



Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, December 1, 2014

1. Roll Call

Mayor Roe called the meeting to order at approximately 6:00 p.m. Voting and Seating Order: Willmus, Laliberte, Etten, McGehee, and Roe. City Manager Patrick Trudgeon and City Attorney Mark Gaughan were also present.

2. Approve Agenda

City Manager Trudgeon requested removal of Item 7.d from the Consent Agenda for separate consideration.

City Manager Trudgeon noted removal of Business Action Items 13.b and 13.c from tonight's agenda while staff gathers additional information, and for presentation at a future meeting.

Councilmembers requested removal of Consent Item 7.b for separate consideration based on input from the public.

Willmus moved, Etten seconded approval of the agenda as amended.

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

3. Public Comment

Mayor Roe called for public comment by members of the audience on any non-agenda items.

Bartley Bloom, Bent Brewstillery, 1744 Terrace Drive

Mr. Bloom requested an extension of hours for this and similar type businesses in Roseville, especially seeking that extension until Midnight and additionally to 1 AM New Year's Eve for the benefit of patrons, family and friends. Mr. Bloom noted that, without an ordinance amendment to extend their hours of operation, it was creating a significant loss of revenue for their business, a vibrant part of the Roseville community, and active participant in community events and contributor to area causes.

At the request of Mayor Roe, City Manager Trudgeon advised that staff would prepare additional information for City Council consideration at their December 8, 2014 meeting, allowing action on extending hours of operation, if approved, before year-end.

4. Council Communications, Reports, and Announcements

Mayor Roe made several announcements of upcoming events and activities, including the Minnesota Wild practice at the OVAL on December 21, 2014 from 9:00 a.m. until Noon,

with the Wild on the ice at 11:00 a.m., and other family events and free open skating available. Mayor Roe also announced acceptance of winter clothing donations by the Roseville Visitor's Association and as part of OVALumination events, with drop-off available inside the OVAL and skating center.

Councilmember Laliberte reported as liaison at the recent Ramsey County League of Local Governments meeting and summarized their agenda items, as well as their January 2015 agenda items. Councilmember Laliberte confirmed that the City of Roseville would be hosting the March of 2015 meeting at the Roseville Fire Station in the training room. The January agenda would include meeting with state legislators to review items of interest to metropolitan municipalities.

Mayor Roe reported as liaison to the North Suburban Cable Commission, and invited the public to attend the December 4, 2014 meeting at 7:00 p.m. at the Arthur Street C-TV facilities off County Road C, as CenturyLink will provide additional information to the Commission and public on the possibility of them becoming a second franchisee for the ten member cities.

5. Recognitions, Donations and Communications

a. Accept and Recognize General Donations to the City of Roseville

Assistant Parks & Recreation Director Jill Anfang provided a summary of 2014 donations and recognized several community organizations in attendance at tonight's meeting and thanked them for their contributions to the community. Ms. Anfang reported that 2014 donations totaled \$153,324, as detailed in the Request for Council Action (RCA) dated December 1, 2014.

Mary & Bill Bakeman, representing Friends of Lexington Park

Ms. Anfang introduced and thanked Mr. & Mrs. Bakeman, in attendance for the contribution by Friends of Lexington Park, for a climbing rock play structure at the park.

Ms. Bakeman noted that it had proven a very positive experience for children to-date; and expressed the neighborhood's appreciation of Lexington Park.

City Manager Trudgeon accepted a \$30,000 check as a donation from the Friends of Lexington Park, presented by Mr. and Mrs. Bakeman.

Ms. Anfang announced that invitations had been sent to neighbors of Lexington Park for a preview of the new park building on December 16, 2014, from 6:30 to 8:00 p.m., with family activities and light refreshments planned. Ms. Anfang noted that another open house at the new park building, also part of the Park Renewal Program improvements, was scheduled for Sandcastle Park on December 17, 2014; with Villa Park facilities scheduled to open in late January of 2015.

Lou Zibell, Friends of Roseville Parks

Ms. Anfang introduced Ms. Zibell, representing Friends of Roseville Parks, and reviewed their partnership over the last year and hosting of several events to assist in expanding the Park Renewal Program, including a new display and welcome desk and display at the Interpretive Center. Ms. Anfang also noted their donation for installation of brick gas fireplaces at each new park building being constructed.

Ms. Ziell noted FORParks work over the last forty-five years to help enhance Roseville Parks; and Mayor Roe thanked FORParks for all they do to further the cause.

Ms. Anfang noted the success and strength of the City's established network of affiliated groups in Roseville, a sought-after accomplishment by other communities without one already in place.

On behalf of the City Council, community and staff, Mayor Roe thanked each group and/or individual for their contributions and donations.

Etten moved, Laliberte seconded, acceptance and recognition of general donations to the City of Roseville from community organizations, citizens and program participants, both in material and money, as detailed in the Request for Council Action (RCA) dated December 1, 2014.

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

b. Accept Fire Department Donation from Hugh & Julie Thibodeau

Fire Chief Tim O'Neill introduced Hugh & Julie Thibodeau, and summarized their generous donation of \$5,000, as detailed in the RCA dated December 1, 2014 toward Fire Department needs and activities. Chief O'Neill noted that the Thibodeau's had been friends of the Fire Department for over a decade; and recognized Mr. Thibodeau's service on the City's Fire Station Study Group, as well as their ongoing support for animal rescue training efforts and equipment purchases for emergency vehicles.

Mr. Thibodeau noted that Basic Animal Rescue Training (BART) was a quality of life issue for Roseville residents, since pets were part of the family, and with this training would also receive the same specialized care as other members of the family.

On behalf of the City Council, community and staff, Mayor Roe thanked the Thibodeau's for the generous donation.

McGehee moved, Etten seconded, acceptance and recognition of the donation of \$5,000 to the Roseville Fire Department from Hugh & Julie Thibodeau to be used for Basic Animal Rescue Training (BART) and the annual department recognition dinner.

At the request of Councilmember Willmus, Mr. Thibodeau advised that he would make information on window stickers available from BART to City staff to include on the City website for public information and availability of the stickers.

Councilmember McGehee thanked the Thibodeau's for this and previous donations.

