



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 Mitra Jalali Nelson
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert

Wednesday, November 7, 2018

3:30 PM

Council Chambers - 3rd Floor

Budget Amendment Public Hearings and Legislative Hearing Items at 3:30 p.m. Public Hearings at 5:30 p.m.

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:32 p.m.

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen,
Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember
Rebecca Noecker and Councilmember Mitra Jalali Nelson

Absent 1 - Councilmember Jane L. Prince

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 18-57](#) Letters from the Department of Safety and Inspections declaring 515-517 Desnoyer Avenue and 888 Maryland Avenue East as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
Received and filed
- 2 [AO 18-56](#) Amending the CDBG activities budget.
Received and filed
- 3 [AO 18-58](#) Authorizing the Department of Parks and Recreation to reallocate \$180,764 within its various accounting units in the 2018 adopted budget to most accurately reflect the projected actual spending in each accounting unit and provide the appropriate levels of spending authority.
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 4 - 30)

Councilmember Jalali Nelson moved approval of the Consent Agenda.

Consent Agenda adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Jalali Nelson

Nay: 0

Absent: 1 - Councilmember Prince

- 4** [RES 18-1844](#) Amending the use of grant and load funds through the Neighborhood STAR Program for African Economic Development Solutions.
Adopted
- 5** [RES 18-1813](#) Designating the official newspaper for the City.
Adopted
- 6** [RES 18-1715](#) Approving the City’s cost of providing Boarding and/or Securing services during August 2018, and setting date of Legislative Hearing for December 4, 2018 and City Council public hearing for January 16, 2019 to consider and levy the assessments against individual properties. (File No. J1903B, Assessment No. 198102)
Adopted
- 7** [RES 18-1716](#) Approving the City’s cost of providing Collection of Vacant Building Registration fees billed during February 28 to August 22, 2018, and setting date of Legislative Hearing for December 4, 2018 and City Council public hearing for January 16, 2019 to consider and levy the assessments against individual properties. (File No. VB1904, Assessment No. 198803)
Adopted

- 8 [RES 18-1717](#) Approving the City's cost of providing Demolition services from August 2018, and setting date of Legislative Hearing for December 4, 2018 and City Council public hearing for January 16, 2019 to consider and levy the assessments against individual properties. (File No. J1903C, Assessment No. 192002)
Adopted
- 9 [RES 18-1718](#) Approving the City's cost of providing Demolition services from September 2018, and setting date of Legislative Hearing for December 4, 2018 and City Council public hearing for January 16, 2019 to consider and levy the assessments against individual properties. (File No. J1904C, Assessment No. 192003)
Adopted
- 10 [RES 18-1723](#) Approving the City's cost of providing Trash Hauling services during August 2 to 31, 2018, and setting date of Legislative Hearing for December 4, 2018 and City Council public hearing for January 16, 2019 to consider and levy the assessments against individual properties. (File No. J1903G, Assessment No. 198702)
Adopted
- 11 [RES 18-1724](#) Approving the City's cost of providing Excessive Use of Inspection or Abatement services billed during June 22 to July 20, 2018, and setting date of Legislative Hearing for December 4, 2018 and City Council public hearing for January 16, 2019 to consider and levy the assessments against individual properties. (File No. J1903E, Assessment No. 198302)
Adopted
- 12 [RES 18-1725](#) Approving the City's cost of providing Graffiti Removal services during August 20 to September 27, 2018, and setting date of Legislative Hearing for December 4, 2018 and City Council public hearing for January 16, 2019 to consider and levy the assessments against individual properties. (File No. J1903P, Assessment No. 198402)
Adopted
- 13 [RES 18-1846](#) Approving the release of a slope easement at 75 Como Avenue for Oye Como Va LLC.
Adopted
- 14 [RES 18-1776](#) Approving the Memorandum of Agreement for the establishment of the 2019 health insurance contribution rates and VEBA contribution rates.
Laid over to November 14 for adoption

