



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

Council Chambers - 3rd
Floor

City Council Meeting Minutes - Final

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 13, 2017

3:30 PM

Council Chambers - 3rd Floor

ROLL CALL

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

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

COMMUNICATIONS & RECEIVE/FILE

- 1 **CO 17-76** Letter from the Department of Safety and Inspections declaring 521-523 Desnoyer Avenue a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and filed

CONSENT AGENDA

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 2 - 21)

Item 12 was removed from the Consent Agenda for separate consideration.

Councilmember Tolbert moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 2 **RES 17-1874** Approving a one-year extension of the lease for the Department of Human Rights & Equal Economic Opportunity RiverPrint space at 375 Jackson Street.
Adopted
- 3 **RES 17-1809** Approving the release of fire access easements over the private property located at 1645 Energy Park Drive.
Adopted
- 4 **RES 17-1937** Changing the rate of pay for the classification of City Council Assistant in Grade 002, EG 99, Special Employment.
Laid over to December 20 for adoption
- 5 **RES 17-1968** Approving the Collective Bargaining Agreement (January 1, 2018 - December 31, 2020) between the City of Saint Paul and the International Union of Elevator Constructors, Local 9.
Laid over to December 20 for adoption
- 6 **RES 17-1834** Changing the rate of pay for the existing classification of Plan Review Supervisor from Grade 016 to Grade 022, EG 09, SPSO.
Adopted
- 7 **RES 17-1919** Changing the rate of pay for the classifications of Capital City Intern and EMS Cadet Assistant in Grade 001, EG 99, Special Employment.
Adopted
- 8 **RES 17-1920** Changing the rate of pay for the classification of Parks and Recreation Worker in Grade 31H of EG 99, Special Employment.
Adopted
- 9 **RES 17-1873** Establishing the rate of pay for the new classification of Parking Manager in EG06, PEA, Grade 018.
Adopted
- 10 **RES 17-1972** Approving the Mayor's appointment of Patrick McQuillan, and reappointments of Mary Morse Marti, Noel Nix, and Paul Raymond to serve on the Capital Improvement Budget Committee.
Adopted
- 11 **RES 17-1947** Approving the Mayor's reappointments of Aquanetta Anderson, Cedrick Baker, Daniel Edgerton, William Lindeke, Kathy Mouacheupao, and John Reich to serve on the Planning Commission.
Adopted

- 13 **RES 17-1848** Adopting the Robert Piram Regional Trail Master Plan Amendment and authorizing the submission of said Master Plan to the Metropolitan Council for review and approval.
Adopted
- 14 **RES 17-1898** Authorizing the appropriate city officials to enter into a Management Agreement with Envision Hospitality and Catering for Como and Phalen Park golf courses.
Adopted
- 15 **RES 17-1938** Authorizing the Department of Parks and Recreation to accept a donation of \$925 from Iron Riders Technologies for the purchase of an AED unit for Langford Park Recreation Center.
Adopted
- 16 **RES 17-1926** Accepting a license agreement between the City of Saint Paul and the BNSF Railway Company for an underground force main on BNSF property.
Adopted
- 17 **RES 17-1969** Approving a bond allocation transfer agreement and related documents, and authorizing carryforward of certain unused private activity bond volume cap, citywide.
Adopted
- 18 **RES 17-1941** Approving a waiver of the 45-day notice requirement for an expansion of the indoor liquor service area into an approximately 1,600 square foot space located to the west of and immediately adjacent to the existing liquor service area, with conditions, to Walmart, Inc., d/b/a Tiffany Lounge (License ID #0016211) at 2051 Ford Parkway.
Adopted
- 19 **RES 17-1953** Approving a waiver of the 45-day notification waiting period in order to issue Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Liquor-Outdoor Service Area (Patio) licenses with conditions to Ally Hospitality LLC, d/b/a Holman's Table (License ID #20170003905) at 644 Bayfield Street.
Adopted

20 RES 17-1792 Establishing a designated large event zone around Xcel Energy Center during the 2018 National Football League (NFL) Super Bowl LII and related events, where temporary sales, vending, entertainment, signage and related special event permits may be approved or issued by the City of St. Paul after notifying the NFL.

Adopted

21 RES 17-1945 Authorizing the Office of Technology and Communications to enter into an agreement with Apple for the creation and maintenance of mobile applications.

