish. He said a better argument was that maybe all people of color should have bulletproof vests. He said the people had spoken and were saying they didn't want police on the board.*

*Councilmember Noecker thanked everyone for their testimony. She said she had spent a lot of time thinking and listening and considering the systemic distrust, which she thought of as being like a disease, a cancer. She spoke about the evolution of cancer treatment, and said she wanted to do what was actually going to restore trust and not necessarily the most visible or dramatic thing, such as removing the officers from the board. She said police should be held to a higher standard because they wore a uniform, but they were not guilty until proven innocent and deserved a fair process as well. She said she agreed with Councilmember Tolbert on the need for a board that had legitimacy for all parties. She said the audit made 18 recommendations, most of which were being adopted by the Council, and the recommendations that were most important were not the most visible. She said taking police off the commission was a visible change, but she agreed with Councilmember Tolbert that that change weakened the authority of the PCIARC because it removed the opportunity for debate involving all interests. She said there were significant risks in having the officers not be voting members and making them*

*experts rather than peers. She said she believed in having police as a minority on the commission, able to share and debate their views, and that everyone on the commission should be strong-minded independent thinkers.*

*Councilmember Prince expressed thanks to everyone present. She said it was obviously an emotional and difficult topic, and she appreciated the perception that as a white person she couldn't understand the experience of people of color. She said it was important not to cast any aspersions on the police, on themselves as City Council colleagues and who had endorsed them or not. She said lots of constituents had contacted her and asked that police officers be removed from the commission, and she understood why that might seem like it would make it a more just process. She said the full scope of changes to the ordinance were enormous, and the biggest change for those who wanted to see greater citizen influence was that they had taken away the review of the senior commander of internal affairs thereby ensuring that all complaints were heard by the PCIARC. She said she shared the view of colleagues that both the citizen and the police officer needed to have trust in the process. She said after much deliberation she had concluded that removing the police from the Police Civilian Internal Review Commission had the potential of isolating that body from the process it was meant to influence. She said she believed both police and civilians needed to be on the commission to achieve greater understanding and trust in the decisions of the commission. She said she appreciated Councilmember Thao speaking on behalf of the overwhelming testimony but felt it was up to those taking the vote to look at the nuances. She clarified that Councilmember Tolbert's amendments differentiated between commanders and officers being placed on the commission; addressed whether the commission should be in the City Attorney's Office or the Human Rights department, which she didn't feel was a big change; and had to do with getting training before voting, which was not a big change. She said she would vote against Councilmember Thao's amendment because mutual trust was essential to making the PCIARC an effective body.*

*Councilmember Brendmoen said she appreciated the comments from Councilmember Prince in pointing out the importance of what was being done and not fixating on one detail; and Councilmember Noecker's diligence in really digging into the audit report. She said she appreciated what Councilmember Thao said and was thinking a lot about the amendment, although she was not sure if she could support it. She said she appreciated the thoughtful conversations with her colleagues and also wanted to push back on comments about the Federation having their hand in this, whom she had heard from them at all. She said she believed the police role on the commission should be limited to providing information and context, and if there were police members on the panel they should be non-voting, as Council President Stark had said. She said for her it was not a vote of no-confidence for police officers; she said they served the community every day with bravery and honor, and were civil servants who deserved the confidence and support of the Council. She said she had come to believe that police were very well-represented in the discipline process and were protected by law. She said two votes on a nine person panel was not worth losing the trust of the community over. She said the PCIARC was a place for people to review issues and for people who had a grievance against the City or police to have a voice. She said it was a vital check and balance, the recommendation of two studies, and what stakeholders and community members were requesting. She said the City could continue to lead in building trust in the community, but could make a strong statement that the residents had rights and a voice as well. She said she would like to see police members be non-voting members as opposed to not on the commission because she believed they provided a strong resource for PCIARC members.*