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

6. Approve Minutes

Comments and corrections to draft minutes had been submitted by the City Council prior to tonight's meeting and those revisions were incorporated into the draft presented in the Council packet.

a. Approve Minutes of November 10, 2014 Meeting

Mayor Roe noted additional changes suggested by McGehee and staff as follow-up, provided as a bench handout, with changes noted on pages 8, 10, and 17.

Corrections:

- **Page 6, Line 37 (Laliberte)**
Typographical error: Delete the duplicate "that"
- **Page 7, Line 21 (Laliberte)**
Typographical error: Change "per" to "her"
- **Page 17, Lines 19-21 (Roe/McGehee)**
Typographical error: Add "million" to \$19.25 bond issue

McGehee moved, Laliberte seconded, approval of the Meeting Minutes of November 10, 2014 as amended.

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

b. Approve Minutes of November 17, 2014 Meeting

Mayor Roe noted two bench handouts consisting of requested changes by Councilmember McGehee to pages 4, 8 and 15; and staff's submission and recommended language following their review of the meeting video tape, specific to page 14, lines 38 – 44 and page 15, lines 1 – 32 regarding findings for a special burn permit at 1894 Alta Vista Drive.

Councilmember McGehee stated that she was in agreement with staff's submission taken directly from the text of the meeting; and asked that other minor changes to pages 4 and 8 in her initial request remain.

McGehee moved, Etten seconded, approval of the Meeting Minutes of November 17, 2014 as amended.

For the benefit of the entire City Council, Mayor Roe noted that, after discussion with City Attorney Gaughan, he had clarified that the specific findings were not required in this case as part of the language as they did not have the same formality as required for findings being listed in denial of land use cases.

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

7. Approve Consent Agenda

There were no additional changes to the Consent Agenda than those previously noted. At the request of Mayor Roe, City Manager Patrick Trudgeon briefly reviewed those items being considered under the Consent Agenda.

a. Approve Payments

McGehee moved, Etten seconded, approval of the following claims and payments as presented and detailed in the Request for Council Action (RCA) dated October 27, 2014, and attached check register.

| | |
|---------------|-----------------------|
| ACH Payments | \$3,445,603.93 |
| 75704 – 75902 | 1,071,057.95 |
| TOTAL | \$4,516,661.88 |

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

c. Approve General Purchases and Sale of Surplus Items in Excess of \$5,000

McGehee moved, Etten seconded, approval of the submitted list of general purchases and contracts for services presented as follows; and as detailed in the RCA dated December 1, 2014; and Attachment A entitled, "2014 Capital Improvement Plan Summary – Updated 10/31/2014."

| Department | Vendor | Description | Amount | Budget / CIP |
|--------------|----------------------|--------------------------------|-------------|--------------|
| Police | Motorola Solution | Police squad radios | \$11,988.00 | CIP |
| Public Works | American Engineering | Soil borings/pavement analysis | 23,000.00 | CIP |

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

e. Approve Part-Time Firefighter PERA Resolution

McGehee moved, Etten seconded, adoption of Resolution No. 11190 (Attachment A) entitled, "Part-Time Firefighter PERA Declaration."

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

f. Approve a VARIANCE from State Aid Rules for the Victoria Street Reconstruction

Mayor Roe noted his agreement with the proposed option, since the other option would be to construct a road through a park and wetland, with extensive associated additional costs.

McGehee moved, Etten seconded, adoption of Resolution No. 11191 (Attachment A) entitled, "Requesting a Variance from State Aid Rule 8820.9936 for Victoria Street Reconstruction Project;" seeking a variance of the curve design speed and implementation of new signage and improvement of roadway lighting along the curve on Victoria Street east of its intersection with Roselawn Avenue.

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

8. Consider Items Removed from Consent

b. Approve Business Licenses & Other Licenses & Permits

An e-mail from Ms. Sherry Sanders, Chair of the Lake McCarrons Neighborhood Association, was provided as a bench handout, attached hereto and made a part hereof, expressing neighborhood concerns for their safety with Pawn America's recent front door relocation and criminal activities.

Mayor Roe advised that, prior to the start of this evening's City Council meeting, members of the public had requested removal of this item from the Consent Agenda; and recognized approximately seven members present who wanted to speak to this issue, among them Association Board members and neighbors.

Mayor Roe reviewed public comment protocol and opened the meeting for comment.

Public Comment

Sherry Sanders, 363 S McCarrons Blvd.

Ms. Sanders spoke to the proposed renewal of the Pawn America business license; and concerns of Ms. Judy Anderson based on her view of their parking lot, with no fence beyond that on her property.

Ms. Sanders questioned if the business had submitted their remodeling plans to the City before proceeding with them, and if they had followed the approved process when relocating their main entrance to the north side facing residential homes and backyards.

In her review of the business license renewal application, Ms. Sanders also noted that there were ten pages referenced, but only six were available on line, and wanted to know why pages were missing and the reason those pages were not available to the public.

Ms. Sanders displayed a photo of Ms. Anderson's view from her backyard, and negative impacts to those homes in the immediate area and parking lot traffic.

Ms. Sanders further noted a 22-page list of crimes happening in the immediate area over the last year, as provided by the Police Department earlier today, as requested by Ms. Sanders.

Judy Anderson 156 S McCarrons Blvd. (behind the Dairy Queen)

Ms. Anderson expressed her concern for her personal safety, and cited several examples of discomfiting experiences. Ms. Anderson also noted the considerable trash coming onto her property from the Pawn America parking lot, creating urban blight and making the area appear like a ghetto. Ms. Anderson noted that her mother had previously occupied the home since 1974, so she was familiar with the previous quality of life and current problems, including noise, loitering, car lights, swearing by patrons, and other issues she considered a real invasion of her privacy as a Roseville resident. Ms. Anderson noted that this had become more problematic since the relocation of the door for Pawn America; and with the recent hold-up of the facility, she was even more insecure with changes and the consequences of those changes over the year.

Ms. Anderson spoke to other experiences she'd faced at her residence, with an SUV crashing into the home in 2011; and other stresses that she felt made her home no longer safe, and were eroding the neighborhood. Ms. Anderson thanked the City Council for their consideration of her concerns.