- 15 [RES 18-1830](#) Accepting the gift of conference registration fees and travel expenses from The Atlantic, The Aspen Institute, and Bloomberg Philanthropies for Mayor Melvin Carter and Chief Innovation Officer Tarek Tomes to attend the CityLab summit in Detroit, on October 28-30, 2018.
- Adopted**
- 16 [RES 18-1858](#) Approving the Mayor’s appointments of Anika Bowie and Travis Grundy to the Police Civilian Internal Affairs Review Commission.
- Adopted**
- 17 [RES 18-1860](#) Approving the Mayor’s appointments of Marquita Cammon, Damon Drake, and Emily Peterson to the Human Rights and Equal Economic Opportunity Commission.
- Adopted**
- 18 [RES 18-1845](#) Authorizing the expenditure of funds for the City of Saint Paul and State of Minnesota Career Fair.
- Adopted**
- 19 [RES 18-1768](#) Authorizing the Fire Department to apply for the 2018 Assistance to Firefighters Grant in the amount of \$1,868,023 from the Federal Emergency Management Agency for portable radios and training for firefighters.
- Adopted**
- 20 [RES 18-1811](#) Approving the application for a grant of up to \$300,000 from the Parks Acquisition Opportunity Fund (PAOF) for the Robert Piram Regional Trail project.
- Adopted**
- 21 [RES 18-1790](#) Authorizing the Department of Parks and Recreation to solicit businesses and individuals for donations of no more than \$500 to support the Blooming Saint Paul program to beautify Saint Paul through supporting the communal creation of a healthy natural environment in order to enhance touring, living, and working in the city.
- Adopted**

- 22 [RES 18-1791](#) Authorizing the Department of Parks and Recreation to apply for \$2,000 from the Home Depot Foundation to purchase tools, materials, and supplies for the department's Natural Resources volunteer program and, if successful, enter into an agreement with the Home Depot Foundation to accept the grant funds.
Adopted
- 23 [RES 18-1793](#) Authorizing the Department of Parks and Recreation to accept Bee Real Bee Everywhere educational materials, valued at \$9,000, from Public Art Saint Paul to facilitate future public engagement programs, and to thank Public Art Saint Paul for its generous gift.
Adopted
- 24 [RES 18-1812](#) Approving the application for grants from Clean Water, Land and Legacy Amendment funds through the Parks and Trails program for state fiscal years 2020 and 2021.
Adopted
- 25 [RES 18-1792](#) Authorizing the Department of Parks and Recreation to apply for \$79,750 in funding through the Conservation Partners Legacy grant program to enhance 29 acres of forest and prairie habitat at Henry Park and Highwood Nature Preserve and, if successful, enter into an agreement providing indemnification for the MN Dept of Natural Resources.
Adopted
- 26 [RES 18-1817](#) Authorizing the carryforward of unused private activity bond volume cap.
Adopted
- 27 [RES 18-1742](#) Authorizing the Police Department to accept a grant in the amount of \$240,044 from the U.S Department of Justice for the 2018 Edward Byrne Memorial Justice Assistance Grant.
Adopted
- 28 [RES 18-1743](#) Authorizing Police Department to accept a grant in the amount of \$750,000 from the U.S. Department of Justice for the Mental Health Resource Team Co-Responder Implementation grant.
Adopted
- 29 [RES 18-1828](#) Approving adverse action against the Recycling Collection Center license held by Vida Corporation, d/b/a Vida Corporation at 2327 Wycliff Street.
Adopted

- 30 [RES 18-1820](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Jan's Enterprises Inc (License # 20180002651), d/b/a Nico's Tacos, for Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Outdoor Service Area (Patio), and Entertainment (A) licenses at 2260 Como Avenue.

Adopted

FOR DISCUSSION

- 31 [RES PH 18-204](#) Approving adverse action against the Auto Repair Garage and Second-Hand Dealer-Motor Vehicle licenses held by Bee Lee & Tou Yang, d/b/a MC Auto Repair & Tire Services at 1202 Dale Street North. (Public hearing held August 1; laid over from September 5)

Council President Brendmoen said they'd had had a chance to work with the business owners during the time the item was laid over. She moved to stay the penalty for 12 months in the absence of any same or similar violations.

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker and Councilmember Jalali Nelson

Nay: 0

Absent: 1 - Councilmember Prince

Councilmember Prince joined the meeting.

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

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

- 32 [Ord 17-29](#) Amending Chapter 236 of the Legislative Code regarding plastic packaging. (Public hearing held October 4, 2017; laid over from October 11, 2017 and October 3, 2018)

Councilmember Jalali Nelson said her office and the Ward 7 office had been coordinating with the Mayor's office, the Department of Safety and Inspections, and outside advocates in Ramsey County. She said due to the budget schedule, she would like to lay the matter over to February 20, 2019 to allow time for her colleague's questions to be addressed and for additional engagement with stakeholders.

