



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor

Katie Burger, Executive
Assistant, 651-266-8560

Minutes - Final

City Council

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

Wednesday, March 16, 2016

3:30 PM

Council Chambers - 3rd Floor

Budget Amendment Public Hearings at 3:30 p.m. Public Hearings at 5:30 p.m.

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

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

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

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 16-19](#) Letters from the Department of Safety and Inspections declaring 1325 Arkwright Street, 808 Jackson Street, and 72 Sycamore Street East as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

Received and Filed

- 2 [AO 16-33](#) Amending the 2015 spending budget in the Central Service Fund, Treasury Fiscal Services accounting unit.

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 7 and 17 were 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 16-410](#) Approving the City's cost of providing Property Clean Up services on October 8, 2015 at 1169 University Ave West, and setting date of Legislative Hearing for April 19, 2016 and City Council public hearing for June 1, 2016 to consider and levy the assessments against individual properties. (File No. J1605A2, Assessment No. 168524)
Adopted
- 4** [RES 16-411](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed from November 10 to December 11, 2015, and setting date of Legislative Hearing for April 19, 2016 and City Council public hearing for June 1, 2016 to consider and levy the assessments against individual properties. (File No. CRT1608, Assessment No. 168208)
Adopted
- 5** [RES 16-412](#) Approving the City's cost of providing Graffiti Removal services from January 21 to February 2, 2016, and setting date of Legislative Hearing for April 19, 2016 and City Council Public Hearing for June 1, 2016 to consider and levy the assessments against individual properties. (File No. J1608P, Assessment No. 168407)
Adopted
- 6** [RES 16-413](#) Approving the City's cost of providing Tree Removal services during January 2016, and setting date of Legislative Hearing for April 19, 2016 and City Council public hearing for June 1, 2016 to consider and levy the assessments against individual properties. (File No. 1604T, Assessment No. 169003)
Adopted

- 8 [RES 16-469](#) Preliminary Order setting the date of City Council public hearing for April 6, 2016 to consider approval of the improvement of University Avenue from Robert Street to Twelfth Street. (File No. 19187 Assessment No. 165209)
Adopted
- 9 [RES 16-470](#) Preliminary Order setting the date of City Council public hearing for April 6, 2016 to consider approval of the improvement of Wabasha Street between Fillmore Avenue and Plato Boulevard, and approval of the costs and expenses for the annual operation and maintenance costs for above-standard lighting. (File No. 19188, Assessment No. 165210)
Adopted
- 10 [RES 16-451](#) Preliminary Order setting the date of City Council public hearing for April 6, 2016 to consider approval of improvements on Raymond Avenue from Energy Park Drive to Como Avenue. (File No. 19190, Assessment No. 165200)
Adopted
- 11 [RES 16-164](#) Preliminary Order setting the date of City Council public hearing for April 6, 2016 to consider approval of the improvements in the Como-Chatsworth Area - Phase II, as part of the 2016 St. Paul Street Vitality Project. (File No. 19189 Assessment No. 165205)
Adopted
- 12 [RES 16-458](#) Preliminary Order setting the date of City Council public hearing for April 6, 2016 to consider approval of the rehabilitation of Third Street from Johnson Parkway to White Bear Avenue. (File No. 19198 Assessment No. 165208)
Adopted
- 13 [RES 16-407](#) Authorizing the Fire Department to accept the donation of an engraving machine valued at \$500 from Donnalyn Engen.
Adopted
- 14 [RES 16-404](#) Approving the Labor Agreements (January 1, 2016 - December 31, 2017) between the City of Saint Paul and AFSCME District Council 5, Clerical - Local 2508 and Technical - Local 1842.
Adopted

- 15 [RES 16-480](#) Approving funding for the Office of Human Resources to provide food/beverages for the Emerging Leaders Academy.
Adopted
- 16 [RES 16-466](#) Approving funding for the Department of Human Rights & Equal Economic Opportunity to provide food/beverages for citywide mandated Racial Equity Training sessions for city employees.
Adopted
- 18 [RES 16-456](#) Approving the Mayor's appointments of Analeisha Vang to serve as Assistant to the Mayor I, effective January 6, 2016, and Peter Grafstrom to serve as Assistant to the Mayor II, effective March 7, 2016.
Adopted
- 19 [RES 16-479](#) Approving the Mayor's appointment of Fedha Abera as Assistant to the Mayor I.
Adopted
- 20 [RES 16-497](#) Accepting the gift of travel and lodging from the Twin Cities Jazz Festival for Mayor Coleman and Joe Spencer to attend the French Quarter Jazz Festival in New Orleans, Louisiana, from April 8 to 11, 2016.
Adopted
- 21 [RLH OA 16-2](#) Making no recommendation to Ramsey County on the application of Elizabeth A. Schwantes for repurchase of tax forfeited property at 560 CHARLES AVENUE.
Adopted

