



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Council Chambers - 3rd  
Floor  
651-266-8560

## Minutes - Final

### City Council

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

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Wednesday, February 14, 2018

3:30 PM

Council Chambers - 3rd Floor

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#### ROLL CALL

*The meeting was called to order by Council President Brendmoen at 3:33 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 [AO 18-11](#) Authorizing the Police Department to reallocate its 2018 Special Fund, ECC Operating Budget to more accurately record expenditures.  
**Received and filed**
  
- 2 [AO 18-12](#) Authorizing the Fire Department to reallocate a total of \$61,195 for the 2016 Assistance to Firefighter Grant (AFG) in the 2018 adopted budget to more accurately record the grant expenditures.  
**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 3 - 18)

*Item 4 was removed from the Consent Agenda for separate consideration.*

*Councilmember Noecker moved approval of the Consent Agenda as amended.*

#### **Consent Agenda adopted as amended**

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

Nay: 0

- 3     [RES 18-218](#)     Accepting a gift of up to \$1,300 from the National League of Cities to cover expenses for Councilmember Chris Tolbert to attend and speak at the National League of Cities Silicon Valley Policy Roundtable, February 7 - 9, 2018.  
**Adopted**
- 5     [RES 18-230](#)     Supporting funding for a second daily train from Saint Paul to Chicago.  
**Adopted**
- 6     [RES 18-121](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Jackson Street, Phase I, Part B, street paving and lighting project. (File No. 19173C, Assessment No. 176004)  
**Adopted**
- 7     [RES 18-116](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Raymond Avenue, Phase III street paving and lighting project. (File No. 19190C, Assessment No. 186001)  
**Adopted**
- 8     [RES 18-119](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Como Avenue from Raymond to Commonwealth street paving and lighting project. (File No. 19202C, Assessment No. 186004)  
**Adopted**
- 9     [RES 18-120](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Wheelock Parkway, Phase II, street paving and lighting project. (File No. 19204C, Assessment No. 186002)  
**Adopted**

- 10     [RES 18-117](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Battle Creek Road from Upper Afton to Park Ridge Court street paving and lighting project. (File No. 19201C, Assessment No. 186003)  
**Adopted**
- 11     [RES 18-183](#)     Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the White Bear Avenue project. (File No. 19197C, Assessment No. 176002)  
**Adopted**
- 12     [RES 18-237](#)     Granting a temporary construction easement to the Minnesota Department of Transportation over a portion of city-owned Lilydale Park.  
**Adopted**
- 13     [RES 18-238](#)     Authorizing the Saint Paul Public Library Agency to hold a volunteer recognition event.  
**Adopted**
- 14     [RES 18-252](#)     Authorizing the Department of Parks and Recreation to enter into a management agreement with O'Reilly Custom 3, LLC, for the Como Lakeside Pavilion.  
**Adopted**
- 15     [RES 18-223](#)     Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add Auto Body Repair Garage and Auto Repair Garage licenses to the existing Second Hand Dealer - Motor Vehicle license for Global Auto USA LLC (ID# 20140001093), d/b/a Global Auto USA at 357/365 Como Avenue.  
**Adopted**
- 16     [RES 18-243](#)     Approving adverse action against the Cigarette/Tobacco license held by Elisea's Snack Shop, LLC d/b/a Elisea's Snack Shop located at 1885 University Avenue West, Ste. 100.  
**Adopted**
- 17     [RES 18-241](#)     Approving adverse action against the Auto Repair Garage and Second Hand Dealer - Motor Vehicle licenses held by Phoenix Auto d/b/a 3B Auto Sales located at 1176 Dale Street North.  
**Adopted**

- 18     [RLH OA 18-1](#)     Making recommendation to Ramsey County on the application of David L. Och for repurchase of tax forfeited property at 1508 SEVENTH STREET EAST.

**Adopted**

**FOR DISCUSSION**

- 4     [RES 18-234](#)     Appointing the interim Ward 4 council member filling the term of Councilmember Russ Stark until the election certificate is issued from the Ward 4 special election scheduled for August 14, 2018.

*Councilmember Stark recused himself from the vote.*

*Councilmember Thao moved approval of the resolution.*

**Adopted**

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

**Nay:** 0

**Abstain:** 1 - Councilmember Stark

- 19     [RES 18-290](#)     Outlining the City of Saint Paul's 2018 Legislative Agenda.