Laid over to February 20, 2019

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

Nay: 0

Second Reading

- 33 [Ord 18-56](#) Amending Chapter 91 of the Legislative Code pertaining to sprinkling restrictions.
Laid over to December 5 for third reading/public hearing
- 34 [Ord 18-57](#) Amending Chapter 93 of the Legislative Code pertaining to rules governing water service connections.
Laid over to December 5 for third reading/public hearing
- 35 [Ord 18-58](#) Amending Chapter 94 of the Legislative Code pertaining to meters, settings, and cable installations.
Laid over to December 5 for third reading/public hearing
- 36 [Ord 18-59](#) Amending Chapter 157.11 of the Legislative Code to clarify regulations for vehicles containing recyclable materials.
Laid over to December 5 for third reading/public hearing

BUDGET AMENDMENT PUBLIC HEARINGS (3:30 p.m.)

- 37 [RES PH 18-341](#) Amending the financing and spending plans in the Department of Emergency Management budget in the amount of \$30,000 to accept the 2018 Emergency Management Performance Grant (EMPG) to provide emergency management assistance to attend training conferences and provide public education.

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

Adopted

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

Nay: 0

- 38 [RES PH 18-319](#) Amending the financing and spending plans in the Fire Department in the amount of \$125,000 for a contribution received from the State of Minnesota to pay for training and equipment for the Fire Department Hazardous Materials team.

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

Adopted

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

Nay: 0

- 39 [RES PH 18-320](#) Amending the financing and spending plans in the Fire Department in the amount of \$250,000 for a contribution receive from the Minnesota Board of Firefighter Training and Education, to pay for training and equipment for the Minnesota Aviation Rescue Team, and helicopter training with the Minnesota State Patrol.

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

Adopted

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

Nay: 0

- 40** [RES PH 18-321](#) Amending the financing and spending plans in the Fire Department in the amount of \$75,000 for a contribution receive from the Minnesota Board of Firefighter Training and Education, to pay for Tower and Wind Turbine training and equipment for the Minnesota Aviation Rescue Team.

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

Adopted

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

Nay: 0

- 41** [RES PH 18-339](#) Amending the financing and spending plans in the Fire Department for the Minnesota Task Force One team reimbursement from the City of Edina in the amount of \$17,247.

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

Adopted

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

Nay: 0

- 42** [RES PH 18-325](#) Amending the financing and spending plans in the Police Department Grant Fund in the amount of \$100,000 for the use of fund balance.

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

Adopted

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

Nay: 0

- 43** [RES PH 18-335](#) Amending the Fleet Services budget to recognize \$81,663.73 in fleet auction sales revenue to be used towards funding capital equipment.

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

Adopted

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

Nay: 0

Council meeting reader (City Clerk) Shari Moore said Item 61 was being moved ahead in the agenda because it was publicly noticed for the 3:30 p.m. portion of the meeting.

[RES PH 18-340](#)

Granting an interim use permit to Ramsey County for an emergency overnight shelter at 160 East Kellogg Boulevard.

Councilmember Noecker moved an amendment correcting the closing time of the shelter. Yeas - 7 Nays - 0

No one was present to testify; Councilmember Noecker moved to continue the public hearing to the 5:30 portion of the meeting.

Amended; public hearing continued to the 5:30 portion of the meeting

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

Nay: 0

SUSPENSION ITEMS

Councilmember Tolbert moved suspension of the rules.

Rules suspended

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

Nay: 0

[RES 18-1861](#)

Approving the Mayor’s appointments of Babatope Adedayo, Kassim Busuri, Tyler Blackmon, Erin Hayes, and Christopher Smith to the Human Rights and Equal Economic Opportunity Commission.

Councilmember Tolbert moved approval of the resolution.

Adopted

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

Nay: 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 52 [RLH RR 18-41](#) Making finding on the appealed nuisance abatement ordered for 2096 REANEY AVENUE in Council File Nos. RLH RR 17-52 and RLH RR 17-28. (Public hearing continued from November 28)

Legislative Hearing Officer Marcia Moermond asked that the item be continued to November 14. She said the order was issued 16 months ago to remove or repair, and two deadlines had passed. She said they were close to finishing, and she had asked for several layovers in recent weeks but they weren't there yet. She said she'd like to inspire them to complete the project, and ask the Council to forfeit \$2500 of the posted \$10,000 performance deposit if the Certificate of Code Compliance was not issued by the time of the Council meeting the following week. She said the final electrical inspection was scheduled for the following day, and they reported that warm air and building permits were ready for final inspections.

