



# City of Saint Paul

## City Council Meeting Minutes - Final

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

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

Wednesday, December 14, 2016

3:30 PM

Council Chambers - 3rd Floor

### ROLL CALL

*The meeting was called to order by Council President Stark at 3:30 p.m.*

*Council President Stark welcomed visitors from the 4th and 5th grade Arrow of Light Cub Scout Pack 13.*

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

### COMMUNICATIONS & RECEIVE/FILE

- 1     **CO 16-71**           Letter from the Department of Safety and Inspections declaring 672 Rivoli Street a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)  
**Received and filed**
  
- 2     **AO 16-97**           Amending the CDBG activities budgets for Community Engagement program and COPP program.  
**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 3 - 11)

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

*Councilmember Noecker 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

- 3 RES 16-2100** Approving the settlement agreement and release between the City of Saint Paul and Mai Lor and her attorney Scott Teplinsky.  
**Adopted**
- 4 RES 16-2145** Approving assessment costs and setting the date of City Council public hearing to ratify the assessment for the PACE of MN improvement financing (File No. 19223, Assessment No. 177401)  
**Adopted**
- 5 RES 16-2151** Amending the financing and spending plans in the General Government and Fire Departments in the amount of \$38,583, to properly allocate paid parental leave spending.  
**Adopted**
- 6 RES 16-2146** Approving payment in the amount of nine thousand eight hundred eighty-six dollars and sixty-nine cents (\$9,886.69) in full settlement of the claim of State Farm Insurance Company as Subrogee of Slot Khay.  
**Adopted**
- 7 RES 16-2085** Approving the Labor Agreement (January 1, 2016 - December 31, 2017) between the City of Saint Paul and The Saint Paul Fire Supervisory Association International Association of Firefighters, Local 3939.  
**Laid over to December 21 for adoption**
- 8 RES 16-1709** Extending and continuing agreements for the transfer of St. Paul Police employees (Brenna Atz, Juliet Rudie, John Serier) to the Ramsey County Sheriff's Office.  
**Adopted**

9 RES 16-2139 Approving and authorizing the City of Saint Paul to accept the sponsorship from the Twin Cities Jazz Festival for the Celebration of Construction of Palace Theatre.

**Adopted**

10 RES 16-2138 Authorizing the Department of Parks and Recreation to apply for funding for environmental education programs and engagement with underrepresented groups in regional parks and, if successful, enter into an agreement providing indemnification for Capitol Region Watershed District.

**Adopted**

12 RES 16-2132 Authorizing the Police Department to accept a grant in the amount of \$90,000 from the State of Minnesota, Department of Public Safety, Homeland Security and Emergency Management Division.

**Adopted**

13 RES 16-2141 Authorizing the Police Department to accept the donation of a horse trailer from Mr. Gerald Roche.

**Adopted**

#### FOR DISCUSSION

11 RES 16-2176 Authorizing the Department of Parks and Recreation to apply for a Federal Land Access Program (FLAP) grant in the amount of \$198,240 to provide for construction of the Pig's Eye pedestrian and bicycle trail.

*Councilmember Prince moved an amendment changing the grant dollar amount at the request of the Parks Department. 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

14 RES 16-2045 Proclaiming December 14, 2016 as Rudy Rousseau and Kofi Services Day in the City of Saint Paul.

*Councilmember Thao invited Kofi Program participants to the podium, and he read the resolution.*

*Benita Amity made brief comments.*

*Councilmember Thao moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

15 RES 16-2157

Declaring December 15, 2016 Readus Fletcher Day in the City of Saint Paul.

