



# 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 Kassim Busuri*  
*Councilmember Mitra Jalali Nelson*  
*Councilmember Rebecca Noecker*  
*Councilmember Jane L. Prince*  
*Councilmember Dai Thao*  
*Councilmember Chris Tolbert*

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Wednesday, July 24, 2019

3:30 PM

Council Chambers - 3rd Floor

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#### Public Hearings at 3:30 and 5:30 p.m.

There will be no meeting on July 31, the fifth Wednesday of the month.

#### ROLL CALL

The meeting was called to order at 3:31 p.m.

**Present** 6 - Councilmember Amy Brendmoen, Councilmember Dai Thao,  
Councilmember Chris Tolbert, Councilmember Jane L. Prince,  
Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

**Absent** 1 - Councilmember Rebecca Noecker

#### COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 19-41](#) Authorizing the Department of Parks and Recreation to reallocate \$387,373 within its various accounting units in the 2019 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**
- 2 [AO 19-43](#) Authorizing the allocation of funds within the Green Energy Loan Program for energy consultants and audits.  
**Received and Filed**
- 3 [AO 19-44](#) Amending the 2019 spending budget for the Office of Financial Empowerment in the Office of Financial Services.  
**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**

*Consent Agenda is approved  
6 in favor, none opposed*

**Consent Agenda adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 4**     [RES 19-1239](#)     Authorizing the Ward 7 office to spend up to \$500 to supply food and beverage for those attending the Indian Mounds Regional Park Community Listening Session.  
**Adopted**
- 5**     [RES 19-1113](#)     Approving the City's cost of providing Property Clean Up services during May 1 to May 10, 2019, and setting date of Legislative Hearing for August 20, 2019 and City Council public hearing for October 2, 2019 to consider and levy the assessments against individual properties. (File No. J1924A, Assessment No. 198561)  
**Adopted**
- 6**     [RES 19-1114](#)     Approving the City's cost of providing Property Clean Up services during May 13 to May 16, 2019, and setting date of Legislative Hearing for August 20, 2019 and City Council public hearing for October 2, 2019 to consider and levy the assessments against individual properties. (File No. J1925A, Assessment No. 198562)  
**Adopted**
- 7**     [RES 19-1192](#)     Establishing the rate of pay for Compensation Analyst in Grade 017, of Employee Group 17, Non-Represented Managers.  
**Laid over to August 7 for adoption**
- 8**     [RES 19-1207](#)     Approving the Memorandum of Agreement for the 2019 Wage and Fringe Adjustment for the Plumbers, Local 34.  
**Laid over to August 7 for adoption**

- 9     [RES 19-1214](#)     Approving the Maintenance Labor Agreement (May 1, 2019 - April 30, 2022) between the City of Saint Paul and the United Association Pipefitters Local Union No. 455.  
**Laid over to August 7 for adoption**
- 10    [RES 19-1162](#)     Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Sunrise Market LLC (License # 20160000616), d/b/a Iron Ranger, to add a Liquor-Outdoor Service Area (Patio) license to the existing Wine On Sale, Malt On Sale (Strong), and Sidewalk Café licenses at 1085 Grand Avenue.  
**Adopted**

**FOR DISCUSSION**

No items

**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**

- 11    [Ord 19-52](#)     Amending Chapter 11 of the Administrative Code to create the Division of Labor Standards Enforcement and Education within the Department of Human Rights and Equal Economic Opportunity.  
**Laid Over to August 7 for Third Reading/Public Hearing**

**PUBLIC HEARINGS (3:30 p.m.)**

- 12     [RES PH 19-223](#)     Authorizing an increase in the Parks and Recreation Grant Fund Budget in the amount of \$8,930 to reflect the funding received from the Saint Paul Foundation for environmental services at Swede Hollow Park and for the overall protection of the environment and ecology in the City of Saint Paul.

*No one came to speak on this item.*

*Councilmember Prince moved to close the public hearing and approve.*

*6 in favor, none opposed*

*Public hearing is closed and resolution is adopted*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 13     [RES PH 19-232](#)     Approving the application of Minnesota United FC & Allianz Field for a sound level variance to present live and/or DJ Booth amplified music on Sunday, August 4, 2019 at 400 Snelling Avenue North.

