



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Room 220 City Hall

Jerry Hendrickson,  
Deputy City Attorney

## Meeting Agenda Charter Commission

*Chair Richard Kramer*  
*Vice-Chair Deborah Montgomery*  
*Commissioner Brian Alton*  
*Commissioner Bridget Faricy*  
*Commissioner Amy Filice*  
*Commissioner George Johnson*  
*Commissioner Sigrid Johnson*  
*Commissioner Jeff Maas*  
*Commissioner Joyce Maddox*  
*Commissioner David Maeda*  
*Commissioner Gladys Morton*  
*Commissioner Charles Repke*  
*Commissioner Virginia Rybin*  
*Commissioner John Van Hecke*  
*Commissioner Carrie Wasley*

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Tuesday, November 10, 2015

4:30 PM

Room 220, City Hall

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### ROLL CALL

1 APPROVAL OF AGENDA

2 APPROVAL OF THE MINUTES

[CCI 15-1](#) Approving the minutes of the June 2, 2015 meeting.

*Attachments:* [Charter Commission Meeting Minutes 6-2-15](#)

3 CITIZEN COMMENTS

4 REPORTS OF THE STANDING COMMITTEE

*Communications Committee*

*Charter Review Committee*

5 UNFINISHED BUSINESS

6 NEW BUSINESS

[CCI 15-2](#) Proposed amendment to the Charter relating to liquor licenses (first reading).

- Attachments:** [Proposed Charter Amendment Executive Summary \(003\)](#)  
[Hendrickson Memo Re:Suspending the Rules Availability-Full OnSale Liquor Licenses \(002\)](#)  
[17.07 charter resolution](#)  
[Proposed Restaurant On-Sale Liquor Charter Amendment \(002\)](#)  
[Cervantes Email to Charter Commission](#)  
[City Clerk Transmittal Letter](#)  
[City Council File RES 15-1801](#)

*Review of Procedures related to amending the Charter and reading waiver requirements.*

*City Attorney Staff Report*

*Department of Safety & Inspections Staff Report*

*Public Hearing*

*Set future reading dates*

**7 OTHER BUSINESS**

**8 NEXT MEETING DATE**

**9 ADJOURNMENT**

**For More Information**

**Jerry Hendrickson, Deputy City Attorney, [jerry.hendrickson@ci.stpaul.mn.us](mailto:jerry.hendrickson@ci.stpaul.mn.us), 651-266-8710**



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Phone: 651-266-8560

## Legislation Details (With Text)

**File #:** CCI 15-1      **Version:** 1      **Name:**  
**Type:** Charter Commission Items      **Status:** Agenda Ready  
**In control:** Charter Commission  
**Final action:**

**Title:** Approving the minutes of the June 2, 2015 meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Charter Commission Meeting Minutes 6-2-15](#)

Date	Ver.	Action By	Action	Result
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Approving the minutes of the June 2, 2015 meeting.

Charter Commission Meeting Minutes  
June 2, 2015

Chair Richard Kramer called the meeting to order at 4:30 p.m.

ROLL CALL

Chair Richard Kramer – Present  
Vice-Chair Deborah Montgomery – Present  
Commissioner Brian Alton – Present  
Commissioner Bridget Faricy – Present  
Commissioner Amy Filice – Present  
Commissioner George Johnson – Present  
Commissioner Sigrid Johnson – Present  
Commissioner Joyce Maddox – present  
Commissioner David Maeda – Present  
Commissioner Jeff Mass – Present  
Commissioner Gladys Morton – Present  
Commissioner Charles Repke – Present  
Commissioner Virginia Rybin – Absent  
Commissioner John Van Hecke – Present  
Commissioner Carrie Wasley – Present

APPROVAL OF THE AGENDA

Approval of the agenda moved by Commissioner Repke, seconded by Amy Filice, adopted by unanimous vote

APPROVAL OF THE MINUTES

Commissioner Alton moved to approve minutes, seconded by Sigrid Johnson, adopted by unanimous vote

CITIZEN COMMENTS

1 – Invited Speaker – The Honorable Ruby Hunt

Ms. Hunt summarized an article that she wrote titled, “History of the Charter Commission”, explaining the original purpose in establishing the Charter Commission and their involvement with the Mayor and the City Council.

She explained her current concerns of the charter, and why there needs to be more involvement in the Mayor’s and City Council’s operations. Ms. Hunt explained that the St. Paul Issues Forum (SPIF) talked about a lack of transparency with issues such as Black Bear and Lilydale Park. Also the issue of abandoned swimming pools – she believes the City of Saint Paul should be embarrassed that the State had to take over the inspection of swimming pools, and the Mayor should have asked for a review of why we fail to meet the safety needs. The City Council needs

to become more active in ensuring that city departments, especially the Department of Safety and Inspections, are working properly and accurately to ensure proper performance by the departments. The Council Research department should be able to help the Council do the research to help oversee the affairs of the City beyond the Mayor, to work as a check and balance between the Council and the Mayor.

