



City of Saint Paul

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

City Council Meeting Minutes - Final

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

Wednesday, December 16, 2015

3:30 PM

Council Chambers - 3rd Floor

Council Voting

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

ROLL CALL

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **AO 15-111** Amending the 2015 spending budget in the Central Service Fund, Treasury Fiscal Services accounting unit.
Received and Filed
- 2 **AO 15-112** Amending the 2015 spending budget for the Office of Technology and Communications.
Received and Filed
- 3 **AO 15-113** Amending the 2015 spending budget in the Central Service Fund, Real Estate - Design Group accounting unit.
Received and Filed
- 4 **AO 15-114** Authorizing the Police Department to spend general funds on a bowling party for the Police Explorers.
Received and Filed

5 EO 15-2 Approving of the City of Saint Paul Affirmative Action Plan.

Received and Filed

53 SR 15-144 Honoring Councilmembers Dave Thune and Bill Finney.

Council President Stark said it's been a pleasure serving with Councilmembers Finney and Thune. They have decades of public service.

Mayor Coleman said a few words. He is glad to be here to honor two public servants, who have served the citizens very well. In a lot of our minds, Councilmember Finney is still Chief. He came from the community and gave back to the neighborhood. He fought hard for his ward and got a lot done. Councilmember Thune has a deep passion for Saint Paul. He stood up and fought. Dusty (Thune's son) has done a lot with the kids. In these positions, you do give up a lot. The City has been well served by both councilmembers. Thune and Dan Bostrom are the only remaining councilmembers since he started. The human rights ordinance was a big one. And the smoking ban. There was slow, steady, hard work on neighborhood stabilization, particularly in West 7th. The City has changed.

Councilmember Finney said a few words. He became police chief in 1992 and was chief for 12 years.

Councilmember Thune said he has been in Council 20 of the last 26 years. He is proud of what the Council has done together when they agree and disagree.

(Councilmembers Bostrom, Brendmoen, Thao, and Tolbert expressed appreciation to Councilmembers Finney and Thune.)

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

Council President Stark pulled Items 36 and 39.

Councilmember Thune moved the Consent Agenda.

7 in favor, none opposed

Consent Agenda is adopted as amended

Consent Agenda adopted as amended

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

Nay: 0

6 RES 15-2059 Approving the City's cost of providing Boarding and/or Securing

services during September 2015 and setting date of Legislative Hearing for January 19, 2016 and City Council Public Hearing for March 2, 2016 to consider and levy the assessments against individual properties. (File No. J1604B, Assessment No. 168103)

Adopted

7 **RES 15-2060**

Approving the City's cost of providing Property Clean Up services during October 8 to 29, 2015 and setting date of Legislative Hearing for January 19, 2016 and City Council Public Hearing for March 2, 2016 to consider and levy the assessments against individual properties. (File No. J1605A, Assessment No. 168504)

Adopted

8 **RES 15-2061**

Approving the City's cost of providing Trash Hauling services during October 7 to 28, 2015 and setting date of Legislative Hearing for January 19, 2016 and City Council Public Hearing for March 2, 2016 to consider and levy the assessments against individual properties. (File No. J1605G, Assessment No. 168704)

Adopted

9 **RES 15-2070**

Approving the City's cost of providing Tree Removal services during September to October 2015 and setting date of Legislative Hearing for January 19, 2016 and City Council Public Hearing for March 2, 2016 to consider and levy the assessments against individual properties. (File No. 1602T, Assessment No. 169001)

Adopted

10 **RES 15-2116**

Accepting the Downtown Parking Management Strategy.

Adopted

11 **RES 15-2147**

Approving an Omnibus Agreement between the City of Mendota Heights and the Board of Water Commissioners.

Adopted

12 **RES 15-2151**

Approving the City's cost of providing Collection of Fire Certificate of Occupancy fees billed during August 8 to September 11, 2015 and setting date of Legislative Hearing for January 19, 2016 and City Council Public Hearing for March 2, 2016 to consider and levy the assessments against individual properties. (File No. CRT1605, Assessment No. 168204)

Adopted

13 **RES 15-2153**

Approving the City's cost of providing Excessive Inspection/Abatement

services billed during August 24 to September 25, 2015 and setting date of Legislative Hearing for January 19, 2016 and City Council Public Hearing for March 2, 2016 to consider and levy the assessments against individual properties. (File No. J1605E, Assessment No. 168304)

Adopted

- 14 **RES 15-2154** Approving the City's cost of providing Graffiti Removal services during October 14 to November 9, 2015 and setting date of Legislative Hearing for January 19, 2016 and City Council Public Hearing for March 2, 2016 to consider and levy the assessments against individual properties. (File No. J1605P, Assessment No. 168404)

Adopted

- 15 **RES 15-2155** Approving the City's cost of providing Demolition services from July to August 2015 and setting date of Legislative Hearing for January 19, 2016 and City Council Public Hearing for March 2, 2016 to consider and levy the assessments against individual properties. (File No. J1603C, Assessment No. 162002)