*Council President Stark introduced Deputy Mayor Kristin Beckmann, HREEO Director Jessica Kingston, and Readus Fletcher. Ms. Beckmann read the resolution. Mr. Fletcher made brief comments. Council members thanked Mr. Fletcher for his service.*

*Council President Stark moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

16 RES PH 16-415

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

*Councilmember Bostrom said this was taking \$1.6 million out of a project that had been initially been scheduled to be at 7th and White Bear and being shifted to another project. He introduced an amendment setting aside \$350,000 of the \$1.6 million into contingency for the West Phalen Boulevard intersection near the Hmong Village and for railing on White Bear Avenue. He said those were a couple of projects on the East Side that they had been struggling to find a funding source for. He said if that money was actually needed for the Como project there would be time to find additional funds to fill that gap. He said funds could usually found for large projects but it was difficult to find funds for smaller lingering projects.*

*Council President Stark said it was important that the Council was consistent with the process that funds went back into the pool to be used towards projects next on the list in the five year plan. He said he had nothing against the projects mentioned by Councilmember Bostrom, but didn't feel this was the way to do it.*

*Councilmember Prince said she felt this was in support of the amendment. She said a study produced by the University of Minnesota had shown an imbalance in expenditures of CIB funds on the east third of the city. She said she felt this was a modest request.*

*Councilmember Brendmoen said she supported the projects and would be happy to help get the projects prioritized, but felt this was the wrong approach.*

*Councilmember Tolbert asked whether the project losing the \$1 million was just being taken off the list. Public Works Director Kathy Lantry the \$1.6 million was the City's contribution to a County project for left turn lanes at East 7th Street and White Bear. She said when the County looked at the project they had to do more land acquisition and it became a really expensive project, and the County had decided the project*

was too expensive to undertake now. She said the County would apply through regional solicitation in 2021 or 2022 to do the project. Councilmember Tolbert asked whether the City would have to put money up again if the project was done in 2022. Ms. Lantry said she anticipated that there would be enough lead time and the project would go through the CIB process again.

Councilmember Noecker said she agreed they needed to be consistent in how funds were reallocated when projects didn't move forward, but she felt a conversation was warranted about the policy. She said there was some miscommunication, even in the neighborhoods, about what happened to CIB grant is made and the project doesn't end up happening. She said she was interested in having that discussion but didn't support changing policy at the table.

Councilmember Bostrom said he didn't think they were changing policy, but taking money from one project and giving to three projects that needed it. He said If they could find \$6 million to fund Jackson Street there was no reason they couldn't find money to finish this project if needed. can find He said he'd be hard pressed to think they could find \$350,000 out of the generosity of Public Works to get these other two projects done.

Councilmember Thao said it was a difficult decision for him. He said he understood the process and didn't want to set precedent, but felt this area had been disinvested in a way. He said he thought they did bring in a lot of tax dollars in that area and this was an amount that was not significant enough that it would hurt other projects. he said he would support the amendment.

Councilmember Brendmoen said if the amendment went forward she would recall items previously passed to reallocate funds to her neighborhood from projects in my colleagues' wards.

Vote on amendment 4-3 (Stark, Brendmoen, Noecker)

Councilmember Bostrom 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

**17 RES PH 16-435**

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

Councilmember Noecker said she had met with all of the stakeholders, and the meetings went well. 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

- 18     **RLH RR 16-34**     Ordering the razing and removal of the structures at 656 DESOTO STREET within fifteen (15) days after the September 7, 2016, City Council Public Hearing. (Public hearing held September 7 and December 7)

**Adopted**

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

**Nay:** 0

**PUBLIC HEARING**

- 19     **RES PH 16-424**     Approving adverse action against all licenses held by Berhan, Inc., d/b/a Berhan Tobacco & Grocery at 492 Asbury Street.

*This item was continued from December 7 so the licensee could have an interpreter present.*

*Therese Skarda, assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report on the license violations involving the sale of single cigarettes and drug paraphernalia. She said DSI's recommendation was to impose the \$500 matrix penalty and additional license conditions. She said there had been some discussion about the Chore Boy pad the previous week, and she clarified that the chore boy pad purchased was cut into smaller pieces, which was another reason they were asking for the license condition.*

*(Via the interpreter) The licensee introduced himself and his sister and said they worked together at the store. The licensee said he would like to address the three allegations separately. He said the person who purchased two cigarettes was a regular customer to whom he gave two cigarettes from his own pack. He displayed the Chore Boy he sold and the invoice from his vendor, and said he didn't know it was illegal. He said the small bottle was a rose bottle and he purchased it from the same vendor and didn't know it was illegal.*