Mayor Roe sought specific remedies being sought by the Neighborhood Association, whether specific to the precious metal license currently before the City Council, or with other specific issues.

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Ms. Sanders advised that the neighborhood, at a minimum, wanted to see a barrier or fence installed by Pawn America to reduce opportunities of crime, excessive noise and lights from vehicles. Ms. Sanders asked the City Council for a site review of the property to determine impacts.

Regarding movement of the door asked about by Councilmember McGehee, Mayor Roe advised that he had noted that public comment, and would ask for staff's review of that issue.

Diane Hilden, 466 Bayview Drive

Ms. Hilden noted that, with this business license renewal initially part of the Consent Agenda, the public typically didn't study that portion of the agenda in great detail. However, Ms. Hilden noted that this experience may prompt them to do so in the future. Ms. Hilden noted the existence of the Neighborhood Association for twenty-two years, and suggested this was a good example of why the City should provide notice to them and other associations in the City of this type of action item to allow them to provide input. Ms. Hilden stated that an ongoing and grave concern of the neighborhood is that the whole corner of Larpenteur Avenue and Rice Street are continuing to deteriorate, and asked that they be included in part of the discussion and solution in resolving issues related to that area. Ms. Hilden asked that, in the future and as applicable, the Neighborhood Association be notified in some official way of potential issues of interest to them, including future Consent Agenda items.

Mayor Roe recognized the Association's interest and expressed appreciation for bringing their request for involvement and notification to the City's attention.

Chuck Armstrong, Chief Legislative Officer for Pawn America

Mr. Armstrong noted Pawn America's location at this site since the mid-1990's, as the fourth store in their current chain, with facilities in over twenty-four communities. Mr. Armstrong stated that it was his understanding that the store did follow the proper and quite extensive procedures for remodeling.

Mr. Armstrong offered to provide his business card to residents of the Neighborhood Association; and expressed his firm's interest in being a good neighbor, and asked that they contact him with their issues and concerns, allowing them to all work together to resolve issues. Mr. Armstrong advised that he was aware of attempts by a previous manager at the facility to reach out to the neighborhood, but was unsure of the results of that attempted connection. However, Mr. Armstrong assured the City Council, and Association of his interest in being of assistance in resolving any problems.

On a side noted, and regarding the recent robbery, Mr. Armstrong asked to go on record in expressing his appreciation to the City Police Department for their efforts and response, and subsequent apprehension of those individuals and bringing

them to justice. Mr. Armstrong expressed his sincere appreciation for the Department's fantastic work, opining they had done a great job. Mr. Armstrong advised that this was the first time a firearm had been discharged in a robbery, and hopefully the last.

Lisa McCormack

Ms. McCormack expressed her appreciation and empathy for what she was hearing from another neighborhood association other than from her own neighborhood. Ms. McCormack advised that she had been unaware of the discharge of a firearm during a recent robbery, which she found disconcerting.

In her personal review of the RCA, Ms. McCormack noted that business licenses were subject to a successful background check; opining that this raised an issue for her as to what that investigation involved, or was deemed necessary for City Council approval for certain types of licenses; and if calls for Police service were part of that regular background check a review. Ms. McCormack expressed her hope that they were part of the review; however, she asked that the review be written down to allow discussion to ensure the safety of a neighborhood.

If the remodeling of the facility was done after their initial application, Ms. McCormack asked what appropriate conditions of the license or review were required; and sought clarification if this was a land owner issue for screening, or if there was an exemption in relation to business licenses.

With no one else appearing to speak, Mayor Roe closed public comment at this time.

Mayor Roe asked staff for comment regarding their review of the remodeling and door relocation; whether handled through administrative approval of the building permit or if staff needed more time for follow-up on that public question.

City Manger Trudgeon advised that staff had reviewed some information prior to tonight's meeting, noting that in 2009, a Building Permit was issued as Pawn America expanded into vacant space in the building. Since the existing use was normal and permitted in this building, Mr. Trudgeon advised that no site plan or other City Council action was required, nor were there any requirements triggering a screening fence for this existing use, with the Building Permit handled as a typical remodel. Mr. Trudgeon expressed appreciation that Mr. Armstrong had come forward tonight, and agreed with the suggestion from the neighbors for a fence, and his intent to follow-through with Mr. Armstrong to determine Pawn America's willingness to consider that recommendation. However, as part of their license renewal, Mr. Trudgeon advised that he would need to research that, but did not think installation of a fence or screening could be made a condition of their license renewal.

Specific to the referenced Police Department report presented by Ms. Sanders, City Manager Trudgeon clarified that the report included ALL police calls to the site over the last three years, whether for medicals, proactive police visits or other reasons, with the entire twenty-two page report not all crime-related. Mr. Trudgeon further clarified that the Police Department performed background checks as part of their normal course of action for all license applications and/or renewals.

Councilmember Willmus stated that it would be helpful to him to have information from staff pertaining to the original Interim Use Permit and conditions required for that initial use.

City Manager Trudgeon clarified that the operation was under a Conditional Use, not an Interim Use permit, but duly noted Councilmember Willmus' request for additional information on original conditions.

Given the public's concern with renewal of this license, Councilmember Willmus suggested separating the question to consider this license from the other renewals.

Mayor Roe asked City Attorney Gaughan whether or not conditions could be applied to this specific license renewal request.

City Attorney Gaughan clarified that this license application renewal was for a precious metals dealer license; and advised that very rarely could items such as screening for lights be made a condition for renewal if not part of City Code. Given the nature of this professional license, as noted by City Manager Trudgeon, Mr. Gaughan advised that there were no conditional prerequisites in place; and clarified that the City's Zoning Code applied to properties, and was a more appropriate place for those issues to arise, but not as part of a professional license application or renewal.

When performing the background checks, Mayor Roe asked if that was required by State Statute or by City Code.

City Attorney Gaughan advised that background checks were a statutory mandate, and as a point of information for the City Council and public, a considerable amount of the data obtained during that background check was covered under the Government Data Practices Act and considered private data. Mr. Gaughan advised that this was often why approvals coming before the City Council stated that approval was pending completion of those background checks, for those circumstances when or if criminal history was found by the Police Department, its specifics or history cannot be publically disclosed; but a simple "yes" or "no" be provided as to whether or not the applicant passed or did not pass the background check, without public disclosure.