FOR DISCUSSION

- 7 [RES 16-445](#) Preliminary Order setting the date of City Council public hearing for April 20, 2016 (amended from April 6) to consider approval of lighting improvements on Oakdale Avenue from State Street to Annapolis Street. (File No. 19215, Assessment No. 165101)
Councilmember Noecker moved to amend the resolution to change the public hearing date to April 20 at the request of staff.
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 16-493](#)

Approving application to the Minnesota Board of Water and Soil Resources (BWSR) for Disaster Recovery Assistance Program (DRAP), as authorized by Minnesota Statutes 12A.05, in the amount of \$4.5M to address unstable slopes and ravines along the Brickyard Trail area of Lilydale Regional Park, and if funds are granted, accepting the funds and entering into grant agreements as are necessary to implement and complete the project.

Councilmember Noecker moved amendments correcting the name of the fund and adding a requirement for a public process if funds were granted. She said there were a number of constituent questions and comments about the process to date, and she requested a staff report.

Alice Messer, Parks and Recreation, gave a staff report and answered questions from Council members.

Councilmember Noecker 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

22 [RES 16-502](#)

Amending Chapter A-1, Council Rules of Procedure, of the Appendix to the Administrative Code regarding the method of voting by the City Council.

Councilmember Noecker said she felt the process of voting could be more transparent. She said an aye/nay system would be helpful for infrequent visitors to Council meetings, and would also remind Council members that every vote was an important one. She said the other change was that Council members would have to be at the table to vote.

Councilmember Bostrom said if there was to be a roll call vote, everyone's name should be called to be on the record as aye or nay. He said the proposed system would allow someone to just remain silent, while under the present system, silence indicated assent.

Councilmember Noecker said that concern was addressed by the clerk stating the numbers in favor and opposed following each vote. She said a roll call vote could be called for at any time, but she was concerned that having a roll call every time would lengthen meetings.

Council President Stark said he supported the motion. He said he'd had similar concerns about the public understanding the votes, which was why he had been explaining voting method at the beginning of Council meetings. He said he didn't feel it would add more time, and if it was a split vote they had the option of a roll call.

Councilmember Brendmoen said if it was this simple to change, they could change it back if it was cumbersome.

Councilmember Bostrom said he would be voting against it because that he felt there should be a roll call on every vote if they were changing the system.

Council President Stark clarified that the new rules would go into effect the following week.

Councilmember Noecker moved approval.

Adopted

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

Nay: 1 - Councilmember Bostrom

23 [SR 16-21](#)

Report from Human Resources Director Angela Nalezny on options for re-opening the Police Chief search using existing job qualifications.

Human Resources Director Angela Nalezny said the position could be reopened and she was prepared to do so the following day if that was the Council's wish. She said since the past Wednesday she had talked to the majority of the 12 internal candidates who could apply and one additional person who could apply if the job posting was administratively changed. She said she thought they could have up to four more candidates. In response to a question from Council President Stark, she clarified the administrative change that would allow the additional candidate to apply.

Councilmember Bostrom said he felt this was what the Council was looking for.

Council President Stark said based on the previous week's discussion and the fact that they had started the process to change the minimum qualifications if no additional candidates were found, he felt this was the best approach.

Councilmember Bostrom suggested a resolution in support. Deputy City Attorney Gerald Hendrickson said he could draft something to be passed during the 5:30 portion of the meeting.

Councilmember Prince asked whether all external advertising opportunities had been exhausted. Ms. Nalezny said they had posted on the five national websites that most upper level police officers looking for an executive job would go to, along with the normal HR recruitment sites.

Councilmember Thao asked how this impacted the reading of the ordinance changing the minimum qualifications. Council President Stark said it was on for second reading and the Council would continue down that path in case they didn't get more applicants simply by reopening the position.

Councilmember Noecker asked whether that meant they were reopening the position with a new deadline of the fourth reading of the ordinance. Ms. Nalezny said she would close the posting on Friday, April 8, which would give her some time to look at the applications and determine whether they'd received enough qualified candidates. Councilmember Bostrom noted that the fourth reading could be laid over if necessary.

Council President Stark said Mr. Hendrickson had prepared language for a resolution directing Human Resources to reopen the posting. Mr. Hendrickson read the language. Councilmember Bostrom moved the resolution. Councilmember Noecker asked whether that meant it would be reposted on those national sites. Ms. Nalezny said it would be reposted as much as was possible in the limited period of time. Councilmember Noecker said she felt it was important to post it externally and especially to sites with more diversity.