Adopted

- 16 **RES 15-2156** Approving the City's cost of providing Demolition service from September 2015 at 1404 Barclay St and setting date of Legislative Hearing for January 19, 2016 and City Council Public Hearing for March 2, 2016 to consider and levy the assessments against individual properties. (File No. J1604C, Assessment No. 162003)

Adopted

- 17 **RES 15-2157** Amending Council File RES PH 15-284 to delete the assessment for Replacement of Lead Water Service Line on Private Property during March to June 2015 at 1707 Sheridan Ave. (File No. 1503LDSRP, Assessment No. 154002)

Adopted

- 18 **RES 15-2158** Approving adverse action against the Cigarette/Tobacco license and Alarm Permit (Renew) held by Amina Noor Addow d/b/a Park Grocery Store located at 1900 University Avenue West in Saint Paul.

Adopted

- 19 **RES 15-2167** Authorizing the Department of Parks and Recreation to add organizations to the List of Eligible Recipients for Charitable Gambling funds for 2016.

Adopted

- 20 **RES 15-2181** Authorizing the Police Department to accept a grant in the amount of

\$100,000 from the State of Minnesota, Department of Public Safety Homeland Security for the Law Enforcement and Terrorism Protection project.

Adopted

- 21 RES 15-2184 Authorizing the Police Department to enter into an agreement with the Independent School District #625 for the School Patrol Program.

Adopted

- 22 RES 15-2186 Authorizing the Police Department to enter into an agreement with the Minnesota National Guard for them to provide counterdrug support.

Adopted

- 23 RES 15-2189 Authorizing the Police Department to enter into an agreement with the State of Minnesota, Commissioner of Public Safety which includes an indemnification clause.

Adopted

- 24 RES 15-2196 Approving the issuance of Port Authority Great Northern Business Center TIF Refunding Bonds, Continuation of a Discretionary Levy, and execution of the amended and restated joint powers agreement.

Adopted

- 25 RES 15-2205 Authorizing the Police Department to accept a donation from the Minneapolis Police Department of firearms which are slated to be destroyed to be used in the Forensic Services Unit in their reference collection.

Adopted

- 26 RES 15-2206 Authorizing the Police Department to accept a grant in the amount of \$68,000 from the State of Minnesota, Department of Public Safety, Homeland Security for funding equipment and training for the Bomb Unit.

Adopted

- 27 RES 15-2207 Authorizing the Fire Department to accept the donation of hazardous materials protective equipment from Saputo Dairy Foods, USA.

Adopted

- 28 RES 15-2208 Authorizing the Fire Department to accept the donation of Basic Animal Rescue Training (BART) and small animal emergency response kits from the Grand Avenue Veterinary Center.

Adopted

- 29 RES 15-2212 Authorizing the withholding of tax-forfeit parcels from public sale or

lease for six months.

Adopted

- 30 **RES 15-2213** Authorizing the City of Saint Paul to enter into a five-year lease renewal with the Animal Humane Society.
Adopted
- 31 **RES 15-2216** Amending the financing and spending plans in the General Government and Fire Departments in the amount of \$110,000, for to properly allocate paid parental leave spending.
Adopted
- 32 **RES 15-2218** Adopting the City of Saint Paul Emergency Operation Plan (EOP) as the official City directive describing proper management of emergency incidents, natural disasters, and act of terrorism that threaten the lives and property of residents, critical City infrastructure and facilities, and the well-being of the of the City and its neighborhoods.
Adopted
- 33 **RES 15-2221** Approving the 2016 Performance Agreement between the Saint Paul Neighborhood Network and the City of Saint Paul.
Adopted
- 34 **RES 15-2225** Approving the Mayor's Reappointments of Thomas Kottke, David Muhovich, Regina Rippel, Mee Cheng, Mary Yackley and Kerri-Elizabeth Sawyer to the Saint Paul - Ramsey County Joint Community Health Services Advisory Committee.
Adopted
- 35 **RES 15-2230** Recognizing the success of and ongoing need for the Community Ambassadors initiative, and requesting that the Mayor identify and include a minimum of \$150,000 per year in the City Budget for the program starting with the 2017 budget and beyond.
Adopted
- 37 **RES 15-2238** Approving the use of Neighborhood STAR Year-Round Program Funds for Dickerman Park and the Snelling Avenue lighting project.
Adopted
- 38 **RLH OA 15-14** Making recommendation to Ramsey County on the application of Household Industrial Finance Company for repurchase of tax forfeited property at 1148 HOYT AVENUE WEST.
Adopted

FOR DISCUSSION

36 RES 15-2233

Condemning anti-Muslim, anti-refugee, and anti-immigrant speech from presidential candidate Donald Trump and others.

Councilmember Thao has an amended version. He moved to pass it. Before he agrees, he would like to clarify that the resolution was a working document. In listening to those who support and oppose, he omitted the words that Trump is not welcome in the City of Saint Paul. (He read the resolution; then he read a long statement.)