*No one came to speak on this item.*

*Councilmember Thao moved to close the public hearing and approve.*

*6 in favor, none opposed*

*Public hearing is closed and resolution is adopted*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 14     [RES PH 19-229](#)     Approving the application of Friends of Rebecca Noecker for a sound level variance to present amplified DJ music on Sunday, August 4, 2019 for the Great Ward 2 BBQ at 149 Cesar Chavez Street.

*No one came to speak on this item.*

*Councilmember Tolbert moved to close the public hearing and approve.*

*6 in favor, none opposed*

*Public hearing is closed and resolution is adopted*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 15**     [RES PH 19-230](#)     Approving the application of St. Paul Saints Baseball Club, Inc. for a sound level variance to present amplified music and use of a public-address system outdoors on Saturday, August 3, 2019 at CHS Field, 360 Broadway Street.

*Council President Brendmoen moved Version 2 in Legistar. It is just a technical change.*

*No one came to speak on this issue.*

*Councilmember Tolbert moved to close the public hearing and approve.*

*6 in favor, none opposed*

*Public hearing is closed and resolution is adopted as amended*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 16**     [RES PH 19-231](#)     Approving the application of Big River Pizza for a sound level variance to present live amplified music for block parties on August 3, August 16, and September 13, 2019 at 280 5th Street East.

*No one came to speak on this item.*

*Councilmember Thao moved to close the public hearing and approve.*

*6 in favor, none opposed*

*Public hearing is closed and resolution is adopted*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 17     [RES PH 19-233](#)     Approving the application of El Burrito Mercado for a sound level variance to present amplified music on Sunday, August 4, 2019 at 175 Cesar Chavez Street for the El Burrito Mercado's 40th Anniversary Party / Noche De Artejano.

*No one came to speak on this item.*

*Councilmember Prince moved to close the public hearing and approve.*

*6 in favor, none opposed*

*Public hearing is closed and resolution is adopted*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 18     [RES PH 19-235](#)     Approving the application of Podium Sports Marketing for sound level variances to present announcements and music for the Minnesota Half Marathon on Saturday, August 3, 2019 on Shepard Road, between Eagle Parkway and Ontario Street, and at Upper Landing Park.

*No one came to speak on this item.*

*Councilmember Tolbert moved to close the public hearing and approve.*

*6 in favor, none opposed*

*Resolution is adopted*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

**SUSPENSION ITEMS**

[RES 19-1273](#)

Adopting the Findings of Fact, Conclusions of Law and Recommendation Upon Default submitted by the Administrative Law Judge on July 17, 2019 for the Cigarette/Tobacco license held by Midway University & Hamline LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue West and impose costs pursuant to Legislative Code §310.05(k).

*Councilmember Nelson moved suspension of the rules.*

*Motion prevails*

*Nelson said this was previously in front of them. It was rescinded because the licensee asked for an ALJ (administrative law judge). This proposes a matrix penalty. A procedural step.*

*Shari Moore, City Clerk, said there is a typo in the title.*

*Nelson moved approval.*

*6 in favor, none opposed*

*Resolution is adopted as corrected*

**Adopted**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

**LEGISLATIVE HEARING ITEMS FOR DISCUSSION**

- 32 [RLH TA 19-290](#) Ratifying the Appealed Special Tax Assessment for property at 559 MCKNIGHT ROAD SOUTH. (File No. CG1901B1, Assessment No. 190052; amend to File No. CG1901B1-1, Assessment No. 190074)

*Marcia Moermond, Legislative Hearing Officer, said this special tax assessment is for garbage hauling services. It is \$96.08. After a 45 minute Legislative Hearing on wide ranging topics, Mr. Anderson disagrees with the trash hauling program and does not think he should have garbage service. He also says he does not stay at the property in the winter. He indicated he was not aware of that as a possibility. He struggles to keep up with his mail and notifications coming from the City. Because Mr. Anderson does not need much service and got the default of a medium can, she is asking the Council to charge him the assessment for the small can every other week, which would decrease it to \$60.83. Her recommendation is a reduction to that level. He was provided paperwork so that he could have a service hold if he wants to.*