Councilmember Prince moved to continue the public hearing to November 14.

Public hearing continued to November 14

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

Nay: 0

LEGISLATIVE HEARING CONSENT AGENDA (3:30 p.m.)

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 44 - 55)

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 Noecker, Councilmember Prince and Councilmember Jalali Nelson

Nay: 0

- 44 [RLH CO 18-41](#) Appeal of Richard Johnson to a Correction Notice at 88 BELVIDERE STREET EAST.

Adopted

- 45 [RLH CO 18-40](#) Appeal of Christine Newman to a Correction Notice at 1898 BERKELEY AVENUE.

Referred to Legislative Hearings on December 18

- 46 [RLH FCO 18-171](#) Appeal of James F. Cannon, Jr. to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 752 CARROLL AVENUE.
Adopted
- 47 [RLH CO 18-37](#) Appeal of Michelle Camilo to a Correction Notice at 679 COOK AVENUE EAST.
Adopted
- 48 [RLH FCO 18-176](#) Appeal of Mike Bertrand to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 935 FOREST STREET.
Adopted
- 49 [RLH VBR 18-78](#) Appeal of Shirzad Raimi to a Vacant Building Registration Requirement Fee Warning Letter at 1055 FREMONT AVENUE.
Adopted
- 50 [RLH VBR 18-70](#) Appeal of Mark Drexler to a Vacant Building Registration Renewal Notice at 1816 MINNEHAHA AVENUE EAST.
Adopted as amended (vacant building fee waived for 90 days)
- 51 [RLH VBR 18-77](#) Appeal of Hye Ran Na to a Vacant Building Registration Requirement at 1106 PAYNE AVENUE.
Adopted
- 53 [RLH VBR 18-71](#) Appeal of Janette Hillard to a Vacant Building Registration Notice at 466 SARATOGA STREET SOUTH.
Adopted
- 54 [RLH RR 18-45](#) Ordering the rehabilitation or razing and removal of the structures at 1232 SEVENTH STREET EAST within fifteen (15) days after the November 7, 2018 City Council public hearing. (Amend to remove within 15 days) (Public hearing continued from January 2)
Referred to Legislative Hearings on November 27
- 55 [RLH RR 18-46](#) Ordering the razing and removal of the structures at 1213 THIRD STREET EAST within fifteen (15) days after the November 7, 2018 City Council public hearing.
Adopted

The Council recessed at 3:46 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:36 p.m. A brief recess was taken for crowd control. The Council reconvened at 5:39 p.m.

Council President Brendmoen welcomed those present, and described the public testimony procedure. She identified the interpreters present.

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

56 [Ord 18-53](#)

Amending Chapter 370 of the Legislative Code to update language to gender neutral format and change the journey person/trade worker ratio regarding warm air permits.

Travis Bistodeau, Department of Safety and Inspections, gave a staff report.

Council President Brendmoen said she was glad to have the gender language updated, and felt the ordinance was a smart pro-business change.

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

Public hearing held and closed; laid over to November 14 for final adoption

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

Nay: 0

57 [RES PH 18-334](#)

Approving the application of Podium Sports Marketing for a sound level variance to present amplified music and announcements on Shepard Road at Washington Street and at Sherman Street for the Turkey Trot Saint Paul on Thursday, November 22, 2018.

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

Adopted

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

Nay: 0

- 58 [RES PH 18-344](#) Authorizing permanent and temporary easements and parkland diversion to the Minnesota Department of Transportation within the Oxford Community Center property.

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

Adopted

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

Nay: 0

- 59 [RES PH 18-323](#) Approving the preliminary and final plat for Saint Paul College, and rescinding RES PH 18-294.

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

Adopted

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

Nay: 0

- 60 [RES PH 18-285](#) Authorizing the vacation and disposal of Old Fire Station No. 10 to the Housing and Redevelopment Authority for subsequent redevelopment.

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

Adopted

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

Nay: 0

- 61 [RES PH 18-340](#) Granting an interim use permit to Ramsey County for an emergency overnight shelter at 160 East Kellogg Boulevard.

Councilmember Noecker made brief comments.

