



**Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, October 26, 2015**

1. Roll Call

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

Councilmember Laliberte had advised she was not feeling well and would not be attending tonight's meeting.

2. Pledge of Allegiance

3. Approve Agenda

Mayor Roe requested removal of Consent Item 8.c for separate vote based on his vote at the last meeting.

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

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

4. Public Comment

Mayor Roe called for public comment by members of the audience on any non-agenda items. No one appeared to speak.

5. Council Communications, Reports, and Announcements

Mayor Roe announced upcoming events and activities, including the upcoming free "Fix It" Workshop; last two 2015 sessions of Roseville University in November and featuring the Community Development Department; and OVALumination opening night hosted by the Roseville Visitor's Center on November 6 at 6:30 p.m. at the Roseville Skating Center, including a unique public art display by Knitteapolis with a yarn bomb of the Skating Center, with open skate afterward.

Mayor Roe also announced Monday evenings at the White Bear Lake V. F. W. from 5:00 to 8:00 p.m. to buy a burger for \$5 with proceeds going to veterans and their families, with an upcoming event on November 9, 2015 at 6:00 p.m. during which time there will be a presentation from the Beyond the Yellow Ribbon organization highlighting their services for veterans.

Councilmember McGehee displayed a sample "Deterra" medication disposal bag available for residents to dispose of small quantities of medication with activated carbon neutralizing the drugs and preventing groundwater contamination. Councilmember McGe-

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hee noted the bags were available at the Roseville Police and/or Fire Departments; with larger quantities of medications for disposal available at the Ramsey County Law Enforcement Center in downtown St. Paul and Sheriff's Patrol Station in Arden Hills.

6. Recognitions, Donations and Communications

a. Accept Donation from Victor H. Pung Trust

Police Chief Rick Mathwig introduced Ken & Mary Pung, brother and sister-in-law of Victor Pung who left part of his estate to help defray costs of purchasing a new K-9 dog when needed.

At the invitation of Mayor Roe, Mr. Pung this bequest was a combination of the wishes of his brother Victor and his predeceased wife Janet recognizing her long-time involvement with the Humane Society.

On behalf of the community, the Police Department and the City Council, Mayor Roe thanked the Pung Family for this generous donation.

Etten moved, McGehee seconded, acceptance of the donation of \$10,000 from the family of Victor H. Pung Trust for the purchase by the Roseville Police Department's K-9 Fund to help defray the costs of purchase a new K-9 unit in the memory of Victor Pung.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

b. Proclaim National Native American Heritage Month

Mayor Roe read a proclamation declaring November 2015 as National Native American Heritage Month in the City of Roseville, urging all citizens to join in appreciation of our rich and diverse community.

Etten moved, McGehee seconded, declared November 2015 as National Native American Heritage Month in Roseville.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

7. 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 September 28, 2015 Council Meeting Minutes

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Willmus moved, Etten seconded, approval of the September 28, 2015 Meeting Minutes as presented.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

b. Approve October 5, 2015 Council Meeting Minutes

Willmus moved, Etten seconded, approval of the October 5, 2015 Meeting Minutes as presented.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

9. Approve Consent Agenda

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action (RCA) and related attachments, dated October 26, 2015.

a. Approve Payments

McGehee moved, Etten seconded, approval of the following claims and payments as presented and detailed.

ACH Payments	\$1,527,600.73
79123-79358	1,887,625.10
TOTAL	\$3,415,225.83

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

b. Approve General Purchases in Excess of \$5,000

McGehee moved, Etten seconded, approval of general purchases and contracts for services as noted in the RCA and Attachment A entitled, "2015 Capital Improvement Plan Summary," updated September 30, 2015.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

d. Resolution Authorizing City Manager to Apply for SCORE Funding Grant

McGehee moved, Etten seconded, adoption of Resolution No. 11262 (Attachment A) entitled, "Resolution Requesting 2016 Score Funding Grant for use in Roseville's Residential Recycling Program."

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

e. Authorize Joint Fuel Purchase for City Fleet

McGehee moved, Etten seconded,, approval of participation in joint purchase of fleet fuel for 2016 as part of the State of Minnesota contract.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

f. Receive 2015 Third Quarter Financial Report

McGehee moved, Etten seconded, receipt of the third quarter 2015 financial report as presented by staff.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

g. Receive Grant Application Report

McGehee moved, Etten seconded, receipt of the city grant application update.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

h. Receive Shared Services Report

McGehee moved, Etten seconded, receipt of the shared services report update.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

i. Capitol Region Watershed District Special Grant Agreement for the Purchase of 1975 Victoria Street

McGehee moved, Etten seconded, approval of a Grant Agreement (Attachment A) between the City of Roseville and Capitol Region Watershed District for wetland property acquisition, known as 1975 Victoria Street, and authorizing the Mayor and City Manager to execute the agreement.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

9. Consider Items Removed from Consent

c. Adopt a resolution DENYING a Preliminary Plat of the Residential property at 2201 Acorn Road into Four Lots

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed this item as detailed in the RCA and related attachments dated October 26, 2015.

City Attorney Mark Gaughan clarified that action to deny this preliminary plat had actually occurred at their September 28, 2015 meeting with the City Council subsequently obligated to provide the basis for denial in writing to the applicant. Mr. Gaughan advised that the purpose of this resolution is to memorialize that record of denial for the record; and offered three corrections to the draft resolution (RCA Exhibit A) as noted in the following motion.

Mayor Roe noted a typographical error on page 2, line 38.

Willmus moved, McGehee seconded, adoption of Resolution No. 11264 (Attachment A) entitled, "A Resolution DENYING the Proposed Preliminary Plat of Oak Acres (PF15-010);" *amended as follows:*

- *Resolution Title (page 1, lines 8-9, correct to read: "A Resolution [Denying] [Memorializing the Denial of] the Proposed Preliminary Plat of Oak Acres (PF15-010)"*
- *Second Whereas (Page 1, line 29), correct to read: "...made the following findings of fact as grounds for disapproving the project[-] [, and denying the application by motion."]*
- *NOW THEREFORE CLAUSE, Page 2, line 46, correct to read: "... Minnesota, that the project [is hereby] [has been] denied [as of September 28, 2015.]"*
- *Typographical Correction, page 2, line 38, correct to read: "impact and therefore are more vulnerable to negative impact by this [propose] [proposed] project than if..."*

Since he did not support the denial, Mayor Roe advised he would not be voting in support of the findings.

Councilmember McGehee commended staff on addressing the findings as stated in resolution language.

Roll Call

Ayes: McGehee, Willmus and Etten.

Nays: Roe.

Motion carried.

10. General Ordinances for Adoption

11. Presentations

a. Receive Update from Sheriff Bostrom

Mayor Roe welcomed Ramsey County Sheriff Matt Bostrom for an annual update and report on law enforcement issues around the County and of interest to the Roseville community.

Sheriff Bostrom highlighted some of the “good things” happening in Ramsey County, and how the Sheriff’s Department with cooperation and partnership with local municipalities and other police departments were addressing ongoing concerns.

Sheriff Bostrom noted the ongoing worry by parents and community members in the uptick in drug use, and community discussions sought by parents. Unfortunately, Sheriff Bostrom noted that law enforcement was only one aspect – enforcement – and felt uncomfortable talking about only that dimension. Therefore, Sheriff Bostrom advised that in consulting with educators and other service providers, the department realized it didn’t need to take the lead in that discussion, but could help facilitate it, with the first session held in April and another scheduled the end of October. Sheriff Bostrom noted that it was a tightly crafted presentation with the voices of students and parents heard; and providing community resources on site that are available to assist. Sheriff Bostrom noted his encouragement in noting a clustering of families after the presentation seeking support from each other.

As a community, Sheriff Bostrom emphasized the “Drug Take Back Program” and asked that the City of Roseville continue to make the community aware of that program to dispose of prescription drugs, especially pain killers. Sheriff Bostrom advised that as of July 2015, over 6,000 pounds had been turned in. Sheriff Bostrom noted the importance of this program seen having some success since most overdose issues, typically from Heroin use, initiated with dabbling in prescription drugs found in the medicine cabinets of friends or family.

From a community outreach aspect, Sheriff Bostrom commended Roseville Police Chief Mathwig and his department on their intent in connecting with the community informally; and advised that the Ramsey County Sheriff’s Department had also instituted “Coffee with a Cop” and intentionally scheduled time for deputies actually working the streets and neighborhoods to be available at various locations for those opportunities. Sheriff Bostrom announced the next scheduled Coffee was December 1, 2015 at the Starbuck’s Coffee on Lexington at I-694 from 3:30 to 4:30 p.m. Sheriff Bostrom advised that this opportunity would continue to occur as long as the community found it of value; and allowed kids and residents to share areas of concern, ask questions, or otherwise interact with officers.