Commissioner Repke commented on past work of the Council Research team to help DSI get work done. At that time, all members of the Council Research team had Master's Degrees and did a large report.

Commissioner Faricy asked Ms. Hunt's opinion of having a part time Council, and its effectiveness on the Council. Ruby Hunt explained that this has been asked previously, and based on the complexity of the power of the City Council and the Mayor, that it should be considered a Full Time Council.

Vice-Chair Montgomery commented that being a part time Council Member isn't a matter of the amount of work that the individual does, because the issues that she addressed as a Council Member took full time hours.

Commissioner George Johnson reinforced Vice-Chair Montgomery's comment, and states that the pay for Council Member's should be increased from part time to full time to justify a good faith effort.

Ms. Hunt was thanked for her time and dismissed at 4:59 p.m.

#### REPORTS OF THE STANDING COMMITTEES

1 – Communication Committee

Has not met

2 – Charter Review Committee

Has not met

#### UNFINISHED BUSINESS

Two years ago, in 2013, Charter Commission proposed to the City Council a proposal to amend the Charter, striking the words part time and eliminating the language on how many Legislative Aides each Council Member is allowed, also proposed to eliminate the salary language. City Council did adopt the salary amendment, but Mayor at the time did not want to remove the word part time or restrictive Legislative Aide language. The Council thought the Charter Commission should not have that much control and micro-management power. Chair Richard Kramer is recommending to approach this issue again after the upcoming election, where it can be sent to City Council for a required unanimous if so desired.

#### NEW BUSINESS

1 - Election of Charter Commission Officers

Chair – Commissioner Alton nominates Richard Kramer, elected by unanimous vote

Vice-Chair – Commissioner Repke nominated Deborah Montgomery, elected by unanimous vote

Secretary – Commissioner Repke nominated Virginia Rybin, elected by unanimous vote

#### OTHER BUSINESS

- 1- Commissioner Mass addressed the question from last meeting about his role as Charter Review chair. He agreed to do so. Chair Kramer recommended reconstituting the Charter Review Committee, and passed around a sheet for those interested to sign up. The two issues will be those already discussed for now, part time language and Legislative Aide restriction language.
- 2- Set November meeting –  
Tentatively November 10<sup>th</sup>, 2015

#### ADJOURNMENT

Meeting adjourned at 5:07 p.m.



## Legislation Details (With Text)

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**File #:** CCI 15-2      **Version:** 1      **Name:**

**Type:** Charter Commission Items      **Status:** Agenda Ready

**In control:** Charter Commission

**Final action:**

**Title:** Proposed amendment to the Charter relating to liquor licenses (first reading).

**Sponsors:**

**Indexes:**

**Code sections:** Sec. 17.07. - On-sale liquor licenses.

**Attachments:** [Proposed Charter Amendment Executive Summary \(003\)](#)  
[Hendrickson Memo Re:Suspending the Rules Availability-Full OnSale Liquor Licenses \(002\)](#)  
[17.07 charter resolution](#)  
[Proposed Restaurant On-Sale Liquor Charter Amendment \(002\)](#)  
[Cervantes Email to Charter Commission](#)  
[City Clerk Transmittal Letter](#)  
[City Council File RES 15-1801](#)

Date	Ver.	Action By	Action	Result
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Proposed amendment to the Charter relating to liquor licenses (first reading).

## Department of Safety and Inspections

Proposed Amendment of Charter Section 17.07 relating to  
On-Sale Liquor Licenses issued to restaurants

Over the past year, the Department of Safety and Inspections (DSI) worked with Council Members, District Councils, the City's Business Review Council, business owners, and residents to evaluate restaurant market conditions impacting Saint Paul's vibrant restaurant market. One major issue identified was the ability of existing or new restaurant operators to obtain an on-sale liquor license in the City of Saint Paul. The proposed Charter Amendment addresses that issue.

### Background:

- Changing restaurant market conditions have resulted in liquor (beyond wine and beer) being a greater part of customers' expectations for their dining experiences.  
E.g. a craft cocktail with dinner or a Bloody Mary with brunch.
- City Charter limits the number of on-sale liquor licenses allowed per Council Ward and Citywide. (Licenses issued to bars and restaurants are both counted towards the limits.)
  - Currently, three Wards generally have no on-sale liquor licenses available.\*
    - Each of these Wards involve major new development opportunities; including the Ford Site, West Side flats, and the new soccer stadium site.
- State law limits the number of on-sale liquor licenses allowed in cities, but does not count licenses issued to restaurants towards those limits. (Minneapolis' law mirrors State law.)
- City Charter on-sale liquor license limits are based on pre-1990s development patterns.
- Current City Ordinance prohibits the issuance of a new on-sale liquor license to a bar outside of downtown Saint Paul or Council approved Commercial Development Districts.
- Restaurant operators are requesting on-sale liquor licenses to expand or create new restaurants in the City of Saint Paul. Lack of licenses thwarts these restaurant activities.