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

Adopted as amended

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

Nay: 0

- 62 [RES PH 18-336](#) Approving the petition of KTJ 298 LLC to vacate the most easterly north-south alley in Block 7, Davern's Burren Addition.

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

Adopted

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

Nay: 0

- 63 [RES PH 18-300](#) Establishing the Water Charges for 2019. (Public hearing held November 7)

No one was present to testify; Councilmember Noecker moved to close the public hearing and lay the matter over to December 12 for adoption.

Public hearing held and closed; laid over to December 12 for adoption

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

Nay: 0

- 64 [RES PH 18-315](#) Setting the 2019 Sanitary Sewer and Storm Sewer rates. (Public hearing held November 7)

No one was present to testify; Councilmember Jalali Nelson moved to close the public hearing and lay the matter over to December 12 for adoption.

Public hearing held and closed; laid over to December 12 for adoption

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

Nay: 0

- 65 [RES PH 18-342](#) Setting the recycling service fee for 2019, and authorizing Public Works to request \$727,614 in SCORE grant funds from Ramsey County to support the curbside recycling program under contract with Eureka Recycling. (Public hearing held November 7)

No one was present to testify; Councilmember Thao moved to close the public hearing and lay the matter over to December 12 for adoption.

Public hearing held and closed; laid over to December 12 for adoption

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

Nay: 0

- 66 [RES PH 18-343](#) Setting the Solid Waste Service Fee portion of the Recycling and Solid Waste Service Fee for 2019. (Public hearing held November 7)

No one was present to testify; Councilmember Tolbert moved to close the public hearing and lay the matter over to December 12 for adoption.

Public hearing held and closed; laid over to December 12 for adoption

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

Nay: 0

- 67 [RES PH 18-318](#) Ratifying the assessment for the 2018 Street Maintenance Service Program. (File No. 2018SMSP, Assessment No. 180025)

In opposition:

John Purdy (10 Delos Street) appeared with his wife. They asked that a subsidy be applied to the assessment for their irregular lot.

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

Councilmember Noecker said she was sympathetic with the situation the Purdys were in. She said irregular lots were given a subsidy in the past, the City currently provided subsidies for corner lots, and she felt owners of irregularly-shaped lots should not be faulted for that. She said the Council had passed a resolution asking that the policy be changed, but the administration didn't have to follow the policy and the regular fees were assessed. She said she didn't have a motion in terms of the actual amount to calculate an assessment; She asked Deputy City Attorney Rachel Tierney if it was possible to lay the matter over so Real Estate and the administration could work with the property owner. Ms. Tierney said she thought they were butting up against a deadline soon for approving the assessments.

Bruce Engelbrekt, Office of Financial Services, said it couldn't be delayed because the City needed time to certify the amounts to the County. Following further discussion, it was decided that the Purdy address could be removed from the assessment roll and laid over for one week, and the remainder of the roll would be adopted.

Mr. Engelbrekt said there was no policy in place to make an adjustment, and even if there were, it would be minor and not to the level Mr. Purdy was requesting. Councilmember Noecker said she believed when the Council passed a resolution they stipulated how irregularly-shaped lots would be calculated; she asked whether that calculation could be used.

Council President Brendmoen and Ms. Tierney clarified that the request was to remove the address from the roll and lay it over for a week, and adopt the remainder of the roll.

Councilmember Noecker made the motion.

Adopted as amended (10 Delos Street West removed from the assessment roll for separate consideration)

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

Nay: 0

- 68** [RES PH 18-332](#) Approving adverse action against the Liquor On Sale - 101-180 seats, Liquor On Sale - 2AM Closing, Liquor On Sale - Sunday, and Entertainment (B) licenses held by Kavin Choua Thao, d/b/a Pupraya Thai Restaurant at 945 Rice Street, Unit A.

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), gave a staff report. She said they were asking for a matrix penalty of a ten-day suspension for a first-time lapse in liquor liability insurance. She said the period of the lapse was seven days. She said she received a letter that afternoon from the North End Neighborhood Organization requested that the licensed organization not be suspended or that a shorter suspension be imposed. She said she had drafted alternative language to that end, so the Council had two versions of the resolution, should they decide to use one or the other.

Councilmember Thao asked whether it was correct that was an error in the underwriting and not on the part of the owner. Licensee Kavin Choua Thao said that was correct. Ms Skarda said from the perspective of DSI, the owner was responsible. She said if they wanted to get into whether that was or wasn't the case, it would be a matter to be heard by and Administrative Law Judge.