Thao moved the amended version of the resolution

Councilmember Thune spoke strongly in favor of it. He is proud that Thao brought this forward. We should thank Mr. Trump because he is saying what people think. About 1/4 of the world's population would not be invited to this country. It would be a crime to not call him on it. People have the right to speak freely, but we also have the right to call on it when people say things that are blatantly evil.

Council President Stark echoed this. He appreciates that Thao brought up this issue. We welcome anyone anywhere.

Councilmember Finney said he took an oath many years ago to defend the state of Minnesota and the constitution. He strongly condemns Mr. Trump and his spouse. It was his job and his belief that you cannot practice those things. For a person that rises to the level of seeking the highest office of the land, it is demeaning to that office, even though he defends his right to say it. He is pleased that the amendment has changed, otherwise, he could not support that. He cannot be part of banning. This resolution does not ban Trump from coming to Saint Paul. It just says although you have that freedom, grow up.

Councilmember Brendmoen said he appreciates the amended version of this resolution. When a living document gets into the system, that is what gets told. She is disgusted by the campaign tactics. The focus seems very political. This is not the right place to do this. There may be a more appropriate way to make a statement. The first amendment is part of it.

Councilmember Bostrom said he spent his entire career defending free speech. The first amendment is still in place whether you agree or disagree with it. He is not in a position to challenge someone's free speech whether he agrees with it or not.

6 in favor, 1 opposed (Bostrom)

Resolution is adopted

Adopted as amended

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark

Nay: 1 - Councilmember Bostrom

39 RES 15-2245

Approving and authorizing execution of a lease agreement between the City of St. Paul and Mobilite, L.L.C., a Las Vegas limited liability company ("LICENSEE"), allowing the installation of wireless communication equipment on various City infrastructure.

Councilmember Thune has an amendment. It is in Legistar as Version 2.

Council President Stark said we can vote on the amended version.

*7 in favor, none opposed
Resolution is adopted as amended*

Adopted as amended

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

Nay: 0

- 40 RES PH 15-289** Final Order approving the 2016 Right-of-Way Maintenance Program and 2016 Above-Standard Lighting Operation and Maintenance Program. (File No. 16ROW FINAL) (Public hearing held November 4)

*Councilmember Thune moved approval.
7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

- 41 RES PH 15-297** Setting the recycling service fee for 2016, and authorizing Public Works to request \$767,674 in SCORE grant funds from Ramsey County to support the curbside recycling program under contract with Eureka Recycling. (Public hearing held November 4)

*Councilmember Finney moved adoption.
7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

- 42 RES PH 15-318** Setting the 2016 Sanitary Sewer and Storm Sewer rates. (Public hearing held November 4)

*Councilmember Brendmoen moved approval.
7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

- 43 **RES PH 15-320** Establishing the Water Charges for 2016. (Public hearing held November 4)
- Councilmember Thao moved approval.
7 in favor, none opposed
Resolution is adopted*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
-
- 44 **RES 15-2148** Approving the Saint Paul Regional Water Services 2016 Budget.
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0
-
- 45 **RES 15-2190** Approving the Saint Paul RiverCentre Convention and Visitors Authority 2016 Budget.
- Councilmember Bostrom moved approval.
7 in favor, none opposed
Resolution is adopted*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney and City Council President Stark
- Nay:** 0

The Council will recess and convene as the Library Board to consider Library Board Resolution RES 15-2215 Adopting the 2016 budget and requesting property tax financing.

The Library Board will then adjourn and the Housing & Redevelopment Authority will convene to consider RES 15-2202 Approving the final 2016 HRA budget and certifying final HRA tax levy payable in 2016.

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

- 46 **RES 15-2214** Approving and adopting the Saint Paul Public Library Agency Budget.
- Councilmember Tolbert moved approval.
7 in favor, none opposed
Resolution is adopted*
- Adopted**

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

Nay: 0

47 RES 15-2203 Approving the HRA Budget for the Fiscal Year 2016 and the levying of the Housing and Redevelopment 2016 tax levy.

Councilmember Brendmoen moved approval.

7 in favor, none opposed

Resolution is adopted

Adopted

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

Nay: 0

48 RES 15-2191 Approving the 2016 City Tax Levy.

Councilmember Finney moved approval.

7 in favor, none opposed

Resolution is adopted

Adopted

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

Nay: 0

49 RES 15-2201 Adopting the 2016 Budget.

Councilmember Thune moved approval.

7 in favor, none opposed

Resolution is adopted

Adopted

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

Nay: 0

50 RES 15-2235 Adopting the Mayor's 2016 proposed budget with all modifications made by the City Council at the December 9, 2015 Budget Committee meeting.

Councilmember Finney said he received a letter from public safety representative and they raised some points. Salaries for St. Paul Police and Fire have been slipping in relationship with cities around us. In many cases, falling far behind the suburbs that don't have the risks, education, and training in order to make this a safe city.

Councilmember Thao he thanked his colleagues for pushing through Victoria Theatre and other programs.

*Finney moved approval.
7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

- 51 **RES 15-2163** Authorizing appropriate city officials to enter into an agreement with Lockridge Grindal Nauen, PLLP to represent the City and Board of Water Commissioners of the City of Saint Paul in litigation against sellers of Liquid Aluminum Sulfates.