*Larry Anderson thanked Moermond for his accommodations. Something is better than nothing. For the last ten years, he has a friend in Woodbury that helps him because he is a handicapped person. He helps her with her association fees. He can put his trash in her trash can. He does not have a use for the trash service in Saint Paul. He is a veteran. He believes in freedom. The trash is a tax. He is 79 years old and every time he loses a freedom it irks him. Now people don't have a choice as to whether to have trash service or not. Maplewood pays half of what we do. The City did not do their due diligence. They bargained a way a lot of their ability to get a better deal with these people. He gets public assistance. He does not own a vehicle. He has a bicycle. He knows how to live on a minuscule budget. Now the City wants him to spend money he does not have. The City does not do enough to help seniors. They go out of their way to over-assess things to people. He talked to an attorney friend of his Jack Heschler. There are 10,000 names of people who did not pay for the trash. The City wants to take everything to the limit. Moermond helped him slightly. He still has to pay for something he doesn't use. (He talked about overseas military.)*

*Councilmember Prince moved to close the public hearing.  
Motion prevails.*

*Prince said she appreciates his strong convictions, contributions, and objections. It is the law and we must uphold it, although she has objections. Moermond gave him a break on the penalty. Prince moved the recommendation of the Legislative Hearing Officer.*

*6 in favor, none opposed  
Resolution is adopted*

**Adopted as amended (assessment reduced)**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker



**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**

*Councilmember Tolbert moved to close the public hearing and approve the balance of the Legislative Hearing items.*

*Public hearing is closed and the Legislative Hearing Consent Agenda is adopted as amended*

**Legislative Hearing Consent Agenda adopted as amended**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 19**    [RLH TA 19-27](#)    Ratifying the Appealed Special Tax Assessment for property at 1818 BLAIR AVENUE. (File No. J1910A, Assessment No. 198509; amended to File No. J1910A3, Assessment No. 198548) (Public hearing continued from March 6)  
**Adopted as amended (assessment reduced)**
- 20**    [RLH TA 19-498](#)    Ratifying the Appealed Special Tax Assessment for property at 1486 CARROLL AVENUE. (File No. CG1901D2-2, Assessment No. 190081)  
**Adopted**
- 21**    [RLH TA 19-497](#)    Ratifying the Appealed Special Tax Assessment for property at 1159 CENTRAL AVENUE WEST. (File No. CG1901D2-2, Assessment No. 190081)  
**Adopted**
- 22**    [RLH TA 19-458](#)    Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. J1909E, Assessment No. 198314; amend to File No. J1909E1, Assesment No. 198322)  
**Adopted as amended (technical changes)**
- 23**    [RLH TA 19-462](#)    Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. J1908E1, Assessment No. 198319)  
**Adopted**

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- 24 [RLH TA 18-687](#) Ratifying the Appealed Special Tax Assessment for property at 769 COMO AVENUE. (File No. J1907A, Assessment No. 198506; amended to File No. J1907A4, Assessment No. 198540) (Public hearing continued from February 13)  
**Adopted as amended (assessment reduced)**
- 25 [RLH TA 18-692](#) Ratifying the Appealed Special Tax Assessment for property at 943 CONWAY STREET. (File No. J1907A, Assessment No. 198506; amended to File No. J1907A4, Assessment No. 198540, Amend to Delete) (Public hearing continued from February 13)  
**Adopted as amended (assessment deleted)**
- 26 [RLH TA 19-22](#) Ratifying the Appealed Special Tax Assessment for property at 763 HAWTHORNE AVENUE. (File No. J1910A, Assessment No. 198509; amended to File No. J1910A3, Assessment No. 198548) (Public hearing continued from March 6)  
**Adopted as amended (assessment reduced)**
- 27 [RLH SAO 18-56](#) Making finding on the appealed nuisance abatement ordered for 1122 JACKSON STREET in Council File RLH SAO 18-47.  
**Adopted as amended**
- 28 [RLH TA 19-53](#) Ratifying the Appealed Special Tax Assessment for property at 899 JENKS AVENUE. (File No. J1909A, Assessment No. 198508; amended to File No. J1909A1, Assessment No. 198544) (Public hearing continued from February 13)  
**Adopted as amended (assessment reduced and payable in 2 years)**
- 29 [RLH TA 19-495](#) Ratifying the Appealed Special Tax Assessment for property at 507 KENNY ROAD. (File No. CG1901C4-1, Assessment No. 190077)  
**Adopted**
- 30 [RLH TA 19-46](#) Ratifying the Appealed Special Tax Assessment for property at 1186 MARGARET STREET. (File No. J1909A, Assessment No. 198508; amended to File No. J1909A1, Assessment No. 198544, Amend to Delete) (Public hearing continued from March 6)  
**Adopted as amended (assessment deleted)**
- 31 [RLH FCO 19-59](#) Appeal of Thomas Gilbertson to a Correction Notice - Complaint Inspection at 254 MARIA AVENUE.  
**Adopted**