*Thao Mee Xiong gave a report on the 2018 Legislative Agenda.*

*Council President Brendmoen asked for a review of the changes made to the attachment after initial publication of the agenda. Ms. Xiong said changes were made based on conversations with Council members and included the addition of the MNWin Workforce Development Initiative, a request to reduce speed limits, and the I-94 land bridge to connect Rondo.*

*Councilmember Prince asked to confirm that the support list on the draft document was still part of the Legislative Agenda. Ms. Xiong said it was.*

*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

**20**    [SR 18-8](#)                    Disparity Study Presentation.

*Jessica Kingston, Human Rights and Equal Economic Opportunity, introduced David Keen, who presented the results of the Disparity Study. Mr. Keen answered questions from Council members.*

**Received and filed**

**21**    [PH 18-1](#)                    Public hearing to consider the report of the Administrative Law Judge concerning the Liquor On Sale-100 Seats or less, Liquor-Outdoor Services Area (Patio), Liquor On Sale-Sunday, Entertainment A, and Gambling Location licenses held by El Alamo, LLC, d/b/a El Alamo at 429 Robert Street South. (Public hearing held February 7)

*Councilmember Noecker said at the time of last week's meeting she felt there should be a double departure on the penalty matrix and wanted to take a week to put those reasons in writing. She moved to adopt the findings of fact, conclusions of law, and recommendation of the ALJ as amended in the resolution before the Council. She said she was recommending that they upwardly depart twice from the matrix penalty to revocation based solely on the report of the ALJ, the serious threat to public safety, and continued violation of very recently imposed license conditions intended to protect public safety. She said much of the testimony at the previous week's public hearing was troubling but the Council was only able to consider evidence contained in the record. She said evidence from that record were laid out in the resolution before the Council and constituted the substantial and compelling reasons needed to recommend a double departure on the penalty matrix.*

*A vote was taken on the Motion of Intent. Yeas - 7 Nays - 0*

**Motion of Intent - Adopted the Findings of Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge as amended**

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

**Nay:** 0

**SUSPENSION ITEM**

*Councilmember Noecker 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 18-335](#)

Adopting the Findings of Fact, Conclusions of Law and Recommendations of the Administrative Law Judge as amended, and revoking all licenses held by El Alamo for the premises located at 429 Robert Street South.

*Deputy City Attorney Rachel Tierney clarified that the resolution memorialized the motion of intent just voted on.*

*Councilmember Noecker 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

**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****22** [Ord 18-3](#)

Granting the application of the Northern Star Council to rezone their property at 393 Marshall from OS Office Service to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

*Councilmember Thao moved approval.*

**Adopted**

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

**Nay:** 0

- 23 [Ord 17-64](#) Amending Legislative Code Section 293.07, pertaining to noise source limitations, by enacting a new subdivision to exempt certain soccer matches and other activities held in a municipal stadium from noise source limitations.

*Councilmember Thao thanked neighbors, staff, and the Union Park District Council for their efforts. He said he had listened and heard, and reflected on the concerns. He said based on the AUAR findings he felt this exemption variances were a better strategy in limiting noise pollution in that it made what was and wasn't allowed after 10:00 p.m. He said other stadiums belonging to the Minnesota Ballpark Authority abided by similar variance and exemptions. He said his office would with neighbors and the team t monitor any noise issues. He moved approval.*

*Council President Brendmoen said she appreciated Councilmember Thao's extra work and the opportunity for the district council to weigh in again.*

*Councilmember Stark said he would support the motion and appreciated thanked Councilmember Thao digging into this. He noted that the Council had already adopted a development agreement that essentially allowed the team to have soccer games on the site, and to come back later and restrict noise wouldn't make sense. He agreed with Councilmember Thao that the clarity provided was helpful.*

**Adopted**

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

**Nay:** 0

- 24 [Ord 18-2](#) Granting the application of PDMC, LLC to rezone their property at 739 Selby Avenue from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

*Councilmember Thao moved approval.*

**Adopted**

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

**Nay:** 0

**Second Reading**

- 25 [Ord 18-5](#) Amending Chapter 157 of the Legislative Code to clarify parking restrictions in certain zoning districts.

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

- 26    [Ord 18-8](#)            Amending Chapter 160 of the Legislative Code pertaining to parking meter zones on holidays.

Laid over to February 21 for third reading/public hearing

**First Reading**

- 27    [Ord 18-6](#)            Amending Chapter 106 of the Legislative Code pertaining to restrictions on the use of sidewalks, streets, and etc. to permit sidewalk cafes on boulevards under certain conditions.

Laid over to February 21 for second reading

- 28    [Ord 18-7](#)            Amending Chapter 121 of the Legislative Code, pertaining to permits for driveways, sidewalks, curbs, and etc. to permit surfacing of boulevards for sidewalk cafes under certain conditions.