Received and Filed

[RES 16-553](#)

Requesting that the Director of Human Resources re-open the application period for the Police Chief title.

(See minutes for Item 23.)

Councilmember Bostrom moved approval.

Adopted

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.

Second Reading

- 24** [Ord 16-8](#) Amending Ordinance 15-82 which established the minimum qualifications for the vacancy of Police Chief pursuant to the provisions of Section 8.01 of the Administrative Code and Section 12.12.1 of the Saint Paul City Charter. (Public hearing held April 6) (To be withdrawn.)
- Laid over to April 6 for third reading/public hearing**

First Reading

- 25 [Ord 16-5](#) Amending Legislative Code Chapters 60, 61, 63, 65, & 66 pertaining to congregate living facilities.
Laid over to March 23 for second reading
- 26 [Ord 16-7](#) Amending Chapter 366A of the Saint Paul Legislative Code pertaining to Parades, Races, and Public Assemblies.
Laid over to March 23 for second reading
- 27 [Ord 16-9](#) Amending Chapters 157 and 165 of the Saint Paul Legislative Code pertaining to permitting agricultural vehicles to park on city streets.
Laid over to March 23 for second reading
- 28 [Ord 16-4](#) Granting authority to the Port Authority of the City of Saint Paul to issue and sell bonds in the aggregate principal amount of approximately \$6,000,000, and to use the proceeds derived from the sale of such bonds for the acquisition, remediation and improvement of blighted and marginal lands located in the City, pursuant to the provisions and by authority of said Minnesota Statutes, 2015, Chapter 469, as amended; and prescribing the amount and form of such bonds and the manner for establishing the rate of interest which shall attach to the same.
Laid over to March 23 for second reading
- 29 [Ord 16-6](#) Granting the application of WRA 1276 LLC & WRA 1256 LLC to rezone the property at 1254, 1256, & 1276 Wilson Avenue from RT1 Two-Family Residential and RM2 Multiple-Family Residential to RM3 Multiple-Family; and amending Chapter 60 of the Legislative Code pertaining to the Saint Paul zoning map.
Laid over to March 23 for second reading

BUDGET AMENDMENT PUBLIC HEARINGS

- 30** [RES PH 16-76](#) Authorizing the Department of Parks and Recreation to accept a donation in the amount of \$20,000 from the Midway Men's Club for Parks and Recreation Centers and programs.
- No one appeared in opposition; Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
-
- 31** [RES PH 16-57](#) Approving a reallocation of public art funds in the amount of \$15,000 from the El Rio Vista Field project to the Parque Castillo Play Area project.
- No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
-
- 32** [RES PH 16-63](#) Accepting contributions from Exeter Group LLC and Ramsey County Regional Rail Authority for River Balcony Master Planning and Phase 1 Schematic Design.
- No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
-
- 33** [RES PH 16-81](#) Authorizing an increase in the Parks and Recreation Grant Fund Budget in the amount of \$25,000 to reflect grant funding received from the National League of Cities and Children & Nature Network.
- No one appeared in opposition; Councilmember Tolbert moved to close the public hearing and approve the resolution.*
- Adopted**

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

34 [RES PH 16-71](#)

Amending the financing and spending plans in the Fire Department in the amount of \$11,000 for a contribution received from the BNSF Railway Foundation to purchase firefighter training props and storage equipment.

No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

35 [RES PH 16-92](#)

Authorizing an increase in the Parks and Recreation Grant Fund Budgets in the amount of \$12,000 to reflect grant funding received from the Capitol Region Watershed District.

No one appeared in opposition; Councilmember Thao moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

36 [RES PH 16-67](#)

Authorizing the Police Department to accept a grant in the amount of \$5,626 from the State of Minnesota, Department of Public Safety, for the National Forensic Science Improvement grant.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

Councilmember Bostrom noted that a couple of weeks previously, the Council had asked for a response from the administration about how to fund the firefighters and paramedics. Council President Stark said this issue was on the agenda as a suspension item. Councilmember Bostrom said he wanted to get on the record that the Council was being asked, on the next agenda item, to come up with about \$2.5 million on a project that was over budget. Yet, according to the memo they'd received, there was no money to address something that had to do with the life and safety of the citizens. He said he knew they were talking about two different funds, but he was troubled with the fact that the administration had said they couldn't do it and the suggestion was made they might have to take funds from police or parks. He said he wanted to go on the record as saying there were other things that needed to be done and they were basically getting the brush off on this one.

37 [RES PH 16-88](#)

Amending the financing and spending budgets in the Department of Public Works to cover additional costs incurred by the contractor on the Kellogg Bridges Project at Market Street and St. Peter Street.