Sheriff Bostrom highlighted recent communication improvements at the Detention Center for pre-sentence residents at the facility and their families to communicate at the Center as well as remotely by phone, email or Skype through a secure remote portal now available. While he had originally been skeptical of this suggestion from his staff, Sheriff Bostrom reported that he had been pleasantly surprised to see the behavioral benefits of that communication within the Detention Center itself among residents in custody, creating a safer environment for residents and staff, as well as reducing incoming phone calls by allowing family members to seek information on an incarcerated resident through an electronic menu of choices to gather generic information (e.g. custody confirmation, court and hearing schedules, etc.) and allowing residents in the Center to not feel forgotten.

Sheriff Bostrom promoted the Sheriff's Foundation, an independent 501C.3. corporation associated with the work of the Sheriff's office but an independent board raising money for various youth programs and equipment not statutorily required in the Department's annual budget (e.g. School Safety Patrol, Explorers, K-9, team equipment, etc.) for forty-four schools outside the St. Paul proper School District.

In conclusion, Sheriff Bostrom announced the annual Freight Farm throughout the month of October, concluding Halloween night, located at the Ramsey County Fairgrounds, with 100% of the proceeds going to build the site or used for kids and other programs supporting youth and safety. Sheriff Bostrom recognized and thanked the 70-80 volunteers giving their time and effort each night for this activity.

Sheriff Bostrom expressed his appreciation to the Roseville City Council, staff and community for their continued support and interest in the Ramsey County Sheriff's Department and their work.

Mayor Roe thanked Sheriff Bostrom for the update, noting he always found it informative and interesting, and expressed appreciation for the innovative ideas being sought and implemented by the Sheriff's Department.

Councilmember McGehee referenced the 9-1-1 dispatch service, and asked how and if citizens could access the Police Department in another way for non-emergency contacts.

Sheriff Bostrom reported that given the current and independent Ramsey County Emergency Communication Center technology and personnel shared by other communities including the Roseville Police and Fire Departments, he had been advised by the Director of the Communications Center, "When in doubt, call 9-1-1." Sheriff Bostrom advised that previously concern had been with the old analog phone system and that it may be overwhelmed with call volumes from time to

time. However, Sheriff Bostrom reported that with the computerized and next-generation systems now in place, it was possible for the Emergency Center to quickly offload those calls into an informational number allowing emergency lines to remain free.

Councilmember McGehee asked Sheriff Bostrom to speak to the apparent increased use of Heroin across Ramsey County.

Sheriff Bostrom responded that it had been represented as the number one overdose problem, including emergency room visits. Sheriff Bostrom advised that Hennepin County, followed by Anoka County and then Ramsey County as third had been seen in the past for tracking data on use patterns for Heroin. However, Sheriff Bostrom reported that, unfortunately, Ramsey County had seen a slight rise, while both Hennepin and Anoka Counties had seen a slight decline, making it necessary for Ramsey County to become more assertive in addressing the situation. Sheriff Bostrom advised that the Department would provide up-to-date information and specifics at the upcoming community meeting. Sheriff Bostrom noted that of great concern in addition to the increased use, was the lethal level of the grade of Heroin now available, with purity levels exceeding 90% while also becoming cheaper to obtain than any need to forge prescriptions.

Councilmember Etten thanked Sheriff Bostrom and his staff for reaching out to the community, and noted their extra work at McCarron's Beach and Lake. Councilmember Etten further thanked Sheriff Bostrom and the Department for their proactive work and encouraged more whenever and if possible, in working with the Cities of Roseville, Maplewood and a portion of St. Paul on efforts at the Rice Street/Larpenteur Avenue area and along those corridors. Councilmember Etten thanked them for their involvement to-date and in advance of their future involvement.

Sheriff Bostrom noted the partnership with Roseville Police Chief Mathwig and his considerable investment and intentional concern for the Karen community and outreach to them, opining it certainly had and would continue to make a difference, and committed to continuing to support those efforts going forward as opportunities were identified, and to come along side the Roseville Police Department in those efforts.

12. Public Hearings

a. Public Hearing to Approve/DENY an On-Sale and Sunday Intoxicating Liquor License for Rojo Rosedale, LLC d/b/a Rojo Mexican Grill Located at 502 Rosedale Center #668

Finance Director Chris Miller briefly summarized this request as noted and as detailed in the RCA dated October 26, 2015.

The applicant's representative Jason Merit, CEO for Rojo Mexican Grill, was available for questions and advised they anticipated an opening of November 20, 2015.

At the request of Mayor Roe, Mr. Merit stated they were aware of the mandatory server training requirement, and reported that training had already been scheduled.

Mayor Roe called to order a public hearing at approximately 6:47 p.m. for the purpose of hearing public comment on the above-referenced license application; and closed it with no one appearing for or against.

McGehee moved, Etten seconded, approval of the request of Rojo Rosedale, LLC for an On-Sale and Sunday Intoxicating Liquor License, located at 502 Rosedale Center #668.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

b. Public Hearing to Discuss Dissolution of Housing & Redevelopment Authority

As reported to the City Council at their last meeting as part of their ongoing due diligence and exploration of dissolution of the Roseville Housing and Redevelopment Authority (RHRA), Community Development Director Paul Bilotta reported those further findings to-date as detailed in the RCA dated October 26, 2015. Therefore, Mr. Bilotta recommended that the City Council open the noticed Public Hearing and take any public comment related to the potential dissolution, but not take any formal action to dissolve the RHRA at this point and until additional information was available.

However, as a related formal action, Mr. Bilotta suggested the City Council may wish to direct staff to begin the process for creation of an Economic Development Authority (EDA) to absorb as many RHRA functions, assets and obligations as legally possible.

Mayor Roe called to order a public hearing at approximately 6:49 p.m. for the purpose of hearing public comment and closed it with no one appearing for or against.

13. Budget Items

14. Business Items (Action Items)

a. **Consider Dissolution of the Roseville Housing & Redevelopment Authority (RHRA)**

Councilmember Etten referenced an email communication, *attached hereto and made a part hereof*, from former RHRA Member William Masche, asking that it be made part of the public record.

Without objection, Mayor Roe indicated the above-referenced document would be included as part of these meeting minutes.

Councilmember McGehee spoke in support of the fine work done by the RHRA and the importance of not losing sight of that work moving forward, particularly their work on the multi-family housing inspection program, the Neighborhood and Business Enhancement Programs, and some of their processes for the Dale Street Project. Councilmember McGehee reiterated her respect for their work and recognized RHRA members for their work and recognized their expertise and training in providing the background information needed. Councilmember McGehee opined it was important to not lose sight of that value and their interest in housing, suggesting their future involvement in carrying forward those efforts perhaps as a task force member as appropriate.

Councilmember Willmus echoed Councilmember McGehee's statements, opining that the work of the RHRA to-date was deserving of recognition. Whether done in-house or through outside consultants, Councilmember Willmus reiterated his desire to focus on economic development, thus his push to establish an EDA versus an HRA, based on his understanding of what an HRA could or could not do statutorily in moving those economic development efforts forward for commercial reinvestment and redevelopment in the community.

Mayor Roe agreed with Councilmember McGehee's and Willmus' recognition of the RHRA Members and their work.

For the benefit of the viewing audience, Mayor Roe explained the City Council's pending decisions to change the technical operations of the HRA, no longer having citizen representatives, even though their programs would continue. As stated by Councilmember Willmus, Mayor Roe agreed with supporting creation of an EDA based on the complications seen in having a volunteer citizen HRA and EDA with both having levy authority and how to distribute funds for both. Mayor Roe opined that it had become clear from previous discussions, that the desire was to maintain citizen involvement while at the same time creating an EDA, but it didn't seem feasible to keep both. Based on that determination, Mayor Roe stated that was his rationale in supporting the path undertaken; and even though he was much in agreement in recognizing the superb work of the RHRA, it was time to rethink the current make-up of those efforts.

Councilmember Etten echoed appreciation for the past efforts of the RHRA. Councilmember Etten noted that the RHRA, as recently as this past summer, had spent considerable time prioritizing their anticipated 2016 work plan, and asked that this not be lost. Even though the City Council had already walked away from that work plan, Councilmember Etten noted it had been up-to-date and well thought-out, and asked that the City Council take a step back and take a robust look at that work plan, without simply moving forward with its own direction.

Willmus moved, McGehee seconded, directing staff to begin the process to create an Economic Development Authority (EDA).

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

b. Consider Presumptive Penalty for D'Amico & Sons Alcohol Compliance Failure

Lt. Lorne Rosand briefly summarized the process used and background of this second round of alcohol compliance checks, as detailed in the RCA and attachments dated October 26, 2015. Lt. Rosand then addressed the specifics of this particular compliance check failure at D'Amico & Sons at 1490 County Road B in Roseville. Lt. Rosand noted staff recommendations on this issue and advised that D'Amico has had no violations to-date.

Jeff Farrell, Owner Representative

Mr. Farrell advised that he was new to the Twin Cities area and this was only his fourth week at this facility, but had worked for the D'Amico organization for twenty-one years. Mr. Farrell stated that their company and he personally took service to minors and/or those visibly intoxicated very seriously, and explained their company's process and philosophy through a variety of company forms and policies. Mr. Farrell noted annual alcohol liability education training by D'Amico with a test; and a \$100 check per employee passing a compliance check as a thank you from the company and for positive reinforcement.