*Councilmember Tolbert moved approval.
7 in favor, none opposed
Resolution is adopted*

Adopted

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

Nay: 0

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

- 54 **Ord 15-66** Amending Section 366A.06 of the Legislative Code pertaining to Races, Runs, and Public Assemblies.

*Councilmember Thao moved approval.
7 in favor, none opposed
Ordinance is adopted*

Adopted

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

Nay: 0

- 55 **Ord 15-72** Amending Chapter 17.07 of the Charter, pursuant to Minnesota Statutes § 410.12 subd. 7, regarding On-Sale Liquor Licenses issued to restaurants.

Councilmember Tolbert moved approval.

Councilmember Bostrom said he will be supporting this. He appreciates that they laid it over.

*7 in favor, none opposed
Ordinance is adopted*

Adopted

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

Nay: 0

Second Reading

56 Ord 15-81 Establishing a Qualifications and Examining Committee for the position of Police Chief pursuant to the provisions of Section 12.12.1 of the Saint Paul City Charter.

Council President Stark said he should mention the list. Gerry Hendrickson, City Attorney's Office, recommended we formerly do that.

*Stark moved the amendment which is the list of the selection committee.
7 in favor, none opposed
Amendment is approve and ordinance is laid over to January 6 for third reading/public hearing*

Amended and laid over to January 6 for third reading/public hearing

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

Nay: 0

57 Ord 15-82 Establishing the minimum qualifications for the vacancy for the position of Police Chief pursuant to the provisions of Section 8.01 (a) of the Administrative Code and Section 12.12.1 of the Saint Paul City Charter.

Ordinance is laid over to January 6 for third reading/public hearing

Laid over to January 6 for third reading/public hearing

First Reading

58 Ord 15-80 Amending Chapter 87 of the Saint Paul Legislative Code pertaining to charges for street restoration costs.

Ordinance is laid over to January 6 for second reading

Laid over to January 6 for second reading

52 RES PH 15-376 Amending the financing and spending plans for the debt service, right-of-way, and capital funds for the 2015 sidewalk quadrant construction projects.

(No one appeared to speak.)

*Councilmember Thao moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and the resolution is adopted*

Adopted

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

Nay: 0

BUDGET AMENDMENT PUBLIC HEARINGS

- 59 RES PH 15-364** Authorizing the Police Department and the Department of Emergency Management to accept a grant in the amount of \$949,728 which includes a \$237,432 match requirement from the U.S. Department of Homeland Security for the 2015 Port Security Grant.

(No one appeared to speak.)

Councilmember Finney moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

- 60 RES PH 15-366** Amending the financing and spending plans in the Police Department Special Fund in the amount of \$199,760 for use of fund balance.

(No one appeared to speak.)

Councilmember Finney moved to close the public hearing and approve.

7 in favor, none oppose

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

- 61 RES PH 15-369** Amending the financing and spending budget plans in the Department of Parks and Recreation by adding a \$30,000 donation from the Sisters of the Good Shepherd via the Trust for Public Land towards implementation of courtyard features at Frogtown Park and Farm.

(No one appeared to speak.)

Councilmember Thune moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

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

Nay: 0

- 62 RES PH 15-373** Authorizing the Police Department to accept a grant in the amount of \$99,296 from the Initial Teaching Alphabet Foundation (ITA) for the Police Activity League ITA Literacy Clinics.

(No one appeared to speak.)

Councilmember Finney moved to close the public hearing and approve.

7 in favor, none opposed

Public hearing is closed and the res. is adopted

Recess at 5:00 p.m.

Adopted

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

Nay: 0

PUBLIC HEARINGS

Reconvene at 5:34 p.m.

Present 7, none absent

- 63 Ord 15-79** Expanding the Downtown Commercial Development District pursuant to Section 17.07.1 of the City Charter and Section 409.20 of the Legislative Code.

Tim Keran, 265 and 267 Fillmore, east of People's Electric, said he wonders how this would effect his property.

Councilmember Thune said it shouldn't affect him at all. It is about getting a liquor license in the downtown area. This should not have an impact.

Keran asked why they are being included. Thune responded they had to draw the line somewhere.

Keran said he does not want to give an inch on it. All the uses start with a little chip like zoning.

Council President Stark moved to lay over the public hearing and lay over.

7 in favor, none oppose

Public hearing is closed and ordinance is laid over to January 6 for final adoption

Laid over to January 6 for final adoption

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

Nay: 0

- 64 **Ord 15-62** Amending Chapter 33 of the Legislative Code pertaining to Establishment of Permit Fees and Certificate of Compliance.
(No one appeared to speak.)

*Councilmember Thune moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and the ordinance is adopted*
Adopted

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

Nay: 0
- 65 **Ord 15-77** Granting the application of Diocese of St. Paul to rezone the property at 328 Kellogg Blvd W from RM2Multiple Family to T1Traditional Neighborhood and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map.