In opposition:

Licensee Mr. Thao said the matter was done by underwriter without his knowledge or consultation, and he was surprised when he received the notice from DSI. He said he contacted the City and called the agent, but it was resolved by the underwriter in the meantime. He said the underwriter said it was coded that way and had to be kept that way, so he had to deal with the suspension issue. He said the neighborhood organization issued letter supporting him and opposing the suspension or making it shorter. He reiterated that it happened without his knowledge and by the underwriter who said it couldn't be changed.

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

Councilmember Thao said regardless of the way it was done, a lapse in liquor license coverage was a huge liability and a serious matter. He moved Version 2 of the resolution which allowed for a ten-day or two five-day suspensions to be completed within a period of six months. He said this would go past the holiday season, and he knew in Mr. Thao's community this was a time with a lot of celebrations. He said it was the best they could offer, and he hoped Mr. Thao would accept.

Council President Brendmoen clarified the amended penalty: a ten day or two five-day suspensions to be served sometime in the next six months.

Adopted as amended

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

Nay: 0

- 69 [RES PH 18-330](#) Approving adverse action against the Second-Hand Dealer-Motor Vehicle license held by Import Auto Enterprises, Inc. at 830 Robert Street South.

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), noted that the licensee shared a space with the business next on the agenda. She said DSI determined that the violations noted in the packet were attributable to Import Auto. She provided a staff report on the license conditions violations related to the number of vehicles on the lot, and vehicles parked in a park-through lane.

In opposition:

Moe Kia, licensee for MFK Enterprises (the next item on the agenda) introduced himself and Manny ?, the licensee for Import Auto. He said the two businesses had shared for one location for over 20 years, and each had about ten spots. He said sometimes things got hectic, and customers parked cars in the drive throughway while they came in and paid, or cars were towed there and had to be left while they waited for parts. He said they came and said the painting was not right, so they put in new asphalt and painting. He said they removed the disabled cars belonging to customers, although it took some time because they had to contact the customers and do some legal things. He said they had been there for 20 years and had been inspected many times and never been over 20 cars for both places, but this time there were maybe two or three more than usual, but they were not there for sale. He said they tried their best every day to clean up things, and the lot was clean now. He said they'd probably had 50 inspections over the years and never been over the limit, but this time they said there was some storage outside. He said the problem was that sometimes people dumped things in the back of the building. He said they tried to take the things and dispose of them; he said they didn't do any body work. He said now they had a smaller trash container outside to eliminate those issues, but once in a while it happened. He said they both lived in that neighborhood with their families, and had no intention to destroy the neighborhood or anything.

Manny ? (licensee for Import Auto) said usually they tried their best, but sometimes three or four people came, and sometimes they were just asking a question, and they couldn't control that. He said people dumped things but they tried to clean up.

Councilmember Noecker asked Mr. Skarda to clarify the violations. Ms. Skarda said with respect to Import Auto Enterprises the violations involved the parking of vehicles; those for the next agenda item involved outdoor storage.

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

Councilmember Noecker said she appreciated both licensees coming and appreciated what they'd said about their record and that they'd made the changes requested. She suggest they review their license conditions to make sure they understood, and work with DSI if there were questions. She moved to impose the matrix penalty but stay imposition for six months pending no same or similar violations.

Adopted as amended

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

Nay: 0

- 70** [RES PH 18-331](#) Approving adverse action against the Auto Repair Garage and Second-Hand Dealer-Motor Vehicle licenses held by M F K Enterprises, Inc., d/b/a M F K Enterprise located at 830 Robert Street South.

(See minutes for Item 69)

Council President Brendmoen confirmed with the licensee that his testimony for the previous item also applied this one and he did not need an additional public hearing.

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

Councilmember Noecker moved to impose the \$500 penalty, but stay imposition for six months pending no same or similar violations.

Adopted as amended

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

Nay: 0

- 71** [RES PH 18-329](#) Approving adverse action against the Auto Repair Garage and Motor Vehicle Salvage Dealer licenses held by Corp Auto, Inc. at 1221 Pierce Butler Route. (Public hearing held December 19, 2018)

Therese Skarda, Assistant City Attorney representing the Department of Safety and Inspections (DSI), said the public hearing was to be continued to December 19.

No one was present to testify; Councilmember Jalali Nelson moved to continue the public hearing to December 19.

