City of Saint Paul

Minutes - Final

City Council

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

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

Wednesday, August 28, 2019 **3:30 PM** **Council Chambers - 3rd Floor**

ROLL CALL

The meeting was called to order by Council Vice President Noecker at 3:31 p.m.

Council President Brendmoen excused

Present 5 - Councilmember Dai Thao, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

Absent 2 - Councilmember Amy Brendmoen and Councilmember Chris Tolbert

COMMUNICATIONS & RECEIVE/FILE

1 AO 19-47 Amending CDBG activities budget.

Received and filed

2 AO 19-48 Amending the 2019 Fund 200 grant budget for the Fire Department to more accurately record 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 - 20)

Item 4 was withdrawn.

Councilmember Thao moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 5 - Councilmember Thao, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Tolbert

3 RES 19-1397 Memorializing the City Council's denial of an appeal from a Board of Zoning Appeals decision which granted lot size and parking capacity variances in order to construct a 4-unit apartment building at 2150 Grand Avenue.

Adopted

4 RES 19-1454 Granting a stay in enforcement of RES 19-963 imposing a matrix penalty of a 10-day suspension and reducing the fine to $1,000 for JC & MTM, Inc., d/b/a Johnny Baby's at 981 University Avenue West. (To be withdrawn)

Withdrawn

5 RES 19-1421 Approving the use of grant funds through the Neighborhood STAR Year-Round Program for two projects in Ward 2.

Adopted

6 RES 19-1432 Approving the use of grant funds through the Neighborhood STAR Year-Round Program for the Highland District Council

Adopted

7 RES 19-1459 Approving the use of grant funds through the Neighborhood STAR Year-Round Program for the greening of Rice and Larpenteur.

Adopted

8 RES 19-1431 Declaring August 25, 2019 to be Frank Louis Cruz Day.

Adopted

9 RES 19-1405 Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Fairview Avenue from Shields to University paving and lighting project constructed as part of the 2019 St. Paul Street Paving Program (SPS). (File No. 19231, Assessment No. 195202)

Adopted

10 RES 19-1400 Approving assessment costs and setting date of City Council public hearing to ratify the assessments for the Wheelock Parkway from Western to Rice paving and lighting project constructed as part of the 2019 St. Paul Street Paving Program (SPS). (File No. 19206, Assessment No. 195201)

Adopted

11 RES 19-1409 Approving assessment costs and setting date of City Council public hearing to ratify the assessment for installation of a fire protection system as requested by Gloria Freeman for 1850 7th Street East. (File No. FP2019-02, Assessment No. 197101)

Adopted

12 RES 19-1374 Authorizing payment in the amount of fifteen thousand seven hundred ninety-four dollars and one cent ($15,794.01) in full and final settlement of the property damage claim of the Amco Insurance Company as subrogee of Pao Lee/Sue Lor.

Adopted

13 RES 19-1376 Authorizing payment in the amount of eighty-six thousand nine hundred four dollars and no cents ($86,904.00) in full and final settlement of their property damage claim of the Cincinnati Insurance Company as subrogee of the Arcade & Maryland Development, LLC.

Adopted

14 RES 19-1413 Establishing the rate of pay for the new classifications of Water Aerobics Instructor (Year Round) in Grade 054 of EG 02, AFSCME Technical, and Water Aerobics Instructor (Seasonal) in Grade 21H of EG 99, Special Employment.

Laid over to September 4 for adoption

15 RES 19-1423 Approving the Labor Agreements between the Independent School District 625 and Minnesota Cement Masons, Plasterers and Shophands Local 633 (5/1/2019 - 4/30/2022); United Union of Roofers, Waterproofers and Allied Workers, Local Union No. 96 (5/1/2019 - 4/30/2022); Tri-Council, Locals 49, 120 and 363 (7/1/2018 - 6/30/2019); and the 2019 - 2020 Memorandum of Agreement for the United Association of Steamfitters-Pipefitters, Local Union No. 455 wage and fringe adjustment (5/1/2019 - 4/30/2022).

Laid over to September 4 for adoption

16 RES 19-1362 Accepting a grant from the Fund for Cities of Service, Inc. to the City of Saint Paul.

Adopted

17 RES 19-1379 Supporting a Citywide Safety Committee that monitors and assists departments in providing a safe and healthy work environment for City employees.