Kathy Lantry, Director of the Department Public Works, gave a staff report on the additional project costs.

Councilmember Bostrom asked, for the record, for the total amount of the budget amendment being requested. Ms. Lantry said it was \$2.65 million.

No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 1 - Councilmember Bostrom

SUSPENSION ITEM

Council President Stark said this item was left off the agenda in error.

Councilmember Prince moved suspension of the rules.

Rules suspended

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

Nay: 0

[SR 16-23](#)

Report from the Administration on efforts to identify revenues and offer alternative options for providing super medic services at both Station 5 and Station 9.

Council President Stark said this was going to be the report from the administration on efforts to identify revenues and offer alternative options for providing super medic services at both Station 5 and Station 9. He said Mr. Hurley from the Office of Financial Services had submitted a letter but was not present.

Councilmember Prince said the Council passed a resolution with a 6 - 1 vote on February 24 asking the administration to produce a budget amendment to fund a super medic team for Engine 5 to meet an urgent need providing life safety services on the Green Line, in response to the administration's request to move that team from the East Side to cover the need. She said at the request of the administration they had amended the resolution to provide two additional weeks for the administration to prepare their response, and she had specifically requested that the administration be present. She said as Councilmember Bostrom had noted, the Council was being asked to pass a resolution for 2.65 million, yet the administration did not place a priority on appearing before the Council on this issue of importance to six of its members. She said the failure to appear was disrespectful to the Council and the people they represented, and she was sickened by it. She said it was inexcusable that they were not present to answer questions about something Chief Butler said was important enough to move a super medic team out of the East Side and into Firehouse 5 because of an urgent need in Wards 1 and 4.

Councilmember Bostrom said he agreed.

Councilmember Noecker said she agreed, and questioned whether the purpose of the resolution was met by the letter submitted by the administration. She said the Council had asked for a report on the efforts to identify revenues for this purpose, and the letter simply stated there were no funds available.

Councilmember Bostrom said that was his point and the reason he wanted it on the record prior to the previous item. He said over \$2.5 million could be found for the Public Works with no problem, and he didn't feel it was realistic to put off funding the super medic until the following year as had been suggested.

Councilmember Prince suggested preparing another resolution asking the administration to come back in response to the Council's resolution. Council President Stark noted that the Council was scheduled to have a policy session with Chief Butler in April to talk about the staffing situation and budget overall.

Councilmember Tolbert clarified that what the Council was asking for here was an ongoing \$700,000 annual cost, which was what was asked for in the budget, rather than a one-time capital cost out of the CIB budget. He said the Council asked the Chief numerous times and in numerous ways what more was needed, and this was nowhere on the radar three months ago. He said that's why he thought waiting until the policy session was important because he wanted to know what was going on. He said agreed the super medic couldn't be moved out of the East Side because they had brown outs in that corner of the City. He said the Chief should be asked some questions and tell the Council what he had done to find funds in his own budget.

Councilmember Noecker noted that Chief Butler was present. She said she had been told in her orientation by the Chief that this deficit had been mentioned not just in the last budget but in previous years' budget meetings, and it had come to a head at this point.

Council President Stark said there were multiple ways of looking at the question. He said the Chief had done a good job over time in keeping the Council informed that the needs in the department were growing and at some point staffing would have to be increased to meet those needs, however this specific need didn't come up prominently in the last budget cycle. He said there was a significant difference between reassigning capital dollars and finding an ongoing source to pay for new staff, and he didn't think there was \$700,000 of operating lying around to be used for this purpose. He said he would have liked to have seen the administration present at the meeting.

Councilmember Prince said it was not possible to wait to act on this issue until after the policy session in April as had been requested by the administration, because Chief Butler had requested that the super medic be moved from the East Side on a pilot basis starting in March. She said when she told the administration it couldn't wait until April she was specifically asked to move it until today so they could be present with answers. She said she had done some thinking, and spoken with budget people, and was going to propose to Mr. Hurley that there might be certain times when the need is great at Firehouse 5 and there could be some moving around of resources. She said that by not being present, the administration had foreclosed the opportunity to have a public discussion and try to do some problem solving. She added, in response to Councilmember Tolbert's comments, that Public Works knew in October that the situation with the Kellogg Bridges project was unpredictable. She said she'd also questioned Ms. Lantry as to why that money wasn't put into the budget before the end of the year.

Councilmember Noecker asked what action was before the Council. Council President Stark said there was no action before the Council. Councilmember Noecker asked whether the item could be laid over. Council President Stark said they could lay the matter over, but the answer they'd received was that they should wait and have this discussion at the policy session in April

Councilmember Thao said this was an important discussion, but they were going round and round without the administration present. He said it was important to talk about what was practical going forward, and ensuring that the firefighters had the funding they needed so this didn't happen again.