(No one in opposition.)

*Councilmember Thune moved to close the public hearing.
7 in favor, none opposed
Public hearing is closed and the ordinance is laid over to January 6 for final adoption*
Laid over to January 6 for final adoption
- 66 **Ord 15-78** Amending Chapter 99 of the Administrative Code pertaining to the availability of the Palace Theatre for Saint Paul high school musical or theatrical events.

*Councilmember Tolbert moved to close the public hearing.
7 in favor, none opposed
Public hearing is closed and the ordinance is laid over to January 6 for final adoption*
Laid over to January 6 for final adoption

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

Nay: 0
- 67 **RES PH 15-360** Approving and authorizing conveyance of Palace Theatre to the Housing and Redevelopment Authority of the City of Saint Paul (HRA), execution of a reimbursement and loan agreement with the HRA, assignment of existing contracts to the HRA, approval of sprinkler assessment, and approval of budget amendment and related actions. (District 17, Ward 2)

*Councilmember Thune moved to close the public hearing and approve.
7 in favor, none opposed
Public hearing is closed and the resolution is adopted*
Adopted

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

Nay: 0

68 RES PH 15-324

Approving adverse action against Auto Repair Garage and Auto Body Repair/Painting Shop licenses held by Lanhart's Auto Repair Inc., d/b/a Lanhart's Auto Repair & Body located at 1024 - 7th Street East.

Karl gave a staff report, representing DSI (Department of Safety and Inspections). Lanhart is licensed for auto body repair. This was the second violation in the last year, DSI recommends \$1,000 penalty. Licensee has admitted this and wanted to address the Council.

Thach Le appeared, 1024 7th Street, and Jerry McGillarey, 1908 Selby. Jerry said he has no business associations with Le, but he has seen improvements and is here to support him.

Le said they used to rent the building. They just got it back last year. They are trying to get it better, clean it up, make it look nice, and he has a picture.

Jerry said someone took a picture.

(Picture shown.)

Jerry said they waited for a hoist to open up before bringing it into the shop. It was towed into the shop.

(another picture shown)

Jerry said it was classified as storage of tires. He went into his parking lot and someone had dumped tires. They were put outside while he was cleaning up the shop. He rents out space to people to do the body work. There were cars out on the street. He got the letter on Friday. By Monday, the cars were the way it was supposed to be. Le has put new footings along the brick, changed the windows out, spent a lot of money on the interior. He is trying to be a good neighbor. He has 5 to 6 people who rent from him. He isn't disputing that some of these things are wrong, but it feels harsh to have the matrix put on him because some of these things were in the daily course of work. It would be different if he was willingly leaving things messed up. That little half block gets crowded.

Council President Stark said the conditional use permit dates back to 2004. It is older than his ownership. He should familiarize himself with the conditions of the permit. DSI's role is to enforce these roles.

Councilmember Thao asked Karl to clarify. There was a previous citation for \$500. Matrix said that is correct.

Thao asked could the business owner pay in installments. Karls responded the department does not do installments, but that is something to address going forward.

Jerry said it is not so much the fine, but it is the matrix. The next step is losing the license in 30 days. It seems punitive.

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

*Bostrom said he is going to adopt the findings and recommendations, reduce it by \$200, and suspend for a year if there are no further violations.
7 in favor, none opposed*

Resolution is adopted as amended

Adopted as amended; suspending \$200 for a year if there are no further violations

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

Nay: 0

69 RES PH 15-361

Approving adverse action against all licenses held by Eastsiders Bar, Inc. d/b/a Louie's Bar located at 883 Payne Avenue.

Geoffrey Karls, City Attorney's Office, said that on Sept. 20 the police went to Louie's bar who had warrants for their arrest. He was under 30 and did not have ID. On Oct. 7 they were investigating a drug incident, the staff was unable to play back the video. On Oct 11, police were investigating an assault. They were unable to provide a copy of the video. On Oct. 21, people were unable to play the video or provide a copy. Council can assess separate violations. \$500 each for a \$1,000 total.

The following appeared: Jonathan Lopez, business owner; Toni Carlson, bar manager. Lopez said he apologizes for the violations. They are a family owned business. They want to work with the police to prevent crime. They would like to Council to waive the fee and remove penalties. Reasons: he spoke to the bartender and he admitted the patron looked over 30 and did not have to ask for ID. But, that was mistake. Now, they have to have ID at the door. For the videos, they had them for the next day. The police never received them, but he gave them to the police. They were given to the patrol office and not the investigating officer. The videos are in the evidence room.

Carlson said the video was there at 8 a.m. Since then, they have video surveillance available at the time. It is able to be printed out. They had gone above and beyond that these incidents will not happen again. She has extensive experience with bar managing. The customers have been more compliant. They do have this under control. This will not happen again.

Lopez said they got rid of their 2 a.m. license. People come to their bar drunk after another bar closes.

Carlson brought a picture of the person of the person that was carded. He does not look under 30. The new requirement, if you have gray hair and a cane, you still will get carded. All patrons without ID are asked to leave.