- 33     [RLH TA 19-423](#)     Ratifying the Appealed Special Tax Assessment for property at 1153 SELBY AVENUE. (File No. CG1901A2-1, Assessment No. 190072)  
**Adopted**
- 34     [RLH TA 19-480](#)     Ratifying the Appealed Special Tax Assessment for property at 299 STINSON STREET. (File No. CG1901E2-1, Assessment No. 190082).  
**Adopted**
- 35     [RLH TA 19-44](#)     Ratifying the Appealed Special Tax Assessment for property at 1215 VAN BUREN AVENUE. (File No. J1904A1, Assessment No. 198532; amended to File No. J1904A3, Assessment No. 198537) (Public hearing continued from February 13)  
**Adopted as amended (assessment reduced)**
- 36     [RLH FCO 19-68](#)     Appeal of Gary Grimes to a Correction Notice - Re-Inspection Complaint at 314 WYOMING STEET EAST.  
**Adopted**

**PUBLIC HEARINGS (5:30 p.m.)**

**37**     [Ord 19-38](#)

Granting the application of Alfred and Carol Sundberg Trustee to rezone property at 84 Water Street West from IT Transitional Industrial to T3 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

*Kyle Brassler, representing the developer, resides in St. Louis Park. (He put a document on the screen). He showed where the site is located. It is fenced and underutilized. They are proposing to put 136 parking units on the site. They will be creating a pedestrian realm. It would be high density, multi family housing. There is no public subsidy. The rent structure is affordable, as they reduced some of their rents. This is a similar approach. Regarding the rezoning, they feel the proposal satisfies. It is currently vacant and underutilized. T3 is consistent with other zoning in the area. Rezoning from T3 will provide a better transition. They met with the neighborhood and received a support letter.*

*Councilmember Nelson asked about the subcontractor stuff. Brassler responded they will abide by these criteria: wage enforcement, non discrimination on the site.*

*Nelson asked about the mechanisms to follow-up and check in with contractors. Brassler responded they have an intake process. They go through training, screening, hire contractors that will abide by these things. The sight staff are trained to look for certain practices that are concerning.*

*Nelson said she appreciates his efforts.*

*Councilmember Prince said she was impressed with the community benefits. She sees that the Port Authority has written a letter regarding the rezoning.*

*Staff member said the letter stated their policy in general. The thinking on the part of staff for this property was mostly led by the land use designation. Both identify this area as mixed use. The Port Authority is a key player in St. Paul.*

*Martin Hernandez, Chairperson of West Side Community Organization, appeared. They would like to make sure any future projects would emphasize things more affordable. They had concerns about labor standards and trafficking. They will make periodic site visits. The Council has their letters. This is a start for future issues. They want this to be a model they can use.*

*Nelson moved to close the public hearing  
6 in favor, no one opposed  
Ordinance is laid over to August 7 for final adoption*