Mr. Farrell advised that he had just met the responsible service that night, and had asked her what happened and whether or not she had reviewed the date; with her response being that she looked at the date but had read it wrong, and took ownership of her error. Mr. Farrell further reported that when asked if she felt she had received sufficient training, she admitted she had been well-trained. Mr. Farrell advised that it was his intent to keep this from ever happening again.

While not pleased about these compliance failures coming forward, Councilmember McGehee thanked Mr. Farrell and D'Amico for their proactive training and efforts.

Etten moved, Willmus seconded, authorized the Police Department to issue and administer the presumptive penalty as set forth in City Code, Section 302.15, for on-sale license holders with a first violation within thirty-six (36) months consisting of a minimum penalty of a \$1,000 fine and a one (1) day suspension on a date to be determined at the discretion of the Police Chief.

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

c. Request by City of Roseville for Approval of Amendments to the 2030 Comprehensive Plan and Zoning Code Pertaining to Various Properties with the Twin Lakes Redevelopment Area

As part of the revised RCA, staff provided as a bench handout a highlighted Table 1005-5 showing uses proposed for each Community Mixed Unit (CMU) District as a result of and reflecting them most recent Planning Commission recommendations.

As detailed in the RCA and attachments dated October 26, 2015, Senior Planner Bryan Lloyd clarified that a unanimous vote of the available City Council present tonight was needed for comprehensive plan amendment. Mr. Lloyd reviewed these rezoning and text modifications initially resulting from public feedback in January and February and subsequent City Council discussions through June of 2015, with staff then directed to return to the Planning Commission for their final review and recommendation to the City Council. With few exceptions noted from Planning Commission deliberations, Mr. Lloyd stated the table of uses should look similar to the direction of the City Council and their previous discussions.

Revised Regulating Plan (RCA Exhibit C)

In response to the written comments received from Launch Properties, Mr. Lloyd addressed the potential future roadway location, Herschel Street, with the currently mapped potential cul-de-sac not having sufficient rights-of-way but sketched in for possible future consideration. Mr. Lloyd clarified that if and when a future redevelopment needing traffic relief may need that road, the intent was simply to reserve that potential location. Mr. Lloyd further clarified that at that time, a simple zoning text change to amend the Regulating Plan to remove or redesign the road connection could be undertaken.

At the request of Mayor Roe, Mr. Lloyd discussed the Table of Uses and its evolution reflected from Planning Commission discussions and public testimony at the Public Hearing.

Mr. Lloyd reviewed the highlights, using the bench handout, and referencing Planning Commission meeting minutes. Mr. Lloyd noted that the 24-hour land use became problematic on the Table of Uses, and had been broken out into text

to address business hours in more detail as shown on page 4 of RCA Exhibit C outlining various restrictions in each CMU designated district involved.

Regarding tonight's process and in an effort to keep discussions and subsequent formal actions organized Mayor Roe focused that discussion on specific areas as noted. Mayor Roe respectfully asked that the City Council focus their interest on questions at this point and avoid making personal position statements at this time.

Comprehensive Plan Designation of the Current High Density Residential (HDR) area north of Terrace Drive and corresponding section west of Fairview Avenue to Community Mixed Use-1 (CMU-1)

With no questions of the City Council for staff, Mayor Roe opened up public comment on this specific area.

Public Comment

Lisa McCormick

Ms. McCormick sought clarification if this proposed comprehensive plan amendment needed approval of the Metropolitan Council with Mayor Roe confirming that it did.

At the request of Councilmember McGehee, Mayor Roe advised that if the Metropolitan Council did not support the proposed change, the City Council would need to go back to the drawing board.

McGehee moved, Etten seconded, adoption of Resolution No. 11269 (Exhibit B) entitled, "A Resolution Approving an Amendment to the Comprehensive Land Use Plan Map from High Density Residential (HDR) to Community Mixed Use (CMU) at 2805 – 2837 Fairview Avenue, 2830 Fairview Avenue, and 1633 – 1775 Terrace Drive (PROJ0026)."

Roll Call (Super Majority)

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

Regarding the next step in the process, Mayor Roe advised that staff would formally submit this proposed change to the Metropolitan Council and applicable adjacent municipalities for their review and approval.

Zoning Ordinance Changes

Before taking action to change zoning of other Twin Lakes properties, Mayor Roe suggested having a discussion on the zoning ordinance changes themselves, as he opined that it would not make sense to change zoning until it was determined what the appropriate zoning would be based on the Table of Uses, Regulating Map, etc.

Table of Uses

Councilmember Willmus suggested reviewing those items on the Table of Uses that had changed from previous City Council discussions and subsequent Planning Commission action, specifically related to CMU-1 and have further discussion at this point as related to uses he considered not overly-intensive.

As an example, Councilmember Willmus questioned that Planning Commission's rationale in their change for "office showroom" from permitted (P) to non-permitted (NP).

Mr. Lloyd provided examples typically associated with this type of use (e.g. Renewal by Anderson, the Tile Shop) both having higher amounts of commercial traffic with contractors than a typical office use adjacent to a single-family neighborhood.

Councilmember Willmus also questioned rationale in changing "restaurants, fast food" while recognizing concerns with drive-throughs, when he considered this use category he thought of a Subway or Leeann Chin franchise use, asking staff if that was a fair characterization with Mr. Lloyd responding affirmatively. Councilmember Willmus noted that the City Council had originally considered that type of use as P, with anything including a drive-through as NP, and sought the Planning Commission's rationale in suggesting this change as noted on the Table.

Mr. Lloyd advised that it was mostly related to a more rapid and higher customer turnover concern than a traditional restaurant would have, thereby making it less desirable in a CMU-1 district.

At the request of Councilmember Willmus, Mayor Roe advised that it was NP in Neighborhood Business (NB) designated districts.

In questioning this change, Councilmember Willmus stated as an example the strip mall at Lexington and Larpenteur Avenues backing up directly to single-family residential. Mayor Roe, with concurrence from Mr. Lloyd advised that the area referenced was actually in a Community Business (CB) designated district.

Related to "motor vehicle repair, auto body shop," Councilmember Willmus referenced a current use in this area, Village Transmission, and noted if Planning Commission recommendations were followed it would make this use legal, non-conforming.

Mr. Lloyd responded that was true, as well as another current use in the area for foreign car repair, but clarified that use was not changed from previous City Council discussions.

Councilmember McGehee expressed her agreement with the Planning Commission on the "restaurant, fast food" use, but stated she was not in agreement with

on the “office showroom” use recommended change based on heavy contractor or customer use, she was not in agreement. Based on her personal observation and experience with other communities, Councilmember McGehee cited several examples of typical uses from a tire shop with low volume customers compared to uses that would have that higher customer turnover.

Mayor Roe pointed out that his initial take on this use was to reference the NB designation which was NP; and suggested that may require revisiting depending on the City Council’s determination in the CMU to avoid inconsistencies.

Councilmember McGehee stated that she had not cross-referenced NB designated districts with the proposed CMU designation, and asked what other similarities or comparisons Mayor Roe had found that were currently proposed to be P in CMU-1 that were NP in NB designations.

Actually, Mayor Roe stated that he had only researched those consistencies or inconsistencies as a check if the Planning Commission recommended changes from original City Council discussions and had not done more exhaustive research than that. However, Mayor Roe spoke in support of NP for “office showroom” uses in CMU-1.

Specific to “lodging (hotel)” uses, Councilmember Willmus noted, and Mr. Lloyd confirmed,” that the City Council discussions had only looked at those as permitted uses in CMU-4 districts, while the Planning Commission had amended the Table of Uses to include them as P in CMU-3 designated districts.

Under “Civic and Institutional Uses,” Councilmember Etten referenced “place of assembly” suggested by the Planning Commission to move from P to Conditional (C) and noted staff’s comment of those discussions in how to limit or structure if and when appropriate in CMU-1 districts.

Mr. Lloyd explained that it was important to recognize this use as much broader than a place of worship, and basically hinged on the potential number of people assembling in those facilities, whether for worship or an unrelated purpose (e.g. theater/performing arts) considering if and how higher traffic volumes would be addressed if outside the conventional business hour parameters, thus the rationale to move it to C to provide a contextual review of a given location if and when such a use came forward and on a case-by-case basis.

Under “Accessory Uses, Buildings and Structures” and “drive-through” uses specifically under that category in the Table of Uses, Councilmember Etten referenced the Planning Commission’s discussion in their meeting minutes of September 17, 2015, page 9, lines 430-431 (RCA Exhibit A – page 45 of 60) suggesting it made more sense to have that listed under “restaurant” uses only.

Mr. Lloyd and City Planner Paschke agreed and confirmed it made more sense under restaurants.