Lopez said they implemented a new rule, you have to be 30 and have ID to enter the bar after 9:00 p.m. They are asking for the penalty to be waived.

Councilmember Bostrom said the video footage is now available for whoever is at the bar regardless of the time of day, and the video is immediately accessible to the police. Lopez responded it has been that way for a couple of weeks. Carlson responded everyone has been trained. They can play back anything, anyday. They are all able to access the office now. Anyone working can print it out when it is needed.

*Bostrom moved to close the public hearing
Public hearing is closed*

Bostrom said they have been working really hard. We have dealt with a lot of these things before. \$500 stayed for one year if there are no similar occurrence.

Brendmoen said we hear penalties and a lot of times people make excuses, but they came in and said this is what they did to fix it.

Stark reiterated that \$1,000 fine is imposed, but \$500 is stayed if there are no similar penalties in a year.

7 in favor, none opposed

Resolution is adopted as amended

Adopted as amended; suspending \$500 for a year if there are no further violations.

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

Nay: 0

70 PH 15-23

Public hearing to consider the report of the Administrative Law Judge concerning the Auto Repair Garage license held by Superior Auto Repair d/b/a Superior Auto Repair located at 1324 Arcade Street in Saint Paul.

Geoffrey Karls (City Attorney's Office) said a DSI (Department of Safety and Inspection) said the inspector documented several violations. This was a third violation. They recommends \$2,000 matrix penalty. Department amended this to \$1,000. The ALJ recommended the Council adopt the settlement terms.

(No one appeared in opposition.)

Councilmember Bostrom moved to close and approve.

6 in favor, none opposed

Motion of Intent

Motion of Intent to adopt the findings of fact, conclusions of law, and recommendation of the Administrative Law Judge.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Tolbert

71 RES PH 15-368

Accepting and approving the preliminary and final plat for Twin Cities Academy at 1520 Minnehaha Avenue E., et al.

(No one wished to speak.)

Councilmember Finney moved to close the public hearing and approve.

6 in favor, none opposed

Public hearing is closed and the resolution is adopted

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Tolbert

- 72 **RES PH 15-371** Amending the redevelopment plan for the Koch-Mobil Redevelopment Project Area and approving the adoption of an amendment to the tax increment financing plan for the Koch Mobil Tax Increment Financing District. (District 9, Ward 2)

(No one wished to speak in opposition.)

*Councilmember Thune moved to close the public hearing and approve.
6 in favor, none opposed
Public hearing is closed and the resolution is adopted*

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Tolbert

- 73 **RES PH 15-372** Approving the establishment of the Schmidt Keg House Redevelopment Tax Increment Financing District and approving a tax increment financing plan therefor. (District 9, Ward 2)

(No one wished to speak in opposition.)

*Councilmember Thune moved to close the public hearing and approve.
6 in favor, none opposed
Public hearing is closed and the resolution is adopted*

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Finney and City Council President Stark

Nay: 0

Absent: 1 - Councilmember Tolbert

- 74 **RES PH 15-377** Approving and authorizing execution of a permit agreement between the City of Saint Paul and car2go N.A., LLC. allowing use of Public Right of Way for car sharing services.

Ellen Biales, Programs Manager for Public works, said in July 2014, City entered into an agreement with car2go. It was a pilot basis. They could operate 185 vehicles. They could park at meters and other areas. They paid a fee for each vehicle. That agreement expires December 31. They would like to renew their agreement.

Biales said they would like to reduce their service area and vehicles. It would be 100 vehicles. Cost would be for each vehicle plus a small fee. It is a one year

agreement. There only option is in their reduced service area. People value it. car2go say they would like to operate city-wide to allow for a transition period with users, and in anticipation of the agreement with Minneapolis.

Councilmember Brendmoen said she is comfortable with where they are headed. She has concerns about people signing up in the recent months. Some people are cut out of the service area. There is a nonrefundable fee. It is a policy.

Brendmoen said she has a membership. There would be good faith to this offer if there is a request for refunds. Johnson responded there is an opportunity to use car2go here and in other cities. There are no recurring fees. You sign up for life. They would like to expand back to these areas. It is unfortunate for the people who are unable to use it. The changes would be March 4. They plan to reach out to users. They would let the top 100 know where they can go. There are reasons for people to still use it. All is not lost.

Brendmoen said she will keep her membership. Because they have continued to market, it would be a gesture of good faith for refunds.

Councilmember Thune asked who makes those decisions. Johnson responded he would have to go to a superior. It is the policy for all the cities. He will have an answer tomorrow.

Councilmember Bostrom stated there was a song and dance about when it started. It was a long conversation. Now, it didn't work out. It sounds like a bait and switch. He is disappointed. He does not support this. Now they only want to serve 20% of the City.

Councilmember Tolbert said we do not do this back and forth. This is not fair to the people.

Council President Stark said the performance in Saint Paul is not justifiable to keep the service. What will it take for expanding back into the City. Josh Johnson responded he cannot give specific numbers because of data. The percentage was in single digits when it should be in double digits. There were many parts of the city where there was no utilization. It would have to sit idle for two days, and they would have to relocate that vehicle.