Adopted

18 RES 19-1425 Consenting to the appointment of Kristin Guild as Interim Director of the Department of Planning and Economic Development.

Adopted

19 RES 19-1336 Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Wine On Sale and Malt On Sale (Strong) licenses for Bibimbap LLC (License # 20190001319), d/b/a Bap and Chicken at 1328 Grand Avenue.

Adopted

20 RES 19-1383 Approving the application with conditions, per the Deputy Legislative Hearing Officer, to modify the existing license conditions to permit amplified sound on the outdoor patio, for Big Operations LLC (License ID # 20170000021), d/b/a Gabe's By The Park at 991 Lexington Parkway North.

Adopted

FOR DISCUSSION

Councilmember Tolbert joined the meeting

Present 6 - Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

Absent 1 - Councilmember Amy Brendmoen

21 RES 19-1461 Honoring Benita Gram Warns on Winning National Championships.

Council members Prince and Jalali Nelson invited Benita Warns to the podium. Councilmember Prince spoke about Ms. Warns' achievements as a speed-rollerskater.

Councilmember Jalali Nelson read the resolution.

Ms. Warns made brief comments.

Council members Prince and Jalali Nelson moved approval of the resolution.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

22 RES PH 19-206 Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Franklin Avenue from TH 280 to Pelham. (File No. MO1812, Assessment No. 185509) (Public hearing held August 21)

Councilmember Noecker said her understanding was that there had been a request for a one-month layover for this item and the following items. She confirmed that Councilmember Jalali Nelson was amenable to that.

Councilmember Jalali Nelson moved to lay the matter over to September 25.

Laid over to September 25

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

23 RES PH 19-207 Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Western Avenue from Larch to Front. (File No. MO1813, Assessment No. 185510) (Public hearing held August 21)

Councilmember Thao moved to lay the matter over to September 25.

Laid over to September 25

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

24 RES PH 19-208 Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Prior Avenue from University to Minnehaha. (File No. MO1814, Assessment No. 185511) (Public hearing held August 21)

Councilmember Jalali Nelson moved to lay the matter over to September 25.

Laid over to September 25

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

25 RES PH 19-209 Ratifying the assessment for the 2018 Street Maintenance Service Program-Mill and Overlay: Third Street from Ruth to McKnight. (File No. MO1815, Assessment No. 185512) (Public hearing held August 21)

Councilmember Prince moved to lay the matter over to September 25.

Laid over to September 25

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

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

26 Ord 19-53 Amending Chapter 25 of the Legislative Code pertaining to the supplemental tax on hotels and motels by increasing the imposed tax rate from three to four percent.

Councilmember Busuri moved final adoption of the ordinance.

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

Second Reading

27 Ord 19-54 Amending Chapters 60, 61, 64, and 66 of the Legislative Code pertaining to establish Ford zoning districts, site plan review for Ford zoning districts, sign regulations for Ford zoning districts, references to the Ford Site Zoning and Public Realm Master Plan, and minor and major amendments to the Ford Site Zoning and Public Realm Master Plan.

Laid over to September 4 for third reading/public hearing

28 Ord 19-55 Granting the application of the Housing and Redevelopment Authority to rezone property at 659 Otsego Street from RT1 Two-Family Residential to R4 One-Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to September 4 for third reading/public hearing

29 Ord 19-56 Amending Chapter 409 of the Legislative Code to raise the age of persons allowed to enter liquor stores from age eighteen (18) to twenty-one (21).

Laid over to September 4 for third reading/public hearing

30 Ord 19-57 Amending Chapter 324 of the Legislative Code to raise the age of persons allowed to purchase tobacco and tobacco related devices and products from eighteen (18) to twenty-one (21).

Laid over to September 4 for third reading/public hearing

PUBLIC HEARINGS

31 RES 19-1309 Approving adverse action against the Cigarette/Tobacco license held by Mel Lindholm, d/b/a Charlie's (License ID #20180002499) at 444 Cedar Street. (Public hearing continued from August 21)

Councilmember Noecker said given the testimony heard and the business owner's history of no violations and the circumstances of the case, she would approve DSI's recommendation but stay the $500 matrix penalty for six months pending no same or similars.

No one was present to testify. Councilmember Noecker moved to close the public hearing and adopt DSI's recommended penalty as amended.

Adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

32 RES PH 19-289 Amending the financing and spending plan of the Saint Paul Public Library in the amount of $84,280 to utilize available CIB Contingency funds for the replacement of boilers at the Hayden Heights and St. Anthony libraries.

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

Adopted

Yea: 5 - Councilmember Thao, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 2 - Councilmember Brendmoen and Councilmember Tolbert

33 RES PH 19-278 Amending the financing and spending plans in the Department of Parks and Recreation in the amount of $136,000 to reflect additional 2019 funding expected from Como Friends.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

34 RES PH 19-127 Amending the financing and spending plan in the Department of Parks and Recreation in the amount of $217,065.20 to reflect Parks Acquisition Opportunity Fund (PAOF) funding for the Phalen Regional Park Master Plan Implementation project.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

35 RES PH 19-273 Approving the application of Minnesota Recovery Connection for a sound level variance for the Walk for Recovery Event on Saturday, September 14, 2019 at the Upper and Lower Malls of the State Capitol.

Representatives of the organization spoke about the organization and the event.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

36 RES PH 19-274 Approving the application of Five Watt Coffee for a sound level variance for live music on Sunday, September 8, 2019 at 928 7th Street West for the Radio Five Watt Music Fest.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

37 RES PH 19-280 Approving the application of Visit Saint Paul for a sound level variance for live music and DJs on 7th Street West between Walnut Street and Kellogg Boulevard during the Flugtag Street Party on September 7, 2019.

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

Adopted

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

SUSPENSION ITEM

Councilmember Prince moved suspension of the rules.

Rules suspended

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

FOR RECONSIDERATION

RES 19-1360 Approving adverse action against the Cigarette/Tobacco license held by Moundsview Retail Inc., d/b/a Mounds Park Market (License ID #20170000776) at 241 Earl Street.

Councilmember Prince said the licensee had understood there would be a public hearing. She asked that the item be withdrawn so the proper resolution could come before the Council as a public hearing.

Reconsidered; withdrawn

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 38 - 44)

No one was present to testify. Councilmember Tolbert moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

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

Nay: 0

Absent: 1 - Councilmember Brendmoen

38 RLH TA 19-282 Ratifying the Appealed Special Tax Assessment for property at 816 ALBERT STREET NORTH. (File No. CG1901C2, Assessment No. 190061) (Public hearing continued from May 22)

Adopted as amended (assessment ratified)

39 RLH VBR 19-49 Appeal of Mark Lentsch to a Vacant Building Registration Notice at 1011 ARGYLE STREET.

Public hearing continued to September 4

40 RLH RR 19-24 Making finding on the appealed nuisance abatement ordered for 650 AURORA AVENUE in Council File RLH RR 19-2.

Public hearing continued to September 4

41 RLH VBR 19-48 Appeal of Shirzad Raimi, Venture Capital, to a Vacant Building Registration Renewal Notice at 1918 IVY AVENUE EAST.

Public hearing continued to September 4

42 RLH VO 19-30 Appeal of Jennifer Olson to a Correction Notice - Re-Inspection Complaint Order to Vacate at 1091 MARYLAND AVENUE EAST.

Adopted

43 RLH SAO 19-41 Appeal of Pao Thao to a Vehicle Abatement Order at 783 MINNEHAHA AVENUE WEST.

Adopted

44 RLH AR 19-73 Ratifying the assessments for Graffiti Removal services billed during March 28 to April 24, 2019. (File No. J1908P, Assessment No. 198407)

Adopted

Council members shared news from their wards.

ADJOURNMENT

Councilmember Noecker adjourned the meeting.

Meeting adjourned at 3:54 p.m.

Council Meeting Information
The City Council is paperless which saves the environment and reduces expenses. The agendas and Council files are all available on the Web (see below). Council members use iPads to review the files during the meeting. Using the iPad greatly reduces costs since most agendas, including the documents attached to files, are over 1000 pages when printed.

Web
Meetings are available on the Council's website. Email notification and web feeds (RSS) of newly released minutes, agendas, and meetings are available by subscription. Visit www.stpaul.gov/council for meeting videos and updated copies of the agendas, minutes, and supporting documents.

Cable
Meetings are live on St Paul Channel 18 and replayed on Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)

Many people are extremely sensitive to scented products. Please refrain from wearing or using fragrances such as perfumes, lotions, aftershave, scented aerosol products, and other such products.