Public hearing continued to December 19

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

Nay: 0

72 [Ord 18-54](#)

Creating Chapter 224 of the Legislative Code to implement a City minimum wage.

Council President Brendmoen said they would start with some amendments. She said they were all fairly small, and things people were expecting.

Councilmember Thao thanked everyone for coming. He said he'd worked with businesses and leaders from the coalition to create more clarity and a compromise with the phasing in of the minimum wage. He read the changes for small and micro-businesses, and said everything was in alignment with the original ordinance in terms of the time to achieve \$15.00, as requested by the coalition. Vote on amendment: Yeas - 7 Nays - 0

Councilmember Tolbert moved an amendment with clean-up language on collective bargaining. Vote on amendment: Yeas - 7 Nays - 0

Councilmember Noecker thanked everyone present and everyone who had been active and advocating. She said the first amendment added a definition for a macro-business, and placed them on the same phase-in schedule as the City. Council President Brendmoen said it highlighted the City's commitment to get all City employees to \$15 by 2022. Councilmember Thao spoke in support. Vote on amendment: Yeas - 7 Nays - 0

Councilmember Noecker said she also wanted to recognize her colleagues for their help and input on the amendments. She said the second amendment changed the requirement - instead of employees working one hour per year in St. Paul, it changed it to two hours per week, which was the same as it was in Minneapolis and would make reporting in both cities easier. Vote on amendment: Yeas - 7 Nays - 0

Councilmember Noecker said the next amendment clarified the definition of franchise size, separating out corporate-owned franchises and treating them like macro-businesses, and treating independent franchisees like any other business. Councilmember Prince spoke in support. Vote on amendment: Yeas - 7 Nays - 0

Councilmember Noecker highlighted the importance of enforcement, and said the next amendment laid out explicit terms of enforcement. She reviewed the individual changes. Councilmember Jalali Nelson spoke in support. Vote on amendment: Yeas - 7 Nays - 0

Councilmember Noecker said the next amendment expanded the definition of retaliation, prevented employers from implying or asserting they would compromise information about immigration status in retaliation, and allowed employees to bring civil action if retaliation occurred. Vote on amendment: Yeas - 7 Nays - 0

Councilmember Noecker said her last amendments were in the attachments to the resolution and removed duplicate language, required employers to annually post wage increases, and addressed privacy of individual employee data. Vote on amendment: Yeas - 7 Nays - 0

Councilmember Prince said she was not bringing in an amendment but would like to address a couple she'd considered, because there had been considerable publicity about that. She said she'd been planning to bring in an amendment that would have had a provision for certain businesses that employed 100% Medicaid-reimbursed personal care attendants supported. She thanked Citizen's League task force Rick

Varco and Pang Vang for helping delay and perhaps eliminate the need for that carve-out. She said their collaboration inspired her to believe there was more common ground than everyone realized, and with that in mind, she wanted to address the issue of the tip penalty or tip credit. She said workers on both sides of the issue made compelling cases, and with that in mind she had met with restaurant workers who presented the concept of a limited tip adjustment program. She said she hoped in the coming weeks and months that passionate advocates on both sides of the issue could consider coming together and hammer something out.

Councilmember Thao said he lead a visit to Seattle as part of the process, they learned that in order to be successful in changing the policy, they needed to build the infrastructure to be sure the ordinance was being enforced and the community was being educated. He said in order to alleviate the challenges for small and immigrant businesses, the full Council with Council members Noecker and Prince and Council President Brendmoen, were looking at an administrative ordinance that would call for an annual progress report; creation of an enforcement division to handle enforcement, outreach and education; creation of a technical assistance program; creation of a small business grant fund; creation of an on-boarding toolkit; creation of an online portal for employers and employees; creation of an equitable budget proposal for staffing of no less than two full-time employees; creation of outreach materials in the top five languages spoken in the city. He said those were some ideas they had compiled, and they were going to do more research and move forward.

Council President Brendmoen said an ordinance was only as good as its enforcement mechanisms and provided the ability to do the inreach and measure the successes of the ordinance itself.

Councilmember Prince said she seconded that, and she gave a shout out to Paris Dunning at the East Side Area Business Association for her work with small and immigrant businesses to come up with some of those concepts. She said they welcomed ideas and assistance as they developed the administrative ordinance. She noted that the City of Minneapolis contracted with non-profits to help provide these kids of business navigation services, and she hoped the Council could look at a series of things to ensure the success of the program for workers and businesses, especially those facing a big change when the ordinance passed.