Councilmember Bostrom said the equipment was already there, and by the time they got around to doing it it would probably be July, so the cost for the current year would probably be in the neighborhood of \$300,000. He said he understood this was operating and not capital budget, but if they could find 2.5 million in that budget they could find \$300,000 somewhere. He said it would be easier to add it into the budget the following year if the positions were already there.

Council President Stark said if it was the Council's position that they were willing to find the resources or increase the levy or whatever it was going to take to fund this on an ongoing basis, that should be their communication back to the administration.

Councilmember Noecker said out of respect for the five of her colleagues who passed the resolution and requested a report, and to Councilmember Thao's point that it was hard to have the conversation without the administration present, she moved to lay over the staff report so the questions could be asked in a productive way.

Councilmember Prince said that was going to be her request too because she felt the issue was one of respect for the Council.

Councilmember Tolbert asked what they were asking for and who they wanted to be present. After some further discussion, Councilmember Brendmoen stated the Council would like to hear back from Mr. Hurley and the Fire Chief in person.

Laid over to March 23

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

Nay: 0

Council President Stark spoke about Earth Hour.

Council members shared good news from their wards.

The Council recessed at 4:36 p.m.

PUBLIC HEARINGS

The Council reconvened for public hearings at 5:31 p.m.

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

38 [RES PH 16-72](#)

Approving the application of HSR Events for a sound level variance in order to present amplified live music for set-up on Friday, July 22 and event on Saturday, July 23, 2016 during the Lowertown Blues Festival at Mears Park.

Steve Heckler, representing HSR Events, described the event.

No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

39 [RES PH 16-65](#)

Approving the application of Michels Corporation for a sound level variance for a 30-hour construction project for sewer lining work, on Jackson Street from the intersection of Fifth Street South to Kellogg Boulevard, continuously from Monday, April 11, 2016 through Tuesday, April 12, 2016.

No one appeared in opposition; Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

40 [RES PH 16-73](#)

Approving the application of Pro-Life Action Ministries for a sound level variance for a Friday, March 25, 2016 outdoor event from 8:15 a.m. to 5:00 p.m. on Charles Avenue between Vandalia and Pillsbury Streets.

No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

41 [RES PH 16-66](#)

Denying City approval of The Lex, Inc.'s application for a Consumption and Display Permit from the State of Minnesota.

Dan Niziolek, Department of Safety and Inspections (DSI), gave a staff report. He said DSI had concerns with current activities at the establishment, but the basis for their denial was based on problems with issuing a Consumption and Display Permit. He gave some brief background information on club licensing, and said, based on the intent of the early ordinance work, DSI's practice since then was to not approve Consumption and Display Permits in the City of St. Paul. He said there were no Consumption and Display Permits in the city, and a good understanding in the community about that. He said this longstanding practice was recently codified by the Council into ordinance, and other municipalities, including Minneapolis, had ordinances prohibiting Consumption and Display Permits. He reviewed the regulatory difficulties presented by Consumption and Display Permits, particularly in neighborhoods. He said DSI believed they could work with the Lex, and had started a conversation, to find a location that met legal requirements and better supported their business plan.

Councilmember Thao asked for more details about DSI's work to help the Lex find a more appropriate location, and whether that meant dedicated staff. Mr. Niziolek elaborated, and said a project facilitator would be assigned.

The following spoke in opposition to the license:

Clara Logan (695 Carroll Avenue)

Amber Lien (915 Carroll Avenue)

Renee Tyler (912 Carroll Avenue)

Lavera Daisy (265 N. Chatsworth Avenue)

Derek Anders-Turner (894 Concordia Avenue)

In support:

Leon Daisy (265 Chatsworth Avenue)

Josh Howe (the Lex)

Margaret Waldon (988 Iglehart Street)

Cassara Edwards (the Lex)

Charles Carter (the Lex)

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

Councilmember Thao thanked everyone for coming down to share their support and concerns, and said he understood and sympathized with the positions of both sides. He said the hardest part about being a Council member was having to disappoint people by doing what was right. He said if there was no clear path to obtaining a liquor license he would be open to supporting open consumption, but in this situation, after reviewing the facts, he would move to deny the Consumption and Display Permit and do what was right for the surrounding neighborhood. He said his office was committed to helping Mr. Howe and Mr. Carter obtain a City liquor license and to help with financial assistance where available.