Stark stated the agreement reduces the fee. He said that is actual usage of the meters. Biales responded they were not sure what the actual cost would be for the City. Part of the agreement also included they would base the fee on actual use. The actual use was quite a bit less. They have taken a reduction in administrative fees. They are not spending a great deal of time on the program. The administration fees was not significant. This is a fair rate for parking areas and meter revenue.

Tolbert said they have come to us with a take it or leave it proposal. They were generous proposals. Biales said these are the terms that would work for them.

Tolbert said they rejected her plans. Biales responded yes.

Thao asked about Minneapolis. Biales responded they are responsible with negotiating with car2go. They are looking at \$1,000 a vehicle. They may come down. We may not be as high as Minneapolis. Stark added they have 5 times as many meters.

Brendmoen said they have seen a lot of cars in their neighborhood. The organization moves cars. The indicator of success is you see it driving and not parked. One of

the problems is that there are cars that go out for a one way trip, but they do not go out to another area. They have to send the fleet team out and relocate the vehicle to another area. They are limited by budget and do not have an unlimited number of people.

Johnson asked Council to consider the proposal. There is a lot at stake. He lives and works in Saint Paul. He fought hard to get car2go here in the first place. They anticipating a smaller area and was told they had to do it all through Saint Paul or it would not get passed. They work with businesses and organizations. They are trying to spur growth and membership. They have done as much as they can. They have been trying to make it succeed in Saint Paul. They have cars go to the perimeter, and they sit for 3 days. It takes away from the density of vehicles. They have done as much as they can. They have been successful in that core area. There are 55 square miles.

Tolbert said you can take it out of that area and take it back. A rental car company can do the same thing. The only difference is car2go gets free parking throughout the entire City. A rental car company has to rent a whole lot. Biales responded this is a new business model.

Tolbert said car2go could buy a piece of property on University, and have people come and pick it up. They would be paying property taxes like a normal business.

Stark said it is \$600 a year for that piece of space. In theory he is right.

(No one came to speak in support. One person spoke in opposition.)

Paul Sawyer, car2go member, said he is disappointed that they are greatly reducing much of the City. They struggle so much with various forms of transit. Over 30% of the households do not own a car. car2go served an important service for them. The more hidden users are the folks deeper in the neighborhoods who are not served by the transportation system. car2go was the difference because there could be more car sharing. They should really focus on expanding out to those areas They should figure out where it is most needed. The community needs options.

Brendmoen said there should be a car2go station where people can drive in and drive out. Johnson responded that would be ideal.

*Thune moved to close the public hearing.
7 in favor, none opposed*

Thune said he cannot see any advantage to them going away. He will support this.

Stark says he uses the service. It will limit his use for the system. You can go outside of the area and go back. The advantage is going to the destination and leaving the car there. The proposal is that the company is going to pay us for using the right of way. As long as they are willing to pay us, we will allow others to do the same.

Bostrom said they want to get out of 85% of the City. This is the biggest discrimination since he has been here. They were saying all sorts of things. We were taken advantage of. He cannot buy this.

Tolbert said he is not going to support this. He does not like the take it or leave it approach. They can buy property and put the cars there. They would never let taxis say they cannot pick people up in an area. If they want to pick a spot in Sun Ray, that would be fair.

Brendmoen said she will support this. They are cutting out all of Como. They are

dealing with corporate company. They are service more dense cities. They are only here because they are in Mpls. They are not in the best bargaining position. It takes time to take off. This is a transportation want, not need. Car seats can not go in there. Would like to know after one year if they are succeeding. She will support it. It is a private business and they are doing what they can.

Finney said this is a difficult call. His part of the city will not be served. Until tonight, he did not know anyone that used it. The next generation is into it. He is in support mainly because of the hard work done by Biales in seeing some kind of resolution. He will be voting in favor as he watches in 2016.

Bostrom said if they came to us a year ago, what would we have told them. If we let them do this, what will do they about Sun Ray. There is no negotiation. We would not have allowed a taxicab company to not serve.

Stark said it depends on what you understand the service to be. It is not a public service. We do not require a company to open up a shop in one part of the City because it has opened in another. It is not a public service. They are operating a business.

Brendmoen said a closer analogy is a peddle cab.

Tolbert said they can pay like any private business. Their storage place is the public street.

Thao said it is mostly in his area. They can negotiate for a better deal. It is not the best deal for us. They presented 3 different proposals.

*Councilmember Thune moved to approve
4 in favor, 3 opposed (Tolbert, Bostrom, Thao)
Resolution is adopted*

Adopted

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

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

- 75 RES PH 15-378** Amending the granting of the applicaton of Thomas Schroeder for a historic use variance to allow a tap house/microbrewery with food service in a one-family residential district.

Councilmember Thune withdraws Item 75.

Withdrawn

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

Councilmember Thune moved to close the public hearing and approve the items as amended.