Adopted

FOR DISCUSSION

12 RES 17-1987 Requesting expanded community engagement and draft policy direction on climate action and resiliency.

Council President Stark made brief comments and moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

22 RES 17-1998 Urging the United States Congress to oppose the United States House of Representatives Bill 38, the Concealed Carry Reciprocity Act of 2017; and United States Senate Bill 446, the Constitutional Concealed Carry Reciprocity Act of 2017.

Councilmember Noecker made brief comments and moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

23 APC 17-2 Public hearing to consider the appeal by Listening House of a Planning Commission decision to affirm in part and modify a Zoning Administrator's similar use determination for Listening House to provide services at First Lutheran Church at 464 Maria Avenue subject to 14 conditions.

Councilmember Prince said this had been a difficult decision and she had hoped they would not need to make it at the Council table. She read her motion denying the appeal, and summarized her additional motion modifying the conditions set in the Planning Commission decision by delaying the 20-person limit to April 2, 2018.

Councilmember Tolbert asked for clarification of what was meant by "about 20" visitors. Council President Stark said that was Planning Commission's language, and Councilmember Prince's motion was accepting it. Councilmember Prince read the language which laid out actions Listening House would have to take if the limit was exceeded.

Councilmember Tolbert asked for additional clarification.

Bill Dermody, Planning and Economic Development, clarified that the limit of 20 included only accepted guests. He said the condition was worded in such a way that no one would be turned away, but if the limit was exceeded consistently, Listening House would be required to develop a plan to prevent additional occurrences.

Councilmember Prince said the other conditions applied to addressing problems with people outside of the facility.

Councilmember Noecker said she agreed it was difficult issue and she appreciated Councilmember Prince's attempts to find the very best solution. She said a limit of 20 people per day didn't make sense. She said it wasn't part of the negotiations, and she didn't understand practically how it worked or helped the neighborhood. She said the problems were with those outside the facility, and the service provided in the facility was needed. She said she was supportive of the other conditions and of denying the appeal, but couldn't support the condition that limited it to 20 people.

Councilmember Prince said she wanted to be clear that the initial determination of similar use proposed a use which was not the level of intensity of what was brought to the neighborhood by Listening House. She said if the Council was not willing to control the intensity of the use, they should grant the neighbors' appeal. She said it was an RT1 district and the determination of similar use stated it should not have an impact on the residential character of the neighborhood.

Councilmember Tolbert asked where the 20-person limit came from.

Mr. Dermody said the Planning Commission desired to set a limit, and the 10 people per day at the yoga studio had been working without problems, and they decided to set a somewhat higher limit of 20 at the site. He said there was no study on how something like this might impact the neighborhood, because this was a unique situation.

Councilmember Noecker noted that churches were permitted in RT1, and she imagined that church traffic amounted to more than 20 persons per day. She said it (the limit) seemed arbitrary and crippling to Listening House, and she didn't know what a plan to prevent exceeding the limit would look like.

Councilmember Brendmoen said she appreciated the addition of the extension to April 2 for the limit. She said she wanted to understand a little more about the plan if the limit was exceeded, and asked whether that would almost ensure they would have to come back to the table and make a different plan.

Mr. Dermody said that was difficult to answer, and one of the main things for the Council to answer, whether they thought 20 was practical. Councilmember Brendmoen said she wasn't asking whether it was practical, but based on what they'd heard, it was going to happen that there'd be more than 20 guests four times in the first month.

Mr. Dermody said they would need to come up with a plan to reduce the numbers and

come into compliance.

Council President Stark said churches and schools were allowed in RT1 districts and could be intense uses, and that raised questions for him about zoning in the future. He said they should have more clarity about what was allowed where, and he felt the city should move towards allowing more things in more places. He said today's case was based on the current zoning code and whether there were errors in the Planning Commission's interpretation. He said it was hard for him to find specific fault with the Planning Commission's findings. He said he generally agreed with Councilmember Noecker about whether the number 20 made sense, but he couldn't see what the number should be. He said he would support the motion; it was clear that a higher intensity use that wasn't a church or school wasn't allowed.

Vote: Yeas - 5 Nays - 2 (Tolbert and Noecker)

Councilmember Prince moved an amendment to have the limit not take effect until April 2, 2018.

Council President Stark spoke in support.

Motion of intent - Appeal denied (with modifications)

Yea: 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark and Councilmember Prince

Nay: 2 - Councilmember Tolbert and Councilmember Noecker

24 APC 17-3

Public hearing to consider the appeal by Rene & Kim Lerma of a Planning Commission decision to affirm in part and modify a Zoning Administrator's similar use determination for Listening House to provide services at First Lutheran Church at 464 Maria Avenue subject to 14 conditions.