Council President Stark said he would support that motion. He said he heard the frustration expressed by the applicant about the process so far, and understood the frustrations expressed by neighbors, but what troubled him most was that this was a State permit that the City would not be able to enforce. He said he felt there was path to establishing a business that the owners and community could be supportive of. He noted that the Council had recently clarified the longstanding City policy of not granting these permits, and it would be an extreme departure from past practice to grant this.

Adopted

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

Nay: 0

42 [RES PH 16-85](#)

Approving the establishment of the Ford Site Redevelopment Project Area and the Ford Site Redevelopment Tax Increment Financing District, and approving a Redevelopment Plan and Tax Increment Financing Plan therefor (District 15, Ward 3).

Merritt Clapp-Smith, Planning and Economic Development, gave a staff report.

Councilmember Thao asked to make a friendly amendment to add "low-income housing" to the range of residential housing units called for. Following some discussion among Council members and Ms. Clapp-Smith, Council President Stark said the language Councilmember Thao wanted to amend was from a report by Kennedy and Graven on the TIF plan, but there was definitely a way for the Council to express the value of wanting to keep the option open of low income housing including ownership on the site. He said it may not happen with these documents but he suggested that it could at a later date.

In support:

Kyle Makarios (851 Dayton Avenue), co-chair of the Ford Site Planning Task Force

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

Councilmember Tolbert acknowledged the work of the task force and spoke about the assets and potential of the site. He said he would rather not use TIF if possible, but TIF was one of the few development tools available to cities and was created to help with large urban infill sites with the potential to transform a city or neighborhood. He said this action only made the project eligible for TIF, and if TIF were to be used, it would only go toward public uses. He said in a perfect world the TIF would be decertified if the Legislature passed the tax bill. He moved approval.

Adopted

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

Nay: 0

43 [RES PH 16-83](#)

Approving the petition of Oxygen Services Company Inc. to vacate that part of Hewitt Avenue adjacent to its property at 1111 Pierce Butler Route.

No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

44 [RES PH 16-91](#)

Authorizing the use of a Project Labor Agreement for a city project to construct a new Police Communication Services & Maintenance operations facility at 1675 Energy Park Drive.

No one appeared in opposition; Council President Stark moved to close the public hearing and approve the resolution.

Adopted

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

Nay: 0

45 [RES PH 16-53](#)

Granting the application of Thomas Schroeder for a historic use variance at 445 Smith Avenue North to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service.

Bill Dermody, Planning and Economic Development, gave a staff report.

Applicant:

Tom Schroeder (194 McBoal Street) described the application.

In support:

Mike Sonn (1458 Wellesley)

No one appeared in opposition; Councilmember Noecker moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Noecker made brief comments and moved approval.

Adopted

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

Nay: 0

Council President Stark said the next four items were all related to the Cleveland Avenue bike lanes project; he explained how the public hearings would be held. He said his intention was to bring in amended language to some of the resolutions and lay the public hearing over for Item 47, Permit Parking Area 18, which included Cafe 128. He said some ideas had come forward to make additional changes to that permit parking area that would make more customer parking available during the day. He said those changes had to be noticed to the people in that permit parking area, and the item would come back before Council on May 4. He said he would also be offering amendments to Item 49, addressing some of the feedback heard about the implications, particularly around parking on and around Cleveland.

Luke Hanson (Public Works) gave a staff report on items 46 - 49. He reviewed the history and process to date. He said the recommendation was for bike lanes on Cleveland from Highland Parkway to University Avenue, with a number of parking mitigation measures.

Councilmember Prince asked whether the community working group had any public meetings. Mr. Hanson said all of the meetings were public, but there was not public testimony. Council President Stark said there was an open house during the process and one to discuss the proposal. Mr. Hanson said the working group considered comments left in response to questions posted on Open St. Paul.

46 [RES PH 16-68](#)**Modifying Residential Permit Parking Area 16 for the Cleveland Avenue Bicycle Project.**

Council President Stark said the item was specific to the Permit Parking Area 16 recommendations, and would give permits to some properties on Cleveland that were not currently in the permit parking area. He said it was his intention to propose an additional change which would allow the tenants of the apartment building at Cleveland and Marshall to park on the east side of Cleveland in Area 17. He said that proposal would have to be publicly noticed and laid over for 30 days.

The following appeared to testify:

Leo Viktora (2129 James Ave)

Thomas Hielsberg (2070 Marshall Avenue S.)

Tony Fruci (7145 37th Street Ct.)

Council President Stark said he forgot to mention that it was his intention to bring forward a recommendation that would allow one-hour customer parking on both sides of Dayton south of Mr. Fruci's business, and on both sides of Wilder, in addition to the permit parking.