Since the current Zoning Code now includes screening of some type, Councilmember McGehee asked if the City Council could now enforce that screening

now included in Code, if not included in 2009 when the initial Conditional Use Permit was granted.

City Attorney Gaughan responded that no, the legal, non-conforming use had been grandfathered in, and as long as they complied with the requirements of their Conditional Use Permit at the time they were allowed to undertake their project, they should remain status quo.

Mayor Roe suggested that the City Council take up all other license applications as listed on the RCA, excluding this item.

Councilmember Laliberte opined that, if it is not normal practice to approve or deny a professional license based on zoning issues, she was unsure why it was necessary to separate the question and exclude this renewal. While expressing her appreciation that the neighborhood concerns had come forward, and that Mr. Armstrong had heard the concerns and could respond accordingly, and staff address those zoning issues, Councilmember Laliberte questioned why that should be tied to this requested action.

Mayor Roe suggested that until further research was done by staff on what could or could not be taken into account as part of this renewal, and a verification of Conditional Use Permit conditions, it may be appropriate to table this particular renewal until the December 8, 2014 City Council meeting, thus his rationale in agreeing with separating the question.

Based on the fact that approval had already been given for the firm to remodel and relocate the door, Councilmember McGehee opined that the only pending question was whether or not the firm was in violation of their Conditional Use Permit conditions, which was not tied to this license approval either. Therefore, Councilmember McGehee opined that she could see no reason not to grant the license; with the firm being good neighbors to-date and expressing her confidence that they would work with the neighborhood on those areas of concern.

Willmus moved, Etten seconded, approval of business license applications for the period of one (1) year, unless otherwise noted, for applicants as listed in the RCA dated December 1, 2014; with the exception of the Pawn Shop and Precious Metals Dealer License renewal for Pawn America Minnesota, LLC, d/b/a Pawn America, located at 1715 N Rice Street.

Councilmember McGehee spoke in opposition to the motion. However, Councilmember McGehee advised that she had another license renewal she wished to discuss and remove from the list of license renewals: that of Walters Recycling and Refuse for a Solid Waste Hauler License, as they did not disclose where they took their waste, as requested as part of their application information. In following up with staff by requesting that disclosure, Councilmember McGehee advised

that she had simply received a list of all possible places they might take their waste (e.g. landfills and/or recovery resource sites throughout the State) which she did not find in the spirit of information requested as part of their license renewal application. Councilmember McGehee noted that other applicants specifically identified where they hauled their materials.

McGehee moved to exclude the license renewal for Walter's Recycling & Refuse from consideration and table consideration until they met requirements of the application information requested.

Mayor Roe declared the motion failed for lack of a second.

Councilmember Etten noted that another solid waste hauler, Randy's Sanitation, Inc., had done the same thing; and suggested staff include those disclosures as part of the information provided to the City Council when considering license applications and/or renewals. Councilmember Etten agreed that more detail was needed from applicants and should be included by staff in the process next year.

Mayor Roe expressed similar frustrations on reporting by haulers when listing transfer stations for waste drop off. In his personal review of State Statute, Mayor Roe advised that haulers need to specify where the waste went from the transfer station; and agreed with his colleagues that the City needed to be more stringent and diligent to determine the information being sought; and opined that it was also helpful for residents as part of this process to get full and detailed information.

Councilmember McGehee stated that she would like to support that suggestion more strongly; and suggested that staff include that additional information on haulers in the newly-expanded newsletter for the benefit of residents.

Roll Call (Original Motion)

Ayes: Willmus, Etten, and Roe.

Nays: Laliberte and McGehee.

Motion carried.

Willmus moved, Etten seconded, TABLING consideration of the Pawn America renewal to the December 8 meeting for receipt of additional information as requested.

Roll Call

Ayes: Willmus, Laliberte, Etten, and Roe.

Nays: McGehee.

Motion carried.

Councilmember Etten expressed his interest in receiving follow-up information on any interaction between Pawn America and the Neighborhood Association between now and December 8, 2014.

City Manager Trudgeon duly noted that request.

Mayor Roe thanked those present in the audience for this item, and his hope for good development and resolution of the issues and concerns brought forward.

d. Approve 2015 Council Calendar

City Manager Trudgeon provided a revised schedule as a bench handout, replacing the original draft provided in meeting packet materials.

Councilmember Etten noted conflicts with his work and concert schedule in May and December; and sought rescheduling; as well as other dates in conflict with Councilmember schedules.

Discussion included meeting requirements in December as they related to the tax levy and meeting those deadlines to facilitate public comment and adoption of the final levy and budget exclusive of statutory requirements and levy meetings of other jurisdictions and agencies with taxing authority; and whether or not any and all conflicts could be eliminated.

Etten moved, Willmus seconded, approval of the 2015 City Council meeting schedule as revised.

| | |
|--|---|
| January 5 (Organizational) January 12 January 26 | July 6 July 13 (Work Session) July 20 |
| February 9 February 23 | August 10 August 17 (Work Session) August 24 |
| March 2 March 9 (Work Session) March 23 | September 14 September 21 (Work Session) September 28 |
| April 6 April 13 (Work Session) April 20 | October 5 October 19 (Work Session) October 26 |
| May 4 May 11 | November 9 November 16 (Work Session) November 30 |
| June 8 June 15 (Work Session) June 22 | December 7 |

Councilmember Laliberte expressed concern in identifying monthly Work Sessions, opining that it caused some confusion, even though those meetings functioned the same as a regular business meeting.

Laliberte moved to consider a monthly Work Session as a practice, but not to identify them as such in the meeting schedule.

Mayor Roe declared the motion failed due to lack of a second.

Roll Call (Original Motion)

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

9. General Ordinances for Adoption

a. Request by Community Development Department for a Zoning Text Amendment to Roseville City Code, Section 1990.03 Interim Uses

City Planner Thomas Paschke summarized this request as detailed in the RCA dated December 1, 2014, and related attachments. Mr. Paschke referenced the Planning Commission meeting minutes of October 8, 2014, and their lack of support for the proposed text amendment as noted. Mr. Paschke advised that staff was seeking City Council action to approve the draft ordinance as recommended by staff, or recommendation for denial and specific findings for denying this text amendment.