*Councilmember Thao said cancer was a genetic defect, but tonight they were talking about a policy decision over which they had control. He said they had heard from*

*African American community and statistics showed that they had had the most unpleasant experiences. He said there was one person of color on the Council advocating for the community, and other Council members making decisions for that community. He said 40% of residents were people of color and he asked whether the Council had thought about the kids in that community and the portrayal in the media of police officers against their community. He said the Council had a responsibility to be above that and take a chance and create trust, and a mechanism that the community had asked for and experts had recommended to the City. He said he understood that most City employees had a different life experience than that of people of color, especially black people, but the system was broken and they continued to speak as though it were not. He urged people at home to get involved if they wanted change in the government; he said he wasn't going to win this and was deeply sorry. He said they had no data to prove that not having police on the civilian review board would devastate the community or create distrust, and he would be willing to amend his amendment to have no police on board for three years, and if Community relations weren't improved they could go back and re-amend the ordinance..*

*Councilmember Bostrom gave an example of a civilian review board being able to appeal the recommendation of an oncologist, and he stressed the importance of having professionals that had a voice on the board. He said two people wouldn't overrule a board of nine people, and if the seven couldn't hold their own against two, that was unrealistic. He said the people the Mayor appointed would be strong individuals who could make and stand by a decision and defend it, even if they got contrary information from police officers. He said he thought they'd provide a valuable asset and were only two ninths of the board.*

*Council President Stark said if all they needed were experts, there would be no point in having the civilian review board at all. He said one of the assumptions was that officers might all have the same view, which was not necessarily true and it wasn't necessarily true that all civilians would have the same view. He reviewed Councilmember Thao's amendment.*

*Vote on Councilmember Thao's amendment. Yeas - 1 Nays - 6 (Noecker, Tolbert, Stark, Brendmoen, Bostrom, Prince)*

*Councilmember Prince said she would like to make an amendment. She said one thing she had heard and felt strongly about was that all PCIARC members be residents.*

*Council President Stark clarified that this would be putting the residency requirement back in. He said the practical question of whether or not there were enough commanders who lived in the City may be a mitigating factor but he would will support for the time being.*

*Vote on amendment: Yeas - 7 Nays - 0*

*Councilmember Tolbert said he wanted to bring his initial amendment back as three separate amendments. He asked whether the language from the original amendment could be used. Assistant City Attorney Rachel Tierney said it could be broken down, and she had the citations and language ready if needed.*

*Councilmember Tolbert moved an amendment that it be two officers. Ms. Tierney listed the locations of the changes in the ordinance.*

*Councilmember Noecker spoke in support of that and the residency requirement.*

*Councilmember Brendmoen said she would only accept officers if they were*



*non-voting.*

*Councilmember Thao expressed strong opposition.*

*Vote on amendment: Yeas - 3 Nays - 4 (Thao, Prince, Brendmoen, Stark)*

*Councilmember Prince said she would like to propose a compromise of one commander or equivalent and one police officer or equivalent.*

*Councilmember Bostrom expressed support.*

*Vote on amendment: Yeas - 4 Nays - 3 (Thao, Stark, Brendmoen)*

*Councilmember Tolbert said the next amendment was moving it from HREEO to CAO.*

*Councilmember Thao spoke in opposition.*

*Councilmember Noecker spoke in opposition.*

*Councilmember Bostrom spoke in opposition to having discipline reside in any department other than Police.*

*Following further discussion, Councilmember Tolbert withdrew the amendment.*

*Councilmember Tolbert asked Councilmember Noecker whether her amendment included his language about training. Councilmember Noecker it did not.*

*Councilmember Tolbert moved the amendment addressing training. Council President Stark clarified the language about training being required prior to voting. Councilmember Tolbert said the amendment also included the language about data practices. Councilmember Noecker further clarified the training requirement and said she hoped the change would make it so the training requirement was no longer a barrier to appointment like it was before.*