Testimony:

Loretta Pederson (1573 Sextant Avenue, Maplewood)

Deb Mitchell (2115 Dayton Avenue)

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

Council President Stark said he would move approval, keeping in mind the testimony, and with plans for additional changes.

In response to a comment given in testimony, Councilmember Thao said bicyclists were seasonal because facilities weren't there.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Bostrom

47 [RES PH 16-69](#)**Modifying Residential Permit Parking Area 18 for the Cleveland Avenue Bicycle Project.**

Council President Stark said his intention was to lay the public hearing over to May 4 to make changes.

No one appeared in opposition; Council President Stark moved to continue the public hearing to May 4.

Public hearing continued to May 4

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

Nay: 0

Absent: 1 - Councilmember Bostrom

48 [RES PH 16-70](#)

Modifying Residential Permit Parking Area 22 for the Cleveland Avenue Bicycle Project.

Leo Viktora (2129 James Avenue) said neighbors would oppose adding parking permits without a mechanism to ensure that people weren't selling permits.

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

Council President Stark said funds had been allocated in the 2016 budget for Public Works to conduct a review of the permit parking process to address those concerns and others. He moved approval with the caveat that concerns raised by Mr. Viktora would be addressed in the review.

Adopted

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

Nay: 0

49 [RES PH 16-93](#)

Recommending implementation of bicycle facilities on Cleveland Avenue between Highland Parkway and University Avenue.

The following appeared in opposition:

Robert Bushard (395 N. Cleveland)

Terry Bushard (2082 Dayton Avenue)

Dick Trotter (232 Cleveland)

John and Sue Mollner (2062 Marshall)

Craig Hamm (183 N. Cleveland)

Lynn Meyer (2058 Marshall Avenue)

Theodore Kvasnik (224 N. Cleveland Avenue)

Joe Hughes (394 N. Cleveland)

Leo Viktora (2129 James Avenue)

Cheryl Talbot (260 Osceola Ave. S.),

The following appeared in support:

Andy Singer (2103 Berkeley Avenue)

Tony Desnick (2166 Randolph Avenue)

Mike Martin (200 Robie Street W.)

Gena Berglund (1516 Lincoln Avenue)

Deb Alper (1835 Fairmount)

Amber Dallman (1328 Sargent Avenue)

Heidi Shallberg (706 Mississippi River Boulevard)

Derek Burke (4495 Lake Avenue S., White Bear Lake)

Marjorie Kelly (2164 James Avenue)

Rheannon Thompson (1863 Grand Avenue)

Melissa Wetzel (downtown St. Paul)

Scotia Holmgren (631 Van Buren Avenue)

Tom Basgen (1865 Munster Avenue)

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

Council President Stark said it was never simple process especially with narrow St. Paul streets. He said it had been a long process, he was cognizant of impacts, and the feedback had been heard. he reviewed and moved amendments.

Councilmember Prince asked for a friendly amendment to delay striping until there had been time to implement some changes and mitigation measures as suggested.

Council President Stark said he would speak against it as a friendly amendment. He responded to specific concerns raised and said it was best to do the striping during the mill and overlay when pavement was hot. He moved his amendments. Yeas - 7 Nays - 0

Councilmember Prince moved her amendment. She said if the project wasn't going to start until June, the Council could attempt to get as much mitigation done as possible, with the possibility of delaying the striping.

Councilmember Tolbert spoke against Councilmember Prince's amendment and in support of resolution. He said it had been a long process with a lot of public input and one delay already to allow more community process. He thanked the task force, Public Works staff, and Legislative Aides Libby Kantner and Samantha Henningson. He said there were a few tweaks Council President Stark was working out, and there were potential problems that could still be worked on. He said this was the right solution, and the mitigation strategies were correct.

Councilmember Thao said he appreciated the amendment but this had been a long process with adequate process, and it was an issue of public safety. He said he would vote against the amendment and in support of resolution. He thanked the business owners and residents who had spent years supporting St. Paul, and he respectfully asked bicyclists to continue to support businesses.

Amendment vote: Yeas - 2 Nays - 5 (Thao, Noecker, Tolbert, Stark, Brendmoen)

Councilmember Prince moved an amendment to put sharerows from Dayton to Marshall as was done from Highland to Eleanor.

Council President Stark said that was considered as an option, but bike lanes were the safer treatment and Dayton to Marshall was the area with the most potential conflict. He said there was the opportunity to put in bike lanes along St. Kate's with no loss of parking because the street was wider, but no time to have a discussion or process about the area south. He said there would have to be a conversation at some point about that area.

