



City Hall and Court House  
15 West Kellogg Boulevard

# City of Saint Paul

Council Chambers - 3rd  
Floor  
651-266-8560

## City Council Meeting Minutes - Final

*Council President Amy Brendmoen  
Councilmember Kassim Busuri  
Councilmember Mitra Jalali Nelson  
Councilmember Rebecca Noecker  
Councilmember Jane L. Prince  
Councilmember Dai Thao  
Councilmember Chris Tolbert*

Wednesday, March 13, 2019

3:30 PM

Council Chambers - 3rd Floor

### ROLL CALL

**Present** 4 - Councilmember Amy Brendmoen, Councilmember Chris Tolbert,  
Councilmember Rebecca Noecker and Councilmember Mitra Jalali Nelson  
**Absent** 3 - Councilmember Dai Thao, Councilmember Jane L. Prince and  
Councilmember Kassim Busuri

### COMMUNICATIONS & RECEIVE/FILE

- 1    **AO 19-12**            Amending CDBG activities budgets: funding for Rivoli and Otsego projects.  
**Received and filed**
  
- 2    **AO 19-13**            Amending the 2019 Public Works General Fund budget to purchase a snow blower attachment to assist with keeping bridges safe and clear of snow for pedestrians.  
**Received and filed**
  
- 3    **AO 19-14**            Amending CDBG activities budget: funding for 194 West Robie.  
**Received and filed**
  
- 4    **AO 19-17**            Amending CDBG activities budget: funding for 1295 Galtier and 1883 Nevada.  
**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 5 - 14)

*Councilmember Jalali Nelson moved approval of the Consent Agenda.*

#### **Consent Agenda adopted**

**Yea:** 4 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker and Councilmember Jalali Nelson

**Nay:** 0

**Absent:** 3 - Councilmember Thao, Councilmember Prince and Councilmember Busuri

- 5     **RES 19-384**     Memorializing a City Council decision denying an appeal by the Association for Non-Smokers-Minnesota from a decision of the Board of Zoning Appeals granting a variance from the distance requirements for a proposed tobacco products shop at 1724 University Avenue West.  
**Adopted**
- 6     **Min 19-13**     Approving the minutes of the February 20 and 27, 2019 City Council meetings.  
**Adopted**
- 7     **RES 19-411**     Preliminary Order setting the date of City Council public hearing for April 17, 2019 to consider approval of the 2019 Saint Paul Streets Program (2019 SPS).  
**Adopted**
- 8     **RES 19-435**     Authorizing the Office of Financial Services outreach expenditures for Financial Empowerment events.  
**Adopted**
- 9     **RES 19-379**     Approving the Labor Agreement between the Independent School District 625 and the Minnesota School Employees Association representing Classified Confidential Employees Association (7/1/2018 - 6/30/2020).  
**Laid over to March 20 for adoption**
- 10    **RES 19-410**     Authorizing the Police Department to accept a grant in the amount of \$70,273 from the State of Minnesota for the 2019 Pathways to Law Enforcement Grant.  
**Adopted**

- 11    **RES 19-400**            Authorizing using a Project Labor Agreement for the Fairview Avenue Reconstruction, Wheelock Parkway Phase IV, and Summit Avenue Bridge No. 62504 projects, and authorizing not using a Project Labor Agreement on the East 7th Street Pedestrian Improvements and Washington Tech Safe Routes to School projects.  
**Adopted**
- 12    **RES 19-453**            Authorizing the Department of Public Works to enter into an agreement with the State of Minnesota to receive a grant from the Minnesota Apprenticeship Initiative program.  
**Adopted**
- 13    **RES 19-423**            Adding a Liquor-Outdoor Service Area (Patio) and a Liquor-Outdoor Service Area (Sidewalk) license with conditions to existing licenses held by 267 West Seventh LLC, d/b/a Parlour (License ID #20180000336) at 267 7th Street West.  
**Adopted**
- 14    **RES 19-417**            Approving a waiver of the 45-day notification requirement to issue Liquor On Sale-100 seats or less, Liquor On Sale-Sunday, and Liquor Outdoor Service Area (Patio) licenses with conditions to Due Focacceria, LLC, d/b/a Due (License ID #20190000396) at 475 Fairview Avenue South.  
**Adopted**

**FOR DISCUSSION**

**Council members Busuri, Prince, and Thao joined the meeting.**

**Present** 7 - Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

- 15    **RES 19-439**            Thanking Ramsey County Elections Manager Joe Mansky for his years of service to the City and naming March 15, 2019 as Joe Mansky Day in the City of Saint Paul.

*Council President Brendmoen invited Joe Mansky to the podium, and read the resolution.*

*Mr. Mansky made brief comments. Council members expressed their appreciation for Mr. Mansky's service to the City and County.*

*Council President Brendmoen moved approval of the resolution.*

**Adopted**

**Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**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**

- 16 Ord 19-14** Amending Chapter 409 of the Saint Paul Legislative Code establishing additional criteria for applicants to the charitable gambling eligible recipients list established under Section 409.235.
- Councilmember Noecker thanked Councilmember Prince for co-sponsoring, and St. Paul Youth Services for their work. She said she felt the recommendations from St. Paul Youth Services would improve the list and help align resources to help those kids and families most in need. She said questions and ideas were raised the previous week about the fund itself and about the process and the system, and many of those could be discussed and considered going forward without being included in the ordinance language. She said the organizations currently on the list would remain on the list for a full year, which would give them time to adjust to the new requirements.*
- Councilmember Tolbert thanked Councilmember Noecker for her work on the ordinance and said he agreed with the sentiments but felt it was premature to vote. He asked for a one-month layover to contract current recipients so they could be part of the conversation. He moved to lay the matter over to April 17, and asked that parks and DSI staff facilitate a meeting with current recipients.*
- Council President Brendmoen said she would support a layover but fully supported the goals of the ordinance. She said after looking at the list of current recipients she would be curious to know how it was determined that the list wasn't serving St. Paul kids or kids in poverty, and she wondered whether there was a problem with the current list. She said she would like to get a better understanding of the City's role in the origins of the 10% Club.*
- Laid over to April 17**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0