### Proposed Changes:

- Amend the City Charter to remove on-sale liquor licenses issued to restaurants from the Council Ward and Citywide limits. This change would:
  - Reflect existing City Charter language which excludes wine and beer licenses from the on-sale liquor license limits.
  - Align Saint Paul liquor laws with Minnesota State liquor laws.
  - Increase the number of on-sale liquor licenses available to restaurants.
  - Level the regional playing field to strengthen Saint Paul's ability to attract businesses and meet existing restaurant market demands.
- In addition, the City Council is in the process of amending the City Code of Ordinances' definition of restaurant to ensure restaurants do not operate as bars.

\* Accompanying this letter is a chart showing the available full on-sale liquor licenses by Ward and Citywide. One license in Ward 3 and one in 4 became available in the past 45 days. There is significant interest, especially in Ward 3 where it has been many years with no availability. One application is already being processed.



MEMORANDUM

TO: Rich Kramer  
Chair, St. Paul Charter Commission

FROM: Jerry Hendrickson  
Deputy City Attorney, Office of the City Attorney

RE: Process for Amending the Charter by Ordinance and Waiving Second Reading

DATE: October 20, 2016

It is my understanding that the city government is asking the Charter Commission for a recommendation to amend the St. Paul City Charter with regard to liquor licensing. You have asked for a brief summary of the process for the Charter Commission. In particular, you asked about the Commission's ability to waive its standard process of two readings of a proposed amendment.

As you know, state law provides several methods for amending the City Charter. State law provides, "Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance." Minn. Stat. § 410.12. In this case, the city government, by resolution adopted by the Council and approved by the Mayor, has asked the Charter Commission recommend an amendment to the Charter by a unanimous vote of the Council and approval of the Mayor. The Charter Commission may consider this request and recommend or not recommend the amendment as it sees fit.

The process of the Charter Commission is governed by the Standing Rules of the Charter Commission of the City of Saint Paul, as revised and adopted on June 19, 2000. Rule 5 of these rules provides,

The adoption of any proposed changes in language to the Charter shall be final when passed by a majority vote of all members of the Commission. No such vote shall be taken until the proposed changes in language have been presented in written form and have been read at two(2) separate meetings of the Commission.

In my opinion, the Commission may suspend this rule and allow a final vote after one reading. Rule 4 of the Standing Rules provides that motions will be governed by Robert's Rules of Order. Robert's provides that a rule of order may be suspended by a two-thirds vote. RONR (10<sup>th</sup> ed.) p. 256, l. 15-25.

## Full On-Sale Liquor License Availability

### Overview

Saint Paul City Charter and City Ordinance limit the number of Full On-Sale Liquor Licenses available Citywide and within City Council Wards. There is no limit on the number of Wine and Beer only licenses that can be issued in the city.

### Availability

Citywide Full On-Sale Liquor Licenses			
Year	Limit	Issued	Available*
2015	200	187	13
2014	200	181	19
2013	200	177	23
2012	200	175	25
2011	200	169	31
2010	200	174	26
2009	200	177	23

City Council Ward On-Sale Full Liquor Licenses			
Ward	Limit	Issued	Available*
1	26	19	7
2	41	42	0
3	7	6	1
4	16	15	1
5	18	9	9
6	26	13	13
7	18	9	9

- Locations within Commercial Development Districts are not limited by the Ward cap.
- The Citywide Limit is a total cap and does not allow for all available Ward and Commercial Development District licenses to be issued.

\*Availability as of 9/30/2015

Resolution: #

RESOLVED: The Council of the City of Saint Paul hereby requests the Saint Paul Charter Commission to review the proposed ordinance attached hereto regarding the amendment of Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants and recommend its adoption pursuant to Minnesota Statutes § 410.12, subd. 7.

\*\*\*\*\*

Attach the following:

\*\*\*\*\*

An ordinance pursuant to Minnesota Statutes § 410.12 subd. 7, amending Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants.