**Laid over to August 7 for final adoption.**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

- 38**     [Ord 19-46](#)     Amending section 411.05 of the Legislative Code pertaining to entertainment licenses.
- No one came forward to speak.*
- Councilmember Thao moved to close the public hearing  
6 in favor, none opposed  
Public hearing is closed and ordinance is laid over to August 7 for final adoption*
- Laid over to August 7 for final adoption**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Noecker
- 39**     [Ord 19-47](#)     Amending Chapter 409.11, of the Legislative Code regarding temporary service extensions.
- No one came forward to speak.*
- Councilmember Prince moved to close the public hearing  
6 in favor, none opposed  
Public hearing closed and ordinance is laid over to August 7 for final adoption.*
- Laid over to August 7 for final adoption**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Noecker
- 40**     [Ord 19-48](#)     Amending the Appendix to Chapter 409 of the Legislative Code pursuant to Section 17.07.1 of the Charter and Section 409.20 of the Legislative Code by creating an additional commercial development district at La Costa Sports Mexican Bar & Grill located at 194 Cesar Chavez Street.
- Councilmember Tolbert moved to close the public hearing.  
6 in favor, none opposed  
Public hearing is closed and the ordinance is laid over to August 7 for final adoption*
- Laid over to August 7 for final adoption**
- Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 1 - Councilmember Noecker

**41**    [Ord 19-51](#)

Amending Chapter 65 of the Legislative Code by adding a new section defining a Hotel.

*No one came forward to speak.*

*Councilmember Nelson moved to close the public hearing*

*6 in favor, none opposed*

*Public hearing is closed and ordinance is laid over to August 7 for final adoption.*

**Laid over to August 7 for final adoption**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

**42**    [Ord 19-49](#)

Amending Chapter 409 of the Legislative Code to create and define boundaries for an Entertainment District named Creative Enterprise Zone Entertainment District in the Raymond-University area.

*(There is no staff available for a staff report.)*

*Steve Heckler said a year ago many new breweries came into that area. He was brought in to create a festival in that area. The idea was for a free civic event to bring people together. They realized there were a lot of rules. They started a process to see what they could do and reached out to residents to explain what this was. He personally presented to many different areas. That's how they started the process. This will bring a whole new vitality to that neighborhood.*

*Robert Parson, 2410 Unviesity Avenue West #106, said the brewery is right downstairs in the retail area. They had a block party there and the residents loved it. If the Council okays it, there will not be a problem.*

*Catherine Day said she is the chair of the board of the Creative Enterprise Zone. It was in District 2. They were written into the neighborhood as an entertainment district, cultural district. They have been working for a long time to increase the connectivity of the neighborhood, a destination, a mixed used area. They are enthusiastic about this ordinance. The district is a large employment district for the City plus a large tax base. It is also expanding rapidly: a very young population, growing diversity in the neighborhood, people who want to live and work in a transit oriented community. Adding this type of vitality is what they are looking for. This will continue to fuel workforce development in the area. This is for people who want to live, work, and play in close proximity to each other. There is a mural festival they are planning in September, which will add to the vitality. They want to make this area a national city of murals. She also wants to speak on behalf of Jo Pavlak, Urban Growler, who could not be here. Also, the District 12 council was consulted and voted very favorably for this ordinance.*

*Brendmoen asked is Urban Growler part of that district. Ms. Day responded yes. There are 7 now in the neighborhood. (She explained the area's dimensions.)*

*Max Filter, co-owner of a business on Raymond and University, said they tried to do this last year. They want to engage more of the community. Being able to expand this to the street would be good for them. They are trying to make the neighborhood somewhat different. Minneapolis has things like this. They may be able to pull this off in Saint Paul.*

*Councilmember Nelson moved to close the public hearing.*

*5 in favor, none opposed*

*Public hearing is closed and ordinance is laid over to August 7 for final adoption*