7 in favor, none opposed

Public hearing is closed and consent agenda is adopted as amended.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

76 **RLH FCO** Appeal of Nicholas Brandt to a Re-Inspection Fire Certificate of
15-312 Occupancy with Deficiencies at 923 BEECH STREET.

Adopted

77 **RLH FCO** Appeal of Jeff Swanson of Havenbrook Homes to a Fire Certificate of
15-292 Occupancy Correction Notice at 1012 BEECH STREET.

Adopted

78 **RLH FCO** Appeal of Fritz Eckman, Church of St. Louis, King of France to a Fire
15-315 Inspection Correction Notice at 506 CEDAR STREET.

Adopted

79 **RLH RR 15-44** Ordering the rehabilitation or razing and removal of the structures at
689 CONWAY STREET within fifteen (15) days after the December
16, 2015, City Council Public Hearing.

Laid over to January 12 Legislative Hearing

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

Nay: 0

80 **RLH RR 15-41** Ordering the razing and removal of the structures at 421 CURTICE
STREET WEST within fifteen (15) days after the November 18, 2015,
City Council Public Hearing.

Public hearing continued to January 6

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

Nay: 0

81 **RLH RR 15-13** Ordering the razing and removal of the structures at 870 FULLER
AVENUE within fifteen (15) days after the June 3, 2015, City Council
Public Hearing.

Laid over to December 22 Legislative Hearing

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

Nay: 0

- 82 **RLH RR 15-45** Ordering the razing and removal of the structures at 1659-1669 GRAND AVENUE initiating no later than February 1, 2016 and concluding by May 1, 2016.
Adopted
- 83 **RLH SAO 15-81** Appeal of Gerald Krisik to a Summary And Vehicle Abatement Order at 433 HATCH AVENUE.
Adopted
- 84 **RLH FCO 15-319** Appeal of Judy E. Adams to a Fire Certificate of Occupancy Correction Notice at 705 JENKS AVENUE.
Adopted
- 85 **RLH SAO 15-77** Appeal of Cleo and Collen Pollock to a Summary Abatement Order at 1058 JESSIE STREET.
Adopted
- 86 **RLH FCO 15-303** Appeal of Mark Meader to a Fire Inspection Correction Notice at 716 JESSAMINE AVENUE EAST.
Adopted
- 87 **RLH VBR 15-100** Appeal of Ryan Piechowski to a Vacant Building Registration Fee Warning Letter at 918 JORDAN AVENUE.
Adopted
- 89 **RLH CO 15-33** Appeal of Mary Sulonteh to a Correction Order at 643 KENT STREET.
Adopted
- 90 **RLH CO 15-35** Appeal of Sara Benner to a Correction Notice at 109 LEXINGTON PARKWAY NORTH.
Adopted
- 91 **RLH VBR 15-94** Appeal of Matt Folkerds/ Dok.LLC to a Vacant Building Registration Renewal Notice at 134 MARIA AVENUE.
Adopted
- 92 **RLH VBR 15-102** Appeal of Gerald Chapman to a Vacant Building Registration Requirement at 1282 MINNEHAHA AVENUE WEST.
Adopted
- 93 **RLH VBR 15-91** Appeal of Nancy Barnes to a Vacant Building Registration Requirement at 1159 PASCAL STREET NORTH.
Adopted

- 94 **RLH VO 15-62** Appeal of Stavres Haidos to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 975 REANEY AVENUE.
Adopted
- 95 **RLH VO 15-63** Appeal of Carolina Ibarra to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 906 RUSSELL STREET.
Adopted
- 96 **RLH VO 15-64** Appeal of Charles McCarty to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1734 SEVENTH STREET EAST.
Adopted
- 97 **RLH VO 15-61** Appeal of John Schultz to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1623 YORK AVENUE.
Adopted

FOR DISCUSSION

- 88 **RLH SAO 15-80** Appeal of Mike Stoffel to a Vehicle Abatement Order at 1329 JUNO AVENUE.

Marcia Moermond, Legislative Hearing Officer, said this is a trailer parked in the alley. Uses 3 feet of the public row. It does pass over that line. She did not have a hearing on this. The owner missed 3 hearings.

Michael Stoffel stated he has a trailer in his back of his garage. It has been there for 10 years. With road construction, he got a letter saying he cannot be there. He has pictures, too. There are delivery trucks and vehicles in and out. Since then, someone had an issue with it. There are vehicle always blocking the alley. The trailer actually slows down the traffic.

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

Tolbert said it is a unique alley. It is a quasi-street. It is much overused. They are used for deliveries. There is a lot going on. He is sympathetic to the issue. The proper way is to lay it over for 6 to 8 weeks. Get an encroachment permit, which will require some signatures. The right-of-way is wider than the average alley. It will require some work on his part. There was a lot of extra traffic because of the construction. If the neighbors are okay with it, it should be fine to go forward.

*Tolbert moved to lay it over to February 3.
7 in favor, none opposed
Resolution is laid over to February 3*

Laid over to February 3

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

Nay: 0

ADJOURNMENT

The meeting was adjourned at 7:03 p.m.

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

Nay: 0

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