*Council President Stark spoke in support.*

*Vote on amendment: Yeas - 7 Nays - 0*

*Councilmember Brendmoen requested that her colleagues consider having police representatives be non-voting. She moved that amendment.*

*Councilmember Thao said he would support that with great reluctance. He said he felt this was a new low in the city of St. Paul, but there weren't enough votes and this was a compromise.*

*Council President Stark said this was improving an existing body, and everyone agreed that, as a package, this was a set of improvements. He said he found it a little irresponsible to call it a new low.*

*Councilmember Noecker spoke in opposition.*

*Councilmember Brendmoen said this was something that could be changed if they decided later they'd rather have the police be voting members. She said they had heard that people wanted a citizen review panel and this was one way to accomplish the police advisory without compromising the voting body.*

*Councilmember Thao said it was not a new low if you were not a person of color.*

*Councilmember Brendmoen said she felt it was the right balance to have officers fully at the table but also to be non-voting members and there primarily as a resource.*

*Vote on amendment: Yeas - 3 Nays - 4 (Tolbert, Bostrom, Noecker, Prince)*

*Councilmember Tolbert moved to continue the public hearing to December 7.*

**Amended; public hearing continued to December 7**

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

**Nay:** 0

**33 PH 16-15**

Inviting the public to comment on the Saint Paul Police Department's draft body worn camera policy for its pilot program. (Public hearing continued from November 2)

*Assistant Chief Kathy Wourinen gave a brief staff report with an update on the project, and she answered Council members' questions.*

*Testimony:*

*Amber Garlan (9 West 7th Place)*

*Joseph ? (13279 Bronze Parkway)*

*Yusef Mgeni (St. Paul and MN NAACP, AALC, St. Paul BIMA)*

*Kristen Turnblom (1239 Blair Avenue)*

*Dr. Bara Berg (956 Laurel Avenue)*

*Janet Nye (2112 Portland Avenue, Minneapolis)*

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

*Council members made additional comments.*

**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

**34 PH 16-16**

Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Maryam, Inc., d/b/a Mounds Park Market at 241 Earl Street.

*Theresa Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violation of and the Administrative Law Judge Hearing (ALJ). She said the licensee was not present at the ALJ hearing, and the ALJ deemed the allegations set forth in the notice of Administrative Hearing to be true. The ALJ recommended a \$500 matrix penalty, and DSI was recommending that the Council adopt the findings of fact, conclusion, and recommendations of the ALJ, and impose the matrix penalty of \$500*

*No one was present to testify.*

*Councilmember Prince moved to close the public hearing and Adopt DSI's recommendation.*

**Motion of intent - Adopted the Findings of Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge**

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

**Nay:** 0

**35 RES PH 16-400**

Approving adverse action against all licenses held by Bennett Restaurant Company, LLC, d/b/a Bennett's Chop and Railhouse at 1305 Seventh Street West.

*Theresa Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the violation of a 6.5 month lapse of liquor liability insurance. She said the department was recommending the matrix penalty of a 10-day license suspension.*

*In opposition:*

*Licensee Joseph Bennett (13279 Bronze Parkway) said they acknowledged the violation, but would like to contest the 10-day suspension. He apologized and said it was an embarrassment to his wife and himself. He said they were not bad business owners but had made a serious mistake due to a miscommunication., and steps had been taken to make sure it didn't happen again. He said he understood that reducing the penalty would be going against what the licensing department was recommending and may set a precedent, but for someone who had been in business for ten years and been an asset to the community, the penalty would be hard to recover from. He said he would also risk losing employees who were living from paycheck to paycheck. He said if it couldn't be reduced he hoped the City would work with them to move the suspension to a slower time of the year.*

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

*Following discussion among Council members regarding options, Councilmember Noecker moved a license of 10 consecutive days within six months, with the specific time to be determined by the licensee.*

*Councilmember Thao spoke in opposition. He said it was unfair to a business that had come before the Council earlier in the year with a similar penalty. He said he didn't want to set precedent and would vote against the motion.*

*There was further discussion among Council members prior to the vote on the motion.*

**Adopted as amended**

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

**Nay:** 1 - Councilmember Thao

**36 RES PH 16-342**

Adopting the Union Park Community Plan as an addendum to the Saint Paul Comprehensive Plan.