**Laid over to August 7 for final adoption**

**Yea:** 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 2 - Councilmember Thao and Councilmember Noecker

- 43**     [Ord 19-50](#)            Amending Chapter 246 of the Legislative Code to allow the possession or consumption of nonintoxicating malt liquor, strong beer or wine purchased and consumed during a block party, festival or community event, within the Creative Enterprise Zone Entertainment District.
- Councilmember Nelson moved to close the public hearing.  
5 in favor, none opposed  
Public hearing is closed and ordinance is laid over to August 7 for final adoption*
- Laid over to August 7 for final adoption**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 2 - Councilmember Thao and Councilmember Noecker
- 44**     [RES PH 19-202](#)        Approving the petition of the Housing and Redevelopment Authority to vacate portions of City right-of-way within the proposed Cleveland Circle plat boundaries.
- Adopted**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 2 - Councilmember Thao and Councilmember Noecker
- 45**     [RES PH 19-213](#)        Approving the Preliminary and Final Plat for St Paul Terminal Warehouse Addition.
- No one came forward to speak.*
- Councilmember Tolbert moved to close the public hearing and approve.  
5 in favor, none opposed  
Public hearing is closed and the resolution is adopted*
- Adopted**
- Yea:** 5 - Councilmember Brendmoen, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- Absent:** 2 - Councilmember Thao and Councilmember Noecker



46 [RES 19-963](#)

Approving adverse action against the Liquor On Sale - 101-180 seats, Liquor On Sale - 2AM Closing, Liquor On Sale - Sunday, and Gambling Location licenses held by JC & MTM, Inc., d/b/a Johnny Baby's (License ID #20040000766) at 981 University Avenue West. (Public hearing continued from July 10)

*Theresa Skarda stated DSI (Department of Safety and Inspection) has recommended adverse action and the imposition of a third matrix penalty. It was a subject of a violation. The police reviewed the video and saw the violations. No one was there to copy the video. The licensing office is recommending a \$2,000 penalty and a 10 day suspension. Discussions included the need of wand. There was a shooting in the parking lot. The licensee called the police and notified them of the incident. They did the ten day suspension immediately. They decided to change format and make security changes. DSI was clear that they only make a recommendation to the Council. The licensee did close Johnny Babies for ten days and added more security processes to the department.*

*Councilmember Thao asked the clarification of the recommendation. Skarda said to lower on condition they work with the licensed beverage association to work with training. There is not good training on how to wand. The techniques vary.*

*Thao asked is there information why the bouncer was not wand. Skarda responded there is not policies and procedures on how to wand.*

*Jeffrey O'Brien stated he is the attorney for Johnny Babies. He met with the executive director. There is a draft outline already prepared. Other licensees should have the same safety training. In terms of the recent incident, it was a misunderstanding. One staff member was terminated.*

*Jonathan Price, general president of JC & MTM. He takes responsibility of what transpires. There was an issue with training, which is not resolved. They will hire additional security for inside and outside of the bar. They met with the Chief and commanders and to suggest that the shots fired is on location. They have had issues. They pride themselves on working with the neighbors. He tells them to bring the issues to him and not to let it fester. They have been receptive to that. A young man was killed. Cynthia received a death threat about giving the videos. Friday after that, a young man was shot at another bar. Since then, Johnny Babies is on the market to be sold. They are looking to exit this business. He is taxed with the job of putting an exit strategy together. With that, he is speaking in favor of the agreement that we reached with the City and department.*

*Thao moved to close the public hearing and said he appreciates him coming down. He is a man of integrity. He is going to move to amend that the City impose the 10 day suspension. As far as the penalty matrix for \$1,000, it is fair to reduce it to \$1,000 so staff can get the training needed.*

*Council President Brendmoen asked for clarification on the ten-day suspension. Skarda responded that the business called the department and said they wanted to shut down. The department was clear and said they will recommend you get credit for time served but we are not the final decision maker.*

*Councilmember Prince asked is he recommending an additional ten days. Thao responded yes.*

*Skarda said the ten days were not imposed by the Council. They asked for credit for time served.*

*Thao said they should serve 10 more days. Skarda responded they should discuss how to serve the 10 days.*

*Thao responded it should be in the next 30 days.*

*Brendmoen asked ten days consecutive or two 5 days.*

*Prince said the ten days served are short circuiting the problem. She is inclined to go with the staff recommendation; she is inclined to go with him.*

*6 in favor, no one imposed*

*Resolution is adopted as amended*

**Adopted as amended**

**Yea:** 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

**Nay:** 0

**Absent:** 1 - Councilmember Noecker

**ADJOURNMENT**

The meeting was adjourned at 6:22 p.m.

**Council Meeting Information**

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**Web**

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