At the request of Mayor Roe, Mr. Paschke clarified that the requested changes had been initiated by the City Council for review and reconsideration of the current Interim Use ordinance; and also suggested changes brought forward by staff to for City Ordinance to comply with current State Statute; specifically addressed in Item 3 of the draft ordinance (page 3, lines 70-71) outlining when an Interim Use ceases to exist.

Community Development Director Paul Bilotta addressed the specifics of state law, noting that the current City Ordinance and 5 year restriction was more stringent than state statute, with Item 3 of the draft ordinance attempting to clarify by using a specific event not just the current fuzzy ambiguities to determine when a property was ready for development, allowing for identification of definite events. Mr. Bilotta opined that the Planning Commission seemed to be most concerned with elimination of the five year term, not with events.

Councilmember Willmus noted his attendance at the Planning Commission meeting where this was discussed; and opined that the Planning Commission deliberately and extensively deliberated and rejected the entire premise of it. With regard to potential action by the City Council and findings of fact for denial, Councilmember Willmus questioned if there was no action taken by the City Council, was the ordinance as drafted considered adopted, or could staff withdraw the requested text amendment.

Mayor Roe suggested that this was not an application subject to the 60-day rule.

City Attorney Gaughan opined that this was a somewhat grey area, and referenced State Statute, Section 15.99 and strict requirements of the 60-day rule; opining that lack of action by the City Council could be deemed an approval. Mr. Gaughan noted that statutory requirements included written findings for denial, and those were put in place in statute to protect applicants; and in this case, even though the request was staff-generated, if an entity was out there that sought to do so, they may be able to have an argument that lack of action may deem approval.

In order for a complete process, and for this issue not to come up again, Mr. Gaughan advised that it would be appropriate and he would recommend that they approve the requested change via the revised text language in the draft ordinance, or deny it based on written findings. If a motion seeking approval fails for any reason under wording of the current statute, such as due to lack of a second, Mr. Gaughan advised that the official record of the meeting needed to record those members not voting in favor of adoption and their reasons stated for not supporting it. While this could be deemed rather technical in nature, Mr. Gaughan advised that the City Council follow this procedure to avoid any outside entity bringing a technical challenge against the City Council, and in order to follow the State Statute, Chapter 15.99 strictly.

As to the question of withdrawing the requested text amendment, City Attorney Gaughan opined that it could, or the City Council could do so as it was taking the place of the applicant rather than staff withdrawing the request. However, in terms of completing the process without any future questions being raised, as long as the issue was currently before the City Council tonight, Mr. Gaughan suggested that the City Council take action tonight one way or the other, as he previously outlined. Mr. Gaughan reiterated the need for those voting "Nay" should a motion to approve come forward, that they state their reasons for the record; and if a motion to deny was brought forward, that findings be memorialized in writing as well.

At the request of Councilmember McGehee, Community Development Director Bilotta confirmed that this requested zoning text amendment was staff's attempt to make the City Code consistent with state statute for the most part, with the recommended five-year term optional, which appeared to be where the most resistance was coming from and desire to not remove that self-imposed restriction by the City.

City Attorney Gaughan noted that deletion of that term was drafted in the earlier language, but now the five year term was in the upper limit of the City's Interim Use Permits, and in deleting that and other expiration date language, the City would be erasing that certainty from the code.

Laliberte moved, Willmus seconded, DENIAL of the requested Text Amendment for Interim Uses to City Code, Zoning Ordinance Chapter 1009.03; based on the following Findings of Fact:

- 1) The current fixed timeframe of five years is more desirable than open-ended language;
- 2) The current ordinance language provides for an optional renewal at the end of that five-year timeframe; and anything beyond five years is not desirable or of benefit to the City, making the five-year limit still appropriate;
- 3) Development or redevelopment in the City should be seeking long-term or permanent solutions and tenants for properties and neighborhoods;
- 4) If an Interim Permit is stretched beyond that five year timeframe, without ability for City Council review of that initial use, it may become problematic for that site or the adjacent area, and extends beyond an interim solution.

Mayor Roe spoke in support of the motion and findings of fact; specifying that the motion be considered city-wide, not just considering one redevelopment area in the community.

Councilmember Etten expressed his support for a five year term or in accordance with state statute, and sought to amend versus deny. Councilmember Etten stated that he agreed with the findings listed, especially the last one that provided a check for non-conforming uses in a neighborhood. As an example, Councilmember Etten noted the Pawn America situation and impacts on the neighborhood with changes over time, even though he recognized that was a Conditional Use versus Interim Use. Councilmember Etten expressed his confusion as to how to vote, and suggested deferring action until staff brought back a clean draft for denial.

In his personal understanding of statute, Mayor Roe noted that State Statute superseded City Ordinance anyway, and while existing language is vague, it therefore could not circumvent statutory requirements. Therefore, Mayor Roe stated that he was comfortable supporting the motion.

City Manager Trudgeon agreed with Mayor Roe's statement; noting that an Interim Use can expire on a date specific or upon certain events.

Mayor Roe stated the State Statute requires that conditions are not nebulous.

Councilmember McGehee advised that the only reason she was wavering, was that she saw Interim Use Permits as an alternative to Conditional Uses, opining that there were a tremendous number of problems with Conditional Uses granted 20-30 years ago; and this would provide some flexibility. Councilmember McGehee noted the current tight operations of banks in financing businesses; and

suggested that staff return with something that would address that problem with something other than a Conditional Use.

Councilmember Willmus concurred with Councilmember Laliberte; opining that his focus was on the specific length of time considering the title of the permit as interim; and when the term stretched beyond that of the current Interim Use it no longer was interim, but in essence conditional. Councilmember Willmus stated that this was the overriding factor in his support of the motion in denying the text amendment.

Mayor Roe spoke in support of the motion to deny; even though he could have supported a motion to amend as well. Mayor Roe noted that it while it was true that current City Councils and staff were often forced to deal with the consequences of Conditional Use permits issued a number of years ago, he was not supportive of using the Interim Use as a way to get around different types of approvals.