*Council President Stark said those items were not illegal, but in this circumstance the cigarettes were the illegal part of the transaction.*

*Ms. Skarda said the cigarettes being sold singly were the illegal part of the transaction. She said the business had been warned previously about sales of single cigarettes, and that was the reason for the controlled buy. She said the two other items were basically packaged for smoking crack cocaine. She displayed photographs of the items showing that the Chore Boy was cut up.*

*The licensee reiterated that the cigarettes had been his own and they were not aware of the legality of the other items. The licensee's sister said they didn't know what the items were used for and would no longer sell those items.*

*Councilmember Thao confirmed with Ms. Skarda that the business had been warned about selling single cigarettes. Ms. Skarda said the officer's report indicated that the store had already been warned about paraphernalia sales by the owner of the building; and that paraphernalia was now being hidden up near the ceiling according to a confidential reliable informant (CRI). Councilmember Thao asked the licensee if that was the case. The licensee said they had not been warned. He said they had previously passed similar tests by investigators.*

Councilmember Noecker asked if there was a record of cash in and out as evidence as to whether the cigarettes were sold. Ms. Skarda said the officer's report indicated that the CRI was searched for drugs, paraphernalia and U.S. currency with negative results, was given the amount of money needed - \$5.00 - to buy the two cigarettes, a drug pipe and a Chore Boy drug smoking pad. She said the officers listened via a recording device, and the reports indicated that those were the items purchased.

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

Council President Stark said he appreciated the licensee coming down again. He said based on the report from the DSI and the police report he would move approval of the recommendation on the fine and license conditions.

Councilmember Thao said he would support the motion. He said he understood that language could be a barrier, but that didn't excuse sale of single cigarettes. He said this was an expensive lesson but the licensee's actions were enabling dangerous activities in the neighborhood. He said he believed any of the Council members would be willing to help clarify what was and wasn't legal to sell.

**Adopted**

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

**Nay:** 0

**BUDGET ITEMS**

- 20 RES PH 16-304 Final Order approving the 2017 Right-of-Way Maintenance Program and 2017 Above-Standard Lighting Operation and Maintenance Program. (File No. 17ROW FINAL) (Public hearing held November 2)

Office of Financial Services Director Todd Hurley gave a staff report. He said the amended resolution before the Council was identical to the one provided at the budget hearing the previous Wednesday. He said the purpose of the resolution was to make a few points clear: the ROW program and rates adopted that day were estimates and pending, and would not be ratified until October 2017; a ROW work team had been formed to evaluate the ROW program and bring a proposal to the Council in the first quarter of 2017; there would be policy sessions in late January and early February with the goal adopting a policy by the end of March.

Council President Stark further clarified the amendments and moved approval of the amended 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

- 21 RES PH 16-398 Setting the recycling service fee for 2017, and authorizing Public Works to request \$727,685 in SCORE grant funds from Ramsey County to support the curbside recycling program. (Public hearing held November 2)

*Councilmember Noecker moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

- 22 RES PH 16-341** Setting the 2017 Sanitary Sewer and Storm Sewer rates. (Public hearing held November 2)

*Councilmember Tolbert moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

- 23 RES PH 16-335** Establishing the Water Charges for 2017. (Public hearing held November 2)

*Councilmember Brendmoen moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

- 24 RES 16-2124** Approving the Saint Paul Regional Water Services 2017 Budget.

*Councilmember Tolbert moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

- 25 RES 16-2126** Approving the Saint Paul RiverCentre Convention and Visitors Authority 2017 Budget.

*Councilmember Bostrom 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



The Council will recess and convene as the Library Board to consider Library Board Resolution RES 16-2134: Adopting the 2017 Budget and Requesting Property Tax Financing.

The Library Board will adjourn and the Housing & Redevelopment Authority will reconvene to consider RES 16-2149: Approving the Final 2017 HRA Budget and Certifying the Final HRA Property Tax Levy Payable in 2017.

The Housing & Redevelopment Authority will adjourn and the City Council will reconvene.