The Council of the City of Saint Paul does Ordain:

**Section 1.**

Pursuant to Minnesota Statutes § 410.12, subd. 7, on \_\_\_\_\_, 2012, the Saint Paul Charter Commission recommended to the City of Saint Paul that certain charter amendments, as more fully stated below, be made by ordinance. Public notice has been given, and a public hearing has been held according to law. The Council of Saint Paul, by unanimous vote, hereby amends Charter Section 17.07 as follows:

**Section 2.**

**Sec. 17.07. – On-sale liquor licenses.**

The issuance and location of on-sale intoxicating liquor licenses shall be subject to the provisions of this section; provided, that this shall not apply to or include on-sale wine licenses, or on-sale liquor licenses issued to restaurants.

**Section 3.**

This ordinance shall take effect ninety (90) days after passage, approval, and publication.

**Department of Safety and Inspections**  
On-Sale Liquor Law Changes

**Proposed Charter Amendment** (Highlighted in red.)

**Sec. 17.07. - On-sale liquor licenses.**

The issuance and location of on-sale intoxicating liquor licenses shall be subject to the provisions of this section; provided, that this shall not apply to or include on-sale wine licenses **or on-sale liquor licenses issued to restaurants.**

From: [ricardo.cervantes@ci.stpaul.mn.us](mailto:ricardo.cervantes@ci.stpaul.mn.us)  
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Sent: 10/26/2015 1:27:56 P.M. Central Daylight Time  
Subj: Proposed Restaurant On-Sale Liquor Charter Amendment

Commissioners,

As you are all fully aware, it's an exciting time for the City of Saint Paul. Increasing population and resulting robust housing growth, a record-setting \$718 M in 2014 private sector development investment, implementation of the Green Line and the opening CHS field clearly indicate the City is in the middle of a vibrant resurgence. Continued and emerging business opportunities along the Green Line, the Schmidt Brewery development district, the 120-acre Ford site and now the upcoming new 20,000 Midway seat soccer stadium all place the City in an attractive position for unprecedented growth and development. In order to sustain this momentum and encourage continued reinvestment, we are challenged to revisit our codes and prudently adjust barriers to marketplace opportunities where necessary. To stay competitive with Minneapolis and surrounding communities we are proposing changes to how the City manages liquor licenses for restaurants in Saint Paul.

Over the past year, the Department of Safety and Inspections worked with Council Members, District Councils, the City's Business Review Council, business owners, and residents to evaluate restaurant market conditions impacting Saint Paul's vibrant restaurant market. One major issue identified was the ability of existing or new restaurant operators to obtain an on-sale liquor license in the City of Saint Paul. This work has brought us to the Charter Amendment language before you. The attached documents provide additional information on the proposed Amendment.

The Mayor and all Council Members have expressed their support for the language. The current Council is interested in completing this work before the end of their current terms. To achieve this, we are requesting that if you support the amendment, please vote to not require a second reading by the Charter Commission. This will allow the City Council to have their Public Hearing on December 2, 2015.

Please let me know if you have any questions, need any additional information, or would like to meet prior to your November 10 Charter Commission. You can direct all questions and inquiries to my Deputy Director Dan Niziolek (651-266-9108) who is leading our efforts on this amendment.

Sincerely,

Ricardo



**Ricardo X. Cervantes**

***Director***

Department of Safety and Inspections  
375 Jackson St, Suite 220  
Saint Paul, MN 55101-1806

**P:** 651-266-9101

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Making Saint Paul the Most Livable City in America

***“DSI’s Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.”***



**CITY OF SAINT PAUL**  
**CITY CLERK'S OFFICE**

October 28, 2015

Saint Paul Charter Commission Members:

On October 14, 2015, the Saint Paul City Council adopted a resolution requesting the Saint Paul Charter Commission to review the proposed ordinance amending Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants.

By this letter, I am transmitting the City Council resolution to you.

Sincerely,

A handwritten signature in black ink that reads "Shari Moore". The signature is written in a cursive, flowing style.

Shari Moore, MMC  
City Clerk



# City of Saint Paul

City Hall and Court  
House  
15 West Kellogg  
Boulevard  
Phone: 651-266-8560

## Signature Copy

Resolution: RES 15-1801

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**File Number: RES 15-1801**

Requesting the Saint Paul Charter Commission to review the proposed ordinance amending Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants.

WHEREAS, the Saint Paul City Council is interested in amending Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants; and

WHEREAS, all changes to the City Charter must be recommended by the Saint Paul Charter Commission; therefore, be it

RESOLVED: The Council of the City of Saint Paul hereby requests the Saint Paul Charter Commission to review the proposed ordinance attached hereto regarding the amendment of Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants and recommend its adoption pursuant to Minnesota Statutes § 410.12, subd. 7.

At a meeting of the City Council on 10/14/2015, this Resolution was Passed.

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

**Nay:** 0

**Vote Attested by**  
**Council Secretary** Trudy Moloney  
Trudy Moloney

**Date** 10/14/2015

**Approved by Mayor** Chris Coleman  
Chris Coleman

**Date** 10/15/2015