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

b. Consider Changes to City Code, Chapter 314.05; the 2015 Fee Schedule

Finance Director Chris Miller briefly summarized this request, noting that other than removal of the word "text" on page 15 of the draft fee schedule as previously requested by the City Council, there were no other changes beyond those from the first presentation, and as detailed in the RCA and attachments dated December 1, 2014. Mr. Miller sought any additional feedback from the City Council on the variance appeal fees as previously discussed; and if they were comfortable with the schedule as presented, asked for two actions approving an ordinance and ordinance summary for publication purpose.

At the request of Councilmember Willmus, Community Development Director Bilotta addressed the rationale in seeking a fee for appeal of a planning decision (page 15).

At the request of Councilmember Willmus, Mr. Bilotta reviewed the background in fee change for an outdoor sales display permit (multiple) on page 14; as a result of City Council concerns expressed last year with certain businesses needing to apply for multiple permits for periodic or seasonal sales, and subsequent creation of an application for multiple permits during a given year. Mr. Bilotta opined that this should provide for significant savings for most applicants; but would also cover staff's time in addressing these events, with the Fire Marshal needing to make a visit each time an event took place.

Regarding the appeal of Planning Division decisions fee, Councilmember McGehee questioned the need for residents to have to pay to appear before their munic-

ipal government. Councilmember McGehee also requested additional discussion and feedback on municipal administrative fees versus statutory fees.

As requested by Mayor Roe, City Attorney Gaughan provided synopsis of the research performed by him in conjunction with staff and reported that those municipal administrative fees had been an issue over the last 5-10 years, and resulted in a report by the state auditor's office. Mr. Gaughan noted that some cities issued administrative citations for traffic enforcement, and in the Attorney General's formal opinion and that of the State Auditor, it was determined that only state law violations could impose those.

However, Mr. Gaughan noted that the 2009 legislature had passed some level of support for local, municipal-related traffic offenses (e.g. less than 10 miles over the posted speed limit and/or vehicle equipment violations) to be addressed under a local administrative citation. Mr. Gaughan noted that the City of Roseville typically uses local administrative citations to deal with parking issues, which was a fairly common practice in the metropolitan area. However, under the Attorney General's opinion, Mr. Gaughan noted that parking issues should still be under state law authority; but it was also his personal understanding that many of the administrative citation fees are relics from the past and continued in case future legislatures expand the authority of local governments. During his tenure with the City of Roseville, Mr. Gaughan advised that no violations were issued locally, but defaulted to the state, but the administrative fees remained in the fee schedule in case the legislature expands administrative authority to the municipality.

Relics or not, Councilmember McGehee suggested that the City's fee schedule be cleaned up in accordance with state statute; and provide specificity to discourage staff from charging residents.

Mayor Roe clarified that this was a policy discussion for the City Council. Mayor Roe asked if the appeal of residential variance fee was the same cost for anyone who appealed, whether a resident or business.

Community Development Director Bilotta responded affirmatively; noting that the fees are part of the overall appeal process. Mr. Bilotta noted that there are multiple opportunities for citizens to address the City Council with or without staff or City Attorney involvement. Mr. Bilotta noted that appeals are at the discretion of the City Council and before something reached the court system if they feel staff is in error. Mr. Bilotta advised that the fee under discussion would only be applicable for those contentious issues that were time consuming and required long-time deliberation for resolution.

Councilmember Willmus stated that, during his tenure on the City Council, he was only aware of two appeals; and therefore, didn't see an overwhelming need to

have this fee in place, and expressed his willingness to strike it from the proposed fee schedule.

Mayor Roe clarified that the fee was for the appeal of a planning decision, not the fee for the appeal of the variance itself.

Councilmember Laliberte expressed her agreement with Councilmember Willmus in the lack of activity for this fee. With current efforts to engage the community more, Councilmember Laliberte suggested removal of this punitive fee to initiate a process to talk to city government, and spoke in support of striking the fee as well.

In general, Councilmember Etten agreed to striking the planning appeal fee.

McGehee moved, Willmus seconded, enactment of Ordinance No. 1474 (Attachment A) entitled, "An Ordinance Amending Chapter 314.05, Fee Schedule, Adopting the 2015 Fee Schedule;" *amended to exclude the Administrative Fines: Parking section in its entirety, with the exception of the Parking: Snowbird fine of \$25.00 (page 6) and deleting the Community Development Department Permit and Miscellaneous Fee for "Appeal of Planning Division Decisions (page 15).*

Police Chief Mathwig clarified that, under Ramsey County traffic court citation requirements, as recognized by all cities in Ramsey County, including Roseville, the fee of \$41 for removal of vehicles during snow emergencies was the fee used; and opined that this was the default fee versus that of the City's fee schedule. However, Chief Mathwig expressed his caution in striking the fee now unless it was referenced back to page 6 of the fee schedule under "snowbird."

Regarding parking violations, Chief Mathwig clarified that those are also identified by Ramsey Court fees, and that fee schedule is distributed with every ticket issued by the City's traffic officers, under the express charge by Ramsey County to "Do Not Divert," and therefore he hesitated to remove that from the Roseville fee schedule at this time as well.

Councilmember Willmus questioned the master sign plan fee increase proposed (page 15), with Community Development Director Bilotta advising that it was based on the amount of staff work for those permits, whether residential or commercial with similar costs. Mr. Bilotta clarified that this did not relate to single-family residential properties, but was applicable to residential multi-family buildings or complexes or hotels with a massive sign plan, and if varying from typical signage.

City Planner Paschke noted that this is the first time the fee had been increased for seven years; and summarized some of the staff time expended in managing applicants and/or property owners through the process and consultation with sign com-

panies, reviewing plans to ensure compliance and holding public hearings, with the process continuing to be more complicated as time goes on.

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

McGehee moved, Etten seconded, enactment of Ordinance Summary (Attachment B) entitled, "Amending Chapter 314.05, Fee Schedule, Adopting the 2015 Fee Schedule."

Roll Call (Super Majority)

Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.

10. Presentations

Recess

Mayor Roe recessed the meeting at approximately 8:02 p.m., and reconvened at approximately 8:09 p.m.

11. Public Hearings

a. Conduct a Final Hearing on the 2015 Tax Levy, Budget & Utility Rates

Finance Director Chris Miller provided a presentation of the City's proposed 2015 budget, tax levy and utility rates, as detailed in the RCA and Attachment A dated December 1, 2014.