**Second Reading**

- 17 Ord 19-12** Granting the application of REZA Inc. to rezone property at 770 Grand Avenue from BC Community Business (Converted) to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Laid over to March 20 for third reading/public hearing**

## PUBLIC HEARINGS

- 18 RES PH 19-46** Authorizing an increase in the Parks and Recreation Grant Fund Budget in the amount of \$1,351,000 to reflect various grant funding awarded in 2019 from the State of Minnesota DEED, Community Development Block Grant (CDBG), Twins Community Grant, Metropolitan Council, and State of Minnesota DNR; and anticipated non-grant funding for Environmental Services and Arts & Gardening.
- No one was present to testify. Councilmember Busuri moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- 19 RES PH 19-61** Amending the spending budget for the Public Works Sewer Utility Fund and the Grant Fund related to the 2018 MCES Inflow and Infiltration Demonstration Project Grant.
- No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- 20 RES PH 19-62** Approving the application of Keg and Case Park LLC for a sound level variance to present live amplified music in an enclosed tent on Saturday, March 16, and Sunday, March 17, 2019 at 928 7th Street West.
- Milne Kintner (900 7th Street West) said she believed any sound level variance granted would be a hardship and precedent that would be difficult for the residential building and neighborhood. She said Keg and Case had been a good neighbor but a demanding neighbor; she noted problems with traffic and smoke particulate in the air. She shared a negative experience she'd had with a loud music performance at the Como Pavilion.*
- Councilmember Noecker said she appreciated the testimony, and agreed that Keg and Case had been a good neighbor and had been trying to alleviate some of the conditions with the smoke and with parking and traffic issues. She said she understood the concern about precedent-setting, but didn't think it made sense to preemptively deny a variance for an event that hadn't had a chance to prove itself yet. She said a sound level variance was required in St. Paul for any amplified sound at all, and this was a relatively low request. She asked Ms. Kintner to stay in touch about how it went, and said she would commit to working with Keg and Case to address problems. She moved approval of the variance.*
- Council President Brendmoen said there was an event at the Como Pavilion, early on with a new entertainment and music venue, with an act that was very loud. She said it*

*was a new experience for them and they learned how to adjust the directionality of the sound. She noted that this variance was for an enclosed tent. She said she would support the variance.*

*Councilmember Thao noted that the map of the site showed the speakers would be directed towards West 7th Street and away from the Lofts. He said he believed it was worth giving the event a try, and that data could be collected and adjustments made if necessary during the event and next year if they applied again.*

**Adopted**

**Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

- 21 RES PH 19-63** Approving the application of Herbie's on the Park for a sound level variance to present amplified music in an enclosed tent on Saturday, March 16, 2019 at 317 Washington Street.

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

**Adopted**

**Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

- 22 RES PH 19-64** Approving the application of MN Wild for a sound level variance for an outdoor music event on Friday, March 15, 2019 through Sunday March 17, 2019 at 150 Smith Avenue North.

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

**Adopted**

**Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**LEGISLATIVE HEARING CONSENT AGENDA**

**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 (Items 23 - 28)**

*No one was present to testify. Councilmember Prince 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 Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

- 23 RLH TA 19-149** Amending Council File RLH AR 19-1 to delete the assessment for Graffiti Removal services during September 24 to October 16, 2018 at 692 CHARLES AVENUE. (File No. J1904P, Assessment No. 198403)  
**Adopted**
- 24 RLH RR 19-13** Making finding on the appealed nuisance abatement ordered for 483 COMO AVENUE in Council File No. RLH RR 18-36.  
**Public hearing continued to April 3**
- 25 RLH SAO 19-8** Making finding on the appealed nuisance abatement ordered for 98 GARFIELD STREET in Council File RLH SAO 19-3.  
**Adopted**
- 26 RLH TA 19-148** Amending Council File RLH AR 18-101 to delete the assessment for Property Clean Up services during August 14 to 30, 2018 at 1216 NILES AVENUE. (File No. J1906A, Assessment No. 198505)  
**Adopted**
- 27 RLH RR 19-5** Ordering the rehabilitation or razing and removal of the structures at 718 ORANGE AVENUE EAST within fifteen (15) days after the March 13, 2019 City Council public hearing. (Refer to Legislative Hearing March 26, 2019)  
**Referred to Legislative Hearings on March 26**
- 28 RLH RR 18-44** Ordering the rehabilitation or razing and removal of the structures at 931-933 SHERBURNE AVENUE within fifteen (15) days after the October 24, 2018 City Council public hearing. (Public hearing continued from December 12, 2018) (Amend to remove within 15 days)  
**Adopted as amended (remove within 15 days with no option for repair)**

*Council members shared news from their wards.*

## **ADJOURNMENT**

*The meeting was adjourned at 4:02 p.m.*

**Meeting adjourned**

### **Council Meeting Information**

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