Moving back to "place of assembly" uses, Mayor Roe noted if comparing that with NB, that use was P not C, and from his point of view the original City Council intent was to make that use P and therefore was unsure of the rationale in applying conditions.

In general for a discussion of drive-throughs, Councilmember McGehee referenced current language and goals of the comprehensive plan in having this area and CMU be more pedestrian and bicycle friendly to the greatest extent possible. Councilmember McGehee opined that the more encouragement for drive-throughs in this area, the more it discouraged that goal and suggested keeping that goal in mind.

Specific to the "outdoor storage, inoperable vehicles/equipment" use, Councilmember Willmus noted the City Council's original designation as C across all CMU designations, with the Planning Commission amending that to NP, questioning if that would impact "motor vehicle repair" uses accordingly.

Mr. Lloyd advised that it would not affect it any more than the "motor vehicle repair" shop being designated NP with existing repair shops becoming legal, non-conforming uses.

Mayor Roe suggested the need to follow-through on those two uses.

At the request of Councilmember McGehee, Mr. Lloyd provided a definition of stand-alone "parking" as a use on land without an affiliated store or use (e.g. hired parking lot for nearby stores or paid parking lot) resulting in more surface parking in contrast to a structured parking scenario or the shared parking encouraged in the Twin Lakes Redevelopment area.

At the further request of Councilmember McGehee, Mayor Roe clarified that this use did not refer to semi-trailer parking, but various types of vehicles of a more transient type accessing businesses or nearby activities.

Mr. Lloyd concurred that it was transient versus long-term storage, and thus the rationale for designating that use as C across all CMU designations.

In conclusion, Mayor Roe suggested revising "office showroom" from the Planning Commission's recommended designation of NP to P in CMU-1 districts. For consistency with the NB district, Mayor Roe suggested "liquor store" use be designated as P in CMU-1 districts. Mayor Roe noted that "liquor store" uses were C in the NB district at nodes where streets intersect, while recommended as P in CMU-1 districts, stating he could go either way depending on his colleagues.

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Specific to “restaurant, fast food” uses, Mayor Roe suggested moving that use to P in CMU-2 rather than the Commission’s recommendation for C, but was open to either C or P in CMU-1 districts, while recognizing that this use was NP in NB for comparison purposes. Mayor Roe finally stated that he thought “places of assembly” uses should be P in all CMU districts.

Councilmember Etten agreed with Mayor Roe on his suggestions, with the exception of his suggestion to include the “motor vehicle repair” use as P in CMU-3 and CMU-4 districts.

Specific to that and for comparison, Mayor Roe stated that it was a C use in CB districts and P in Regional Business (RB) districts.

Councilmember McGehee stated she’d support “office showroom” as C for CMU-1 rather than P, but was flexible while finding it a big leap for the Planning Commission’s recommendation to move from NP to P in that district.

Councilmember Willmus sought clarification that the intent suggested was to move “motor vehicle repair” to P in CMU-3 and CMU-4 districts; with Councilmember Etten agreeing with that suggestion, with that use being NP in CMU-1 and CMU-2 districts, with Mayor Roe noting that applied to related “outdoor storage” uses as well.

Regarding “motor vehicle repair, auto body shop” uses, specifically for body shops, Councilmember McGehee suggested making a further distinction since there seemed to be more issues related to noise and/or fumes.

Councilmember Etten noted those things happened in a controlled indoor environment to meet regulations for Minnesota Pollution Control Agency (MPCA) conditions and controls.

Specific to Councilmember McGehee’s concerns for “motor vehicle repair” and outdoor storage issues, Community Development Director Paul Bilotta advised that some cities separate out those two uses; and suggested going forward leaving it as NP but directing staff to look at the broader issue in the future (e.g. heavier repair or auto bodies, outdoor storage of inoperable vehicles) or to address repair versus storage that would be a bigger focus discussion. However, Mr. Bilotta noted that now everything would become a legal, nonconforming use anyway.

Councilmember McGehee spoke in support of that further evaluation to provide more background information.

Mayor Roe suggested considering that review more broadly within other districts as well.

To clarify Mr. Bilotta's suggestion, Councilmember McGehee questioned if the intent was to take the "motor vehicle" uses as recommended on the Table of Uses as presented, and when staff returns with additional information, further amendment could be made at that time.

Mayor Roe clarified that would be the case if that further information indicated those uses listed as NP or C now were later decided by the City Council as needing to be less stringent in the future.

Hours of Operation Table of Uses Text (Section F - RCA Exhibit A – page 22 of 60)

Councilmember McGehee questioned why the Planning Commission recommended changing the hours for Item 6 for limited business hours from 12:00 midnight to 2:00 a.m. Councilmember McGehee spoke in support of their rationale in allowing employees to work inside but not serve customers in retail establishments.

Mayor Roe clarified that, as proposed other than in the CMU-1 district, the hours are until 2:00 a.m. anyway.

Councilmember McGehee questioned if that didn't only apply to bars or establishments already permitted to open that late or future uses desiring that permission.

Mr. Lloyd advised it was informed by customer uses that can be open but applied to any customers-generating land use (e.g. eating, shopping) and would fall under that same 2:00 – 6:00 a.m. time limitation.

Councilmember Willmus asked staff what other zoning districts beyond CMU had similar restrictions on hours of operation.

Mr. Lloyd advised that it was not restricted elsewhere, with overnight snow clearing and deliveries addressed specifically for commercial activities in areas near or adjacent to residential neighborhoods, but not specifically addressing their hours of operation. Mr. Lloyd clarified that employees could still be working in those customer-based uses, but there were no restrictions in other districts.

Councilmember Willmus questioned if snow removal wasn't exempt from the city-wide noise ordinance.

Mr. Lloyd stated that it might be, with some restrictions in CB (Har Mar Mall) but would typically be addressed by the city as part of zoning versus noise nuisance regulations.

If this was not regulated in other areas of the city, Councilmember Willmus questioned why it was proposed for regulation in CMU districts.

Mr. Lloyd responded that the idea had resulted from the January/February public input sessions and neighborhood petitions, and subsequently discussed with the City Council and informed the approach to differentiate between 24-hour retail and not 24-hour uses in the land use table. However, as he previously stated, when inserting that into the proposed Table of Uses, Mr. Lloyd noted that it became problematic to explain specific regulations and had prompted it being called out in the text as presented and proposed.

Councilmember Willmus questioned how it was practically enforced.

At present, Mr. Lloyd advised it was and would be challenging since Community Development staff was not available by phone 24/7, with the Police Department therefore serving as the first line of enforcement with subsequent follow-up by Community Development then following-up for compliance issues when returning within normal business hours.

Councilmember McGehee advised that she had brought this up previously not just in this instance, but when brought forward in public discussion over two years ago and again recently, that there was a strong sentiment in the community for a midnight closing time for most businesses, even though it wasn't a big issue right now. As an example, Councilmember McGehee noted that Target and Byerly's were open until midnight, which she thought were the only existing businesses in the community open until then but not longer. Councilmember McGehee opined that it seemed reasonable to her to consider that midnight requirement city-wide to provide some relief to residents living nearby those commercial businesses.

Councilmember Etten stated he was concerned, barring a broader discussion, that this proposed text and hours or operation requirements created a different policy in CMU than across the city, opining that it should be the same throughout the community. Councilmember Etten noted there were standards already addressed in city code for garbage pick-up and deliveries to protect neighborhood time frames that should be continued, and he found to be working for the most part as now handled.

Councilmember McGehee concurred with the comments of Councilmember Etten in that this restriction or hours should not only be in the Twin Lakes area, but needed a broader, citywide discussion. As an example, Councilmember McGehee opined there were other uses besides shopping that could conceivably go beyond 2:00 a.m., and even if not a current use, needed to be considered in that broader discussion for possible future uses.

Public Comment

Lacy Kapaun, 1840 County Road C-2 West

Ms. Kapaun expressed her discouragement in hearing these City Council comments in thinking a commercial use adjacent to a residential use was a good idea. While understanding the desire for a citywide theme, Ms. Kapaun noted the reality of businesses in a residential backyard or adjacent to homes that seemed of no concern to the City Council, opining she could not understand that rationale.

From her personal perspective, Ms. Kapaun noted that her daughter's bedroom is right there, and whether or not vehicles coming in and out of businesses were employees or customers, it didn't matter and she found it frustrating that the City Council was not seeing the residents' perspective or having to deal with it on a daily basis. Ms. Kapaun stated that the residents had put a lot of time and effort in communicating with the City Council what they would and would not like, but felt those concerns were not being addressed when they were considering a 2:00 a.m. closing time for businesses next to a residential neighborhood. Ms. Kapaun stated she was speechless and frustrated and was about to give up on the City Council when those concerns were apparently not coming across at all.

Brooke, Tosi, 1766 Millwood Avenue

From a general perspective, Ms. Tosi opined that the point brought up by Mr. Bilotta was crucial, and if the City Council made the uses P now it would be hard to change and make them NP or C to restrict things more. Ms. Tosi spoke in support of a broader discussion in the future, but for now, asked that the City Council make it C to allow a case-by-case review in each situation to allow the city to look at any uses whether based on dream or nightmare scenarios.