*No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.*

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Tolbert and Councilmember Noecker

37 RES PH 16-414 Approving the Energy Park Utility Company Schedule A.

*No one was present to testify. Council President Stark moved to close the public hearing and approve the resolution.*

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Tolbert and Councilmember Noecker

38 RES PH 16-418 Approving Team Ortho Foundation's request for a sound level variance at Harriet Island, with use of a sound system, for the Polar Dash Run on Sunday, January 1, 2017.

*No one was present to testify. Councilmember Brendmoen moved to close the public hearing and approve the resolution.*

**Adopted**

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

**Nay:** 0

**Absent:** 2 - Councilmember Tolbert and Councilmember Noecker

#### **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 39 - 53)**

*No one was present to testify. Councilmember Bostrom moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.*

**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

39 RLH SAO 16-40 Appeal of Kimie Clinton Kearney to Summary and Vehicle Abatement Orders at 408 BANFIL STREET.

**Adopted**

- 40     **RLH FCO  
16-183**           Appeal of Teresa Hamernick to a Fire Inspection Correction Notice at 1023 BURNS AVENUE.  
**Adopted**
- 41     **RLH VO 16-44**   Appeal of Glenn Bartelmy, on behalf of owner Samantha Bartelmy, to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1323 BUSH AVENUE.  
**Adopted as amended**
- 42     **RLH VO 16-45**   Appeal of Augustina Bonkat to a Fire Certificate of Occupancy Revocation and Order to Vacate at 123-125 COLORADO STREET EAST.  
**Adopted**
- 43     **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 November 22; Council public hearing continued to December 7**
- 44     **RLH VBR 16-68**   Appeal of Elizabeth Fish, POA for Duane Fish, to a Vacant Building Registration Requirement at 687 FIFTH STREET EAST.  
**Adopted**
- 45     **RLH SAO 16-44**   Appeal of Ganghis Khang to a Summary Abatement Order at 1225 FOURTH STREET EAST.  
**Adopted**
- 46     **RLH SAO 16-41**   Appeal of Dr. Michael W. Ross to a Summary Abatement Order at 883 FRY STREET.  
**Adopted**
- 47     **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 November 22; Council public hearing continued to December 7**
- 48     **RLH VO 16-47**   Appeals of Robert Mandile to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate, Summary Abatement Order, and Vehicle Abatement Order at 1627 MARSHALL AVENUE.  
**Adopted**

- 49    **RLH FCO**                    Appeal of Mark Younghans, Safe Home Transactions LLC, to a  
**16-160**                            Reinspection Fire Certificate of Occupancy With Deficiencies at 449  
MOUNT IDA STREET.  
**Adopted**
- 50    **RLH SAO 16-43**            Appeal of Amani Issa to a Summary Abatement Order at 748  
OTTAWA AVENUE.  
**Adopted**
- 51    **RLH FCO**                    Appeal of Vincent Hughes to a Fire Safety Inspection Appointment at  
**16-159**                            1058 SELBY AVENUE.  
**Adopted**
- 52    **RLH FCO**                    Appeal of Celeste Yanisch to a Fire Safety Inspection Appointment  
**16-177**                            Letter at 1600 UPPER AFTON ROAD.  
**Adopted**
- 53    **RLH VBR 16-67**            Appeal of Laura Orr, SMRLS, obo Charles Bastel, to a Vacant Building  
Registration Notice at 1372 VICTORIA STREET NORTH.  
**Adopted**

**ADJOURNMENT**

*Councilmember Noecker moved adjournment.*

**Meeting adjourned at 9:17 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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