Amendment vote: Yeas - 2 Nays - 5 (Thao, Noecker, Tolbert, Stark, Brendmoen)

Council President Stark reiterated the thanks expressed by Councilmember Tolbert, and the point made by Councilmember Thao about ultimately siding with increased safety. He said the area had become vibrant and successful, and he understood the concerns about losing that success. He said he felt they were doing everything possible to ensure the positive potential of the bike lanes was realized and the negative effects of the parking loss was minimized. He moved approval.

Councilmember Prince said she supported the bike plan, and recognized there was a history prior to her tenure on the Council. She said she supported Council President Stark's amendments and the efforts to mitigate the circumstances for the neighborhood. She said she would not support the motion but recognized the hard work everyone had done.

Councilmember Noecker said she was looking forward to supporting the resolution and its long term benefits.

Councilmember Bostrom said someone had to speak up for those people who had lived and had businesses in the neighborhood for years. He said he didn't want to drive customers to the suburbs, and he was hard pressed to believe this would not hurt businesses.

Council President Stark said the changes being proposed, at least at Cleveland and Marshall, would probably result in more overall customer parking within a block. He said some residents would oppose that, but he proposing it because he did care about the businesses.

Councilmember Thao said he appreciated Councilmember Bostrom testimony and took it as a challenge to support the businesses even more.

Adopted as amended

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

Nay: 2 - Councilmember Bostrom and Councilmember Prince

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

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

- 53** [RLH RR 16-7](#) Ordering the razing and removal of the structures at 82 GEORGE STREET WEST within fifteen (15) days after the March 16, 2016, City Council Public Hearing.

Adopted

- 50** [RLH VO 16-10](#) Appeal of Heather Meyers, SMRLS attorney on behalf of Jennifer Sarafin, to a Revocation of a Fire Certificate of Occupancy and Order to Vacate at 979 AGATE STREET, #1.

Adopted

- 51** [RLH TA 16-112](#) Deleting the Appealed Special Tax Assessment for Property at 858 BURR STREET (File No. J1605E1, Assessment No. 168315)

Adopted

- 52** [RLH FCO 16-39](#) Appeal of Tara Schweiger, Maypop Tires, to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 2554 COMO AVENUE, BUILDING C.

Adopted

- 54** [RLH TA 16-113](#) Deleting the Appealed Special Tax Assessment for Property at 720 HAWTHORNE AVENUE EAST (File No. J1605E1, Assessment No. 168315).

Adopted

- 55** [RLH FCO 15-112](#) Appeal of Robert Stein to a Correction Notice - Complaint Inspection at 332 JESSAMINE AVENUE EAST. (Public hearing continued from May 18)

Public hearing continued to April 20

- 56 [RLH RR 16-8](#) Ordering the rehabilitation or razing and removal of the structures at 595 JESSAMINE AVENUE EAST within fifteen (15) days after the March 16, 2016, City Council Public Hearing. (Amend to remove the building within 15 days with no option for repair)
- Referred to Legislative Hearings on March 22; Council public hearing continued to April 6
- 57 [RLH VO 16-12](#) Appeal of Paul L. Belmonte to a Fire Certificate of Occupancy and Order to Vacate at 632 & 634 LEXINGTON PARKWAY NORTH.
- Adopted as amended
- 58 [RLH VO 16-13](#) Appeal of Lonn Anderson to a Fire Certificate of Occupancy Revocation and Order to Vacate at 251 MARIA AVENUE.
- Adopted
- 59 [RLH TA 16-117](#) Amending Council File RLH AR 15-92 to delete the assessment for Property Clean Up services from September 2 to October 2, 2015 at 1071 HUDSON ROAD. (File No. J1604A, Assessment No. 168503)
- Adopted
- 60 [RLH RR 16-9](#) Ordering the rehabilitation or razing and removal of the structures at 839 THOMAS AVENUE within fifteen (15) days after the March 16, 2016, City Council Public Hearing. (Public hearing continued from May 4) (Amend to remove or repair within 45 days)
- Referred to Legislative Hearings on March 22; Council public hearing continued to April 6
- 61 [RLH TA 16-105](#) Amending Council File RLH AR 15-97 to delete the assessment for Graffiti Removal services from September 9 to October 6, 2015 at 1161 UNIVERSITY AVENUE WEST. (File No. J1604P, Assessment No. 168403)
- Adopted
- 62 [RLH TA 16-106](#) Amending Council File RLH AR 15-100 to delete the assessment for Property Clean Up on Private Properties from October 8 to October 29, 2015 at 1161 UNIVERSITY AVENUE WEST. (File No. J1605A, Assessment No. 168504)
- Adopted

ADJOURNMENT

Councilmember Tolbert moved adjournment.

Meeting adjourned at 8:11 p.m.

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

Nay: 0

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