Lisa McCormick, 2850 Wheeler Street

On the Table of Uses itself, Ms. McCormick stated that based on her confusion she had clarified with Mr. Bilotta the distinctions in CMU-2 and CMU-3.

Specific to lodging uses being changed to NP in CMU-2 but P in CMU-3, Ms. McCormick expressed her concern about hotels coming along Fairview Avenue; opining that use would be more appropriate if situated in CMU-4 with CMU-2 serving as a more logical extension of that district and representing a much more developable area. Ms. McCormick opined that such a potential use along Fairview Avenue caused her more concern based on height and other possible ramifications from that type of use.

Regarding mortuary or funeral home uses on the Table for CMU-1, while not opposed to that use, Ms. McCormick expressed concern with future traffic situations and potential further congestion on Terrace Drive (e.g. funeral processions) and with the intersection of Lincoln Drive, expressing her preference for C to evaluate that use if and when it came forward.

Specific to hours of operation, Ms. McCormick expressed appreciation for Councilmember Willmus' question about what was allowed in other areas. Ms.

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McCormick stated that she had performed that search personally, and in RB districts for nighttime activities, rather than the hours stipulated from 12:00 midnight to 6:00 a.m. and limiting activities, she suggested consistency across the City and restricting those hours between 10:00 p.m. and 6:00 a.m. citywide.

Under City Code, Section 1005.07, Item H. (standard for nighttime activities), Ms. McCormick noted there was no provision that it was not included in CMU districts and asked if that could be provisionally added.

Ms. McCormick stated she had also clarified with Mr. Bilotta where the RCA talked about zoning code protections for nuisance noises (Section 1011.11 or 12), it again referenced service hours between 10:00 p.m. and 6:00 a.m.

Ms. McCormick noted that the original "ACT" building now housing "Bridging, Inc." was actually two parcels in the 1990's and now combined as one parcel; and when approved had conditions listed for activities and loading activities, which she recalled to be no later than 8:00 p.m. Therefore, Ms. McCormick asked that the City Council consider moving to the 10:00 p.m. to 6:00 a.m. hours of operation to be consistent with the remainder of city code.

Councilmember McGehee sought clarification for hours of delivery in current city code versus that referenced by Ms. McCormick.

Mayor Roe suggested if that was the standard for hours of delivery it be used in this part of code as well.

Ms. McCormick suggested it include snow removal, deliveries and other activities.

Dan Regan, Principal, Launch Properties, Reco Real Estate, LLC, 1875 Highway 36 W in Roseville, part-owner of a twenty-one acre parcel between Byerly's and Fairview Avenue

Mr. Regan provided written comment in the form of an email to City Manager Trudgeon dated October 23, 2015, attached hereto and made a part hereof, entitled "Proposed Regulation Plan Map Changes;" and specifically addressing a proposed "flexible future road" connection between County Road C and Terrace Drive that bisected their property.

As a developer of properties across the Twin Cities, Mr. Regan opined the suggestion by Mr. Bilotta related to auto repair uses currently NP was good from his perspective, noting that most city codes had distinctions addressing and defining major and minor auto repair uses. Mr. Regan noted that major auto repairs were typically permitted in retail areas, trending by national retailers (e.g. tires changed while waiting or shopping nearby) where clean replacements could be accomplished quickly. At the other end of the spectrum, Mr. Regan noted it would in-

volve a vehicle being dropped off for several days (e.g. Maaco's body shops) and such a use wasn't typically permitted in dense retail commercial trade areas unless grandfathered in for a long time, but were now typically found in light industrial areas. As a developer, Mr. Regan opined that would provide a good distinction, and further noted that such uses were built to a higher standard today than in the past and provided much cleaner operations and should be considered in the Table of Uses. Mr. Regan suggested in CMU-3 and CMU-4 districts, they be kept away from residential areas if traffic is a concern; but from a practical issue, he reported that was where those businesses wanted to be, particularly in the CMU-4 area.

Mr. Regan reported he was seeing a lot of demand from tenants for small coffee shops (e.g. 2,500 square feet) with a drive-through capability for 6-7 cars, usually allowing one minute per car for an order (e.g. Starbuck's, Caribou) without creating much of a problem. Mr. Regan further reported that Dunkin' Donuts was projecting sixty franchises in the near future across the metropolitan area, and he didn't not see such a use being called out specifically, but suggested there be some kind of distinction made between such a coffee shop and a more intense use such as McDonalds.

While recognizing that it made all the sense in the world to respect residential neighbors adjacent to businesses, specific to a clause restricting or minimizing snow removal in those areas, Mr. Regan noted that in reality that wasn't always practical or reasonable. As an example, as the HealthEast preferred developer, Mr. Regan noted that his leases required he meet a certain criteria for snow removal to keep their patients safe, which depending on snowfall amounts or frequency in any given winter, may require constant removal which could realistically be 24-hour operations and asked that that the City Council take that into consideration in deliberating uses and restricting hours or operation.

Councilmember Willmus asked that the City Council take action on the Table of Uses and Hours of Operation before action on the Regulating Map.

Table of Uses (continued)

Referencing the staff notes detailed in the RCA, discussion ensued for those uses under consideration with Mayor Roe leading from previous discussion tonight.

Office Showroom

Mayor Roe noted this was proposed as NP in CMU-1 and P in all other CMU districts based on Planning Commission recommendations, with the City Council discussion tonight indicating they preferred P in all four CMU districts.

Councilmember McGehee stated she was tempted to leave it as recommended for NP based on the comments of Mr. Bilotta and until staff provides additional information.

Councilmember Etten stated he was comfortable with C but could not support NP.

Councilmember Willmus stated he would support that use as C.

Without objection, the Table of Uses was revised to show “office showroom” use in CMU-1 districts as C.

Animal Boarding (exclusively outdoors) – additional category 9RCA, page 2, line 47)

Mayor Roe noted that this was designated C in RB and other parts of city code, but NP in NB districts and sought feedback if there was any interest in changing it from NP across the board.

The consensus was to leave the use as currently proposed exclusively NP in all CMU districts.

Liquor Store

Mayor Roe noted this use was proposed by the Planning Commission as NP in CMU-1, seeking interest in changing it to C to be consistent with NB districts, but offering his personal support as NP as recommended by the Commission.

Councilmember Etten stated he was comfortable with C depending on its size.

Councilmember Willmus stated his support for C.

Without objection, this use was changed to C in CMU-1 districts.

Lodging

Without objection, this use was revised to return to NP in CMU-3 districts.

Motor Fuel Sales (gas station)

Without objection this use was changed from C to NP in the CMU-1 district.

Movie Theater

Without objection this use was changed to in CMU-1 with other CMU districts.

Outdoor Storage, Inoperable Vehicles/Equipment

As previously noted, this discussion will be put off until a broader discussion can be held including motor vehicle repairs, with it left NP across the board as currently proposed.

Restaurants, Fast Food

Having attended the Planning Commission when this was discussed, Councilmember Willmus noted there was a tendency to blend this and “fast food with drive-through” together. Councilmember Willmus stated he was not opposed to

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allowing restaurants in CMU-1, but noted the City Council's original thought was to allow them as P across the board; and while he could support P or C, he would like to retain that option in CMU-1 districts.

As a point of reference, Mayor Roe noted they were shown a C in CMU-2 and would not be inconsistent if shown as C in CMU-1 districts; but he suggested it would be inconsistent to show them as P in CMU-1.

Councilmember McGehee stated she would prefer them as proposed, as NP in CMU-1 and C in CMU-2 districts.

Councilmember Etten stated he was fine with it as C in CMU-1, and would agree with P in CMU-2, but could also agree with C in CMU-2 districts as recommended by the Planning Commission.

For the CMU-2 district, Mayor Roe stated he was more comfortable with C in both CMU-1 and CMU-2 districts.

Without objection, the Table was revised to show C in both CMU-1 and CMU-2 districts.

Vertical Mixed Use

Councilmember Willmus noted that at previous discussions of the City Council, they had proposed NP for CMU-1 based on height concerns; stating therefore he'd want to retain NP in CMU-1 districts.

Councilmember Willmus and Mayor Roe agreed it made sense to revise it to leave it NP in CMU-1.

Without objection, the Table was revised to show C in the CMU-1 district.

Place of Assembly

Mayor Roe stated his comfort with either P or C in CMU-1 depending on what kinds of conditions were applied or based on trips generated.

Councilmember McGehee also noted conditions could apply to size or height issues as well as parking lot traffic depending on the type of assembly.

By consensus, the City Council decided to leave this as C in the CMU-1 district.

Theater/Performing Arts Center, Transit Centers, and Park and Ride Facilities

Without objection, Councilmembers agreed with the recommendation of the Planning Commission as stated.