- 26    **RES 16-2133**    Approving and adopting the Saint Paul Public Library Agency Budget.
- Councilmember Tolbert moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 27    **RES 16-2152**    Approving the Housing and Redevelopment Authority (HRA) Budget for the fiscal year 2017 and certifying the HRA property tax levy payable in 2017.
- Council President Stark said this was the same budget they had just adopted as the HRA.*
- Councilmember Brendmoen 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
- 28    **RES 16-2123**    Approving the 2017 City Tax Levy.
- Council President Stark made brief comments and 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
- 29    **RES 16-2160**    Adopting the 2017 Budget.
- Council Budget Analyst Holly Huston explained the changes.*

*Following comments by Council members, Council President Stark 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.**

**Final Adoption**

- 30 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.

*Council President Stark moved approval.*

**Adopted**

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

**Nay:** 0

- 31 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.

*Following comments by Council members, Council President Stark moved approval of the resolution as amended.*

**Adopted as amended**

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

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

**Second Reading**

- 32 Ord 16-51** Granting the application of Edward Conley to rezone property at 328-330 Ninth Street East from I1 Industrial to B5 Central Business-Service District, and amending Chapter 60 of the Legislative Code pertaining to the Saint Paul zoning map.

**Laid over to December 21 for third reading/public hearing**

- 33 Ord 16-48** Amending Chapter 402 of the Legislative Code pertaining to raffle events.

**Laid over to December 21 for third reading/public hearing**

- 34    **Ord 16-53**            Amending Chapter 87 of the Saint Paul Legislative Code pertaining to the cut off of street service connections.  
**Laid over to December 21 for third reading/public hearing**
- 35    **Ord 16-56**            Administrative Ordinance placing the classifications titled Victim Witness Assistant and Victim Witness Coordinator in the unclassified service pursuant to Section 12.03.02(H) of the City of Saint Paul Charter. (Must be approved by Civil Service Commission after adoption by City Council but prior to Mayor signature.)  
**Laid over to December 21 for third reading/public hearing**
- 36    **Ord 16-58**            Amending Chapter 34 of the Saint Paul Legislative Code pertaining to minimum property maintenance standards for structures and buildings.  
**Laid over to December 21 for third reading/public hearing**
- 37    **Ord 16-59**            Amending Chapter 33 of the Saint Paul Legislative Code pertaining to Establishment of Permit Fees and Certificate of Compliance.  
**Laid over to December 21 for third reading/public hearing**
- 38    **Ord 16-60**            Amending Chapter 34.24 of the Saint Paul Legislative Code pertaining to Excessive Consumption of City Services.  
**Laid over to December 21 for third reading/public hearing**
- 39    **Ord 16-61**            Amending Chapter 40 of the Saint Paul Legislative Code pertaining to Fire Certificate of Occupancy as it relates to Fees.  
**Laid over to December 21 for third reading/public hearing**
- 40    **Ord 16-62**            Amending Chapter 43 of the Saint Paul Legislative Code pertaining to Vacant Buildings as it relates to the Vacant Building Registration Fee.  
**Laid over to December 21 for third reading/public hearing**
- 41    **Ord 16-63**            Amending Chapter 55 of the Saint Paul Legislative Code pertaining to the Fire Code - Permit Fees for Tents, Liquid Petroleum and Storage Tanks.  
**Laid over to December 21 for third reading/public hearing**
- 42    **Ord 16-64**            Amending Chapter 199 of the Saint Paul Legislative Code pertaining to Animals - Rabies Control.  
**Laid over to December 21 for third reading/public hearing**
- 43    **Ord 16-65**            Amending Chapter 200 of the Saint Paul Legislative Code pertaining to Animals - Impounding and Boarding Fees.  
**Laid over to December 21 for third reading/public hearing**

- 44    **Ord 16-66**                    Amending Chapter 310 of the Saint Paul Legislative Code pertaining to Uniform License Procedures as it relates to License Fee Schedule.  
**Laid over to December 21 for third reading/public hearing**

*Council members shared good news from their wards.*

#### **ADJOURNMENT**

*Councilmember Prince moved adjournment.*

**Meeting adjourned at 5:04 p.m.**

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

**Nay:** 0

#### **Council Meeting Information**

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