Councilmember Prince said again it was a difficult decision. She read her motion to deny the appeal on the basis that the appellants had not shown error in the facts, findings, or procedures of the Commission.

Motion of intent - Appeal denied

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

BUDGET ITEMS

25 RES PH 17-298

Setting the recycling service fee for 2018, and authorizing Public Works to request \$745,493 in SCORE grant funds from Ramsey County to support the curbside recycling program. (Public hearing held November 1)

Councilmember Prince moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

26 RES PH 17-312 Setting the 2018 Sanitary Sewer and Storm Sewer rates. (Public hearing held November 1)

Councilmember Thao moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

27 RES PH 17-294 Establishing the Water Charges for 2018. (Public hearing held November 1)

Councilmember Brendmoen moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

28 RES 17-1923 Approving the Saint Paul Regional Water Services 2018 Budget.

Councilmember Tolbert moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

29 RES 17-1997 Approving the Saint Paul RiverCentre Convention and Visitors Authority 2018 Budget.

Councilmember Tolbert moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

The City Council will recess, and convene as the Library Board to consider RES 17-1971: Library Board Resolution Adopting 2018 Budget and Requesting Property Tax Financing.

The Library Board will adjourn and the City Council will reconvene.

- 30 RES 17-1970** 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, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 31 RES 17-1976** Approving the Housing and Redevelopment Authority (HRA) budget for the fiscal year 2018 and certifying the HRA property tax Levy payable in 2018.
- Councilmember Brendmoen moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 32 RES 17-1988** Approving the 2018 City Tax Levy.
- Council President Stark moved approval of the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- 33 RES 17-1974** Adopting the 2018 Budget.
- Following comments by Council members, a motion was made by Council President Stark to approve the resolution.*
- Adopted**

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember 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

- 34 Ord 17-17** Amending Chapter 65 of the Legislative Code pertaining to Alternative Financial Establishments.

Council President Stark moved approval.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

First Reading

- 35 Ord 17-60** Establishing sustainable building regulations for buildings owned, operated, or funded by the City.

Laid over to December 20 for second reading

- 36 Ord 17-61** Administrative Ordinance establishing the minimum qualifications for the vacancy for the position of Fire Chief pursuant to the provisions of Section 9.01(a) of the Administrative Code and Section 12.12.1 of the Saint Paul City Charter.

Laid over to December 20 for second reading

- 37 Ord 17-62** Administrative Ordinance establishing a Qualifications and Examining Committee for the position of Fire Chief pursuant to the provisions of Section 9.01(a) of the Administrative Code and Section 12.12.1 of the Saint Paul City Charter.

Laid over to December 20 for second reading

PUBLIC HEARINGS

- 38 Ord 17-58** Allowing special permits for extended hours for service of alcoholic beverages in licensed establishments.

Nancy (no last name given) (712 University Ave Suite 103) asked about applying for a license for their business.

Council President Stark clarified that the item was about extending hours for the Super Bowl. Councilmember Thao said he would follow up.

Councilmember Thao moved to close the public hearing.

Public hearing held and closed; laid over to December 20 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

- 39 RES PH 17-342** Approving an interim use permit authorizing the temporary suspension of occupancy and parking regulations for the period January 25 through February 6, 2018 to coincide with the anticipated demand for short term rentals associated with Super Bowl LII.

In response to a question from Council President Stark, Dan Niziolek, Department of Safety and Inspections, explained enforcement actions.

No one was present to testify. Councilmember Tolbert moved to close the public hearing.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Thao

- 40 RES PH 17-344** Granting an interim use permit to Ramsey County for a short-term emergency housing facility at 160 East Kellogg Boulevard.

Councilmember Noecker thanked partners for their collaboration on the facility, and moved an amendment to waive the use permit fee.

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

Adopted as amended (permit fee waived)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

SUSPENSION ITEMS

Council President Stark moved suspension of the rules.

Rules suspended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

RES 17-2055

Approving bond allocation transfer agreements and related documents, and authorizing carryforward of certain unused private activity bond volume cap, citywide.

Council President said this was a companion resolution to one adopted in the HRA. He moved approval.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Council members shared good news from the wards.

ADJOURNMENT

Council President Stark adjourned the meeting.

Meeting adjourned at 4:24 p.m.

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

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