Hours of Operation

Mayor Roe opined that the philosophical trouble was in attempting to be more restrictive in CMU districts than in other areas of the community. Historically, Mayor Roe recalled that this originally came up as a result of the Har Mar Shopping Center and its proximity to the adjacent residential neighborhood, but recognized it created enforcement issues 24/7. Mayor Roe stated that he'd be comfortable in not putting these restrictions in CMU districts at all and leaving the existing restriction in current city code to apply citywide. Mayor Roe clarified that this was not because the City Council wasn't listening to people, but needed to put things in perspective for the entire city. Mayor Roe opined that since similar restrictions were not provided for residents adjacent to Har Mar Mall as an example and until the City Council addressed that citywide he suggested leaving current restrictions in place for CMU as with the remaining community districts.

Councilmember McGehee stated she saw this CMU-1 district significantly differently based on the roads around it and proximity of commercial to residential compared to the buffer between Har Mar Mall and adjacent residents on the back side. In spite of that buffer, Councilmember McGehee noted that during the winter, a number of complaints were received, as well as at other times of the year as well even with that screening that would not be possible in this area to replicate. Councilmember McGehee opined that it was important to consider the proximity between commercial and residential in CMU-1 on the west side of Fairview Avenue adjacent to the park, where she would not personally like this kind of view. From that standpoint, Councilmember McGehee reiterated that she did not consider CMU-1 comparable to the Har Mar area geographically or physically to provide residents sufficient protection.

As an example, Councilmember Etten used the Larpenteur and Lexington Avenue situation as similar and falling under the same citywide considerations for 10:00 p.m. to 7:00 a.m. regulations, as also with NB and CB.

Mayor Roe noted it applied to all commercial districts adjacent to residential uses.

Councilmember McGehee stated she was happy with that for addressing deliveries, but the City needed to do better with customers that were close to residential areas.

Councilmember Etten provided examples in other areas that were similar to potential uses in CMU-1 districts.

Councilmember Willmus echoed the comments of Mayor Roe and Councilmember Etten, opining if hours of operation were going to be addressed or made more restrictive, it needed to be done citywide and beyond what was already in place. From that perspective, Councilmember Willmus spoke in support of the comments of Mayor Roe.

Without objection, Mayor Roe concluded removing business hour restrictions at this time for CMU districts for future and further consideration.

Ordinance, Section 1010.10 (Definitions), RCA Exhibit C – page 1 of 18)

Mr. Lloyd noted the changes made to the definition of “retail, large format,” reporting they were the same as previously proposed by the City Council and that the Planning Commission had not recommended any further changes.

Regulating Map (West Side – RPCA Attachment A – page 5 of 60))

As detailed in the RCA, lines 16 – 32), Mayor Roe noted the height regulation included in the stormwater pond area, opining his intent had originally been to go further east of the city-owned property for the restriction.

Councilmembers Etten, McGehee and Willmus agreed with the mayor’s recollection.

By consensus, staff was asked to revise the map regulating accordingly and as displayed by Mr. Lloyd during this discussion.

Regulating Map (East side of Fairview)

Proposed Flexible Roadway

Mayor Roe suggested, instead of showing the sketch to include a proposed roadway without regard to significant terrain issues, a representation be made via map showing generic interior roadways for the whole block and frontage managing a flexibility on potential location elsewhere rather than putting the city in a position by showing a road that may not be wanted or needed.

Councilmember Willmus agreed with Mayor Roe, opining that before the city got to the point of showing roadways on maps, it needed considerable more community and City Council discussion. Councilmember Willmus clarified that from his perspective there was no intent by this body or the Planning Commission to look at connecting Herschel from Terrace Drive to County Road C; and would require a lot more discussion before even getting to that point.

In context, Mr. Lloyd advised that the proposed sketch was intended as suggested by Mayor Roe, and simply included to ensure there was awareness for any future developers to be aware of the potential need for a roadway somewhere if found necessary, and the location shown on the sketch indicated the most likely arrangement it might suggest. Mr. Lloyd noted that it was similar to the “wavy lines” shown on the map representing park dedication land the city might be interested in for the future in those areas; and only intended as a general representation but not intended to be a statement for adoption as part of the Twin Lakes development plan.

Councilmember McGehee stated she would prefer it not to be included or represented in any way in an effort to avoid confusion and/or create any rigidity of thinking, as well as those issues brought forward in the written comments from Launch. Councilmember McGehee opined this plan was not formulated enough yet to show any preliminary representations.

By consensus, staff was directed to at a minimum not show any connection, and leave the cul-de-sac as it is now and shown as right-of-way.

Pedestrian Connection(s)

Councilmember McGehee stated her similar preference that such a connection not be shown until planned out in more detail or to possibly change a developer's thought process about what and where to work around.

Councilmember Willmus agreed.

By consensus, staff was directed to remove any pedestrian location at this point.

Mayor Roe noted that this would require additional discussion in the future even with removing those lines sketched on and included in the regulating map to connect pedestrians on Terrace Drive.

Councilmember McGehee asked how much of the regulating map in Exhibit C had or had not been incorporated at this point. Councilmember McGehee stated her impression was then and now that at some point there was no regulating map, only design aspects. Based on that impression, Councilmember McGehee expressed concern that the community may misinterpret what was actually included in the regulating plan and map (e.g. urban design up to the sidewalk).

Mr. Lloyd clarified that there had never been any formal City Council action taken to remove the regulating plan from current code.

In light of this CMU discussion, Councilmember McGehee stated her interest in forwarding that review process versus ending up being hamstrung on other things that may or may not be desired.

Mayor Roe stated that he had been supportive of the regulating plan and continued to be satisfied with the text as currently written.

Councilmembers Willmus and Etten stated they had no problem with it either.

Specific to any misconceptions, Mr. Bilotta reported that when the regulating plan was discussed, it was simply a rezoning issue and any developer coming forward, with or without a Planned Unit Development (PUD) discussion, would create a bridge between the intent of the regulating plan and actual development realities.

As an example, Mr. Bilotta used the Herschel connection, noting a developer could come in with a completely different concept and regulating plan for the City Council to evaluate legislatively for potential rezoning and conditional adoption accordingly.

Councilmember McGehee stated that was the clarification she was seeking, especially with two properties in this area in excess of twenty acres that she didn't want to be impacted in the grid system.

Public Comment (Regulating Map, Text)

Lisa McCormick

Ms. McCormick sought clarification as to whether or not the City Council intended to discuss heights; and also noted they had not addressed her previously concerns related to "mortuaries" as a use in the Table of Uses.

Specific to height, Ms. McCormick asked if there had been any heights requests at 65' driving that increase, expressing her concern with height on the south side of Terrace Drive and consistent with concerns raised in one of the neighborhood petitions requesting a height restriction within 1,000' of a residential area. Ms. McCormick referenced one staff presentation of a map showing a 1,000' buffer around multi-family homes across the city, but specific to her neighborhood, they were looking only at addressing this Twin Lakes CMU district affecting them, and only potentially applying to the area along Fairview Avenue along the south edge of the current Hagen parcel, for 1,000' along that line as she indicated on the displayed map. Ms. McCormick stated that this request was in part because it the proposed height of 65' seemed such a significant jump and would block sunlight as well as having other ramifications, and asked that the City Council give that request due consideration.

For those not living in the area, Ms. McCormick used the EagleCrest facility as an example and the negative impacts for adjacent single-family residents in their previous and now current views. Ms. McCormick used as another example, Councilmember Etten's reference to the Palisades Apartment complex, another multi-family use abutting a single-family area. However, if looking at topography, Ms. McCormick noted there were 200' between those higher buildings and single-family residential as well as it having a lot of tree cover; therefore not comparable to the area north of Terrace Drive and not having the same tree cover, topography or space. If the City Council chose to limit height in CMU-3 or extended it further than the 300' currently in CMU-1, Ms. McCormick opined that didn't even extend through the entire district, and could result in the south side of Terrace Drive having a building of six stories adjacent to single-family residential.

Lacy Kapaun, 1840 County Road C-2 West

Using the previous Sherman development proposal involving a taller development, Ms. Kapaun opined that a big element of development was related to height since there was only so much space available for a building footprint. Ms. Kapaun noted that a large development in the area would also create a bigger demand for resources and noted the large number of residents in this area who had expressed concerns about the height of that former development, which would have fit into this regulating plan at a 65' height. Ms. Kapaun noted that a lot of uses didn't require that kind of height that wasn't generally seen in Roseville; and expressed her personal preference for a height restriction closer to 45' that would still increase beyond the current 35' restriction.

Marie Butner, 1651 Stanbridge

Ms. Butner reported that the back end of Eagle Crest was actually 50', which had been a shock to those adjacent single-family residents when they had been promised it would not exceed 30' which it was in the front but had been storied to 50' in the back due to having been built on a hill. Ms. Butner stated this had really affected those six single-family neighbors on Stanbridge, and hoped something similar didn't occur in the Twin Lakes area.

Mortuary/Funeral Home Use

Councilmember Willmus suggested C for mortuary uses in CMU-1, offering his support rather than as currently recommended as P.