Laid over to February 21 for second reading

**BUDGET AMENDMENT PUBLIC HEARINGS**

No items



**SUSPENSION ITEM**

*Councilmember Tolbert 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 18-176](#)**

Proclaiming February 15, 2018 “Not for Sale Day” to raise awareness about sexual exploitation

*Following comments by Council members, 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

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

- 30**    **[RLH RR 18-4](#)**    Ordering the rehabilitation or razing and removal of the structures at 642 CHARLES AVENUE within fifteen (15) days after the February 14, 2018 City Council public hearing. (Amended to remove within 15 days with no option for rehabilitation) (Public hearing continued from February 14)

*Legislative Hearing Officer Marcia Moermond said her recommendation was to amend the resolution to order removal of the structures within 15 days; she asked that the Council continue the matter for one month in order for the owner to secure financing, develop work plans, and post a performance deposit - not a bond - in order to rehabilitate the structure. She said if the owner was not able to provide those items in that time period, she would recommend approval of the resolution.*

*No one was present to testify. Councilmember Thao moved to continue the public hearing to March 14.*

**Amended; public hearing continued to March 14**

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

**Nay:** 0

- 43**     [RLH RR 18-2](#)     Ordering the rehabilitation or razing and removal of the structures at 1536 VAN BUREN AVENUE within fifteen (15) days after the February 14, 2018, City Council public hearing. (Amend to remove or repair within 180 days)

*Legislative Hearing Officer Marcia Moermond said Assistance for Homeowners had called that afternoon and said they would be trying to work with the homeowner to rehabilitate the property. She said the property owner was a no-show for the previous day's Legislative Hearing, but she would like to give a chance for the property's rehabilitation. She said there was no performance deposit or financing, and, while a code compliance inspection had been applied for, the owner never put a lock box on the doors to allow access. She recommended laying the matter over for one week, and if a \$5000 performance bond was posted by the close of business the next Tuesday she would refer the matter back to Legislative Hearings for review.*

*No one was present to testify. Councilmember Stark moved to continue the public hearing to February 21.*

**Amended; public hearing continued to February 21**

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

**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 29 - 44)**

*No one was present to testify. 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, Councilmember Stark, Councilmember Noecker and Councilmember Prince

**Nay:** 0

- 29**     [RLH VBR 18-5](#)     Appeal of Randall Bibeau, on behalf of William Gobely, to a Vacant Building Registration Fee Warning Letter at 1560 CANFIELD AVENUE.  
**Adopted**

- 31**     [RLH SAO 17-65](#)     Making finding on the appealed nuisance abatement ordered for 25 ELIZABETH STREET EAST in Council File RLH SAO 17-56. (Public hearing continued from April 11)

**Public hearing continued to April 11**

- 32     [RLH FCO 18-14](#)     Appeal of Minnesota Place, LLC to a Correction Notice - Complaint Inspection at 46 FOURTH STREET EAST.  
**Adopted**
- 33     [RLH FCO 18-11](#)     Appeal of Mieczyslaw Glowka to a Fire Inspection Correction Notice at 2314 HILLSIDE AVENUE.  
**Adopted**
- 34     [RLH SAO 18-8](#)     Appeal of Liberty Tax to a Summary Abatement Order at 472 LEXINGTON PARKWAY NORTH.  
**Adopted**
- 35     [RLH RR 18-3](#)     Ordering the rehabilitation or razing and removal of the structures at 735 MARGARET STREET within fifteen (15) days after the February 14, 2018, City Council public hearing. (Public hearing continued from February 14) (Amend to remove or repair within 180 days)  
**Public hearing continued to April 4**
- 36     [RLH FCO 18-7](#)     Appeal of Brian L. Kraut to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 749 MARYLAND AVENUE EAST.  
**Adopted**
- 37     [RLH FCO 18-6](#)     Appeal of Michael Johnson to a Correction Notice-Reinspection Complaint at 958 MARYLAND AVENUE EAST.  
**Adopted**
- 38     [RLH RR 17-48](#)     Making finding on the appealed nuisance abatement ordered for 544 MINNEHAHA AVENUE WEST in Council File RLH RR 17-12. (Public hearing held February 28)  
**Public hearing continued to February 28**
- 39     [RLH FCO 18-16](#)     Amending Council File RLH VO 17-8, adopted June 21, 2017, to grant Gary D Schultz an additional extension for property at 1818 NEVADA AVENUE EAST.  
**Adopted**
- 40     [RLH CO 18-4](#)     Appeal of Jeff Groves to a Correction Notice at 873 SCHEFFER AVENUE.  
**Adopted**

- 41 [RLH SAO 18-9](#) Appeal of Kendra Logan to a Summary Abatement Order at 1082 SHERBURNE AVENUE.  
**Adopted**
- 42 [RLH VBR 17-77](#) Appeal of Calvin Mickel to a Vacant Building Registration Notice at 316 SUPERIOR STREET. (Public hearing continued from December 6, 2017)  
**Adopted as amended (extension granted)**
- 44 [RLH VO 17-60](#) Appeal of Gina Yanez and Louis Yanez to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 740 WASECA STREET. (Public hearing continued from February 14)  
**Public hearing continued to February 28**

*Mayor Carter and Council members acknowledged Councilmember Stark for his work with the Council.*

#### **ADJOURNMENT**

*Councilmember Stark moved adjournment.*

#### **Meeting adjourned**

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

**Nay:** 0

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