Following Finance Director Miller's presentation, Mayor Roe attempted to put things in context and reviewed how property taxes were determined and how they related to the City's budget and levy for most residential city property tax rates divided among all properties in Roseville. Mayor Roe noted that, on average, single-family residential properties had seen an 11% increase in their property taxes from 2014 to 2015. Mayor Roe noted that this also affected how the overall amount the City collected was distributed between residential and/or commercial properties. Mayor Roe clarified that the City could control the levy as it related to spending, but not the overall property value except through its code enforcement and redevelopment efforts to keep its tax base up.

Councilmember Willmus requested additional information from staff before next week's meeting, for more detailed and up-to-date information on any carryover from the 2014 budget.

At the request of Councilmember McGehee, Finance Director Miller reported that the City had not seen a decline in recycling tonnage in the community after switching from dual to single-sort recycling. However, in his consultation with

Public Works Director Schwartz, Mr. Miller advised that Roseville tonnages remained higher than many other metropolitan communities, but the resale market for materials collected continued to decline and evolve.

Councilmember Willmus reported, from his recent tour of the Eureka Recycling facility, that paper products (cardboard and paper) were weighing in less than before, which was attributed to them being in closed bins versus coming in wet when stored and collected in open bins.

Mayor Roe called to order the public hearing at approximately 8:46 p.m.

Public Comment

Wayne Groff, Marion Road, Chair of the Roseville Human Rights Commission (HRC) and Lisa Carey, Member of the HRC

Ms. Carey provided a program synopsis of her research on a previous presentation given on proposed civility training for 2015, through the Institute for Civility in Government” and the core efforts available that the HRC proposed would be of great benefit to the community. Ms. Carey advised that the Institute was excited about the possibility of partnering with the City for preventative efforts. Ms. Carey provided an overview of the Institute, and history of their efforts; and provided several bench handouts from the Institute, *attached hereto and made a part hereof*.

Ms. Carey advised that the HRC was partnering with the Ramsey County Library – Roseville Branch to bring the Institute in, at a total cost of \$3,000, to which the library had agreed to contribute \$1,000 and provide space for the training meetings, on average of four hours each, and interactive in nature for 40-60 participants. Ms. Carey requested that the HRC was requesting an additional \$2,000 be added to the HRC 2015 budget to address the remaining amount needed for these training sessions.

Gary Grefenberg, 91 Mid Oaks Lane

Mr. Grefenberg addressed the property tax situation, and asked Finance Director Miller to display his overview of property taxes from 2006 to 2015. As a counterpoint to Mr. Miller’s data and comparison, Mr. Grefenberg displayed his own city tax rate comparisons from 1995 – 2014, opining that Roseville’s taxes increased 73.4% during that time from 2006 – 2015 compared to the City of St. Paul at 57.4%. Mr. Grefenberg noted that his comparison of peer cities included Ramsey County Cities of Roseville, all subject to the same mandates as Roseville, and including St. Paul, Maplewood, Shoreview, Vadnais Heights, Arden Hills, Little Canada, Falcon Heights, Mounds View, New Brighton, and White Bear Lake. As a public information request, Mr. Grefenberg asked Mr. Miller to provide the amount being paid annually for bond payments as part of budget impact levy items and by what amount taxes were affected. When the median family in-

come decreased from 2000 - 2010, Mr. Grefenberg opined that many were having trouble understanding continued to increase significantly.

Mr. Grefenberg complimented the City Council and Finance Director Miller on his presentation this year, opining that it was much better than those of the past and expressed his appreciation to the City Council for their efforts to reduce the proposed 2015 tax levy.

Steve Vitalli, Aladdin Street

As a resident since 1972, Mr. Vitalli noted the significant increase on his property taxes (11%); and specific to Roseville's portion of the tax bill, asked that they hold the city levy to the lowest possible minimum amount, opining that the City would still get more money based on increased market values. Mr. Vitalli noted that while income has gone down, cities still had a hard time keeping spending in check; and while loving life in Roseville, as a retiree, he did not get a raise. Mr. Vitalli noted the impact of losing the utility discount, opining that the discount was being taken from residents who'd lived in Roseville for 40 plus years, having paid taxes and bills all that time; and now giving it to those recently coming into the community, which didn't seem fair or right to him. Mr. Vitalli opined that he'd rather see the money go to a young family struggling to make ends meet, further opining that priorities seem to be wrong and he was finding it frustrating. Mr. Vitalli asked that someone listen; and opined that the property tax situation was ridiculous, as well as the utility bill frustrating. Mr. Vitalli opined that the City should get at least 10% more money with the increased property values and without raising the levy at all.

Dan Bergman, West County Road B (by Fairview Community Center)

Mr. Bergman opined that property tax statements continued to go up, and he continued to hear lies, more lies, and statistics. From 2010 – 2014, Mr. Bergman stated that he'd seen his property tax bill increase by 80%, or \$600, while the CPI only went up 10% during that same period. As a retiree on a fixed income, Mr. Bergman asked for reinstatement of his senior utility discount. Focusing on the tax base, Mr. Bergman recognized the proposed levy increase going from 3.6% to 2.5%, but noted that the CPI only increased 1.7% annually; and asked how the City could justify that amount of an increase. While recognizing that the City's infrastructure needed to be addressed, Mr. Bergman expressed his frustration in seeing continual double-digit increases.

Bonnie Beck, 842 Lovell Avenue

As a forty-one year resident of Roseville, and having worked for the School District for 18 years, Ms. Beck stated that she never voted for a school levy due to the waste she observed in the school system. Ms. Beck stated that she was appearing as her taxes went up 16.7%, and living on a fixed income of only a pension and social security, she didn't understand the increase and could not afford it in addition to losing the utility discount. Ms. Beck noted that she got help in the past

with heating bills, and if she could still qualify, would seek that assistance again. Ms. Beck opined that she was being taxed out of her home, and at age 72 would need to go back to work to pay her property taxes, even though she had a special needs son at home to take care of, and preferred to spend her time with him. Ms. Beck noted that her home was not even 1,500 square feet, and she refinanced it about four months ago through U. S. Bank, who valued the home at \$165,000, and now her property taxes are based on a value of \$211,000. Ms. Beck opined that it was all too much, plus insurance and a house payment. Ms. Beck noted that she had attended one of the other tax hearings and obtained information on possibly qualifying for another tax reimbursement that she was going to pursue. However, without the utility discount and no raises in Social Security, Ms. Beck stated that it was making it difficult; and asked that Roseville not put in any more parks, as they weren't needed.