In cross-referencing with NP, Mayor Roe noted it was P, but offered his support for C in CMU-1 districts.

Councilmember McGehee stated that would make it equivalent to the "place of assembly" use designations.

By consensus, the Table of Uses was revised to designate C for mortuary/funeral home uses in CMU-1.

Height

Councilmember Willmus stated he considered sufficient steps had been taken to have controls in place to address height concerns, noting the importance to consider the distance from single-family to CMU-1 in excess of 300'; with staff verifying the accuracy of that range between 300' to 400'. At the northern boundary of CMU parcels, Councilmember Willmus stated he had no concern for solar access with a building of greater height based on the distance being significant enough to provide those protections and therefore not sharing in the concerns expressed during public comment and in past citizen petitions related to this concern.

Councilmember McGehee stated her preference to support 800' or 1000' for CMU-1 on the other side but not across the entire CMU district, allowing the op-

portunity for a stepped building in that location on the side closest to CMU-1 at a lower height and recognizing the residents' desire to keep that height lower and further back from CMU-1.

Councilmember Etten stated that with the scale just shown being 400' from the neighborhood including the street, and therefore expressed his comfort with the heights as proposed, and essentially providing more coverage and protection than found in other spots.

Mayor Roe reiterated the previous City Council discussion allowing a 100' buffer around Langton Lake and then stepping that height restriction back. While originally looking at a broader adjacency for CMU-1 north, Mayor Roe noted that in reality you couldn't divide one part of a parcel from another, and therefore supported the 35' height restriction in that buffer area, but remained comfortable with the 65' height restriction elsewhere as proposed.

By consensus, the height restriction of 65' was retained.

Etten moved, Willmus seconded, enactment of Ordinance No. 1483 (Exhibit C) entitled "An Ordinance Amending Roseville City Code, Title 10, Amending Certain Zoning Text, Eliminating the Existing CMU District, and Creating CMU-1, UMU-2, CMU-3 and CMU-4 District;" *as amended based on the above-referenced discussions.*

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

McGehee moved, Etten seconded, enactment of Ordinance Summary No. 1483 (Exhibit E) entitled, "An Ordinance Amending City Code, Title 10, Amending Certain Zoning Text, Eliminating the Existing CMU District, and Creating CMU-1, CMU-2, CMU-3 and CMU-4 Districts."

Roll Call (Super Majority)

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

Etten moved, McGehee seconded, enactment of Ordinance No. 1482 (Exhibit D) entitled, "An Ordinance Amending Roseville City Code, Title 10, Changing Zoning Designations of Certain Real Property Currently Comprising the Community Mixed-Use District;" *involving only the area displayed in orange on the map for CMU-1, CMU-2 and CMU-4, excluding CMU-1 until approved by the Metropolitan Council.*

Roll Call

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

Specific to the next step in the process, Mr. Lloyd reported that once the comprehensive plan change was approved by the Metropolitan Council, a proposed zoning amendment would be brought forward to rezone the proposed CMU-1 district to be consistent with zoning.

Recess

Mayor Roe recessed the meeting at approximately 9:03 p.m., and reconvened at approximately 9:10 p.m.

- d. Request by the City of Roseville for Approval of an Amendment to the 2030 Comprehensive Plan Pertaining to Property at 3253 and 3261 Old Highway 8** City Planner Thomas Paschke briefly reviewed this request as detailed in the RCA dated October 26, 2015, including public comment (Attachment C) received to-date included as attachments to the staff report. Planning Commission minutes of their October 7, 2015 meeting were provided as a bench handout and attached to the staff report with Mr. Paschke noting the Planning Commission's recommendation of the comprehensive plan change from HDR to MDR on a vote of 6 to 1.

Mr. Paschke further noted that neither property owner of parcels 3253 (John p. Henz Trust) and 3261 (Thomas Ranello) Old Highway 8 were supportive of changing from HDR to MDR.

Public Comment

One additional public comment was received in writing from Rita Moe, 3077 Lydia Court, dated October 26, 2015 in support of the change to MDR, attached hereto and made a part hereof.

John Runquist, Trustee of the John P. Henz Trust, 3253 Parcel

Mr. Runquist opened his remarks by expressing his wonderment as to how this issue had gotten to this point again after past Planning Commissions had recommended and a past City Council had voted to change this zoning and comprehensive plan guidance to its current status, which had subsequently been ratified by the Metropolitan Council.

As Trustee of the John Henz estate since Mr. Henz' death in 2005, Mr. Runquist had provided his written comments originally presented to the Planning Commission, and now included in the public comment attachments (Attachment C) as part of the record. Mr. Runquist referenced those written comments and history of the parcels, development processes, adjacent townhome development, and approval of the Roseville Planning Department staff at the time a previous development plan had been submitted, but unfortunately had not come to fruition.

As part of adjacent Woods Edge Townhome development, Mr. Runquist noted encroachment into the Henz property, causing serious damage to the property without any compensation of that error, with the need to address those encroachment and drainage issues due to that error.

Mr. Runquist referenced a letter from Mr. Steve Pletcher of Pletcher Greenhouse that Mayor Roe confirmed to Mr. Runquist would also be included as part of the record.

Mr. Runquist questioned how and why this had come up again, since neither property owner had requested a change, nor had they received any notice of the potential change until late in the process. Mr. Runquist opined that the change from HDR to MDR seemed to be the result of Councilmember Willmus' and Ms. Rita Mix's wishes. Due to the pending action, Mr. Runquist advised that he had been forced to remove the Henz property from the market in June of this year as he couldn't sufficiently represent or market the parcel for the Henz family heirs to potential developers without a clear zoning and comprehensive plan designation for their planning and development.

Mr. Runquist alluded to comments made at past Planning Commission, Housing & Redevelopment Authority and City Council meetings by Ms. Mix and reflected in public comment in the respective meeting minute; and provided his own perspective of the background and history of the situation. Regarding her comments specific to drainage issues being folded into a Planned Unit Development (PUD) for development of the area, Mr. Runquist opined it was a ludicrous idea, and requested formal action being taken as a result of hearing only from one person and her perspective.

Mr. Runquist further questioned the validity of the official meeting minutes compared to his view from attending the meeting and his recollection of the discussion. Mr. Runquist further opined that comments made by the Planning Commission Chair were prejudicial, stated that property valuation and changes were very important to heirs of the Henz Trust if comprehensive plan designation is changed from HDR to MDR.

Thomas Ranello, Property Owner of the 3261 Parcel

Mr. Ranello stated that he did not ask for this change, and seconded the comments made by Mr. Runquist, reiterating that he did not want the comprehensive plan designation changed from HDR to MDR.

David Tidball, 2496 County Road C-2 W, Roseville Commons #210 and President of the Roseville Commons Homeowners Association Board of Directors

Mr. Tidball noted that Mr. Runquist's comments regarding drainage were also of interest to other property owners, thus supporting the rationale in changing from HDR to MDR based on the potential for up to 75% impervious surface that could be covered with an HDR development project from buildings, parking lots or other coverage.

Mr. Tidball noted that the Roseville Commons property was directly east of the subject parcels, and most important, the land drained in that direction and to the wetlands on the eastern boundary. Mr. Tidball opined that Mr. Runquist's complaint was actually what he was advocating happening to the Roseville Commons' property if HDR was allowed as water currently percolating needed to go somewhere and would most likely gravitate toward the Roseville Commons property.

In his personal review of planning documents received for building the Roseville Commons project in the late 1990's and early 2000's, Mr. Tidball stated it indicated underground parking for their development was actually built 1' below area water tables. Therefore, Mr. Tidball opined that it seemed that adding additional drainage from the two subject parcels as HDR would only exacerbate already significant problems as water already seeps through cracks in the underground parking concrete floor of Roseville Commons during significant rainfall events.

Rita Mix, 3207 Old Highway and Representative of Woods Edge Homeowners Association and recently-formed neighborhood association group

Even though she is the owner of one of the Woods Edge townhomes (Unit #4), Ms. Mix clarified that she had appeared before the City of Roseville mainly as a representative of the Woods Edge Homeowners Association and a more recently-formed neighborhood association group who had prompted the this density change.

Ms. Mix reiterated a history of both the Woods Edge Townhome Development and Roseville Commons Condominium Development based on her personal research and review of planning documents in the City's archives. Ms. Mix stated specially of note, when the contractor for Woods Edge had received the PUD on a triangle portion at County Road C-2 and County Road 88, in 1997 he had also asked to incorporate another lot into that PUD which was deemed unbuildable but would have been incorporated into the other two parcels. Ms. Mix advised that their developer had also been interested in acquiring the two subject parcels at that time as well, creating a total of 4 lots that were considered developable lots in 1997-1999, with the townhome units initially developed jointly with some parcels located in the City of Roseville and several in the Village of St. Anthony, and considered MDR by current code standards. Ms. Mix stated that she presumed the other two parcels – under discussion now – would have subsequently developed with similar density and all have become one development incorporating all 4 lots.