Council President Brendmoen said there would be testimony in opposition in support of the ordinance, but it was important to point out that they were all in support of a \$15 minimum wage, and that it wasn't a living wage but a minimum wage and there was still work to be done. She said the ordinance was wide-ranging, and the overwhelming amount of input the Council received was related to the tip adjustment, which was not a part of the ordinance being considered. She said the Council would appreciate it if testimony focused on what was in front of the Council to be sure to give space to the other important aspects of the legislation.

In opposition:

Jennifer Schellenberg (4342 James Ave S., Minneapolis), President of Restaurant Workers of America, spoke in support of a tip credit.

Eugene Liberman (323 Goodrich Ave.) and his mother, owners of Moscow on the Hill, spoke in support of a tip credit.

Matt Gray (4890 Ashley Lane, Inver Grove Heights), spoke in support of a tip credit.

Sunny Thao (29211 North Notre Dame, North Branch) spoke in support of a tip credit.

Tony Parrish (365 Luella Street N.) spoke in support of a tip credit.

Jose Benavides (972 Lincoln Ave.) spoke in support of a tip credit.

Miyoko Omori, Sakura, spoke in support of the tip credit.
Jeffrey Crandall, Eagle Street Grill, spoke in support of the tip credit for full service bars and restaurants.
Chad Kulas, Midway Chamber of Commerce, spoke in favor of tip credit.
John Young (565 Selby Ave.) expressed concern about the unintended consequences of the minimum wage ordinance.
Alexis Tichy (223 Bates Ave.) expressed concern about the impact on small businesses and spoke in support of a tip credit.
Lori Luchsinger (3148 35th Ave. S., Minneapolis) spoke in support of a carve out for full service bar and restaurant workers.
Sean Harrington (1122 Hubbard Ave.) spoke in support of a tip credit.
John Wolf, owner of Dixie's and Emmett's, said the tip credit was needed.
Regan Robertson (2058 Bordner) spoke in support of a tip credit.
Kianna Tichy (698 Wilson Ave.) spoke in support of a tip credit for restaurant workers.
Bob Parker (935 Hudson Road) former owner of Ward 6 restaurant, said he was in favor of making sure everyone had a living wage, and he supported a tip credit.

Council President Brendmoen reiterated that a tip adjustment was not part of the ordinance before the Council, and asked those addressing the Council to address the full range of what was in the ordinance.

In support:

Bobby Kasper (Minneapolis), President of the St. Paul Regional Labor Federation
Ikran Ahmed (280 Dayton Ave.)
John Barbie (2812 McKinley Drive)
Tom Edwards (1386 Charlton St., West St. Paul)
Sumer Spika (965 Sherburne Ave.)
James Robert Hewitt (1614 Selby Ave.)
Tabitha Mitchell (496 Edmund)
Justin Hayes (1550 Larpenteur Ave., Falcon Heights)
Chuekong Peng Xiong (910 Sims Ave.)
Mylan Capers-Haywood (754 Cook Ave.)
Marquise Tatum (no address given)
Sandra (266 Fuller Ave.)
Angela Jaimes Macarlo (6911 Portland Ave. S., Richfield)
Taylor Shevey (no address given)
JaNae Bates (179 McKnight Road N.), ISALIAH,
Laura Stuart (932 Concordia)
Vivian Ihekovonye (295 Arlington Ave.), ISALIAH
Desiree King (890 Bayard Ave.)
Evann Zuckerman (248 Oneida St.)
Camille Wilcox (Minneapolis)
Andrew Kopplin (2084 Roblyn Ave.)
Tom (659 Wilder St.)
?? (Minneapolis)
Justin (no last name or address given)

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

Councilmember Jalali Nelson thanked everyone for coming and stressed the importance of keeping the discussion respectful and continuing the dialogue.

Councilmember Tolbert thanked everyone for their testimony. He reviewed the extensive public process, and said it was intended to allow for a thoughtful minimum

wage discussion. He said he was proud to have introduced the original version of the ordinance, and felt the robust public discussion and the amendments had improved it. He moved to lay the matter over to November 14 for final adoption. Yeas - 7 Nays - 0

Amended; public hearing held and closed; laid over to November 14 for final adoption

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

Nay: 0

ADJOURNMENT

Meeting adjourned at 8:11 p.m.

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