Lisa McCormack

Sitting in the audience, Ms. McCormack expressed her interest in hearing the touching and moving stories tonight; opining that the Council Chambers were the fullest she'd seen them for a long time, and was glad to see residents talking to their City Council. Ms. McCormack also expressed her favorable impressions with the City Council, and with Finance Director Miller's presentation. While not having paid much attention to the budget this year, Ms. McCormack suggested that some of the intelligence, creativity and talent in the community be tapped to bring people together and bridge some of the gaps to alleviate some of the issues brought forward tonight. Ms. McCormack expressed interest in fostering more involvement in her immediate neighborhood and garnishing energy toward problem-solving; and suggested creative ideas in how to reduce the property tax levy was a worthy goal for next year, and expressed her excitement about that future.

Lois Cunningham, 2062 Dale Street

Ms. Cunningham asked how the Housing and Redevelopment Authority (HRA) monies and levy played into this picture, with Mayor Roe offering to speak to that following public comment.

Ernie Willenbring, 822 Lovell Avenue

Mr. Willenbring advised that his taxes increased by 64% from 2014 to 2015; and suggested that the City Council analyze everything and find out if all taxes have to be applied, and what they were doing when increasing taxes.

At the request of Councilmember Willmus, Mr. Willenbring advised that his market value was increased by Ramsey County by \$70,000.

Councilmember Willmus opined that such an increase from one year the next was significant without any improvements to the home; and strongly suggested that Mr. Willenbring talk to Ramsey County.

Councilmember Willmus also suggested that Ms. Beck also speak to Ramsey County about the significant difference in the recent home appraisal and market value; noting that appraisals were generally good for six months.

Mayor Roe closed the public hearing at approximately 9:15 p.m.

Mayor Roe asked Finance Director Miller to come forward to assist in responding to questioned raised during public comment.

Amount spent annually on park renewal and fire station bonds

Finance Director Miller advised that the additional debt for the City for the bonds was \$2.2 million annually; with other proposed levy increases basically inflationary. Mr. Miller advised that the bonds increased the City's levy by approximately 2% annually, including other capital funding.

HRA Levy and how it relates

Mayor Roe clarified that the HRA was a separate tax levy collected specifically for HRA purposes. Mayor Roe advised that the HRA developed an annual budget and levy for approval by the City Council. Unfortunately, Mayor Roe noted that, on property tax statements, the HRA appeared combined with other taxing districts, so HRA specifics were not seen.

Finance Director Miller advised that the 2014 HRA budget was at \$703,000, and they were proposing to keep it flat for 2015; with residents typically paying approximately \$35.00 annually, or \$3.00 per month for an average property value.

Councilmember Willmus noted that the HRA had initially proposed to increase their annual levy from 2014, but had reduced it to keep it flat for 2015.

Councilmember and HRA Member Etten concurred that a zero percent increase was recommended at the most recent HRA meeting.

Mayor Roe advised that the HRA levy was calculated differently and much easier than property taxes, and based on a different market value calculation: market value versus tax capacity.

Councilmember McGehee referenced comparisons made by Finance Director Miller at a previous meeting on what would happen if utility rates were added to the tax levy, and where any savings may occur within three income brackets and property values.

Mayor Roe clarified that the three property values used were: \$194,000, \$251,000 and \$275,000; and reviewed both sides of that equation and related increases and decreases.

Councilmember McGehee opined that such a method seemed to her more fair and meaningful to assist a broader range of people in need; and would save approximately \$50 annually.

Mayor Roe noted the challenges faced in making such a policy decision, since there was no link in income and home value; and suggested further discussion based on facts as part of the broader December 8, 2014 budget discussion.

12. Budget Items

13. Business Items (Action Items)

a. Consider the 2015 Utility Rate Adjustments

At the request of Mayor Roe, Finance Director Miller advised that staff was prepared to provide any additional information requested, but the RCA dated December 1, 2013 provided information to-date and recognized previous discussions; with the draft resolution included in the packet ready for Council action at their discretion.

In light of tonight's earlier presentation, Councilmember Willmus suggested that the public be given the opportunity to digest the information; and asked that the City Council not take action on this tonight.

Councilmember Laliberte concurred with the comments of Councilmember Willmus; adding that she'd like the opportunity to hear privately from homeowners if they so desired before taking action on December 8, 2014.

b. Consider an Appeal for an Exemption from Roseville's Rental License Program from the Roseville Senior Apartment Building Located at 1045 Larpenteur

Deferred to December 8, 2014 meeting.

c. Discuss City Tagline Project and Request to Contract for Tagline Development

Deferred to December 8, 2014 meeting.

14. Business Items – Presentations/Discussions

15. City Manager Future Agenda Review

City Manager Trudgeon briefly reviewed upcoming preliminary meeting agendas.

Councilmember Laliberte asked that a representative of the Public Works, Environment, and Transportation Commission (PWETC) be present at the January 26, 2015 meeting for those items within their domain and areas of interest.

Mayor Roe concurred, noting that their attendance and comments provided a more three-dimensional picture than could be found from meeting minutes alone.

16. Councilmember-Initiated Items for Future Meetings

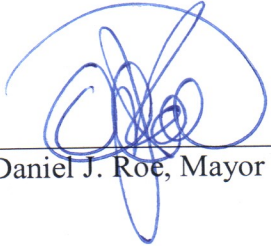
17. Adjourn

Etten moved, Willmus seconded adjournment of the meeting at approximately 9:28 p.m.

Roll Call

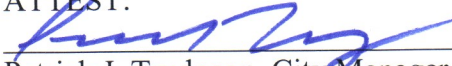
Ayes: Willmus, Laliberte, Etten, McGehee, and Roe.

Nays: None.



Daniel J. Roe, Mayor

ATTEST:



Patrick J. Trudgeon, City Manager