Ms. Mix opined that the reason the past Planning Commission had approved townhomes located so close to the property line was in anticipation of more townhomes being developed and when parcels were combined, those original property lines would have dissolved and common elements would prevail, as well as preserving the drainage corridor and wetland as regulated by the Rice Creek Watershed District for maintaining existing drainage ponds.

On behalf of the homeowner's and neighborhood associations, Ms. Mix concluded by stated their main request was that planning be brought forward to correct what had not been done during the comprehensive plan update performed in 2008. Ms. Mix advised that this omission would have been brought forward at that time if the neighborhood had been aware of it; but would provide consistent planning with MDR development in the surrounding neighborhood of single-family development characterizing that entire corner and including the Executive Manor with their large, undeveloped property fronting Old Highway 8.

Ms. Mix respectfully requested that the City Council approve this amendment from HDR to MDR based on that information and thanked them for their willingness to hear and revisit this issue again.

Katy Tharaldson, 3320 Higherest Road, St. Anthony (single-family homeowner)

Ms. Tharaldson read written comments, via an email provided by her neighbor, Brian Buck (3609 33rd Avenue NE in the Village of St. Anthony) who was unable to attend tonight's meeting and wanted to make sure his comments were considered as part of the record.

Ms. Tharaldson expressed her agreement with the comments made by Mr. Buck, both in support of MDR versus HDR comprehensive plan designation.

In response to Mr. Runquist's comments and questions regarding the process for considering this request, Mayor Roe clarified that initiating the process to rezone or amend the City's comprehensive plan designation was not the same as taking action to do so. Mayor Roe noted that since first reconsidered by the City Council at their June 22, 2015 meeting, the process had involved neighborhood meetings and a public hearing at the Planning Commission, all duly and legally noticed to applicable property owners, and assured Mr. Runquist and Mr. Ranello that there had been no attempt to sneak something in or not hear public input at the appropriate times in the process.

Willmus moved, McGehee seconded, adoption of Resolution No. 11265 (Attachment D) entitled, "A Resolution Approving an Amendment to the Comprehensive Land Use Plan Map Designation from High Density Residential (HDR) to Medium Density Residential (MDR) for Property Located at 3261 and 3253 Old Highway 8 (PROJ0036);" *subject to approval by the Metropolitan Council.*

Councilmember Willmus stated that this area and issue had been under discussion for some time, and opined that from his perspective he had believed during the last comprehensive plan update and continued to believe that HDR was too-intensive for these parcels. However, Councilmember Willmus noted that it was clear at the time of those previous discussions that there was not a super majority

vote necessary to make that amendment, and therefore he had not sought to pursue it further at that time. However, given the input over the years specific to this area and these properties, and the previous zoning prior to the 2010 comprehensive plan update of these two subject to HDR parcels as single-family residential designation, Councilmember Willmus opined that MDR was a more fitting designation based on the MDR designation in the surrounding area.

Councilmember McGehee stated her agreement with the remarks of Councilmember Willmus, in addition to the obvious drainage issues brought forward and clearly present. Councilmember McGehee further questioned the characterization by Mr. Runquist that changing the designation from HDR to MDR would decrease the value of these two subject parcels, opining this was a very attractive area and agreed it was much more appropriate for MDR designation, which she had also thought before and since 2010. Councilmember McGehee expressed her appreciation that this had come forward and the rationale provided by neighbors and their huge support for MDR based on safety issues as well as drainage issues that the City Council heard often throughout the community. Given the confluence of development and changes in zoning, Councilmember McGehee opined there was no other appropriate zoning for these two subject parcels.

Councilmember Etten stated his support for the motion, particularly due to the families having lived there when the parcels were under an R-1 designation prior to about six years ago. Versus HDR designation, Councilmember Etten opined that he found this proposed MDR designation appropriate for the neighborhood, referencing the City's own comprehensive plan that addressed soils and other issues specific to HDR in that area. Councilmember Etten opined that MDR designation allowed for a significant density increase but balanced that with the adjacent single-family neighborhood and other MDR parcels in the adjacent area.

Mayor Roe noted that he had previously voted for HDR for these parcels when changed with the last comprehensive plan update, and while having had meetings with Ms. Mix and neighbors in the area, at that time he had not felt it was a cut and dried decision from his perspective, noting that there were pluses and minuses in looking at less density as well as with HDR. Mayor Roe admitted he still held a lot of those perspectives and questioned what the obvious choice for these parcels actually is. Mayor Roe noted it was a very odd and interesting mix of zoning designations adjacent to that site, with HDR townhomes and denser development to east guided and zoned as MDR. Mayor Roe noted that there was also a lot of strangeness in the area added to the picture from past City Councils in allowing too much density on one site for townhomes, opining that he wouldn't have agreed to it at that time had he been serving as an elected official, which he had stated to Ms. Mix. Whether or not the designation is HDR or MDR, Mayor Roe noted that there were still drainage issues that needed consideration, but noted he was not as concerned with traffic and safety issues. Mayor Roe recognized that this 5-way intersection, whether or not the site develops, required those intersec-

tion issues to be addressed in the near future. Mayor Roe reiterated that he had not nor did he now believe that the full capability of single or combined sites could be achieved at HDR, at this time he offered his support for MDR since it didn't deviate too far from what was practical to build with HDR designation. Mayor Roe stated that he could see arguments for both HDR and/or MDR, causing him to ultimately believe that either designation would work.

Roll Call (Super Majority)

Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

For the benefit of the public and property owners, Mayor Roe again reviewed the approval process, noting there would be no formal rezoning until review and approval by the Metropolitan Council.

- 15. Business Items – Presentations/Discussions**
- 16. City Manager Future Agenda Review**
City Manager Trudgeon briefly reviewed upcoming agenda items.
- 17. Councilmember-Initiated Items for Future Meetings**

18. Adjourn

Etten moved, Willmus seconded, adjournment of the meeting at approximately 9:51 p.m.

Roll Call

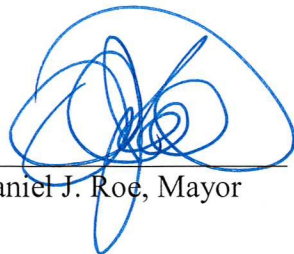
Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

ATTEST:



Patrick J. Trudgeon, City Manager



Daniel J. Roe, Mayor

William B. Masche
2742 Lakeview Ave
Roseville, MN 55113
billmasche@gmail.com

October 2, 2015

Mayor Dan Roe and City Council
City of Roseville
Roseville, MN

Dear Mayor Roe and Council,

I have had the honor of serving on the Roseville Housing and Redevelopment Authority (RHRA) for the past nine years. It appears that as of today, the volunteer membership of the Roseville Housing and Redevelopment Authority as duly appointed by the Mayor of Roseville, will cease to exist.

During the past 12 years the RHRA has matured and grown as an organization determined to improve and enhance the value of property in Roseville and serve the citizens. I believe as a Commission, we have attempted to use our abilities as volunteers to provide a citizens perspective in executing our oath of office, not an elected perspective, but one unique to committed volunteers.

For what appear to be political reasons, over the past months an unproductive and seemingly acrimonious atmosphere and contentious attitude has developed between the RHRA and the City Council of Roseville. I am greatly saddened at this, as great progress has been made by the RHRA. The current atmosphere has diverted attention from the goals of the RHRA. This climate has for me personally, extinguished my spirit of volunteerism for the Commission and for any further service to the City of Roseville.

This decision to dissolve the current RHRA membership will have consequences in the attitude of other volunteers for public service and the voters. This dramatic and reactionary solution you choose, is short sighted as other resolutions were available and better crafted to serve the public good. Truly, is this how volunteers are cast aside, with disrespect and no regard? Evidence, not so much as a letter of acknowledgement of service from the Mayor or the Council in the dismissal of Chair Maschka,

The dissolution of the current RHRA membership in favor of city council membership development authority has taken place. We acquiesced in our decision to change the by-laws in hopes that the work of the RHRA will continue. Perhaps our vision will soon be abandoned as you move forward and overtake the RHRA. Perhaps you may cast aside the work of *unelected volunteers*, so specifically stated publicly by Council Members on several occasions, this implying incompetence and lack of authority or purpose of the RHRA members. We did not create the structure.

I want to express my gratitude to past Mayor Craig Klausung for my appointment to the RHRA, to past RHRA chairs Bill Majerus and Dean Maschka, and to past Executive Director Pat Trudgeon. The efforts of current RHRA Executive Director Ms. Jeanne Kelsey have demonstrated an outstanding

commitment to public service and professionalism. I also thank current board members for their commitment of personal time and effort to the Commission.

I request that my letter be read and included in the minutes of the forthcoming public hearing of the City Council regarding this issue and to be of public record.

Respectfully,

William B. Masche

cc: Ms. Jeanne Kelsey, RHRA Executive Director
Mr. Pat Trudgeon, City Manager
Mr. Paul Bilotta, Community Development Director